



**BAREFOOT BAY
RECREATION DISTRICT**

Barefoot Bay Recreation District Regular Meeting
May 11, 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. Budget Workshop minutes dated April 20, 2023 and regular BOT minutes dated April 25, 2023
- 8. Treasurer's Report**
 - A. Treasurer's Report
- 9. Audience Participation**
- 10. Unfinished Business**
 - A. Discussion of BOT Rules Amendment - Conflict of Interest
- 11. New Business**
 - A. Selection of a Qualified Elector to Fill the Unexpired Term of Trustee Lynn Tummolo
 - B. Amending the Budget: Pool #1 Resurfacing Project
 - C. DOR Violations
 - i. DOR Violation 20-001712 453 Egret Circle
 - ii. DOR Violation 23-000104 907 Hemlock Street
 - iii. DOR Violation 22-001591 900 Hawthorn Circle
 - iv. DOR Violation 22-002059 720 Hyacinth Circle
 - v. DOR Violation 22-001452 720 Hyacinth Circle
 - vi. DOR Violation 21-002472 900 Hawthorn Circle
- 12. Manager's Report**
 - A. May 11, 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 Workshop
Thursday April 20, 2023, 9AM
Building D&E**

Meeting Called to Order

The Barefoot Bay Recreation District Board of Trustees held a Meeting on April 20, 2023, Building D&E 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Amoss called the meeting to order at 9AM.

Pledge of Allegiance to the Flag

Led by Mr. Brinker.

Thought for the Day

We cannot become what we need to be by remaining what we are. -Max DePree.

Roll Call

Present: Mr. Amoss, Mr. Brinker, Mr. Grunow, Mr. Klosky, and Ms. Tummolo. Also, present, Kent Cichon, Community Manager, Richard Armington, Resident Relations Manager, Charles Henley, Finance Manager, Kathy Mendes, Food and Beverage Manager, and Cindy Mihalick, Administrative Assistant to the District Clerk.

Audience Participation

None

Review of Proposed FY24-28 Budget

Mr. Cichon read Mr. Brinker's statement:

The Catering Coordinator will work in special events. Special events in FY23 showed a \$60,366 profit, but adding a full-time employee position, it drops to a \$(22,095) loss. We cannot make this position full time. Music and Entertainment: In the Property Services' budget in FY22 budget was at \$108,192. Actual use was \$115,961, about \$8,000 under budget. FY23 budget \$112,992. Year to date 70 percent of that budget has been spent with 6 months left. For FY2024 we cannot allow this line item to be more than \$100,000. All of this information is from the FY23 approved budget, and also monthly statements of revenues and expenditures and FY24 proposed budget.

Mr. Klosky agreed with Mr. Brinker's statement. The BOT discussed the budget items mentioned in Mr. Brinker's statement.



BAREFOOT BAY RECREATION DISTRICT

Mr. Klosky asked about the overage in overtime for Food & Beverage. Kathy Mendes advised that the department has been operating without a catering coordinator. The existing staff is needed to fill in for staff shortages. Mr. Klosky also inquired about why music is listed in both Food & Beverage and Property Services. Kathy Mendes explained that music lakeside is listed in the budget for Property Services and in the FY23 music in Food & Beverage is budgeted exclusively for ticketed events. It is very popular and drives sales revenue. Mr. Cichon advised that it was a previous board decision to move lakeside music to the Property Services Department budget.

Mr. Klosky spoke in favor of eliminating the Management Analyst position. Mr. Cichon explained the functions of the position would be used for social media, the Peek at the Week, filling in for staff shortages at the customer service desk and the Golf Pro Shop. The position will also complete analysis to determine if funds are being used appropriately, efficiently, and effectively, marketing, and assistance with the budget and writing grants.

BOT consensus that the position should remain in the budget. Mr. Klosky and Mr. Brinker dissented.

Mr. Brinker spoke in favor of reducing the music budget to a total of \$100,000. Kathy Mendes advised that a reduction in music expenditure would result in a reduction in revenue. The entertainment has successful turnouts and band fees are covered by revenue received during the event. Mr. Amoss suggested implementing an increase in the cost of beverages while the band is playing. Kathy Mendes agreed that an increase could be explored along with the possibility of a gate fee when higher cost bands are playing, but the BOT agreed that it would be difficult to determine which residents would be present for the music or use of Pool #1.

Mr. Klosky asked why the Street Dance takes place every Sunday. Kathy Mendes explained that the Street Dance is every week May-December and is held twice monthly off-season and low-cost bands are hired in the summer. Concerns were expressed about music on Thursdays and Saturdays at the 19th Hole and whether it is appropriate to have entertainment in two or three locations on the same night. Kathy Mendes stated that the 19th Hole Saturday entertainment shut down in March and Thursday music is 4:30-7:30pm and both events are highly successful. On the night where the three events took place there was an additional ticketed event in Building A and all expenses were covered.

Mr. Brinker spoke in favor of moving the music category from Property Services back to Food & Beverage. Mr. Amoss suggested postponing the action until the FY25 budget and addressing it at a future BOT meeting.



BAREFOOT BAY RECREATION DISTRICT

Mr. Cichon advised the BOT that the FY24 Proposed Budget includes \$150,000 for a FRDAP Grant, which can be used to improve conditions on the two greens #13 and #7 or reconstruct the tee boxes or picnic area. Staff received a document from Brightview about bringing the greens back to proper playing condition. Feedback received is that they will be able to improve conditions of the greens, but recommendation is to provide capital investment utilizing the grant. Core samples will be done by Brightview at BBRD's cost. Option one is to remove the top level of soil about six inches and resodding it. Option two is reconstructing green and creating a system that meets USGA standards, which will take longer and cost more money than option one.

Consensus of the BOT to leave the FRDAP Grant in the FY24 Budget.

Softball Field

There is also a FRDAP grant of \$50,000 for the softball field. The grant will be used for the tall fencing in the outfield and construct canopy over the bleachers, and possibly some type of irrigation for the infield.

Mr. Cichon reminded the BOT that it was decided at a previous meeting that lawn bowling will be seeded as usual.

The BOT reviewed the spreadsheet for the projects kept on the list for consideration by consensus at the prior budget workshops which totals \$263,930.

