

***River Wilderness of Bradenton Foundation, Inc.
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***Board Meeting
of
River Wilderness of Bradenton Foundation, INC.
Tuesday May 19, 2026***

2:00 PM

***River Wilderness Community Center
Parrish, Florida***

Meeting

- I. Meeting of the Board of River Wilderness of Bradenton Foundation, Inc.
- A. Call meeting to order-President, Linda VanDillen at 2:01pm
 - B. Certify Quorum-Present: Laura Schultz, Linda VanDillen, Linda Murphy, Tom McHugh, Dennis Niemeyer, Dave Kelley. Also Present: John Luchkowec, Property Manager
 - C. Identify Recorders-Chester Bullock videotape
 - D. Proof of Notice of Meeting was posted in accordance with State Statute (720.00)
 - E. Pledge of Allegiance
 - F. Approve Minutes of March 17, 2026, Board Meeting-***Dave Kelley made a motion to approve the Minutes of March 17, 2026 Board Meeting, Dennis Niemeyer seconded, all approved, none opposed; the motion was passed.*** April 21, 2026, Organizational Meeting-***Laura Schultz made a motion to approve the Minutes of April 21, 2026 Organizational Meeting, Tom McHugh seconded, all approved, none opposed, the motion was approved.***

G. Reports

- i. President – Linda V

Florida House Bill 243 & **Senate Bill 382**) are proposed for the 2026 legislative session. If passed, this bill would fundamentally change how certain high-powered electric bikes are classified and who is allowed to ride them.

One of the most significant parts of HB 243 is the creation of a new statutory category: the "**Electric Motorcycle**" (or e-moto).

Currently, many high-powered electric bikes occupy a "gray area." This bill seeks to draw a clear line. An **Electric Motorcycle** would be defined as:

- Any electric motor vehicle powered by a motor of **750 watts or more**
- Capable of exceeding **28 MPH**

The Impact: Once a vehicle is classified as an e-moto, it is no longer a "bicycle" in the eyes of the law. This means it would likely be banned from most multi-use paths and would be subject to motorcycle-style regulations. Additionally, the bill explicitly **prohibits anyone under 16** from operating

an e-moto. The current bill requires a license for **Class 3** bikes (28 MPH pedal-assist). However, many "throttle-style" bikes - which seem to be particularly popular among younger riders - are **Class 2** (20 MPH with a throttle).

Golf Carts: may be operated only during the hours between sunrise and sunset, unless the governing entity responsible has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(6) A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

(7) A golf cart may not be operated on public roads or streets by a person:

(a) Who is under 18 years of age unless he or she possesses a valid learner's driver license or valid driver license.

(b) Who is 18 years of age or older unless he or she possesses a valid form of government-issued photographic identification.

(8) A local governmental entity may enact an ordinance relating to:

(a) Golf cart operation and equipment which is more restrictive than those enumerated in this section. Upon enactment of such ordinance, the local governmental entity shall post appropriate signs or otherwise inform the residents that such an ordinance exists and that it will be enforced within the local government's jurisdictional territory. An ordinance referred to in this section must apply only to an unlicensed driver.

Community Safety Committee: We are forming a community-wide safety committee, and these are two of the topics this committee will address for our community. While it is tempting to let your child have access to a powerful motorcycle or golf cart, there are safety factors involved with both that need to be addressed and enforced within our community.

Gate Attendant Performance: All issues are addressed immediately with our security company, and we have noted considerable improvement. The gates are working properly, and the attendants have been working hard to learn the gate system and protocols.

Adding Visitors to My Envera: We continue to assist residents with accessing and using their app to add their vendors and guests. We need to reiterate that the gate attendants cannot take requests over the phone, as they cannot verify your identity over the phone. If you need assistance, please contact the board via email at info@rwhoa.org

Grass cutting & Pond edging: After discussions with our landscape company, Bloomings, we have determined that in order to avoid "scalping" the grass (minimizing lawn burning), we will lengthen the intervals between

cutting the front areas of the community, still retaining a groomed appearance, while cutting less often at other common areas and around retention ponds.

We discussed with Bloomings the need to leave a beneficial buffer around the ponds, which when established around a pond's shoreline and littoral zone can help reduce the likelihood of water quality issues and erosion damage. Buffers also provide habitat for native birds, help deter geese, and hinder mosquitoes by minimizing habitat for their breeding. Beneficial buffers should be composed of native grass and flowering species and should cover three to five feet or more from the water's edge to receive maximum benefits.

We will research Florida native plants to utilize, in the meantime, we will cut a 2-foot border around the ponds every other time we cut the grass around the pond. This border will be at a higher height than the remaining grass.

