



BAREFOOT BAY RECREATION DISTRICT

Barefoot Bay Recreation District Regular Meeting
January 24, 2023 at 1:00 PM

Agenda

Please turn off all cell phones

- 1. Thought of the Day**
- 2. Pledge of Allegiance to the Flag**
- 3. Roll Call**
- 4. Additions or Deletions to the Agenda**
- 5. Approval of the Agenda**
- 6. Presentations and Proclamations**
- 7. Approval of Minutes**
 - A. Regular BOT minutes dated January 12, 2023
- 8. Treasurer's Report**
 - A. Treasurer's Report
- 9. Audience Participation**
- 10. Unfinished Business**
- 11. New Business**
 - A. Architectural Review Control Committee (ARCC) Appointment
 - B. Transfer of Funds between Local Government Investment Pools
 - C. FY 2022 Roll Over R&M/Capital Projects and Use of R&M/Capital Projects Department Contingency Budget Amendment and Resolution
 - D. DOR Violations
 - i. DOR Violation 22-002879 614 HYACINTH CIRCLE
 - ii. DOR Violation 22-002954 1108 TEQUESTA DRIVE
 - iii. DOR Violation 22-002425 935 ORIOLE CIRCLE
 - iv. DOR Violation 22-001789 902 SPRUCE STREET
 - v. DOR Violation 22-001607 908 HEMLOCK STREET
- 12. Manager's Report**
 - A. January 24, 2023 Manager's Report

- 13. Attorney's Report**
- 14. Incidental Trustee Remarks**
- 15. Adjournment**

If an individual decides to appeal any decision made by the Recreation District with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Barefoot Bay Recreation District Regular Meeting



BAREFOOT BAY RECREATION DISTRICT

**Board of Trustees Regular Meeting
January 12, 2023
1PM –Building D&E**

Meeting Called to Order

The Barefoot Bay Recreation District Board of Trustees held a Meeting on January 13, 2023, Building D&E 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Amoss called the meeting to order at 1:30PM.

Pledge of Allegiance to the Flag

Led by Mr. Amoss.

Roll Call

Present: Mr. Grunow, Mr. Amoss, Mr. Loveland, Mr. Brinker, Trustee-elect Klosky, Trustee-elect Tummolo. Also, present, Kent Cichon, Community Manager, Stephanie Brown, District Clerk, Garrett Olsen, General Counsel, Richard Armington, Resident Relations Manager, Charles Henley, Finance Manager. Mr. Morrissey was excused.

Treasurer's Report

Mr. Loveland read and submitted the Treasurer's Report for January 12, 2023.

Approval of Minutes

Mr. Grunow made a motion to BOT regular meeting minutes dated December 8, 2022. Second by Hurrol Brinker. Motion passed.

Presentations and Proclamations

Chairman Amoss presented Mr. Loveland with a participation plaque for his service on the BOT.

Oath of office was administered to Bruce Amoss, Joseph Klosky, and Lynn Tummolo by Judge David Silverman.



BAREFOOT BAY RECREATION DISTRICT

Reorganization of the Board

Mr. Klosky nominated Bruce Amoss for Chairman. Second by Ms. Tummolo. Motion passed unanimously.

Mr. Brinker nominated Mr. Klosky for 1st Vice chair. Second by Ms. Tummolo. Motion passed unanimously.

Mr. Brinker nominated Ms. Tummolo for 2nd Vice Chair. Second by Grunow. Motion passed unanimously.

Mr. Grunow nominated Mr. Brinker for Treasurer. Second by Mr. Amoss. Motion passed unanimously.

Mr. Grunow is Secretary.

NRP Sub Committee Selections

Mr. Brinker made a motion to accept Mr. Klosky, Ms. Tummolo, and Mr. Brinker to the NRP Sub-Committee. Second by Mr. Klosky. Motion passed unanimously.

Additions or Deletions to the Agenda

Item 10C Big 5 General Construction Insurance Waiver Request.

Approval of the Agenda

Mr. Klosky made a motion to approve the agenda with the addition of item 10C. Second by Mr. Brinker. Motion passed unanimously.

Audience Participation

Dave Wheaton-1477 Barefoot Circle-spoke in favor of awarding the golf service maintenance contract to IGN.



BAREFOOT BAY RECREATION DISTRICT

Unfinished Business

Golf Course Maintenance Award of Contract

Consider the Golf Course Maintenance proposed contract with Brightview Golf Maintenance Inc, and termination of the agreement with ABM Industry Groups, LLC.

Mr. Klosky asked clarifying questions about the Brightview proposed contract that included key personnel, job descriptions, equipment purchases, and the operation calendar. Mr. Cichon responded that during negotiations, it was discovered that there will be a different superintendent than the one listed in Brightview's proposal, equipment was ordered by Brightview, but they are unsure on the delivery date. He also stated that the dates/frequency listed on the operation calendar may not be strictly held to. Mr. Brinker asked if new equipment would be ordered and the timeframe. Mr. Cichon responded that new equipment would be ordered from Toro and BBRD should receive a copy of the purchase order from Brightview. Mr. Olsen also explained that the contract states BBRD must be provided with the new equipment purchase order within 30 days. Ms. Tummolo asked if the termination clause was less than 3 years. Mr. Cichon replied yes and explained terms. Mr. Grunow and Mr. Amoss spoke in favor with moving forward with the Brightview contract.

Mr. Tummolo made a motion to authorize the BOT Chairman to sign the Golf Course Maintenance contract with Brightview Golf Maintenance Inc. in the amount of \$538,988 and direct the Community Manager to notify ABM Industry Groups, LLC (ABM) that Barefoot Bay Recreation District is terminating its agreement with ABM effective 11:59 pm on April 16, 2023. Second by Mr. Grunow. Motion passed unanimously.

Architectural Review Control Committee (ARCC) Appointment

Staff recommends the BOT appoint a property owner to the vacant voting position for a 3-year term and select a Trustee to serve as ARCC liaison for the remainder of calendar year 2023.

Mr. Klosky made a motion to appoint Tom Nelson to the expired ARCC voting position for a 3-year term. Second by Mr. Brinker. Motion passed unanimously.

Mr. Grunow made a motion to appoint Mr. Klosky as the ARCC liaison for the remainder of calendar year 2023. Second by Mr. Brinker. Motion passed unanimously.



BAREFOOT BAY RECREATION DISTRICT

2023 Quarterly Townhall Meeting Schedule

Staff recommends the BOT approve the proposed dates for the BOT Quarterly Townhall meetings in calendar year 2023 and authorize staff to advertise them in the Florida Today.

Mr. Klosky made a motion to approve the proposed dates for the 2023 BOT Quarterly Townhall meetings (April 4th, 9am-12pm, July 27, 6-9pm and October 17, 6-9pm) and the Townhall/Budget Kickoff meeting for 2024 (January 25, 9-12pm). Second by Ms. Tummolo. Motion passed unanimously.

Big 5 General Construction Insurance Waiver Request

Staff recommends waiving the BBRD Policy (Services Performed on BBRD Property section 2.13 pg. 15) for Big 5 General Construction that requires vendors to have \$1,000,000 bodily injury and \$1,000,000 property damage for auto liability per occurrence.

Mr. Brinker made a motion to waive the BBRD Policy (Services Performed on BBRD Property Policy section 2.13 pg. 15) for Big 5 General Construction that requires vendors to have \$1,000,000 bodily injury and \$1,000,000 property damage for auto liability per occurrence. Second by Mr. Grunow. Motion passed unanimously.

New Business

Valley National Bank

Resolution 2023-01 Read by Mr. Olsen:

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT DESIGNATING VALLEY NATIONAL BANK AS A DEPOSITORY OF THE DISTRICT.

Mr. Brinker made a motion to accept Resolution 2023-01 as read. Second by Ms. Tummolo. Motion passed unanimously.



BAREFOOT BAY RECREATION DISTRICT

Shopping Center: Shaw Sublease

Staff recommends the BOT give consent to Shaw Medical Group, LLC to sublet Building 1, Unit 3, and Part of 4 to The Cart Guys, LLC and authorize the BOT Chair to sign an amendment to our lease with The Cart Guys of Melbourne, Inc.

