

*River Wilderness of Bradenton Foundation, Inc.
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Board Meeting

Of

River Wilderness of Bradenton Foundation, Inc.

Tuesday, June 18, 2024

2:00 pm

River Wilderness Community Center

Parrish, Florida

Minutes

- I. Meeting of the Board of River Wilderness of Bradenton Foundation, Inc.
- A. Call meeting to order – By President, Linda VanDillen at 2:00 pm.
 - B. Certify Quorum – Present: Jim Andries, Dave Kelley, Gregor Mehaffey, Linda Murphy, Dennis Niemeyer, Linda VanDillen. Also Present: AMI Property Manager, John Luchkowec
 - C. Identify Recorders – No recorders present.
 - D. Proof of Notice of Meeting was posted in accordance with State Statute (720.00)
 - E. Pledge of Allegiance
 - F. Approval of minutes of May 21, meeting postponed until next meeting.
 - G. Reports –
 - i. President - Linda VanDillen introduced Travis Newell, ISA Certified Arborist and Executive Director of Terry's Trees. Travis gave a comprehensive presentation regarding tree maintenance for general health and hurricane prep. The board is working with Terry's Trees to create a community program for preparation of resident's trees for hurricane prep at a bulk rate. A copy of this presentation will be sent to the community, as well as the proposed tree trimming arrangements with Terry's Trees.
- Linda VanDillen gave a short hurricane preparation presentation including discussion of House Bill 293, Hurricane Protection for Homeowners Associations, which will be sent to the community.
- Linda VanDillen reported on a meeting held with the foundation and association boards and our attorney, Bryony Swift regarding the new state statutes and their impact on homeowners' associations.
- "HB59-Requires association to provide copies of association's rules & covenants to every member before specified date & every new member thereafter; requires*

association to provide members with a copy of updated rules & covenants; authorizes association to adopt rules relating to standards & manner in which such copies are distributed; authorizes association to post complete copy of association's rules & covenants, or direct link thereto, on homepage of association's website, requires association to provide specified notice to its members."

Having our Rules and Covenants on our website and accessible to all residents complies with this ruling. As we are in the process of updating our website, we offered all sub associations space on the website constituting sections devoted to their specific information. A listing of all relevant links and information will be included in Welcome Bags for new residents.

"HB1203 – Omnibus Bill - Homeowners' Associations; Providing requirements for certain community association managers and community association management firms; requiring certain associations to post certain documents on its website or make available such documents through an application by a date certain; providing that an association or its agent is not liable for the disclosure of certain information; requiring an association or any architectural, construction improvement, or other such similar committee of an association to apply and enforce certain standards reasonably and equitably; etc."

- **Impact: CAM** – Professional Standards and CEUS – Must attend at least one board member meeting per year. Plus, we will be adding CAM information/availability/and provide summary of duties on website. Updates CEU requirements. John Luchkowec, our Property Manager, attends every board meeting and takes 14 hours of CEUs per year.
- **Changes to HOA official records requirements:** HOA official records shall be maintained for at least seven years, unless governing documents require a longer period.
By January 1, 2025, Governing documents, a list of bids, annual budget, any proposed budgets, financial statements, current insurance policies, director certifications, contracts, any potential conflicts of interest, notices and agendas must be posted.
Creates criminal offences in connection with production, retention, inspection or tampering of official records.
- **Changes to HOA Financial Reporting,** debit card usage and requests for accounting. Now required HOAs with 1000 or more parcels to have audited financial statements.
- Usage of HOA debit card permitted solely for HOA expenses.
- **Updates to HOA Board Obligations, Educational Requirements and Board Removal Process.** Must follow fiduciary obligations and standards for directors outlined in Section-617.0830 and documents must reflect these

standards. Education Requirements – New directors must complete a DBPR-approved educational course within 90 days after being elected to the board, which is valid for 4 years. All directors must also take 4 hours of continuing education annually.

- **Kickbacks are prohibited and are a third-degree felony.**
- **Removal of a Director** – if a director or officer is charged for certain criminal offences listed under Section 720.3033(4)(a), then that director must be removed from office and a vacancy must be declared for their position.
- **Architectural Controls** – Cannot limit or place requirements on the interior of a structure that is not visible from the frontage, adjacent property, adjacent common area or community golf course.