Golf Course Pond Fountains

Staff researched the cost, and it would be approximately \$9,000 to have a fountain purchased and installed, depending on features. Mr. Cichon suggested budgeting an amount in the FY24 budget and having the topic placed on the agenda for a BOT meeting to consider options and actual cost in the future.

Mr. Brinker informed the BOT that he would like the \$37,000 line item for lightning detection system, and line items for basketball court and pond fountain deferred from the budget to save \$146,000.

Part Time Monitor for Pool Area

The monitor would be located primarily at Pool #1 during entertainment looking for alcohol brought in from outside the district, which is not allowed. The pool hosts currently monitor as people come through the gates.

Reconstruction of Basketball Court

Property Services researched a more accurate cost and determined the range would be \$70,000-100,000 needed to redo the BBRD basketball amenity.



BAREFOOT BAY RECREATION DISTRICT

Replacement Canopies

The replacement canopies for FY24 will cost \$11,130, which includes two on the west side of the lounge. Property Services will be doing some patchwork in the meantime. Staff will also obtain quotes next week to replace the 19th Hole canopy. The cost is expected to be under \$5,000.

19th Hole Wrapping

A \$3,300 estimate is based on the outside cooler installed for the kitchen at the 19th Hole. This would alleviate putting up a fence or tall landscaping.

The BOT discussed the projects for elimination from the \$180,000 budget.

Mr. Amoss spoke in favor of the 19th Hole wrapping should remaining in the budget.

Mr. Amoss suggested that the basketball court be deferred to next year and staff investigate the possibility of obtaining a grant.

Mr. Amoss spoke in favor of the golf fountains being included, as Brightview has recommended aerating the ponds will help maintain the integrity of the course. He spoke in favor of the lightning detecting warning system should remaining in the FY24 budget.

Mr. Klosky spoke in favor of the basketball court and golf course pond fountains being deferred.

Ms. Tummolo spoke in favor the basketball amenity being placed on the deferred list and staff research any possible grants to complete the project.

Mr. Grunow spoke in favor of keeping the lightning detection and deferring the basketball court to search for grant.

Mr. Brinker spoke in favor of deferring the basketball court as well as the golf course fountains.

Consensus of the BOT for the golf course pond fountains to remain in the budget at the amount of \$9,000 and to defer the basketball court project.

Catering Coordinator

Mr. Grunow and Mr. Amoss voted to leave the Catering Coordinator as a full-time position as stated in the FY24 budget. Mr. Brinker and Mr. Klosky agreed that the position should remain part-time. Position to remain full-time.



BAREFOOT BAY RECREATION DISTRICT

Fees and Charges for Resident Relations

Staff proposed revisions to fees in the 3/21/23 budget workshop and the spreadsheet was revised with changes requested by the BOT.

Consensus of the BOT to increase Resident Relations fees effective October 1, 2023, as shown on column F on the spreadsheet.

The non-resident pass has been removed and is under review by legal counsel regarding language in the FRDAP grants allowing the public to use facilities. The BOT may need to reconsider the non-resident pass fee once legal opinion has been rendered.

Golf Pro Shop Fees

Staff proposed revisions to fees in the 3/21/23 budget workshop and the spreadsheet was revised with changes requested by the BOT.

Consensus of the BOT to increase fees to Golf and Pro Shop with the change on rows 12-15 on the spreadsheet to read Resident/Long Term Renter. A long-term renter may renew 12 months after the initial membership.

Mr. Cichon advised the BOT that there have been some recent unexpected expenditures. The increased cost for Civic Services for FY24 is \$940. There are issues with the phone system and staff are researching making possible changes which include new hardware and providers. The cost on the high side is \$6,000 along with an increase of \$1,200 for service annually for FY25. The amount between Golf and Resident Relations spreadsheets is approximately \$4,000. Mr. Cichon would like to use the \$4,000 toward the \$8,400 in unexpected expenditures, and then utilize some of the balance of \$16,070 from the BOT priority projects to cover the rest. Another option would be to utilize the \$100,000 in capital reserves to cover the phone system costs.

Consensus of the BOT to use the adjustments as proposed on the spreadsheets to cover additional expenditures and not use capital reserves.

Mr. Cichon updated the BOT on additional recent expenditures. Family Pools will begin working on Pool #2 repairs during the week of April 24th. The proposed cost is \$9,800. This item was placed on the agenda as confirmation of the use of the purchasing policy being utilized to ensure that the BOT is informed and can give redirection if needed.

The drainage line from Building A is damaged, which is impacting the kitchen and bathrooms. Because the pipe material is terra cotta, the best option is to abandon the line and replace it at a cost of \$7,000.



BAREFOOT BAY RECREATION DISTRICT

The BOT will authorize the proposed budget mailout at the May 23, 2023, regularly scheduled BOT meeting and the June 6, 2023, the proposed budget will be mailed to residents on June 6, 2023. The public hearing date is June 27, 2023, along with budget adoption.

The BOT discussed updating the Policy Manual outline on which fees would be implemented July 1 and October 1 each year. Resident Relation fees to be updated effective July 1. DOR fees are updated by resolution at a regularly scheduled BOT meeting. Mr. Amoss suggested golf fees stay at renewal at fiscal year. The effective date for updating fees does not impact assessment fees.

The BOT considered whether sales tax should be considered with each transaction. Currently, some of the fees have sales tax built-in and other fees require additional sales tax collection.

Consensus of the BOT to leave the collection of sales taxes for fees as is.

Consensus of the BOT to approve the FY24 budget.

Additional Comments

None

Adjournment

Mr. Amoss adjourned.

Meeting adjourned 11:30 am.

Jeff Grunow, Secretary

Stephanie Brown, District Clerk

BAREFOOT BAY RECREATION DISTRICT



Board of Trustees Regular Meeting

April 25, 2023

1PM –Building D&E

Meeting Called to Order

The Barefoot Bay Recreation District Board of Trustees held a Meeting on April 25, 2023, Building D&E 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Amoss called the meeting to order at 1PM.

Thought for the Day

True prayer is a way of life, not just for use in cases of emergency. Make it a habit, and when the need arises you will be in practice. -Billy Graham

Pledge of Allegiance to the Flag

Led by Mr. Cichon.