Mr. Klosky Made a motion to authorize Shaw Medical Group, LLC to sublet Building 1, Unit 3, and Part of 4 to The Cart Guys, LLC and for the BOT Chair to sign an amendment to the BBRD lease with The Cart Guys of Melbourne, Inc. Second by Mr. Brinker. Motion passed unanimously.

Manager's Report

Resident Relations

ARCC Meeting 12/06/2022

- 1 Old Permit - approved
- 13 Consent Permits – approved
- 12 Other Permits – approved

ARCC Meeting 12/20/2022

- 23 Consent Permits – approved
- 7 Other Permits – approved, 1 tabled for survey

ARCC Meeting 1/3/23

- 1 Old Permit
- 7 Consent Permits
- 28 Other Permits

VC Meeting 12/9/22

- 11 Cases – came into compliance prior to the meeting
- 4 Cases – DOR is working with the homeowners
- 12 Cases – found to be in violation

Food & Beverage

- The first show (Cher/Garth/Huey Lewis) in the Winter Beats series is on January 20, 2023, and is SOLD OUT! There are some tickets available for other shows in the Winter Beats series. Call the Administration office for ticket availability.



BAREFOOT BAY RECREATION DISTRICT

- A Valentines evening for everyone is planned for February 14, 2023, in Building A. There will be two seating's available, one at 4:30pm and one at 6:30pm. There is a variety of seating options for couples, friends, and singles. Tickets are on sale from 4-5pm on Thursdays in Building A.

Food & Beverage (continued)

Paradise Planners is styling the event, Simply Sarah will sing her heart out, Food and Beverage is preparing a price inclusive 4-course meal, and the bartenders will be making special craft cocktails all to create a fabulous experience on this special night. The best part is the event benefits Joe's Club located here in the Bay to help purchase needed chairs in their facility. Tickets may be purchased from 4-5pm every Thursday (until sold out) in Building A.

Property Services

- Undertook the responsibility of softball field maintenance
- Repaired the walking bridge by the tennis courts
- Repaired damaged cables on the pier
- Repaired electrical box in shopping center sidewalk
- Repaired the 19th Hole soffit
- Coordinated the installation of the new propane system for Pool #2
- Worked on heaters for Pools #1 & #2
- Worked on shop maintenance

Golf-Pro Shop

- Repairs & Maintenance
 - Softball Field renovation completed
 - Fence repair behind ABM worksite completed
- The new Golfnow POS program has been installed. Training and updates are currently being performed.
- Sandy Lobello Veterans Memorial Golf Tournament
 - January 14th
 - 8:30am or 1pm shotgun starts
 - Individual event
 - Air Sports Parachute Team will touch down on our driving range at 12:30pm
 - Call Pro shop at 772-664-3174 for details or questions



BAREFOOT BAY RECREATION DISTRICT

Attorney's Report

Mr. Olsen reminded the BOT of the Ethics Training session being held in Building D/E at 9am.

Incidental Trustee Remarks

Ms. Tummolo expressed her gratitude to the BOT and residents for the opportunity to serve on the BOT.

Mr. Brinker expressed his gratitude to Mr. Loveland for his service and congratulated the new and reelected trustees.

Mr. Grunow reminded residents of the Sandy Lobello Golf Tournament and congratulated the elected trustees.

Mr. Klosky expressed his gratitude to the voters of BBRD and thanked Mr. Loveland for his service. He also asked for an update on pool repairs. Mr. Cichon responded that the heater in Pool #1 is on and functioning and a new propane tank has been installed at Pool #2. The Pool #2 temperature was 80 degrees and Pool # 3 was at 86 degrees.

Mr. Amoss expressed his gratitude to residents for allowing him to serve another term on the BOT. He also thanked Mr. Morrissey and Loveland for their service. Mr. Amoss gave an overview of topics that the BOT should discuss (revenue generating ideas, maintenance, and capital projects). He reminded residents that the Townhall will be held on January 26, 2023, at 9am.

Adjournment

The next regular meeting will be on January 24, 2023, at 1pm in Building D/E.

Mr. Klosky made a motion to adjourn. Mr. Amoss adjourned.

Meeting adjourned at 2:48pm.

Jeff Grunow, Secretary

Stephanie Brown, District Clerk

Barefoot Bay Recreation District

Treasurer's Report

January 24, 2023

Cash Balances in General Fund as of 1/13/23

Petty Cash

Total Petty Cash: \$ 2,500.00

Operating Cash in Banks

MB&T Operating Account

777,011.44

Total Operating Accounts:

777,011.44

Interest Bearing Accounts

MB&T Money Market Account

2,257,038.70

FL Class

202,600.00

FL Trust - Short Term Bond Fund

107,400.00

SBA Reserve Account

712,591.64

Total Interest Bearing Accounts:

3,279,630.34

Total Cash Balances in General Fund:

\$ 4,059,141.78

Total Daily Deposits and Assessments Received for 1/4/23 - 1/13/23

Daily Deposits:

\$ 85,517.23

Assessments Received:

161,383.51

Total Deposits Received:

\$ 246,900.74

Expenditures for 1/4/23 - 1/13/23

Check Number	Vendor	Description	Check Amount
60703	Omega Technology Solutions, LLC	Monthly IT Support: 1/23	5,357.62
60729	ABM Landscape & Turf Services	Golf Course & Ball Field Maint. - 1/23	41,327.38
	Paychex	Net Payroll - PPE 1/1/23	73,210.46
	United States Treasury	Payroll Taxes - PPE 1/1/23	20,631.33

Total Expenditures \$5,000 and above:

140,526.79

Expenditures under \$5,000:

66,470.14

Total Expenditures:

\$ 206,996.93

Board of Trustees

Meeting Agenda Memo

Date: Tuesday, January 24, 2023
Title: **Architectural Review Control Committee (ARCC) Appointment**
Section & Item: 11.A
Department: Administration, District Clerk
Fiscal Impact: N/A
Contact: Stephanie Brown, District Clerk, Kent Cichon, Community Manager
Attachments: Deidre Sunter Consideration Request, Deidra Sunter Resume, John Soulis Appointment Request
Reviewed by General Counsel: N/A
Approved by: Kent Cichon, Community Manager



Requested Action by BOT

Appointment of one homeowner to the unexpired voting position.

Background and Summary Information

The ARCC is comprised of five voting members, two alternates and one (non-voting) liaison from the BOT.

On January 13, 2023, Mr. Klosky submitted his resignation to BBRD staff. The unexpired voting position (term ends February 22, 2024) is currently vacant.

BBRD Staff has advertised resumes/letters of interest for the vacant voting position.

The following individuals submitted resumes/letters of interest for consideration of appointment to the ARCC as a voting member:

- Deidre Sunter
- John Soulis (current alternate)

Staff recommends the BOT appoint one property owner to the unexpired voting position (term ends February 22, 2024)

From: [Dee Dee Sunter](#)
To: [Stephanie Brown](#)
Subject: Resume for open ARCC vacancy
Date: Monday, December 19, 2022 10:18:38 AM
Attachments: [Executive Assistant- Project Administrator__Resume update 6.22.docx](#)

Good morning Stepjanie,

I would like to submit my resume in consideration for the open ARCC position.

Please feel free to contact me if you need any other information.