Memorial Day Flag display: As Memorial Day approaches, we need volunteers to assist with hanging flags at the entrance at Old Tampa Road. Many hands make light work. We have a handout that shows the order the flags are to be displayed. We also have flags to use at ground level, and bunting for the front of the community.

ii. Financial – Tom McHugh: As of the end of April Revenue exceeds expenses by \$30K.

Expenses are \$16K over budget. Guard services are \$11K over budget this is due to adding back 3rd shift to the OTR gate.

Cash Balances at end of April:

Operating Cash \$763,000

Reserve Cash \$2,261,000

Accounts Receivable \$82,000 7 homes in foreclosure and 8 others past due but not in foreclosure

Due to the settlement with Islands sub association of \$324,000 and increased Gate attendant cost of \$55,000, the 2026 budget is being revised.

Much of this additional cost will be offset by funds from Frontier and Spectrum contracts related to communication services. However, there will still be a shortfall and the 2026 Reserve contribution will be reduced by up to \$125,000 to balance the revised Budget.

ii.

iii. HOA Manager – John Luchkowec reported on all projects.

1. ENVERA RFID Stickers

a. RFID stickers issued YTD per Envera Report: 2100, HOA

2. ARC APPLICATIONS

- a. Approved YTD -52 (12 roof replace,5 driveway,15 paint home exterior, 7 window /door replacements, 2 generators, 3 landscape upgrades,3 trees removed/replaced,3 fence,1pool, 1 ext addition). **Linda Murphy/ARC team**

3. PROJECTS IN PROCESS/COMPLETED STATUS

- a. Distribution of Envera RFID stickers and Resident boarding onto MyEnvera App. **JL, LM,LV.**
- b. Repair Drainage Sections at River Woods and WBE. **Dennis Neimeyer**
- c. Continued aggressive action of Collections of Delinquent Owner Assessments (with Becker Law Group. **(Tom McHugh)**
- d. Dwelling Live Contract to be cancelled effective June 2026 **John Luchkowec**
- e. Coordination with Islands team on installation of new Proptia software and gate hardware. **John Luchkowec**
- f. Northbridge Apartment Development, 4 parcels, 300 units, borders Ft Hamer, Creole Ct and Woodland Fern Dr. Meeting scheduled with Kimley-Horn, Dominic Pardue, County, Kris Brown and Developer Engineers from Rangewater Development for 5/22/2026 to discuss storm water mgmt., setbacks, drainage, noise abatement/wall. **John Luchkowec/Linda VanDillen and Dennis Neimeyer**
- g. Reserve Study with Staebler Consulting Underway, **Tom McHugh/John Luchkowec**
- h. Communications Coordination on New Security System with Island Board, **Linda Murphy**
- i. New Speed Bump Signage installed at Entrance and WBW. **John Luchkowec**
- j. New Children at Play Signs to be installed in the week of May 18. **John Luchkowec**
- k. Revised 2026 Budget in process. Board Approval targeted for June board meeting. **Tom McHugh**
- l. Safety/Security Roundtable scheduled for May 21, 2026.

4. PROJECTS PLANNED/UNDER CONSIDERATION

- a. New Rental Policy /CC&R rewrite, **Linda Van Dillen/Linda Murphy**
- b. Paver walkway from WBW to Bocce Court, **Linda Murphy**
- c. Dog Park, **Laura Schultz, Jonathan Hill**
- d. Sidewalk around exit gate for Bikes etc. **Dave Kelly/JL**
- e. Fencing around property. **Neimeyer/Schultz**
- f. Trimming of Palm Trees and Pods **Bloomings/JL**
- g. Removal of 22 dead Pine Trees at IED **.Bloomings/JL**
- h. Clean up of property east of entrance to FT Hamer Rd.**Bloomings/JL**
- i. Continue Algae Treatment of Lakes throughout the property. **Lake Doctors**
- j. Traffic Speeding System/Enforcement/Policy being evaluated.

II. New Business

A. Director and Officer Updates & Goals and Projects

- 1. Dennis Niemeyer reported on Roads, Ponds & Drainage:

Roads: Brookridge, Savannah Lakes Drive and Grandview Drive are the next roads to be repaved. Other roads will be reviewed for 2027-28 paving. Current paving projects are finishing with thermo plastic striping being installed, and manholes being reworked.

Ponds: A yearly inspection of all ponds is needed. Will be looking at outflow of ponds to determine potential pipe clogging issues. We are following up with the county for the release of grant funds for replanting at ponds.