Roll Call

Present: Mr. Grunow, Mr. Amoss, Mr. Brinker, Mr. Klosky, Ms. Tummolo. Also present, Kent Cichon, Community Manager, Cindy Mihalick, Administrative Assistant to the District Clerk, Garrett Olsen, General Counsel, Rich Armington, Resident Relations/HR Manager, Matt Goetz, Property Services Manager, Kathy Mendes, Food and Beverage Manager and Charles Henley, Finance Manager.

Additions or Deletions to the Agenda

Mr. Cichon requested agenda item 11D (Exceptions to Competition and Emergency Purchases (1) Camera System Server (2) Pool #2 Leak) be added to the agenda.

Chairman Amoss requested agenda item 11E (Discussion of Trustees Responsibilities) be added to the agenda.

Approval of the Agenda

Mr. Grunow made a motion to approve the agenda with the addition of item 11D and 11E. Second by Mr. Brinker. Motion passed unanimously.

BAREFOOT BAY RECREATION DISTRICT



Presentations and Proclamation

The National Day of Prayer Proclamation was presented to Lynne Kahl. Ms. Kahl invited the public to participate in the National Day of Prayer that will take place on Thursday, May 4, 2023, Under the Oaks.

Approval of Minutes

Budget workshop minutes dated March 16, 2023, March 21, 2023, regular BOT minutes dated March 28, 2023, and Townhall minutes dated April 4, 2023, were approved as submitted.

Treasurer's Report

Mr. Brinker submitted the Treasurer's Report for April 25, 2023, approved as written.

Audience Participation

Tony Biondolillo-1000 Barefoot Circle – spoke in favor of creating a dedicated field person position to maintain the field at the softball complex.

Joe Drosey -1029 Royal Palm Drive-questioned why the liability issue of the softball players using equipment to maintain the field is any different than renting golf carts at the golf course. He also requested the decision reconsidered regarding the players maintaining the field.

Stan Bryant-1068 Wren Circle-questioned why there is suddenly an issue with the two players maintaining the fields needing to have liability insurance and be covered by workers compensation. He stated the courtesy cart is a bigger liability than the players using the equipment. He would like to see control of the field returned to the players.

Elaine Van Berschot-1090 Parkway Lane-stated that BBRD does not have the knowledge to take care of the softball field. She requested the BOT consider ways of solving the problem with the softball field.

Unfinished Business

None.

BAREFOOT BAY RECREATION DISTRICT



Acceptance of Donation Request

Staff recommends the BOT accept the donation in the amount of \$1846.86 from Ms. Scarfo for a memorial bench near the pickleball courts.

Mr. Klosky made a motion to accept the donation in the amount of \$1846.86 from Ms. Scarfo for a memorial bench near the pickleball courts. Second by Mr. Brinker. Motion passed unanimously.

New Business

Discussion of Prohibition Against Nepotism (Employee Handbook), Conflict of Interest (Rules of the BOT Article VII section 2)

This discussion was requested by Trustee Grunow to be added to the agenda, due to the difficulty hiring within the District. He stated he heard that this may be in part due to the nepotism policy. Mr. Cichon read the policy from the employee handbook and Rules of Trustees Article VII Section 2. Staff requests direction.

Mr. Olsen advised that other municipalities usually abide by Chapter 112 requirements which prohibits the trustees from advocating on behalf of a relative. Mr. Olsen stated a Rule of Trustees would govern conduct and suggested that he work with board members individually to draft a policy for further direction. He also reminded the BOT that it doesn't have the authority to hire and fire so that gives the required buffer eliminating the possibility of nepotism.

Consensus of the BOT to task Attorney Olsen with drafting a Rule of Trustees for nepotism that the BOT will consider at a future regular meeting.

Pool #1 Designated Smoking Area

Staff were directed to investigate alternate areas where smoking could be permitted. Mr. Cichon displayed an aerial map with three possible areas to relocate smoking area labeled Areas A and B and maintain existing Area 2. Tables and umbrellas will be added to Areas A and B; Area 2 has existing picnic tables. Staff recommends the BOT designate two smoking sections for the Pool #1 area.

Ms. Tummolo felt it was a long walk to the area behind Building A when there is lakeside music. Chairman Amoss suggested an alternative smoking location could be under the side canopy on the side of Building A leaving a

BAREFOOT BAY RECREATION DISTRICT



small portion of Area 3. Mr. Olsen will review regulations in reference to smoking near doorways and give direction to staff.

Consensus of the BOT is to revisit the topic of relocating smoking areas with the up-to-date information from Attorney Olsen at the next regular meeting.

Revised ARCC Guidelines

Review ARCC promulgated guidelines revised by the ARCC and approved by a majority of the ARCC on April 11, 2023.

Consensus of the BOT to acknowledge receipt of the revised ARCC guidelines.

Exceptions to Competition and Emergency Purchases (1) Camera System Server (2) Pool #2 Leak

Mr. Cichon advised the BOT that the server for the camera system became inoperable and required replacement. The contract for repairs will be placed on the agenda for the next regularly scheduled meeting of the Board of Trustees for confirmation.

Pool #2 began requiring an abnormal amount of water. American Leak Detection detected leak and marked its location. Family Pools verifying leak and repairing leak. The location of the leak has been determined to not be the problem and a second hole in the pool deck may be required. Another leak detection company recommended by Family Pools will be attempting to locate the leak. Pool #2 will remain closed until the leak is detected and fixed, which puts the project at Pool #1 on hold.

Mr. Klosky made a motion to confirm the emergency purchases of the camera system server and leak repair for Pool #2. Second Mr. Brinker. Motion passed unanimously.

Discussion of Trustees Responsibilities

Chairman Amoss advised that the job of the BOT is to take care of the money of Barefoot Bay Recreation District. Also, the BOT's job is to set rules in manuals and set fees for the facilities. Chairman Amoss stated that trustees do not run BBRD, that job falls to the Community Manager and staff. The BOT as a group, during public meetings provide direction to the Community Manager. Individual trustees may discuss issues with the Community Manager in private but not give specific direction, including the operations of individual departments and

BAREFOOT BAY RECREATION DISTRICT



management of employees. The BOT has control over the BBRD Attorney, Community Manager and Management Analyst. Trustees cannot tell a department manager what positions they can create.