Regards,
Deidre P Sunter

DEIDRE P SUNTER
PROJECT ADMINISTRATOR
CERTIFIED ADMINISTRATIVE ASSISTANT
deidrepcohen@gmail.com | 321-417-1214 | Sebastian, FL 32976

Professional Skills

- Operations Management
- Executive Administration
- Marketing/Social Media/Public Relations
- Bookkeeping & Accounting (AP/AR)
- Service Orientation
- Record maintenance/Data Entry/Filing
- Scheduling/Travel Arrangements/Logistics
- Exceptional attention to detail
- Microsoft Office Suite (Word, Excel, PowerPoint, Access, Outlook)
- Event planning/Fundraising
- Management/Supervision
- Training/Professional Development
- Purchasing & Inventory control
- Time Management
- Logistics

Experience

Administrative Assistant/Project Administrator

Whole Family Health Center | Vero Beach, FL 11/2020 - Present

- Approve supply purchases, complete requisitions for expenses over \$250
- Maintain inventory controls over Covid test supplies
- Input Patient information from insurance companies into patient files
- Daily communication and status updates with organization President, Vice President, and Chief Medical Officer
- Sort daily mail
- Refine process for Patient Dismissal from Practice letters
- Apply discretion and uphold HIPPA guidelines for dealing with sensitive Patient issues
- Provide travel, lodging and meal and clinical visit itinerary for visiting Provider candidates
- Provide detail activity reports and measurement criteria to ensure all efforts result in maximum efficiency and patient satisfaction.
- Develop an interactive strategy and operational plan for integrate relationship marketing initiatives for potential patients

Logistics

USSI Global | Melbourne, FL 12/2019 – 03/2020

- Track incoming and outgoing Samsung commercial equipment
- Develop procedure for identifying and tracking refused shipments
- Provided direction through point of contact for delivery and retrieval of goods
- Obtain, submit, and provide proper authorization for returned goods
- Collect information for filing lost claims
- Collect information for filing damaged claims
- Maintain tracking spreadsheet for technicians returning defective equipment
- Work closely with shipping company to assure overnight, economy, and expedited shipping of equipment
- Supplied tracking, shipment, and load numbers to warehouses for outgoing and incoming shipments

DEIDRE P SUNTER
PROJECT ADMINISTRATOR
CERTIFIED ADMINISTRATIVE ASSISTANT

deidrepcohen@gmail.com | 321-417-1214 | Sebastian, FL 32976

Manager on Duty

Shore Lanes Palm Bay | West Melbourne, FL 06/2015 – 07/2019

- Demonstrated superior customer service through extensive knowledge of the bowling industry
- Maintained a clean and positive atmosphere for the ultimate customer experience
- Developed new league participants and repeat customer base through increased customer satisfaction
- Trained and supervised newly hired employees on Conqueror database system; monitored work performance to ensure accuracy and completion
- Enacted company marketing initiatives increasing company revenue
- Completed daily financial transaction including bank deposits, cash register reconciliation, debit and credit transactions
- Managed daily logistics for special projects and events
- Provided daily operations management to include facility open and closure
- Business to Consumer (B2C) conflict resolution for external customers

Coaching Specialist/Administrative Assistant

United States Bowling Congress | Arlington, TX 07/2011-02/2014

- Provided administrative support for Director of Coaching and staff of 5
- Created and electronically distributed monthly newsletter to 40,000 coaches throughout the country and internationally; monitored and updated social media platforms (Facebook, Twitter)
- Collected data and prepared analysis (Survey Monkey, Excel) regarding coaching activities
- Recruited and trained individuals to become certified coaches
- Facilitated training courses, workshops and presentations (Prezi, Power Point, Go To Meetings)
- Prepared and presented Power point presentations and web-based conferences (Prezi, Go To Meetings)
- Provided travel arrangements, conference logistics and expense reimbursements
- Inventoried supplies, created reorder numbers, purchased necessary office supplies and equipment
- Prepared and presented power point presentations and web-based conferences
- Created and presented professional development seminars for business clients; provided technical support for NetDimensions (eLearning software)
- Helped accelerate social media presence by utilizing online tools to maximize brand visibility to develop strong relationships and engagement

Education

- **Master of Business Administration**, Business Benedictine University 2015
- **Bachelor of Business Administration**, Business and Economics Benedictine University 2011

Certifications

- Certified Administrative Professional, 2013
- Florida Notary, Commission Expires 2026

Service

- Deed of Restrictions Ad Hoc Committee, 2022

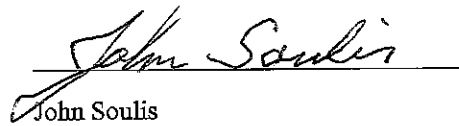
January 17, 2023

To Barefoot Bay Board of Trustees,

My name is John Soulis, I am an alternate of the ARCC.

I would like to be moved up to a permanent voting Member.

Thanking you in advance.


John Soulis

Board of Trustees Meeting Agenda Memo

Date: Tuesday, January 24, 2023
Title: **Transfer of Funds between Local Government Investment Pools**
Section & Item: 11.B
Department: Administration, Finance
Fiscal Impact: Undetermined
Contact: Charles Henley, Finance Manager, Kent Cichon, Community Manager
Attachments: BBRD -Investment-Policy - with proposed modification 1-24-2023
Reviewed by General Counsel: Yes
Approved by: Kent Cichon, Community Manager



Requested Action by BOT

Staff requests that the BOT revise its prior instruction to transfer \$500,400 from Florida PRIME to Florida TRUST – ST Bond Fund and to modify the BBRD Investment Policy as indicated in this Agenda Memo.

Background and Summary Information

On September 8, 2022, the BOT authorized staff to transfer funds to Local Government Investment Pools (LGIPs) such that collectively the LGIPs would contain approximately the minimum fund balance as set by the BOT. At that time, Staff presented the following allocations based upon the relative rates at the time:

<u>Weight</u>	<u>Investment</u>	
60%	Florida Trust, Short Term Bond Fund	\$ 607,800
20%	Florida Class, FLCLASS	202,600
20%	Florida State Board of Administration, FL PRIME	<u>202,600</u>
		\$ 1,013,000

As a result of recent assessment inflows, we have accomplished the overall goal of investing the BBRD Minimum Fund Balance in LGIPs but have not yet made the prescribed allocations between funds.

The current approximate values and weights of BBRD funds in LGIPs are:

<u>Weight</u>	<u>Investment</u>	
10.5%	Florida Trust, Short Term Bond Fund	\$ 107,400
19.8%	Florida Class, FLCLASS	202,600
69.7%	Florida State Board of Administration, FL PRIME	<u>712,592</u>
		\$ 1,022,592

Staff was authorized to make the following transfers:

Marine Bank & Trust	Florida Trust, Short Term Bond Fund	\$ 107,400
Marine Bank & Trust	Florida Class, FLCLASS	202,600
Florida Prime	Florida Trust, Short Term Bond Fund	<u>500,400</u>
		\$ 810,400

Staff has not yet transferred funds from Florida Prime to the Florida Trust, Short Term Bond Fund.

Today, interest rates are significantly higher and the relative yields between LGIPs are not what they were in September 2022 when the BOT directed staff to make the transfers. As of January 12, 2023, the relative yields are listed in the table below.

	Florida PRIME	Florida CLASS	Florida TRUST - ST Bond
1-Day Yield	4.53%	4.58%	
7-Day Yield	4.53%	4.56%	
30-Day Yield	4.48%	4.49%	4.07%

As can be seen in the table above, both Florida PRIME and Florida CLASS are providing about 10% more of a return than the TRUST – ST Bond Fund.

Staff requests more flexibility to meet the BOTs stated objective of maximizing revenues when and where opportunities allow.

On December 8, 2022, the BOT adopted the BBRD Investment policy with the following transfer policy:

BBRD funds are only moved between financial institutions by authorized resolutions adopted by the Board of Trustees.

BBRD funds may be moved between accounts at an institution by recommendation of the Finance Manager and the approval of the Community Manager with notification to the Board of Trustees upon execution.

Staff proposes the following change to the investment policy:

~~BBRD funds are only moved between financial institutions by authorized resolutions adopted by the Board of Trustees.~~

BBRD funds ~~may~~ shall be moved between accounts at an institution by recommendation of the Finance Manager and the approval of the Community Manager with notification to the Board of Trustees upon execution.

Staff recommends the BOT revise its prior instruction to staff to transfer \$500,400 from Florida PRIME to Florida TRUST – ST Bond Fund and instruct staff to modify the BBRD Investment Policy, as presented above, to better enable staff to maximize the return on BBRD funds.

BBRD Investment Policy

Investment Policy

The Barefoot Bay Recreation District (BBRD) establishes its investment parameters in accordance with Florida Statutes, Section 218.415 and complies with all applicable state ordinances and covenants. The Community Manager and Finance Manager or their designee will consolidate, where practicable and allowable, cash balances and investments from all funds covered by this policy to minimize risk exposure and maintain liquidity while maximizing investment earnings.