Drainage: The drainage areas being worked on have been completed. We are following up with the county to determine when they will be clearing the area near Chin Road. The county has issued a work order for clean up of the ditch running along Old Tampa Road to Fort Hamer.

Fencing of RW: Reviewing all requirements, best options, costs. Working with Laura Schultz.

2. Linda Murphy reported on two projects:
Review and updating of the ARC Guidelines in conjunction with the community covenants and restrictions. The goal will be to bring in line and create a more user-friendly document with all appropriate links.

New Resident Onboarding Tab for the Website to include links to all registration forms and helpful information for residents moving into RW. In addition, we will create a FAQ section for realtors including a fillable form that residents may hand to their realtors when selling their homes.
3. Tom McHugh:
Work with John L. on a reserve study.
Continue to look for investment opportunities.
Monitor progress with collections.
Monitor with goal to reduce spending as we go through this year.
4. David Kelley: Work with John L. on landscaping.
5. Laura Schultz:
Dog Park works with Jonathan Hill and Raph Schultz regarding the best location, meeting all the requirements established by the county, as well as space that works best for large and small dogs. Separate gate entrances, run space for large dogs, fresh water supply.

Fencing of RW: Working with Dennis Niemeyer.

Kayak Rack: Looking into space at the boat dock/kayak launch. Rental revenue would help pay for installation and maintenance. Will collaborate with the Islands.

6. Linda VanDillen: Review and updating of our Declarations.

B. Compliance Committee Referrals –

Parcel ID: 503907255 3rd Notice Sent for damaged driveway. Has been promising repair, with dates to complete, and not completed. Vote to fine \$1300 and refer to Compliance Committee for review. ***Dave Kelley made a motion to fine the \$1300 and refer the violation to the Compliance Committee for review, Laura Schultz seconded the motion, all approved, none opposed; the motion was approved.***

C. Update to Gate Protocol at Fort Hamer Gate – Linda Murphy reported that residents continue to complete registration forms for the Fort Hamer Gate access. We continue to share information regarding the progress of the work from the Islands. We ask that as we approach the “go live” date, we use patience and courtesy as we work through the initial stages of the new system.

D. Settlement Agreement – Tom McHugh & Linda VanDillen reviewed the history of the law suit from the Islands and the results of the Mediation Process we engaged in to resolve the dispute. The Foundation was presented by the Islands with a list of projects and the money they were owed. The Foundation disagreed with that amount, and eventually both parties were in Mediation to resolve the differences. The Foundation agreed to pay the Islands \$324,000 to resolve the dispute, which included attorneys’ fees. Both parties were advised that all details of the Mediation should be confidential until a written agreement signed by both parties was completed, thus settling the dispute. The agreement was reached on March 19, 2026, with payment in full due on April 19, 2026.

This payment was taken from Operating Funds, and will be replaced with the funds from Frontier and Spectrum Contracts (see below).

The difference of approximately \$125K will come from reducing this years reserves from \$695K to \$570K.

The 2026 Budget will be revised, sent to the community, and voted on by the board at the June meeting.

E. Frontier Contract Payment & Process: Tom McHugh & Linda Van Dillen

The company (Frontier) pays the community, and the attorney that brokered the deal sends an invoice to the community, as they are copied on all

payments. They will also send an invoice for the monthly payments. The main payment was net \$207K, with monthly payments estimated at approx. \$1200. Or \$14,400K per year. As (or if) enrollments increase, so does the monthly payment.

F. Secondary Spectrum Opportunity & Process – This agreement acknowledges we have a contract with Frontier, however, as we are not obligated to have a bulk contract with Frontier, Spectrum is willing to pay us a fee so that we agree not to enter into a bulk contract with Frontier. This is not an issue, as bulk contracts are no longer desirable for RW. Approx 55% of the community has Frontier, and 45% of the community has Spectrum. We would net \$70,575 from this contract. Linda VanDillen requested a motion to approve this I am seeking a motion to approve this arrangement with Spectrum for approval after legal review with our Becker attorney. ***Laura Schultz made a motion to move ahead with this arrangement, Linda Murphy seconded; 3 board members voted yes, 3 board members voted no; the motion was tabled for receipt of a contract, which will delay the progress of the arrangement and subsequent receipt of funds.***

G. MRTA –Statutorily required discussion of expiration deadline under MRTA.

The Marketable Record Title Act (MRTA), codified in Chapter 712, Florida Statutes, can extinguish your HOA's CC&Rs if those restrictions are more than 30 years removed from the root of title and no preservation action has been taken. Florida law gives HOA boards a specific tool to prevent this (Section 712.05 preservation) and a remedy if extinguishment has already occurred (Section 720.403 revival).MRTA extinguishes interests older than 30 years from the root of title.