Manager's Report

Finance

Assessment received – 87.11% collected or \$3,667,189. Balance to collect \$542,852.

Resident Relations

ARCC Meeting 3/28/23

- 1 Old Business – approved
- 29 Consent Permits – approved
- 7 Other Permits – approved

ARCC Meeting 4/11/23

- 2 Old Business – approved
- 26 Consent Permits – 25 approved, 1 denied
- 15 Other Permits – 14 approved, 1 tabled

VC Meeting 3/24/23

- 2 Cases – came into compliance prior to the meeting
- 3 Cases – DOR is working with the homeowner
- 9 Cases – found to be in violation

VC Meeting 4/14/23

- 27 Cases – to be presented

Food & Beverage

- Cinco de Mayo is on Friday, May 5th with Allen Wronko! A Mexican buffet will be held lake side from 5-8pm with tacos, stuffed jalapenos, taco salad bowl, shrimp quesadillas, refried beans, cilantro lime rice, southwest black bean and corn salad, and all the fixin's. Allen Wronko will rock the lake from 7-10:30pm.

BAREFOOT BAY RECREATION DISTRICT



Food & Beverage (continued)

- A Mother's Day brunch buffet will be held lake side of the Lounge from 10:30am - 1pm on Sunday, May 14th. Royal Ink duo entertains from 10:30am - 12:30pm with songs you know by heart with a reggae twist, and The Kore will perform from 2 - 6pm for a great day whether you're a mom or not!

Tickets on sale for both events at the Lounge, the 19th Hole, and Administration.

Flyers with all the details are posted.

Property Services

- Pool #2
 - Worked with Family Pools to diagnose a possible leak and coordinate a repair solution
 - Repaired a broken light
- Continued the installation of permanent anchor umbrella stands
- Continued to fabricate more posts to replace all of the rope fences
- Continued to replace rotten white poles
- Continued to work with Big 5 Construction to obtain permits for the Beach Restroom project
- Repaired a broken water line over the shower in the Lounge
- Repaired the fence mounted conduit at the RV lots
- Repaired a broken fence at the Golf work site
- Addressed all current landscape DOR violations
- Addressed some areas of concern at the East Lake path
- Maintained the walking trail at 625 Barefoot Blvd.
- Investigated issues with the Beach lock
- Inspected all BBRD fire extinguishers
- Softball Field
 - Excavated a buried irrigation head
 - Began to repair/install irrigation

Golf-Pro Shop

- Golf Clinics by Bill Balash
 - Short Game: Tuesday, April 25th from 1 – 2pm for BBGC Non-League Golfers
 - Bunker: Wednesday, April 26th from 1 – 2pm for 18 Hole Ladies League

BAREFOOT BAY RECREATION DISTRICT



- The leagues may use Golf Genius to send invitations and gather RSVP's to streamline the sign-up process
 - Contact Pro Shop for questions 772-664-3174
- 2023 Jr. Golf Camp
 - Grant application submitted
 - Dates TBD
- RFP for Golf Cart Fleet
 - Documents are under development
 - Current lease ends December 23, 2023
- Brightview Golf Maintenance
 - Began on April 17th
 - Golf Course Aerification dates will be determined in coordination with Brightview

Mr. Brinker advised residents and members of bands should not touch the weather panels. The panels should only be rolled up or put down by employees.

Mr. Amoss reported that the golf clinics were well received by many golfers.

BAREFOOT BAY RECREATION DISTRICT



Attorney's Report

Mr. Olsen stated that he enjoyed giving a Sunshine Law presentation at the Violations Committee meeting on April 14, 2023. He also advised that he is working on getting a default hearing for 401 Osprey Drive. Mr. Olsen is also working with Resident Relations about potentially moving forward on some foreclosures on properties that are vacant. He will bring the topic back to a future BOT Meeting for direction.

Incidental Trustee Remarks

Ms. Tummolo thanked everyone for being kind and respectful to her. She stated that the community is lucky to have a dedicated community manager and staff. She also stated that Barefoot Bay is a great community and hopes her replacement loves Barefoot Bay as much as she does.

Mr. Grunow thanked Ms. Tummolo for her service. He also thanked staff for work done on the project to relocate smoking at Pool #1.

Mr. Klosky thanked Ms. Tummolo for her four months of service.

Chairman Amoss thanked Ms. Tummolo for her service. He stated it was great to see some of the candidates in the audience. He reminded the BOT that they will be appointing a trustee at the next meeting and asked them to keep an open mind and make sure they are ready to go.

Adjournment

The next regular meeting will be on May 11, 2023, at 1pm in Building D/E.

Mr. Amoss adjourned.

Meeting adjourned at 2:21 pm.

Jeff Grunow, Secretary

Stephanie Brown, District Clerk

Barefoot Bay Recreation District

Treasurer's Report

May 11, 2023

Cash and Investments Balances in General Fund as of 5/1/23

Petty Cash Total Petty Cash: \$ 2,500.00

Non Interest Bearing Accounts

MB&T Operating Account \$ 327,301.59

Interest Bearing Accounts

MB&T Money Market Account \$ 2,287,771.45

Valley National Bank 50,027.23

FL Class 205,854.90

SBA Reserve Account 720,914.14

Investment Accounts

FL Trust - Short Term Bond Fund \$ 109,292.89

Total Cash Balances in General Fund:

\$ 3,653,634.97

Total Daily Deposits and Assessments Received for 4/15/23 - 5/1/23

Daily Deposits: \$ 118,778.25

Assessments Received: -

Total Deposits Received: \$ 118,778.25

Expenditures for 4/15/23 - 5/1/23

Check Number	Vendor	Description	Check Amount
45033	Florida Department of Revenue	Sales Tax	25,257.80
45037	Florida Blue	Employee Health Insurance	34,000.96
45037	Home Depot Credit Services	Building and Grounds Supplies	5,224.17
45037	Maxwell & Son, Inc	Plumbing for Outside Bar	5,550.00
45037	Special District Services, Inc	Management Fee	14,422.46
45037	US Foods	Food Stuff & Paper Supplies	8,710.58
45044	Florida Power & Light Co	Electricity	10,513.89
45044	US Foods	Food Stuff & Paper Supplies	6,171.98
	Paychex	Net Payroll PPE 230423	75,842.47
	US Department of Treasury	Payroll Tax PPE 230423	21,850.19

Total Expenditures \$5,000 and above:

207,544.50

Expenditures under \$5,000:

49,712.11

Total Expenditures:

\$ 257,256.61

Board of Trustees

Meeting Agenda Memo

Date: Thursday, May 11, 2023
Title: **Discussion of BOT Rules Amendment - Conflict of Interest**
Section & Item: 10.A
Department: Administration, District Clerk
Fiscal Impact: N/A
Contact: Garrett Olsen, General Counsel
Attachments: Ethics Example
Reviewed by General Counsel: Yes
Approved by: Kent Cichon, Community Manager



Requested Action by BOT

Review and discuss the proposed amendment to the BOT Rules relating to conflicts of interest and give further direction to staff.