~~BBRD funds are only moved between Financial Institutions by authorized resolutions adopted by the Board of Trustees.~~

BBRD Funds ~~may~~ shall be moved between accounts ~~at an Institution~~ by recommendation of the Finance Manager and the approval of the Community Manager with notification to the Board of Trustees upon execution.

This policy is applicable to all BBRD funds (those required to meet current expenses and those in excess of funds required to meet current expenses) except funds being disbursed through the Neighborhood Revitalization Program (NRP) which follows its' own policy and procedures for disbursement.

Investment Objectives

As required by Florida Statutes section 218.415, the investment objectives of BBRD for invested funds shall be to provide for safety of capital, liquidity of funds, and investment income. The optimization of investment returns shall be secondary to the requirements for safety and liquidity.

1. Safety - Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks the preservation of capital in the overall portfolio. The objective will be to limit credit risk and interest rate risk to a level commensurate with the risks associated with prudent investment practices and the performance benchmarks.
2. Credit Risk - BBRD will limit credit risk (the risk of loss due to the failure of the security issuer or backer) by diversifying the investment portfolio so that potential losses on individual securities will be minimized and by limiting investments to specified credit ratings.
3. Liquidity - The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Since all possible cash demands cannot be anticipated, the portfolio should consist of only securities as identified in the Authorized Investments Section of the policy.
4. Yield - The investment portfolio shall be designed with the objective of attaining a market rate of return throughout economic cycles, considering the investment risk, constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives. Investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:
 - A security with increasing credit risk may be sold early to minimize loss of principal.
 - A security swap that would improve the quality, yield, or target duration in the portfolio.
 - Liquidity needs of the portfolio require that the security be sold.
 - Adverse market or economic conditions.
5. Transparency - BBRD shall operate its portfolio in a transparent manner, making its periodic reports both available for public inspection and designed in a manner which communicates clearly and fully information about the portfolio, including market pricing, adjusted book value, and yields.

BBRD Investment Policy

Performance Measurement

As a benchmark for investment returns, BBRD's investment portfolio, net of fees, should strive to equal or exceed the returns provided by the State Treasurer's Special Purpose Investment Account Gross Effective Interest Rate (annualized) by month. However, achieving this benchmark is secondary to the requirements for safety and liquidity.

Prudence and Ethical Standards

1. Prudence - The Prudent Person Rule shall be applied in the context of managing the overall portfolio. "Investments should be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment." BBRD personnel, acting in accordance with this investment policy shall be relieved of personal responsibility for an individual security's market price changes, provided the sale of securities are carried out in accordance with the terms of this policy.
2. Ethics and Conflicts of Interest - The Community Manager, the Finance Manager and all BBRD authorized personnel shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. These investment officials shall disclose annually, in a written statement, any personal financial and or investment positions that could be related to the performance of the investment portfolio. They shall refrain from undertaking personal investment transactions with the same individuals and institutions with whom business is conducted on behalf of BBRD.
3. Delegation of Authority - Authority to manage the investment program is granted to the Community Manager. BBRD may seek professional advice and therefore may contract with a federally registered investment advisory firm that specializes in public funds fixed income management, to assist with investment decisions. The Board of Trustees will approve and, from time to time as they deem necessary, amend this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy.

Broker Dealers, Safekeeping and Custody

1. Authorized Financial Dealers and Institutions – For assets not delegated to the fiduciary management of a professional third-party investment organization, BBRD shall list financial institutions consisting of banks and other depository institutions authorized to provide depository and investment services to BBRD as authorized by the Board of Trustees. In addition, a list will be maintained of security broker/dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule) that are providing services to BBRD or that BBRD contemplates using.
2. Delivery vs. Payment - Securities transactions between a broker-dealer and the safekeeping agent or custodian involving purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis to ensure that the custodian will have the security or money in hand at the conclusion of the transaction.
3. Safekeeping, Custody & Perfection of Interest - Securities shall be held with a third party; and all securities purchased by, and all collateral obtained by BBRD should be properly designated as an asset of BBRD. No withdrawal of securities, in whole or in part, shall be made from safekeeping or custody, except by an authorized staff member of BBRD.

BBRD Investment Policy

Authorized Investments

This investment policy is authorized by BBRD's Board of Trustees. Investments not listed are prohibited. The investment portfolio must be structured in such manner as to provide sufficient safety and liquidity to pay obligations as they come due. Investment maturities should anticipate cash flow requirements. At the time of purchase, all securities must have an average effective maturity no greater than 36 months from the date of settlement. The forward delivery period on such securities may not exceed 60 days.

Prior to conducting transactions as authorized by this policy the Community Manager shall determine the approximate maturity date based on cash-flow needs and market conditions, analyze and select one or more optimal types of investments, and competitively bid the security in question when feasible and appropriate. Except as otherwise required by law, the bid deemed to best meet the investment objectives shall be selected.

Should a security's credit rating drop below the standards listed below, BBRD's authorized personnel shall act as Prudent Persons in managing the risks associated with such security and shall timely notify the Board of Trustees.

Investments shall be limited to securities selected from the following types:

1. The United States Treasury and Agency Securities - Securities that are issued by the United States Treasury or those for which the full faith and credit of the United States government guarantees fully all principal and interest payments.

Credit Ratings

Ratings are not required for U.S. Treasury securities. Agencies not backed by the full faith and credit of the United States government, such as Government National Mortgage Association (GNMA), must have at least one AAA (or its equivalent) long-term credit rating from a Nationally Recognized Statistical Rating Organization (NRSRO).

2. Government Sponsored Enterprises (GSE) - Securities issued by the Federal Farm Credit Bank, the Federal Home Loan Mortgage Corporation, the Federal Home Loan Bank, the Federal National Mortgage Association, or the Federal Agricultural Mortgage Corporation. Any other GSE shall be considered as corporate debt for the purposes of this policy and shall be authorized under the criteria set forth in section 7, Corporations.

Credit Rating

Authorization of the listed GSE in section 7 is predicated upon these institutions maintaining at least one AAA (or its equivalent) long-term credit rating from a Nationally Recognized Statistical Ratings Organization (NRSRO).

3. The State Treasurer's Special Purpose Investments Account (SPIA) or any intergovernmental investment pool (LGIP) authorized pursuant to the Florida Interlocal Cooperation Act as provided in Section 163.01, Florida Statutes. Surplus funds will be invested in Local Government Investment Pools (LGIPs) to the extent of the Minimum Fund Balance. To avoid concentration of risk, no single LGIP shall contain more than 70% of the Funds held at LGIPs at the time of purchase. Any excess funds may be invested in fixed income investments.

Credit Rating

Local Government Investment Pools - At the time of purchase, the local government investment pool must carry an A+ (or its equivalent) rating from a NRSRO.

BBRD Investment Policy

4. Money Market Mutual Funds - Shares of any registered money market fund that is as an investment company under the federal "Investment Company Act of 1940", as amended, comply with Securities and Exchange Commission (SEC) rule 2a-7 and be fully redeemable on the next business day.

Credit Rating

Money market instruments must carry at least two short-term credit ratings and no short-term credit rating may fall below A1+ from Standard & Poor's, P1 from Moody's, or F1+ from Fitch

5. Interest-bearing time deposits or savings accounts in Qualified Public Depositories (QPD) as defined in Section 280.02, Florida Statutes.

Credit Rating

100% of Bank deposits for BBRD must be covered by the Federal Deposit Insurance Corporation.

6. Interest-bearing time deposits or savings accounts in Member Banks of the Federal Reserve System.

Credit Rating

100% of Bank deposits for BBRD must be covered by the Federal Deposit Insurance Corporation.

7. Interest-bearing time deposits or savings accounts in Federally Chartered Credit Unions.

Credit Rating

100% of Credit Union deposits for BBRD must be covered by the National Credit Union Share Insurance Fund (NCUSIF).

8. Corporations - United States dollar denominated debt instruments issued by a corporation or bank which is organized and operated within the United States.

Credit Ratings

At the time of purchase, all corporate instruments must carry at least one "investment grade" long-term credit ratings from a NRSRO.

9. Other investments authorized by law or by ordinance for a county or a municipality.
10. Other investments authorized by law or by resolution for a special district.
11. Mutual funds, unit investment trusts or professionally managed securities or other investment vehicles specifically authorized by the Board of Trustees.

