

RIVER OAKS HOMEOWNERS ASSOCIATION, INC.
MEETING MINUTES
JUNE 22, 2023

1. Call to Order

The Board of Directors of River Oaks Homeowners held a duly posted notice that this Board Meeting was to be held on June 22, 2023 at the Collier County Government Offices on Orange Blossom Road. At 6:01 pm, President Terry Wayland called the meeting to order.

2. Roll Call

All Board Members were present; Terry Wayland, President; Faith Siwiec, Secretary; and Tony Ruberto, Treasurer. The Property Manager currently employed elected not to attend, for reasons disclosed below.

3. Review and Approval of last meeting minutes

The reading for the minutes for the prior meeting were waived, as Pegasus Management Company did not provide such.

4. Old Business

A. Settlement of Outstanding Balance Due from Collier County- The County agreed to pay the entire balance of \$29,499.76, which included interest and late fees dating back to 2004. In conjunction with this agreement, the Association agreed to reimburse the County for dredging and repair work on the Sharwood Lake outflow into Palm River Canal, or which the bill was approximately \$9,500, thus a joint agreement to pay a net of \$20,000 to the HOA was agreed. Such funds were received.

B. Street Sign and Cul-de-sac Liability Transfer to County- As previously reported, the previous expenditure for Street signs by previous Boards were frivolous as the signs do not meet County or State standards. As part of the above settlement, the County will be replacing the signs, at the County's expense, as they are enabled. ROHOA is responsible for removal of all non-compliant signs that will not be replaced, such as "Children at Play", which sign is not permitted in Collier County. In addition, as part of

this same settlement, the County will be repairing all cul-de-sac curbing and will take over the landscaping, if desired. The problem with having the County take over the landscaping is that they will level everything and leave as open space to be cut at irregular times. ROHOA has agreed to maintain the current landscaping, as long as the County agrees to all other maintenance requirements

5. New Business:

- A. Termination of Management Contract with Pegasus Property Management and new contract with Tropical Isles- With a lack of responsiveness, accuracy, and performing professional services per the management agreement, it became apparent that Pegasus was not performing to the standards required for a property management company. Notice to Terminate as of June 30, 2023 was delivered and a new contract was entered into with Tropical Isles. Fees for the change in management companies remain the same.
- B. Drainage Study- There remains a lot of work and discussion on the drainage coming into both Lake Oakwood and Lake Sharwood, as it is apparent that the golf course's highly fertilized water-runoff is contributing to the high maintenance requirements of Lake Oakwood. Currently, government agencies are unclear on the exact permitting of the existing structures, but none want to take the lead in addressing. After further research, there will be an opportunity for the Board to approach both Palm River Homeowners and Civic Association and LaPlaya Golf Course to seek their cooperation in these maintenance requirements. Legal recourse is likely, but the Board would like to exhaust all options prior to seeking legal representation.
- C. Financial Report- Treasurer presented a report showing approximated \$110,000 in cash in all accounts. Unfortunately, Pegasus has not compiled an accurate financial statement and we will be addressing with the new management company.
- D. Legal Memorandum on Association Rights and Responsibilities on Lakefront and Riverfront properties- Update by Jim Capwill and Terry Wayland, who worked with legal counsel to research the true legal requirements of the Association pertaining to lakes and rivers. Basically, lake owners own the property that the water sits up to form a drainage detention lake. The Association must maintain such lake, including algae control and shore erosion. In doing so, the property owners must recognize that they are not permitted to undertake their own shore restoration, and must allow a 20 foot easement for the maintenance of such lake. On the Riverfront properties, these properties also have a maintenance easement, however the easement is to the Florida Department of Environmental Protection. The Association has no right or

responsibility to directly maintain or spend any monies on these waterways. However, as Hurricane Ian demonstrated, the efficient flow of stormwater through these waterways is vital to all ROHOA properties and we must push for improvements before we are hit with the next storm.

- E. Proposal and Discussion of Short-Term Rental Restrictions in River Oaks Community- After review and modifications from the floor on a proposal to restrict short-term rentals in River Oaks, the Board approved a proposal that the membership has requested. The proposal will be to eliminate any rental terms less than 30 days and to limit the total number of rental occurrences to three (3) times per calendar year. The membership in attendance unanimously agreed on these terms to be proposed and the Board voted to schedule a Special Meeting on August 2, 2023 at 6:00 pm to hold the vote for such proposal. 75% of the membership must approve any change in the Covenants of the Association.
- F. Lobbying efforts on Stormwater Waterways- The County states that they cannot undertake certain waterway dredging needs by themselves, as the County is not responsible for those waterways. Efforts are continuing to pull the County and the Association into a public-private partnership to seek State and Federal assistance in clearing our waterways. Furthermore, the County is planning on replacing the weir on Sharwood Road at Lot 44, which the County owns. The Board has requested a County Hearing on this project, to allow full disclosure to the Membership on all issues, including rumors of additional waterflow coming through this weir; dredging concerns; and beautification concerns.
- G. Lake Report- Many issues, such as;
 - 1. The Board retained a new lake management company to address Lake Oakwood concerns, while retaining the same firm to continue servicing Lake Sharwood. The plan is to allow a 90 day comparable study and determine if two different methods produced any beneficial results.
 - 2. The Overflow structure on Lake Oakwood was rebuilt, due to donations from Orick Construction and Jim Capwill. This has been a potential liability for years, whereas the risk existed that a child, or family pet, could fall into the contraption.
 - 3. Aeration and Shoreline Restoration- Bids are continued to be sought for new aeration systems and shoreline restoration projects. There are many issues, such as electrical hookups, solar considerations, and placement of any additional equipment. A full plan is not expected until 4th quarter of this year.
- H. Nomination Open Period for Board Members- An Open Nomination period was established from July 1st through August 2nd was established for anyone looking to run for a Board Seat. The Nominating Committee from 2023 will be asked to serve another term. Anyone seeking to run for office should submit their resume to

Riveroakshoanominatingcommittee@gmail.com. Nominations for both Board and Committee Seats are welcomed.

- I. Annual Meeting- With the change in the Management Company, the Board feels that an Annual Meeting must take place only after the new management company has the records firmly received and reviewed by their CPA and internal management staff. We anticipate the Annual Meeting to be held in October.

6. **Adjournment**

Having addressed all members questions and frank open discussions, at 7:33 pm, President Terry Wayland adjourned the meeting upon a motion and a second from fellow Board Members Faith Siwec and Tony Ruberto.