Background and Summary Information

The below example is one possible way to implement the policy changes discussed by the BOT relating to conflicts of interest.

The General Counsel recommends that the Board of Trustees give direction to staff regarding the language of an amendment, if any, to the BOT Rules relating to conflicts of interest.

EXAMPLE

ARTICLE VII

CONFLICT OF INTEREST

Section 1

“A code of ethics for all state employees and non-judicial officers prohibiting conflict between public duty and private interest shall be prescribed by law.” (Article III, Sec. 18, Fla. Const.) This mandated Code of Ethics is found in Chapter 112 (Part III) of the Florida Statutes.

Section 2

~~Immediate family members of a Trustee shall be prohibited from formal employment or serving in a volunteer capacity (i.e. Golf Pro Shop Player Assistants, Courtesy Golf Cart Drivers, etc.) with the District during the term(s) of service of said Trustee. This prohibition shall begin upon the post election or post appointment formal commencement of the term of the Trustee. Any family members of a Trustee classified as a current employee (whether working or on approved leave) as of August 9, 2019 will be exempt from this prohibition until the employee separates employment. Immediate family members falling within this prohibition shall be eligible for reemployment with District upon the expiration of the term(s) of the Trustee to which they are related. For purposes of this prohibition, “immediate family member” is defined as one of the following: spouse or significant other, parent/step parent, child/step child, grandparent, grandchild, brother/brother-in-law, sister/sister-in-law, uncle, aunt, nephew, niece, first cousin, in-laws (father, mother, son, daughter).~~

Relatives of currently serving Trustees may be formally employed by the District or serve in a volunteer capacity so long as the District continues to vest management authority (the authority to hire, fire, and promote BBRD employees) with the District Manager. Relatives of currently serving Trustees may not serve as the District Manager or as the General Counsel. The term “relative” shall include a Trustee’s father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Trustees are prohibited from appointing, employing, promoting, or advancing a relative, or advocating for the appointment, employment, promotion, or advancement of a relative. This provision does not prohibit a Trustee from approving a budget that appropriates District funds to a relative within a predetermined pay range. This provision does not apply to cost-of-living adjustments (COLA).

A Trustee who violates this Section may be verbally reprimanded by the Board of Trustees after a first violation. Any relative who is the subject of a violation of this Section may not be employed, promoted, advanced, or appointed in any official or volunteer capacity so long as the offending Trustee is serving in office. Second and subsequent violations of this Section are subject to additional and escalating penalties.

The provisions of Ch. 112, Florida Statutes, shall control in the event of a conflict with the provisions of this Section.

Board of Trustees Meeting Agenda Memo

Date: Thursday, May 11, 2023

Title: **Selection of a Qualified Elector to Fill the Unexpired Term of Trustee Lynn Tummolo**

Section & Item: 11.A

Item:

Department: Administration, District Clerk

Fiscal: N/A

Impact:

Contact: Kent Cichon, Community Manager, Stephanie Brown, District Clerk

Attachments : 04.05.2023 Deidra Sunter, 04.05.2023 Luann Henderson, 04.06.2023 Ann Hansen, 04.06.2023 Paul Preston, 04.10.2023 David Wheaton, 04.12.2023 Dan Murphy, 04.12.2023 Robert Terrano, 04.30.2023 Stephen Holmberg

Reviewed by

General

Counsel: N/A

Approved by: Kent Cichon, Community Manager



Requested Action by BOT

Selection of a qualified elector to fill the unexpired term of trustee formerly held by Lynn Tummolo.

Background and Summary Information

On March 28, 2023, Trustee Tummolo submitted her resignation letter to the BOT. Subsequently, the BOT decided to seek resumes/letters of interest for the unexpired term and appoint a replacement on May 11th with the person being sworn in and seated on May 23, 2023.

As provided in Article V, Board of Trustees Section 4. Vacancies on the Board of Trustees; any vacancy on the Board of Trustees shall be filled for the unexpired term by appointment by the remaining Trustees of a successor among the qualified electors of the District. The Board shall fill the vacancy by an appointment for the remainder of the unexpired term which extends until January 2025. Any individual who is a legal resident and a registered elector of the State of Florida and of the District, is qualified to serve on the Board. Persons interested in appointment to the Board were provided an opportunity to submit a letter of interest and/or resume to District Clerk Brown. At the time of the publication of this memo, the following resumes were received:

- Deidra Sunter
- Luann Henderson
- Ann Hansen
- Paul Preston
- David Wheaton
- Robert Terrano
- Dan Murphy
- Stephen Holmberg

Staff recommends the BOT appoint a qualified elector to the unexpired term of Trustee formerly held by Lynn Tummolo.

DEIDRE P SUNTER
PROJECT ADMINISTRATOR
CERTIFIED ADMINISTRATIVE ASSISTANT
deidrepsunter@gmail.com | 352-316-5321 | Sebastian, FL 32976

Professional Skills

- Operations Management
- Executive Administration
- Marketing/Social Media/Public Relations
- Bookkeeping & Accounting (AP/AR)
- Internal & External Customer Service
- 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
deidrepsunter@gmail.com | 352-316-5321 | 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
- Project Management handled 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

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 #HH 227521, expires 2/10/2026.

Committees

- **BBRD AdHoc DOR Committee, Alternate**
- **ARCC Committee, Alternate**

My name is Luann Henderson & I'd like to be considered for the open seat on the BOT. I come with unique qualifications.