Risk and Diversification

BBRD's portfolio shall be diversified to the extent practicable to control the risk of loss resulting from over concentration of assets in a specific maturity, issuer, instrument, dealer, or bank through which financial instruments are bought and sold. The diversification strategies laid out in this policy shall be reviewed and revised periodically by the Community Manager and any revisions require the approval of the Board of Trustees.

Investments that vary in length to maturity will be made to correlate with BBRD's cash flow projections. The correlation will be made conservatively. Cash flow information will be used as a basis for informed decisions regarding the allocation of cash balances into categories of investments with varying maturities. The investment vehicles used will be determined by The Community Manager in consultation with the Finance Manager.

BBRD Investment Policy

Multiple depository banks may be utilized to hold and invest short term cash In order to ensure liquidity and diversify risk to principal, in addition to the bank(s) currently under contract with BBRD to provide treasury services.

Qualified Public Depositories, Investment Institutions and Dealers

The Finance Manager will maintain the current approved list of qualified public depositories as defined in Section 280.02, Florida Statutes.

Third Party Custodial Agreements

Securities will be held with a third party; and all securities purchased by, and all collateral obtained by BBRD will be properly designated as an asset of BBRD. If a bank serves in the capacity of Investment Manager, said bank can also perform the required custodial and reporting services. No withdrawal of securities shall be made except by those designated within the Investment Management and Custodial Agreement between the Custodian and BBRD. Securities transactions between a broker- dealer and the custodian involving the purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis to ensure that the custodian will have the security or money in hand at the conclusion of the transaction.

Master Repurchase Agreement

The Community Manager or the Finance Manager, if applicable, will maintain a master repurchase agreement and require all approved institutions and dealers transacting repurchase agreements to adhere to the requirements of the master repurchase agreement. The master repurchase agreement is a separate document.

Internal Controls

The Finance Manager shall establish written internal controls and operational procedures. The controls will be designed to prevent loss of public funds arising from fraud, employee error, imprudent actions by employees and misrepresentation by third parties. The internal controls will be reviewed by BBRD's Auditor and are subject to audit by the Auditor General of the State of Florida.

Continuing Education

The Community Manager, the Finance Manager, or designee will annually (during each calendar year) complete eight hours of continuing education in subjects or courses of study related to investment practices and products.

Reporting

1. Methods - The Community Manager, or designee, shall or shall have prepared and provide to the Board of Trustees an investment report at least annually, including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last year. The management summary will be prepared in a manner that will allow BBRD to ascertain whether investment activities during the reporting period have conformed to the investment policy. This investment report shall include securities in the portfolio by class or type, book value, income earned, and market value as of the report date. Such reports shall be available to the public.
2. Compliance – If any investment held does not meet the guidelines of this policy, it shall be temporarily exempted from the requirements of the policy until appropriate disposition of the security is agreed upon with BBRD's investment advisory firm.

BBRD Investment Policy

Annual Policy Review

This policy shall be reviewed on an annual basis. Any changes or amendments to the manual, operating funds supplement or operating pool sub-sections must be approved by the Board of Trustees.

BBRD Investment Policy

Glossary

Benchmark. A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.

Bid. The price offered by a buyer of securities.

Collateral. Securities, evidence of deposit, or other property that a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Delivery vs. Payment. Delivery versus payment is delivery of securities to a third party with an exchange of money for the securities. The transaction is not complete until both parties provide their commitments.

Diversification. Dividing investment funds among a variety of securities offering independent returns.

Federal Deposit Insurance Corporation (FDIC). A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

Federal Farm Credit Bank (FFCB). The Federal Farm Credit Banks Funding Corporation issues debt securities as fiscal agent for the Farm Credit System, which is a nationwide network of borrower- owned lending institutions and service organizations specializing in agricultural and rural America.

Federal Home Loan Bank (FHLB). Government sponsored wholesale banks that lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies.

Federal Home Loan Mortgage Corporation (FHLMC). FHLMC, commonly referred to as Freddie Mac, is a government sponsored enterprise that provides liquidity to the mortgage markets, much like FNMA and FHLB.

Federal National Mortgage Association (FNMA). FNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD).

LIBOR. London Interbank Offer Rate.

Liquidity. A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value.

Market Value. The price at which a security is trading and could presumably be purchased or sold.

Master Repurchase Agreement. A written contract covering all future transactions between the parties to repurchase agreements that establishes each party's rights in the transactions.

Maturity. The date upon which the principal or stated value of an investment becomes due and payable.

Portfolio. Collection of securities held by an investor.

Prudent Person Standard. An investment standard in which investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Qualified Public Depository. Any bank, savings bank, or savings association that is organized under the laws of the United States or the State of Florida; has its principal place of business or a branch office to receive deposits in Florida; has deposit insurance under the provisions of the Federal Deposit Insurance Act; meets the requirements of Chapter 280, Florida Statutes (Florida Security for Public Deposits Act); and has been designated by the Finance Manager of the State of Florida as a qualified public depository.

BBRD Investment Policy

Repurchase agreement (REPO). A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date.

Safekeeping. A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

Spread. (1) The yield or price difference between the bid and offer on an issue. (2) The yield or price difference between different issues.

State Board of Administration's Local Government Investment Pool (SBA). The aggregate of all funds from political subdivisions that are placed in the custody of the State Board of Administration for investment and reinvestment.

State Treasury Special Purpose Investment Account (SPIA). The aggregate of all funds from governmental entities that are placed in the custody of the State Treasury for investment and reinvestment.

Treasury Bills. A non-interest-bearing discount security issued by the U.S. Treasury to finance the national debt.

Yield. The rate of annual return on an investment, expressed as a percentage.

- (1) Income yield is obtained by dividing the current dollar income by the current market price for the security.
- (2) Net yield or yield to maturity is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

Board of Trustees

Meeting Agenda Memo

Date: Tuesday, January 24, 2023
Title: **FY 2022 Roll Over R&M/Capital Projects and Use of R&M/Capital Projects Department Contingency Budget Amendment and Resolution**
Section & Item: 11.C
Department: Administration, Finance
Fiscal Impact: \$644,760
Contact: Charles Henley, Finance Manager, Kent Cichon, Community Manager
Attachments: 230124 Resolution 2023-02 - FY22 R&M Capital Projects Roll Over
Reviewed by
General Counsel: Yes
Approved by: Kent Cichon, Community Manager



Requested Action by BOT

BOT Approve Amendment 2023-02 and Resolution to roll over project budgets in the R&M/Capital Projects Department and the use of the R&M/Capital Projects Department Budgeted Contingency by the Property Services Department and the Golf Pro Shop Department.

Background and Summary Information

Staff has prepared a list of increases in R&M/Capital Projects Department line-item budgets necessary to bring forward \$585,700 of projects carried over from FY22:

572158	Building A Retaining Wall	2,875
572198	Replacement HD Utility Cart (2008) used by Softball Associat	10,000
572312	19th Hole kitchen renovations and walk-in cooler	47,900
575046	Beach Projects Ph. 3	102,000
575089	Replace Electrical Infrastructure Shopping Center	65,200
572172	Relocate Heater & Rebuild Pit at Pool 1	260,000
572167	Additional Sound Dampening Panels for Building A	8,500
572192	Awning South Side of Lounge	32,000
575032	Lounge Outside Bar	90,000
572197	Replacement R.R. Truck (2015 mid-size)	28,000
		<hr/>
		585,700

Staff has also prepared a list of the use of \$59,060 of R&M/Capital Projects Department Contingency. \$16,000 by the Property Services Department for repairs to the golf course maintenance building and \$43,060 by the Golf Pro Shop Department for repairs to the pump house and the increased costs of golf course maintenance.

510463	Repairs & Maintenance Buildings	Property Services	16,000
510461	Golf Course Maintenance	Golf Pro Shop	43,060
			<hr/>
			59,060

Staff recommends the BOT approve the accompanying Budget Amendment and Resolution 2023-02 to roll over FY22 project budgets in the R&M/Capital Projects Department budget using fund balance and to transfer funds from R&M/Capital Projects Department Contingency to the Property Services Department and the Golf Pro Shop Department.