Preservation requires board action under Section 712.05. An HOA can preserve its CC&Rs before the 30-year period expires by recording a notice of preservation, which requires a two-thirds vote of the board of directors.

The board must consider preservation at its first meeting after each annual meeting. Section 720.303(2)(e) imposes a specific, ongoing duty on every HOA board to consider whether to preserve the covenants under Chapter 712 at the first board meeting following the annual members' meeting.

H. Reaffirm Firearms Resolution as stated at Annual Meeting (copy attached) ***Dave Kelley made a motion to reaffirm the firearms resolution as stated at the Annual Meeting, Dennis Niemeyer seconded, all approved, none opposed; the motion was approved.***

I. Fill Vacant Board Position: Linda VanDillen reported that the board has asked Peter DiGirolamo to fill the vacated 1-year board position, until April 2027. Linda read the highlights of Peter's work and board experience. The goal for Peter in this position is to review and update our Declarations for review and

approval by the community. Peter's background both in his career and on the RW board make him very qualified to tackle this project. He will work with a committee experienced in the legal aspects of revision of documents, prior to review by HOA attorney, then prepare a vote to the community. A question was raised as to why the board did not chose one of the other candidates, which Linda VanDillen explained without going into specific details to protect the privacy of those involved. ***Dave Kelley made a motion to approve Peter DiGirolamo to fill the vacant director's position, Tom McHugh seconded; all approved, none opposed; the motion was approved.***

III. Old Business

Repair at Old Tampa Rd Gate – John Luchkowec reported that the work has been completed and the pavers have all be reset.

IV. Property owner comments

Will new street signs be installed in all the neighborhoods?

Linda VanDillen advised that the signs in the remainder of the neighborhoods will be reviewed for age and need for replacement.

Re the money to be generated from the Frontier and Spectrum programs, why can't it be distributed equally to all the sub associations?

Tom McHugh advised that the money from those programs will be used to pay the settlement, so we will not have to have a special assessment.

Some bolts are missing from some of the signs. Linda VanDillen requested that the resident advise us the location of the signs so we can replace the bolts.

There is a safety concern with sharing personal information to the Proptia System. John Luchkowec advised that we will be receiving Proptia's Privacy Policy as well as the new Post Orders that the Islands is creating for the FH Gate.

How can the Islands charge us for access? What happens if we don't pay. Linda VanDillen advised that as long as you register, you can access the Guest gate.

A resident read the following statement:

"The Islands Board has taken a very broad governing document the developer put in place which contains standard language, they have ignored the precedent set by the developer since the gate was built that allowed use of the gate by all residents where resident has been universally understood to include residents, their guests and vendors with a gate system that was overseen for all that time by the Master Board. If we were to apply to Islands extremely limited and unreasonable definition of resident to the Old Tampa gate, we would be a community where the only people allowed to enter would be residents. To reiterate, the Islands Board has chosen to use the narrowest, most exclusionary, and unreasonable implementation possible, meanwhile using every legal loophole to have a redundant gate system which was not

addressed in the documents so that it is controlled only by the Islands Board not the Master Board that represents us all. There are over 900 homes in this community and our access to the Ft. Hamer gate is being held hostage by a board of about 5 residents. Let that sink in 900 homes and 700 of them have no vote, no representation and are being told unless we are willing to hand over personal information and create a binding legal agreement to terms we have no say in and that the Islands Board has not been transparent about and that can be changed at any time, that we will lose access to a gate that all of us were to have access to. “

We are speculating as to how the process at the FH gate is going to work and how the Islands is going to manage it. Why do we allow this? Linda VanDillen advised that the developer left the management of the gate to the Islands.

There is a precedent set “sleeping on it” meaning if you have done something a certain way, or not enacted rules for a number of decades, then you have lost the ability to suddenly enact the rules. Linda VanDillen advised we will check with our attorney.

Can we look for other sites, maybe in conjunction with the golf course to install another exit gate, close to the FH gate? Linda VanDillen advised we do not have a lot of space options & we cannot renovate emergency gates for that purpose.

- V. Adjournment -Linda VanDillen requested a motion to adjourn. ***Dave Kelley made a motion to adjourn, Laura Schultz seconded the motion, all approved, none opposed; Linda VanDillen adjourned the meeting at 4:04 pm.***

**Respectfully submitted,
Linda L. Murphy, Board Secretary
Attachments:
Islands Settlement Payment
Board Resolution-Firearms**