1st--I worked for the Bay at the golf course as a clerk in the Pro Shop. After 12 1/2 years I suffered a career ending injury & no longer work. I worked under several Community Managers & lots of different Boards.

2nd--I served as Trustee for 2 years. During my tenure I held workshops considering the use & rehab of Bldg A, the golf course, the expansion of the Lounge & others. I sat on committees & chaired one. I answered questions & helped where I could & explained if I could not. I was well prepared for each meeting--except for one time. (I got caught out that one time & it never happened again) I researched things that I cared about & things that I didn't give a fig about--but I looked into everything.

I feel that I would be an asset to the Board.

Thank you for your consideration.

Ann E. Hansen
1053 Sebastian Road
Barefoot Bay, FL 32976
407-766-7246

EXPERIENCE

Public Risk Underwriters of Florida Inc.

2015 to 2022. Executive Vice President - Responsible for administration of public entity insurance trust. Duties also include working closely with Board of Trustees, accounting, claims and loss control departments. Overseeing placement of the Excess property structure for the over \$12B dollars in Florida based public entity property.

Public Risk Underwriters of Florida Inc.

2009 to 2015. Director of Operations - Responsible for the oversight of Underwriting and IT Departments. Duties also include working closely with accounting, claims and loss control departments. Overseeing placement of the Excess property structure for the Preferred Governmental Insurance Trust.

Public Risk Insurance Agency

2001 to 2009. Oversee day to day operations for support staff and operational issues. Supervisor of the CSR staff, provide support for AMS procedures and training. Monitor processing procedures and maintain quality control standards for the office.

Professional Liability Insurors, Inc. & Professional Insurance Education Inc.

1991 to 2001. Specialized in writing Professional Liability for Insurance Agents and Title Agents. Responsibilities for the school also included obtaining approval of class materials, scheduling of continuing education classes with the State of Florida Insurance Department and reporting continuing education credits to the State.

EDUCATION

2-20 Property and Casualty License, State of Florida

Risk Management for Public Entities (RMPE)

911 Fir Street Barefoot Bay, FL 32976
Cell Phone (561-756-0233) (772-202-4799) – prezpresto@aol.com

PAUL PRESTON

Qualifications

- Florida Licensed Community Association Manager
- Experienced Condominium/Rental Complex Manager
- President of self-managed Homeowner Association
- Director of Operation of telephone switch manufacture (70 employees)
- Supervisor of a Telephony Engineering Group (10 employees)
- Mater scheduler of over 1200 projects in both the U.S. and International Markets
- Project Manger of telecommunication project involving 6 states and 39 cities
- Global Network planner involving 1400 cities in 52 countries
- Project Manager of 2 North American Field Trials
- Volunteer Coordinator of YMCA' youth programs for ages 9 to 18.
- Electrical tester background
- Coordinated irrigation project
- Budget preparation
- Familiar with Continental's programs and procedures
- Worked with Julio Robaina and his Nine-member House Select Committee on Condominium and Homeowner Association Governance to implement changes introduced into law in 2008.

Professional Experience

**8/2006 – 9/2011: Continental's Community Association Manager at Polo Glen
Luxury Condominium in Plantation, FL**

- Manage maintenance crew and selected vendors
- Provided monthly reports including financial statement and variance details
- Monitored monthly maintenances payments per association guidelines and issued the paper worked needed to involve the attorney when appropriate
- Managed Polo Glen in accordance with the City, State, and Federal regulations. These regulations involve pool, fountains, irrigation system, lakes, and landscaping
- Pool renovation
- Building painting and concrete renovation
- Y200k program administrator

Previous Experience

American Digital Switching Systems - Melbourne, FL

- **Acted as project manager for ADS's North American Field Trial, scheduled monitored and tracked all elements of the company's product from design to final payment**
- **Promoted to Director of Operations, tasked with procurement of parts, assemble of units, system testing, shipping, and Customer Service**

Cit-Alcatel – Reston, Va

- **French Telephone Switch Manufacture with 350,000 employees world wide.**
- **Managed Cit-Alcatel's North American Field Trial that involved tracking parts thru customs. Installing a switch into the world wide network and collecting the final dollar**

Global One - Reston, Va

- **Global Network Planner tasked with routing telephone calls and collecting associated revenue for calls between 1400 cities in 52 countries**

Datametrics – Orlando FL

- **Manufacture of rugged printers for military and commercial customers**

Awards

- **YMCA Volunteer of the year**
- **YMCA Man of the year**
- **Current world record holder of the unbreakable record**

To whom it may concern.

I would like to be considered for the open position on the board of trustees for Barefootbay.

My life experiences include 27 years in the military, where are retired as a chief warrant officer. After retirement, I acquired a degree in mental health rehabilitation from the University of Maine and worked for Bancroft Neural health in their rehabilitation programs and new Hope for women doing batterer intervention. I was licensed through tuffs university school of environmental engineering doing asbestos remediation for US Coast Guard.

My service to barefootbay includes being a trustee from 2018 to 2020 and as series of surgeries preventing me from continuing. I was chairman of the neighborhood revitalization program and I'm presently chairman of the violations committee.

Thank you for your consideration of me for the vacant trustee position.

David M Wheaton.

From: [Dan M](#)
To: [Stephanie Brown](#)
Subject: BOT vacancy
Date: Wednesday, April 12, 2023 12:24:19 PM

District Clerk
Barefoot Bay Recreation District
625 Barefoot Blvd
Barefoot Bay, FL, 32976

12 April 2023

Re: BOT Vacancy

Dear Ms. Brown,

Please be advised that I would like to be considered for the vacancy on the Board of Trustees. I have been a full time, year round resident for nearly five years. I have a deep sense of commitment to the Bay, as evidenced by the following:

- Former BOT candidate
- Member, Irish-American Club
- Past President, New York State Club
- Member, ad hoc DOR Review Committee
- Presenter/vendor Barefoot Bay 50th Anniversary Celebration

I retired following a 25 year career in public service, and have a Master's Degree in Human Resource Management.

Thank you for your consideration.