RESOLUTION 2023-02

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE
BAREFOOT BAY RECREATION DISTRICT AMENDING
RESOLUTION 2022-14; AMENDING THE BUDGET.**

WHEREAS, the Barefoot Bay Recreation District Board of Trustees adopted Resolution 2022-14, an operating Budget for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023; and

WHEREAS, the Board of Trustees is desirous of amending the previously adopted Budget; and

WHEREAS, the Board of Trustees has ascertained that the following amendments are necessary to provide for the operation of the District for the Fiscal Year 2022/23:

An Amendment to increase the FY2023 R&M/Capital Projects Department Budget by \$585,700 using Fund Balance.

An Amendment to increase the FY2023 Property Services Department Budget by \$16,000 using the R&M/Capital Projects Department Budgeted Contingency.

An Amendment to increase the FY2023 Property Services Department Budget by \$43,060 using the R&M/Capital Projects Department Budgeted Contingency.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT, BREVARD COUNTY FLORIDA:

Section 1. The amendment shall be made to the operating Budget for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023.

Section 2. The Community Manager and the Finance Manager are directed to adjust the FY 2022/23 Adopted Budget.

Section 3. This resolution shall become effective immediately upon adoption.

The foregoing Resolution was moved for adoption by Trustee _____. The motion was seconded by Trustee _____ and, upon being put to a vote, that vote was as follows:

Chairman, Bruce Amoss
Trustee, Joe Klosky
Trustee, Lynn Tummolo
Trustee, Jeff Grunow
Trustee, Hurrol Brinker

The Chairman thereupon declared this Resolution Done, Ordered, and Adopted on this 24th day of January 2023.

BAREFOOT BAY RECREATION DISTRICT

By: _____
Bruce Amoss,
CHAIRMAN

Jeff Grunow,
SECRETARY

Board of Trustees Meeting Agenda Memo

Date: Tuesday, January 24, 2023
Title: **DOR Violation 22-002879 614 HYACINTH CIRCLE**
Section & Item: 11.D.i
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, Kent Cichon,
Community Manager
Attachments: 22-002879 Statement of Violation
Reviewed by General
Counsel: No
Approved by: Kent Cichon, Community Manager



Requested Action by BOT

Review violation and referral to General Counsel.

Background and Summary Information

Article III, Section 11 and Section 2(D) Exterior Maintenance. The case was opened on 10/13/2022. Eight inspections have been performed on this property. Six photos have been taken. Staff has executed an Affidavit of Notice and a Statement of Violation has been sent with a photo. The property is under social membership suspension. The property was found to be in violation by the Violations Committee on December 9, 2022. The respondent was notified by first-class mail and certified mail.

Staff recommends that the BOT refer this violation to General Counsel for legal action, equitable or other appropriate action with failure to comply. If the BOT brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents' account and shall constitute a lien.

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-002879

#4254/ 22-002879

KREY, HENRY E

614 HYACINTH CIR

BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

- **ARTICLE III, SECT.11 and SECT 2(D) Exterior Maintenance**

(11) The exterior of each home, including, but not limited to, windows, screens, roofs, gutters, and siding shall be maintained in good condition at all times and/or in substantially the same condition as when each item was newly installed without gaps or openings. Only materials as approved by ARCC shall be used.

(D) In the event that any lawn, landscaped areas, driveway, carport or home is not maintained in compliance with the requirements of Section 2, Section 10, or Section 11 of Article III, the Recreation District shall have the right to enter upon the lot and take any action reasonably necessary to cause the home and lot to come into compliance with the requirement of subsections (A), (B), (C) of Section 2, Section 10, or Section 11 of Article III. The expense of such action shall be billed by the Recreation District to the owner, shall be a personal obligation of the owner, and shall be paid by the owner within thirty days after the owner is provided with written notice of such expenses. If payment is not made within the said thirty day period, the expense in question shall become a lien upon the said lot until paid, which lien shall have priority as of the date of recording of a notice thereof in the public records of Brevard county; provided, however, such lien shall not be superior to the lien for county taxes of the lien for the Recreation District's assessments and maintenance fees. The sum so due to the Recreation District may be collected by either an action of law, or the Recreation District shall have the right at its discretion to proceed to foreclose the above -described lien. In the event of such litigation, the Recreation District shall have the right to recover the costs thereof including a reasonable attorney's fee.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 77 Lot # 8

614 HYACINTH CIRCLE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Screen needs to be replaced / repaired.

DATE OF VIOLATION FIRST OBSERVED: Oct 13, 2022

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

October 13, 2022 via First Class

December 09, 2022 via Certified return receipt requested.

January 12, 2023 via Posted Notice.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: January 20, 2023

Deed of Restrictions Staff

January 12, 2023



614 Hyacinth Cir. Screen needs to be replaced / repaired.
12/16/2022



614 Hyacinth Cir. Screen needs to be replaced / repaired.
12/06/2022

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
NOTICE OF HEARING
OF
BOARD OF TRUSTEES**

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **01:00 PM** on **January 24, 2023** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding of Fact and Recommended Order issued by the Violations Committee. The owner may not present new or additional evidence, but shall be given an opportunity to be heard. If the Board of Trustees concurs with the Violation Committee that a violation has been established, the Board of Trustees shall have the authority to bring an action for injunctive or other appropriate legal or equitable relief in a court of competent jurisdiction in Brevard County, Florida to remedy the violation. If the Board of Trustees brings any such legal action to enforce the Deed of Restrictions and is deemed to be the prevailing party in such action, the Board of Trustees shall be entitled to an award of attorney's fees and court costs incident to bringing such action.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (FS 286.0105).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

January 12, 2023

Deed of Restrictions STAFF

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-002879

#4254 / 22-002879

KREY, HENRY E,

614 HYACINTH CIR

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 614 HYACINTH CIRCLE
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Mary Barry for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, certified with electronic delivery confirmation, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20____.



Mary Barry, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Mary Barry, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large

Board of Trustees Meeting Agenda Memo

Date: Tuesday, January 24, 2023
Title: **DOR Violation 22-002954 1108 TEQUESTA DRIVE**
Section & Item: 11.D.ii
Department: Resident Relations, DOR
Fiscal Impact: No
Contact: Richard Armington, Resident Relations Manager, Kent Cichon, Community Manager
Attachments: 22-002954 Statement of Violation
Reviewed by General Counsel: N/A
Approved by: Kent Cichon, Community Manager



Requested Action by BOT

Review violation and referral to General Counsel.

Background and Summary Information

Article III, Section 11 and Section 2 (D) Exterior Maintenance. Case opened 10/18/2022. Seven inspections have been performed on this property. Eight photos have been taken. Staff has executed an Affidavit of Notice and a Statement of violation has been sent with a photo. The property is under social membership suspension. The property was found in violation by the Violations Committee on December 9, 2022. The respondent was notified by first-class mail and certified mail.

Staff recommends that the BOT refer this violation to General Counsel for legal action, equitable or other appropriate action with failure to comply. If the BOT brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents' account and shall constitute a lien.

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-002954

#2939/ 22-002954

CRIBIER, JOANN

115 YAWPO AVE

OAKLAND, NJ 07436

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

- **ARTICLE III, SECT.11 and SECT 2(D) Exterior Maintenance**

(11) The exterior of each home, including, but not limited to, windows, screens, roofs, gutters, and siding shall be maintained in good condition at all times and/or in substantially the same condition as when each item was newly installed without gaps or openings. Only materials as approved by ARCC shall be used.

(D) In the event that any lawn, landscaped areas, driveway, carport or home is not maintained in compliance with the requirements of Section 2, Section 10, or Section 11 of Article III, the Recreation District shall have the right to enter upon the lot and take any action reasonably necessary to cause the home and lot to come into compliance with the requirement of subsections (A), (B), (C) of Section 2, Section 10, or Section 11 of Article III. The expense of such action shall be billed by the Recreation District to the owner, shall be a personal obligation of the owner, and shall be paid by the owner within thirty days after the owner is provided with written notice of such expenses. If payment is not made within the said thirty day period, the expense in question shall become a lien upon the said lot until paid, which lien shall have priority as of the date of recording of a notice thereof in the public records of Brevard county; provided, however, such lien shall not be superior to the lien for county taxes of the lien for the Recreation District's assessments and maintenance fees. The sum so due to the Recreation District may be collected by either an action of law, or the Recreation District shall have the right at its discretion to proceed to foreclose the above -described lien. In the event of such litigation, the Recreation District shall have the right to recover the costs thereof including a reasonable attorney's fee.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 46 Lot # 13

1108 TEQUESTA DRIVE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Exterior maintenance: Roof damage/ needs to be repaired

DATE OF VIOLATION FIRST OBSERVED: Oct 18, 2022

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

November 16, 2022 via First Class

December 09, 2022 via Certified return receipt requested.