If a resident request for a structure or other improvements is denied, the HOA or ARC Committee must provide the parcel owner with written notice identifying the portion of the proposed improvement that does not comply with the HOA's rules/covenants and citing the specific rule or covenant that the HOA or ARC Committee relied on when denying the request or application.

Under Section 720.3045, Florida Statutes, as amended by HB1203, and HOA can no longer prohibit a homeowner from installing, displaying or storing a vegetable garden or clothesline **in areas not visible from the parcel's frontage, and adjacent parcel, an adjacent common area, or a community golf course.**

- **Levying Fines and Suspensions** – Mandatory 14-day written notice of right to a hearing to take place within 90 days after issuance of the notice. Hearings can be held via phone or "Zoom". If the issue is cured before the hearing, a fine or suspension should not be imposed. Fine is due within 30 days and must provide information on how the violation can be cured. Simple interest not compounded.
- **Consent for Electronic Voting** may be obtained electronically in addition to in writing.
- **First Responder Parking** – a first responder, rather than just a law enforcement officer, that is a homeowner, or the tenant, guest or invitee of the homeowner, may park their assigned first responder vehicle where they otherwise have a right to park, including on public roads or rights-of-way within the HOA. Under Florida law, a first responder includes an professional or volunteer law enforcement officer, firefighter, emergency medical technician or paramedic.

ii. Financials – Dennis Niemeyer reported that the April financial statement has been reviewed and has no discrepancies and budgets are tracking. He is working with AMI to receive the financial statements prior to the monthly board meetings.

The Audit report for 2023 is pending reconciliation on some items that were not transferred during the RealManage to AMI transition. Our auditor is working to resolve these issues.

We are working with the Vantaca system to pay invoices, and it appears to be a good system. Linda VanDillen reported we will have office work hours established to assist homeowners who need help accessing their Vantaca portals when released.

The Auditor has recommended that we start preparing category folders now to be ready for the 2024 audit and avoid the delays we have experienced this year.

iii. John Luchkowec: 219 Barcodes issued year to date, 59 ARC requests received year to date.

Landscape – The front revitalization phase 2 (behind guard gate) is underway, and the summer floral plantings will be installed shortly, and new cocoa mulch will be laid.

Nutrient injections will be done on the celestial palms 3 times per year
Irrigation has been increased and 19 out of 20 zones in Savannah Lakes have been repaired.

Security – we continue to have problems with the gates due to old equipment, with an estimated cost of \$5K per gate. The gate software team in Denver is trying to resolve the software problems.

Gate personnel is still inconsistent between shifts, and there have been instances of resident abuse of guards. Meeting with Weiser this week to discuss resolutions.

Work continues on communications with the club to provide lists of names to guards for gate entry.

II. Old Business

A. Reserve Study and Roads Plan Update

Dennis Niemeyer reported that the reserve study is completed, and he and Don Desiderato are reviewing the conclusions.

Dennis Niemeyer reported that we are currently discussing an engineering consulting contract with CW3 and M2E. Once this is completed, we will review the areas of Little Country Road where there are drainage issues, review paving contracts and select a contractor. A resident asked about the raised manhole covers on Rive Isle Run.

Linda VanDillen advised these would be looked at as well as the pavers that are experiencing broken corners. This would probably be held until construction in the Islands is completed.

B. Dwelling Live Update – Linda Murphy reported we continue to synch our email system with residents in DL to make sure we are reaching all residents. E-voting remains a huge focus and goal for the board. E-Voting and Notification will go a long way to making sure all resident's voices are heard.

C. Island's Lawsuit with the Foundation – Linda VanDillen reported that there has been no feedback or decision from the judge on this matter.

D. Security Camera Assessment – Gregor Mehaffey reported we have a proposal from TEM Systems to replace the 27 existing cameras and add another 13 to cover 4 locations that are currently not monitored. These cameras include:

- License Plate recognition which eliminates the need for the Flock cameras

- Bullet cameras for specific sightline

- Turret cameras for moveable tracking

- Dome cameras for wide angle monitoring

The total cost as proposed with state sales tax is \$52,687, which includes all IP cameras, installation and cloud storage. River Wilderness will be responsible for providing electrical and IP connections where they do not exist.

Breakthrough Technologies will be submitting a proposal within the week.

Security 101, which is a national site security firm that supplies everything from personnel to technology, has been contacted as well.

We will collect 2 to 3 proposals, refine our requirements and determine if the refresh will be done all at once, or in 2 phases.