Yours very truly,

Dan Murphy
1014 Thrush Circle
(423) 343 2995

Robert M. Terrano

1205 Croton Drive, Sebastian FL 32976
Cell (321) 313-5188

SUMMARY OF QUALIFICATIONS:

Experienced General Foreman with over 20 years of experience in the railroad industry. Excellent reputation for resolving problems, improving customer satisfaction, and driving overall operational improvements. Consistently saved costs while keeping priority projects on budget and completed with exceptional quality.

SKILLS:

- Effective communication
- Proven Team leader
- Inspection excellence
- Safety enforcement
- Installation and repair
- Equipment operation & monitoring
- Project Management
- Job site maintenance
- Safety compliance
- Job reporting and documentation
- Crew management
- Daily planning

PROFESSIONAL EXPERIENCE:

Long Island Railroad

Oct 1979 to Oct 1999
(1996 to 1999)

General Foreman

- Oversaw the maintenance activities for the LIRR Hillside facility. The Hillside facility is the main repair facility servicing 900 rail cars.
- Managed efficient teams of 8 Gang Foreman and 120 skilled journey-level tradesmen in 5 different unions.
- Responsible for Maintenance and Labor budget of \$23M+ annually, explain variances to budget, and prepared business case for additional required capital maintenance projects.
- Coordinate with other crew supervisors to ensure progress is happening on schedule.
- Participated in the development, implementation, and maintenance of all company policies.
- Monitored safety compliance to maintain strict standards and protect team members from harm.
- Liaised between maintenance team and management on prioritization of projects, changing priorities and delegation of tasks to complete on time.
- Assessed operating conditions and adjusted settings to maximize performance and equipment longevity.
- Investigated and corrected mechanical problems with machinery.
- Evaluated final results to determine quality levels and isolate root causes of any identified faults.
- Enhanced customer satisfaction ratings by motivating team members to strengthen quality and increase productivity.
- Optimized supply levels to keep stock within ideal parameters for expected needs.
- Adapted schedules and work timelines to meet productivity targets and maximize railway safety.
- Drove operational improvements which resulted in savings and improved profit margins.

Technical Support

(1988 to 1996)

- Troubleshoot equipment that other Mechanics were unable to repair.
- Designed airbrake electronic units to replace OEM equipment.
- Lead the project of automatic train control system.

Electrician & AC Mechanic

(1979 to 1988)

- Repair and maintain Traction motor and motor alternator equipment.

EDUCATION:

- Associates degree in Electronics.
- Knowledge of Microsoft software.

Quality References available upon Request

Board of Trustees

Barefoot Bay Recreational District

Barefoot Bay, FL

My name is Stephen A. Holmberg and I have been a resident of Barefoot Bay with my wife Louanne for the past three years. I retired in 2005 from 38 years in the United States Government, (Foreign Service, Diplomatic Security Service, Federal Law Enforcement). After retirement I moved to Palm Coast, FL and became active in the community and eventually was elected as President of the HOA. After Palm Coast my wife and I moved to Barefoot Bay FL to be close to her family. We have been here for three years and live an active lifestyle both socially and by being community minded and joining the Violations Committee.

I believe my career path has made me well versed in managing diverse high-level organizations and believe I would be a valued asset to the Board of Trustees and residents of Barefoot Bay FL.

Education.

BA Sociology

MA Criminal Psych

National War College (Med level Management Course)

National War College (Senior Management Course)

Foreign Service Institute, Wash DC (Languages and Area Studies – Eastern Europe and Africa)

Stephen A. Holmberg

506 Puffin Dr

Barefoot Bay, FL 32076

Phillies0122@gmail.com

386-986-8578

Board of Trustees

Meeting Agenda Memo

Date: Thursday, May 11, 2023
Title: **Amending the Budget: Pool #1 Resurfacing Project**
Section & Item: 11.B
Department: Administration, Finance
Fiscal Impact: \$67,410
Contact: Charles Henley, Finance Manager, Kent Cichon, Community Manager
Attachments: 230511 Resolution 2023-05 - Pool 1 Resurfacing Project
Reviewed by General Counsel: Yes
Approved by: Kent Cichon, Community Manager



Requested Action by BOT

BOT consideration and approval of Resolution 2023-05

Background and Summary Information

On February 28, 2023, the BOT awarded a contract for the resurfacing and replacing of various components of Pool #1 in the amount of \$67,410.00 to Family Pools, Inc.; and if contract negotiations were not successful with Family Pools, Inc., authorized staff to commence contract negotiations with the BOT's second ranked firm; and authorized the BOT Chair to sign the contract.

Contract negotiations were successful with Family Pools and a contract in the amount of \$67,410.00 was fully executed on April 10, 2023.

Staff recommends the BOT approve Resolution 2023-05 Amending the FY23 R&M/Capital Expenditure Department Budget through the General Fund to appropriate budget of \$67,410 from reserves for the Pool #1 Resurfacing Project.

RESOLUTION 2023-05

**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 Pool 1 Resurfacing Project Budget by \$67,410 through the General Fund.

**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, Jeff Grunow
Trustee, Hurrol Brinker

The Chairman thereupon declared this Resolution Done, Ordered, and Adopted on this 11th day of May 2023.

BAREFOOT BAY RECREATION DISTRICT

By: _____
Bruce Amoss,
CHAIRMAN

Jeff Grunow,
SECRETARY

Board of Trustees Meeting Agenda Memo

Date: Thursday, May 11, 2023
Title: **DOR Violation 20-001712 453 Egret Circle**
Section & Item: 11.C.i
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, Kent Cichon, Community Manager
Attachments: 20-001712 BOT Statement of Violation
Reviewed by General Counsel: No
Approved by: Kent Cichon, Community Manager



Requested Action by BOT

Review the violation and make a referral to General Counsel Olsen.

Background and Summary Information

ARTICLE III, SECT 2 (C) (D) Condition of Prop. (C) Unauthorized Items

The first violation occurred on June 30, 2022. Since the first violation, 29 follow ups and 41 photos have been completed. Presented and found in violation by the Violation Committee on June 11, 2022. The staff have signed Affidavit of Notices and attached photos. The Respondent has been notified by First Class Mail, Certified Mail and the Property posted.