January 12, 2023 via Posted Notice

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: January 20, 2023

Deed of Restrictions Staff

January 12, 2023



1108 Tequesta Dr. Exterior maintenance: Roof damage/ needs to be repaired
12/16/2022



1108 Tequesta Dr. Exterior maintenance: Roof damage/ needs to be repaired
12/06/2022

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
NOTICE OF HEARING
OF
BOARD OF TRUSTEES**

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **01:00 PM** on **January 24, 2023** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding of Fact and Recommended Order issued by the Violations Committee. The owner may not present new or additional evidence, but shall be given an opportunity to be heard. If the Board of Trustees concurs with the Violation Committee that a violation has been established, the Board of Trustees shall have the authority to bring an action for injunctive or other appropriate legal or equitable relief in a court of competent jurisdiction in Brevard County, Florida to remedy the violation. If the Board of Trustees brings any such legal action to enforce the Deed of Restrictions and is deemed to be the prevailing party in such action, the Board of Trustees shall be entitled to an award of attorney's fees and court costs incident to bringing such action.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (FS 286.0105).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

January 12, 2023

Deed of Restrictions STAFF

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-002954

#2939 / 22-002954

CRIBIER, JOANN,
115 YAWPO AVE
OAKLAND, NJ 07436

Respondent(s),

RE: 1108 TEQUESTA DRIVE
Barefoot Bay, FL 32976

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Mary Barry for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, certified with electronic delivery confirmation, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20____.



Mary Barry, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Mary Barry, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large

Board of Trustees Meeting Agenda Memo

Date: Tuesday, January 24, 2023
Title: **DOR Violation 22-002425 935 ORIOLE CIRCLE**
Section & Item: 11.D.iii
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, Kent Cichon,
Community Manager
Attachments: 22-0022425 Statement of Violation
Reviewed by General
Counsel: No
Approved by: Kent Cichon, Community Manager



Requested Action by BOT

Review violation and referral to General Counsel.

Background and Summary Information

Article III, Section 2 (C) (D) Condition of Prop. (C) Unauthorized Items. Case opened 8/15/2022. Eight inspections have been performed on this property. Six photos have been taken. Staff has executed an Affidavit of Notice and a Statement of violation has been sent with a photo. The property is under social membership suspension. The property was found in violation by the Violations Committee on September 23, 2022. The respondent was notified by first-class mail and certified mail.

Staff recommends that the BOT refer this violation to General Counsel for legal action, equitable or other appropriate action with failure to comply. If the BOT brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents' account and shall constitute a lien.

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-002425

#0253/ 22-002425

WHITE, PAUL

935 ORIOLE CIRCLE

BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

- **ARTICLE III, SECT. 2 (C) (D) Condition of Prop. (C) Unauthorized items**

(C) The lawn, landscaped areas, driveways and carports on each lot shall be kept free of all items of personal property except for customary outdoor items such as exterior patio or porch furniture, golf carts, vehicles, and barbecue grills. The intent of this requirement is to prohibit the accumulation and/or storage of items such as indoor furniture, automotive parts, cartons, boxes, debris and similar property which causes an unsightly appearance or nuisance if left on or about the exterior of a home.

(D) In the event that any lawn, landscaped areas, driveway, carport or home is not maintained in compliance with the requirements of Section 2, Section 10, or Section 11 of Article III, the Recreation District shall have the right to enter upon the lot and take any action reasonably necessary to cause the home and lot to come into compliance with the requirement of subsections (A), (B), (C) of Section 2, Section 10, or Section 11 of Article III. The expense of such action shall be billed by the Recreation District to the owner, shall be a personal obligation of the owner, and shall be paid by the owner within thirty days after the owner is provided with written notice of such expenses. If payment is not made within the said thirty day period, the expense in question shall become a lien upon the said lot until paid, which lien shall have priority as of the date of recording of a notice thereof in the public records of Brevard county; provided, however, such lien shall not be superior to the lien for county taxes of the lien for the Recreation District's assessments and maintenance fees. The sum so due to the Recreation District may be collected by either an action of law, or the Recreation District shall have the right at its discretion to proceed to foreclose the above -described lien. In the event of such litigation, the Recreation District shall have the right to recover the costs thereof including a reasonable attorney's fee.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 134 Lot # 17

935 ORIOLE CIRCLE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Unapproved items/Debris must be removed.

DATE OF VIOLATION FIRST OBSERVED: Aug 15, 2022

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

September 08, 2022 via First Class

September 23, 2022 via Certified return receipt requested.

January 12, 2023 via Posted Notice.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: January 20, 2023

Deed of Restrictions Staff

January 12, 2023



935 Oriole Cir. Unapproved items/Debris must be removed.
01/09/2023



935 Oriole Cir. Unapproved items/Debris must be removed.
11/21/2022

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
NOTICE OF HEARING
OF
BOARD OF TRUSTEES**

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **01:00 PM** on **January 24, 2023** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding of Fact and Recommended Order issued by the Violations Committee. The owner may not present new or additional evidence, but shall be given an opportunity to be heard. If the Board of Trustees concurs with the Violation Committee that a violation has been established, the Board of Trustees shall have the authority to bring an action for injunctive or other appropriate legal or equitable relief in a court of competent jurisdiction in Brevard County, Florida to remedy the violation. If the Board of Trustees brings any such legal action to enforce the Deed of Restrictions and is deemed to be the prevailing party in such action, the Board of Trustees shall be entitled to an award of attorney's fees and court costs incident to bringing such action.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (FS 286.0105).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

January 12, 2023

Deed of Restrictions STAFF

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-002425

#0253 / 22-002425

WHITE, PAUL,

935 ORIOLE CIRCLE

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 935 ORIOLE CIRCLE
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Mary Barry for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, certified with electronic delivery confirmation, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20____.



Mary Barry, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Mary Barry, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large

Board of Trustees Meeting Agenda Memo

Date: Tuesday, January 24, 2023
Title: **DOR Violation 22-001789 902 SPRUCE STREET**
Section & Item: 11.D.iv
Department: Resident Relations
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, Kent Cichon,
Community Manager
Attachments: 22-001789 Statement of Violation
Reviewed by General
Counsel: No
Approved by: Kent Cichon, Community Manager



Requested Action by BOT

Review violation and referral to General Counsel.

Background and Summary Information

Article III, Section 7 Vehicle Repairs. Case opened 6/13/2022. Nineteen inspections have been performed on this property. Seventeen photos have been taken. Staff has executed an Affidavit of Notice and a Statement of violation has been sent with a photo. The property is under social membership suspension. The property was found in violation by the Violations Committee on August 12, 2022. The respondent was notified by first-class mail and certified mail.

Staff recommends that the BOT refer this violation to General Counsel for legal action, equitable or other appropriate action with failure to comply. If the BOT brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents' account and shall constitute a lien.

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-001789

#0593/ 22-001789

DOUGLAS, SANDRA J TRUSTEE

9130 CENTRAL AVE

MICCO, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

- **ARTICLE III, SECT. 7 Vehicle Repairs**

No major repair or overhaul of any motorized vehicle shall be performed on any Lot, roadway, driveway or common area within Barefoot Bay. Minor repairs requiring less than eight hours of work and washing or polishing of any vehicle is permitted at a residence.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 3 Lot # 33

902 SPRUCE STREET

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Vehicle repairs taking longer than 8 hours are prohibited.

DATE OF VIOLATION FIRST OBSERVED: Jun 13, 2022

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

June 13, 2022 via First Class

August 12, 2022 via Certified return receipt requested.