III. New Business

A. Community Activities/Events - Linda VanDillen reported another successful Bingo was held at the Community Center, and we would be reaching out to the community to determine other potential activities that residents are interested in.

B. Christmas Lights – John Luchkowec and Dave Kelley reported that with the completion of the renovation of the front entrance landscape, we want to plan for installation of holiday lighting. Dave Kelley advised that the prior landscape company handled this, but it is not in the contract for the present landscape company. The plan is to focus on the front, with white lights wrapped on the palm trunk with green lights on the crown, white lights outlining the guardhouse and garland and lights surrounding the sign. The goal is a simple but elegant look. A proposal has been accepted from Bingle Premier Lighting for \$7500 max, for which they will bring in the lighting, install and uninstall. They will also do repairs mid-season if needed. Linda VanDillen advised that in prior years we have had to purchase lights and rent the hydraulic lift for \$3500 approximately. The cost for this year's lighting will be assigned to the landscape

budget and will be added as a line item for next year's budget. *Gregor made a motion to approve a \$7500 maximum budget for Christmas lights, Jim Andries seconded, all agreed, none opposed; the motion passed.*

C. Painting Community Center & Fencing between Columns – John Luchkowec reported that 2 bids have been received for this work, which will complete threfresh and update to the physical assets for 2024. Turner Painting/Sherwin-Williams provides a 10-year warranty, and their process is extensive and includes pressure wash, primer coat, sealing and caulking of windows prior to painting. The estimate for the work is \$12,500. *Jim Andries made a motion to approve a maximum of \$14,000 for the painting of the community center and fencing, Dave Kelley seconded, all agreed, none opposed; the motion passed.*

D. ARC – Jim Andries gave a short history of the ARC process. Linda VanDillen reported that going forward to be in line with the new state statutes, and to mesh with the new Vantaca system, we will be enlarging the ARC committee and formulating an updated process which includes time for review of requests and follow-up once projects are completed. The goal will be objective, transparent and consistent review and application.

E. Pick-Up Trucks/Parking – Linda VanDillen reported that HB1203 indicated that HOA governing documents cannot prohibit:

- A property owner, or a guest, tenant or invitee from parking his or her personal vehicle (including pickup trucks) in the property owner's driveway, or in any other area where the property owner or property owner's tenant, guest, or invitee has a right to park as governed by state, county and municipal regulations.
- Regardless of any official insignia or visible designation, a property owner, guest, tenant or invitee from parking his or her work vehicle, which is not a commercial motor vehicle subject to Section 320.01(25), Florida Statutes, in the property owner's driveway.
- A property owner from inviting, hiring, or allowing entry to a contractor or worker on the owner's parcel solely because the contractor or worker is not on an HOA preferred vendor list.
- A property owner from inviting, hiring, or allowing entry to a contractor or worker on his or her parcel solely because the contractor or worker does not have a professional or an occupational license. The association cannot require a contractor or worker to present or prove possession of a professional or

occupational license to be allowed entry onto a property owner's parcel.

- Operating a vehicle that is not a commercial motor vehicle in conformance with state traffic laws on public roads or rights-of-way on the property owner's parcel.

Linda VanDillen reported that none of the new statutes can be enacted without a revision to our declarations, which will then have to be voted on and agreed to by 2/3 of the residents. We are working now on revising declarations in line with the statutes and to bring some of our declarations current. Again, E-Voting makes it much easier for all residents to vote.

IV. Property Owner Comments

There is a security issue in the community due to how the mail carriers mark mailboxes for houses that are having mail held. Rather than leaving the yellow card inside the box, the carriers have them sticking out so that it is apparent to anyone that the person is not home. R. Knudsen spoke to the Parrish post office and was told that this is done to allow the driver to identify which houses are having mail held & they can just drive by quickly without stopping and opening the box. Linda VanDillen suggested we reach out to the Postmaster General and request this practice to stop immediately as it exposes those houses as unoccupied and presents a possible theft opportunity.

A question was asked regarding the issues with the fountains not working. John Luchkowec advised that it is an impeller issue, which is being worked on to resolve.

V. Adjournment – *Gregor Mehaffey made a **motion** to adjourn the meeting, Dave Kelley **seconded**, meeting was **adjourned** by Linda VanDillen at 4:26pm.*

Respectfully submitted,
Linda L. Murphy, Board Secretary