January 12, 2023 via Posted Notice.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: January 20, 2023

Deed of Restrictions Staff

January 12, 2023



902 Spruce Vehicle repairs taking longer than 8 hours are prohibited.

01/12/2023



902 Spruce Vehicle repairs taking longer than 8 hours are prohibited.

01/04/2023

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
NOTICE OF HEARING
OF
BOARD OF TRUSTEES**

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **01:00 PM** on **January 24, 2023** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding of Fact and Recommended Order issued by the Violations Committee. The owner may not present new or additional evidence, but shall be given an opportunity to be heard. If the Board of Trustees concurs with the Violation Committee that a violation has been established, the Board of Trustees shall have the authority to bring an action for injunctive or other appropriate legal or equitable relief in a court of competent jurisdiction in Brevard County, Florida to remedy the violation. If the Board of Trustees brings any such legal action to enforce the Deed of Restrictions and is deemed to be the prevailing party in such action, the Board of Trustees shall be entitled to an award of attorney's fees and court costs incident to bringing such action.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (FS 286.0105).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

January 12, 2023

Deed of Restrictions STAFF

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-001789

#0593 / 22-001789
DOUGLAS, SANDRA J TRUSTEE,
9130 CENTRAL AVE
MICCO, FL 32976

Respondent(s),

**RE: 902 SPRUCE STREET
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer James Trevelino for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, certified with electronic delivery confirmation, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20____.



James Trevelino, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by James Trevelino, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large

Board of Trustees Meeting Agenda Memo

Date: Tuesday, January 24, 2023
Title: **DOR Violation 22-001607 908 HEMLOCK STREET**
Section & Item: 11.D.v
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, Kent Cichon,
Community Manager
Attachments: 22-001607 Statement of Violation
Reviewed by General
Counsel: No
Approved by: Kent Cichon, Community Manager



Requested Action by BOT

Review violation and referral to General Counsel.

Background and Summary Information

Article III, Section 2 (C) (D) Condition of Prop. (C) Unauthorized Items. Case opened 5/24/2022. Thirteen inspections have been performed on this property. Twenty two photos have been taken. Staff has executed an Affidavit of Notice and a Statement of violation has been sent with a photo. The property is under social membership suspension. The property was found in violation by the Violations Committee on July 8, 2022. The respondent was notified by first-class mail and certified mail.

Staff recommends that the BOT refer this violation to General Counsel for legal action, equitable or other appropriate action with failure to comply. If the BOT brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents' account and shall constitute a lien.

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-001607

#3805/ 22-001607

LANGMAID, EILEEN

908 HEMLOCK ST

BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

- **ARTICLE III, SECT. 2 (C) (D) Condition of Prop. (C) Unauthorized items**

(C) The lawn, landscaped areas, driveways and carports on each lot shall be kept free of all items of personal property except for customary outdoor items such as exterior patio or porch furniture, golf carts, vehicles, and barbecue grills. The intent of this requirement is to prohibit the accumulation and/or storage of items such as indoor furniture, automotive parts, cartons, boxes, debris and similar property which causes an unsightly appearance or nuisance if left on or about the exterior of a home.

(D) In the event that any lawn, landscaped areas, driveway, carport or home is not maintained in compliance with the requirements of Section 2, Section 10, or Section 11 of Article III, the Recreation District shall have the right to enter upon the lot and take any action reasonably necessary to cause the home and lot to come into compliance with the requirement of subsections (A), (B), (C) of Section 2, Section 10, or Section 11 of Article III. The expense of such action shall be billed by the Recreation District to the owner, shall be a personal obligation of the owner, and shall be paid by the owner within thirty days after the owner is provided with written notice of such expenses. If payment is not made within the said thirty day period, the expense in question shall become a lien upon the said lot until paid, which lien shall have priority as of the date of recording of a notice thereof in the public records of Brevard county; provided, however, such lien shall not be superior to the lien for county taxes of the lien for the Recreation District's assessments and maintenance fees. The sum so due to the Recreation District may be collected by either an action of law, or the Recreation District shall have the right at its discretion to proceed to foreclose the above -described lien. In the event of such litigation, the Recreation District shall have the right to recover the costs thereof including a reasonable attorney's fee.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 6 Lot # 25

908 HEMLOCK STREET

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Unapproved items/Debris, Must be removed. Yard waste, hurricane shutters, all non-customary outdoor furniture must be removed.

DATE OF VIOLATION FIRST OBSERVED: May 24, 2022

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

May 24, 2022 via First Class

July 08, 2022 via Certified return receipt requested.

January 12, 2023 via Posted Notice.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: January 20, 2023

Deed of Restrictions Staff

January 12, 2023



908 Hemlock Unapproved items/Debris, Must be removed.
01/12/2023



908 Hemlock Unapproved items/Debris, Must be removed.
12/27/2022

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
NOTICE OF HEARING
OF
BOARD OF TRUSTEES**

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **01:00 PM** on **January 24, 2023** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding of Fact and Recommended Order issued by the Violations Committee. The owner may not present new or additional evidence, but shall be given an opportunity to be heard. If the Board of Trustees concurs with the Violation Committee that a violation has been established, the Board of Trustees shall have the authority to bring an action for injunctive or other appropriate legal or equitable relief in a court of competent jurisdiction in Brevard County, Florida to remedy the violation. If the Board of Trustees brings any such legal action to enforce the Deed of Restrictions and is deemed to be the prevailing party in such action, the Board of Trustees shall be entitled to an award of attorney's fees and court costs incident to bringing such action.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (FS 286.0105).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

January 12, 2023

Deed of Restrictions STAFF

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-001607

#3805 / 22-001607

LANGMAID, EILEEN,

908 HEMLOCK ST

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 908 HEMLOCK STREET
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer James Trevelino for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, certified with electronic delivery confirmation, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 20____, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20____.



James Trevelino, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by James Trevelino, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large



Barefoot Bay Recreation District

625 Barefoot Boulevard
Administration Building
Barefoot Bay, FL 32976-9233

Phone 772-664-3141
www.bbrd.org

Memo To: Board of Trustees

From: Kent A. Cichon, Community Manager

Date: January 24, 2023

Subject: Manager's Report

Finance

Assessment received – 79.24% collected or \$3,336,009. Balance to collect \$874,032.

Resident Relations

ARCC Meeting 1/3/23

- 1 Old Permit - approved
- 7 Consent Permits - approved
- 28 Other Permits - approved

VC Meeting 1/13/23

- 18 Cases – came into compliance prior to the meeting
- 4 Cases – DOR is working with the homeowners
- 17 Cases – found to be in violation

Food & Beverage

- Tickets go on sale for the Bella Donna Project, a NINE PIECE Stevie Nicks/Fleetwood Mack Tribute on Tuesday, February 1st at 9:30am in Building A. There are some tickets available for the Divas and Frankie Valli shows. Call the Administration office at 772-664-3141 x222 for ticket availability.
- A Valentines evening for everyone is planned for February 14th in Building A. There will be two seatings available, one at 4:30pm and one at 6:30pm. There is a variety of seating options for couples, friends, and singles. Tickets are on sale from 4-5pm on Thursdays in Building A and you may also call 772-664-3141 x222. Paradise Planners is styling the event, Simply Sarah will sing her heart out, Food and Beverage is preparing a price inclusive 4-course meal, and the bartenders will be making special craft cocktails all to create a fabulous experience on this

Food & Beverage (continued)

special night. The best part is that the event benefits Joe's Club located here in the Bay to help purchase needed chairs in their facility.

- St. Paddy's Day full day in the Bay is March 17th. A parade, ceremony, including a Blessing of the Bay, a bag piper show, and all-day music and food is planned in Building A and lakeside complex. Tickets for the buffet style dinner and corned beef sandwiches will go on sale at the 19th Hole, the Lounge, and Administration Building starting February 15th.

Flyers with all the details are posted.

Property Services

- Worked on the heating systems for Pools #1 & #2
- Reviewed engineering plans for the Pool #1 Pit and Heater Relocation Project

Golf-Pro Shop

- A new golf course maintenance provider, Brightview Golf Maintenance, is scheduled to begin services this April. Brightview will also be providing various services for the softball field and lawn bowling facility as well.