Staff recommends that the BOT refer this violation to the General Counsel Olsen 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. 20-001712

#3774/ 20-001712

TAYLOR, MARIA ELENA

453 EGRET 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. 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 # 86 Lot # 27

453 EGRET CIRCLE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Unapproved items

DATE OF VIOLATION FIRST OBSERVED: Jun 30, 2020

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

June 30, 2020 via First Class

June 01, 2021 via Certified return receipt requested.

March 30, 2021 via Posted Notice.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: May 08, 2023

Deed of Restrictions Staff

May 01, 2023



453 egret cir. unapproved items
04/04/2023

**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 **May 11, 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.

May 01, 2023

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 20-001712

#3774 / 20-001712

TAYLOR, MARIA ELENA,

453 EGRET CIR

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 453 EGRET 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 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

Date: Thursday, May 11, 2023
Title: **DOR Violation 23-000104 907 Hemlock Street**
Section & Item: 11.C.ii
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact:
Attachments: 23-000104 BOT 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 Olsen.

Background and Summary Information

ARTICLE III, SECT 2 (C) (D) Condition of Prop. (C) Unauthorized Items

The first violation occurred on January 18, 2023. Since the first violation, five (5) follow ups and eight (8) photos have been completed. Presented and found in violation by the Violation Committee on February 24, 2023. The staff have signed Affidavit of Notices and attached photos. The Respondent has been notified by First Class Mail, Certified Mail and the Property posted.

Staff recommends that the BOT refer this violation to General Counsel Olsen 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. 23-000104

#1651/ 23-000104

CRAIG, ALLAN C

907 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 # 7 Lot # 1

907 HEMLOCK STREET

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Unapproved items/ Must be removed

DATE OF VIOLATION FIRST OBSERVED: Jan 18, 2023

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

January 18, 2023 via First Class

via Certified return receipt requested.

via Posted Notice.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: May 08, 2023

Deed of Restictions Staff

May 01, 2023



907 Hemlock Unapproved items in and around carport
04/05/2023

**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 **May 11, 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.

May 01, 2023

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 23-000104

#1651 / 23-000104

CRAIG, ALLAN C,

907 HEMLOCK ST

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 907 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

Board of Trustees Meeting Agenda Memo

Date: Thursday, May 11, 2023
Title: **DOR Violation 22-001591 900 Hawthorn Circle**
Section & Item: 11.C.iii
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, Kent Cichon, Community Manager
Attachments: 22-001591 BOT 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 Olsen.

Background and Summary Information

ARTICLE III, SECT 2 (C) (D) Condition of Prop. (C) Unauthorized Items

The first violation occurred on May 23, 2022. Since the first violation, 18 follow ups and 13 photos have been completed. Presented and found in violation by the Violation Committee on July 22, 2022. The staff have signed Affidavit of Notices and attached photos. The Respondent has been notified by First Class Mail, Certified Mail and the Property posted.

Staff recommends that the BOT refer this violation to General Counsel Olsen 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. 22-001591

#195/ 22-001591

HERNANDEZ, CRYSTAL & JOE ASCHENBACK
900 HAWTHORN 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 # Lot #
900 HAWTHORN CIRCLE
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Unapproved items/Debris must be removed. Tool box, ladder, etc.

DATE OF VIOLATION FIRST OBSERVED: May 23, 2022

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

July 06, 2022 via First Class
July 06, 2022 via Certified return receipt requested.
via Posted Notice.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: May 08, 2023

Deed of Restrictions Staff

May 01, 2023



900 hawthorn unapproved items
02/28/2023

**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 **May 11, 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.

May 01, 2023

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-001591

#195 / 22-001591

HERNANDEZ, CRYSTAL & JOE ASCHENBACK,
900 HAWTHORN CIRCLE
BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 900 HAWTHORN 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 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: Thursday, May 11, 2023
Title: **DOR Violation 22-002059 720 Hyacinth Circle**
Section & Item: 11.C.iv
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, Kent Cichon, Community Manager
Attachments: 22-002059 BOT 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 Olsen.

Background and Summary Information

ARTICLE III, Section 3 (A) (2) ADIR (Garage or carport roof)

The first violation occurred on July 6, 2022. Since the first violation, nine (9) follow ups and nine (9) pictures have been done since the first violation. Present and found in violation by the Violation Committee on August 12, 2022. The staff have signed an Affidavit of Notices and attached pictures. The Respondent has been notified by First Class Mail, Certified Mail and Property posted.

Staff recommends that the BOT refer this violation to General Counsel Olsen 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. 22-002059

#4052/ 22-002059

MOTTAU, JANICE R

720 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 II, SECT. 3 (A) (2) ADIR (Garage or carport roof)**

Section 3 A manufactured or modular home installed on any lot in Barefoot Bay shall meet the following design and installation requirements and shall be continuously maintained in compliance with such requirements. (A) (2) A garage with a minimum size of 11' x 18' with siding conforming to the style and materials of the home or a carport roof, including posts and fascia, fabricated of aluminum or other approved materials having two unobstructed sides.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 69 Lot # 37

720 HYACINTH CIRCLE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Must have 18 feet X 11 feet of unobstructed area (except for steps) left in carport.

DATE OF VIOLATION FIRST OBSERVED: Jul 06, 2022

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

July 20, 2022 via First Class

July 20, 2022 via Certified return receipt requested.

via Posted Notice.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: May 08, 2023

Deed of Restrictions Staff

May 01, 2023



720 Hyacinth cir. Must have 18 feet X 11 feet of unobstructed area (except for steps) left in carport.
04/26/2023

**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 **May 11, 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.

May 01, 2023

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-002059

#4052 / 22-002059

MOTTAU, JANICE R,

720 HYACINTH CIR

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 720 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: Thursday, May 11, 2023
Title: **DOR Violation 22-001452 720 Hyacinth Circle**
Section & Item: 11.C.v
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, Kent Cichon, Community Manager
Attachments: 22-001452 BOT 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 Olsen.

Background and Summary Information

ARTICLE III, SECT 1 Residential Use - Unauthorized Structure

The first violation occurred on May 5, 2022. Since the first violation, 12 follow ups and 12 photos have been completed. Presented and found in violation by the Violation Committee on July 8, 2022. The staff have signed Affidavit of Notices and attached photos. The Respondent has been notified by First Class Mail, Certified Mail and the Property posted.

Staff recommends that the BOT refer this violation to General Counsel Olsen 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. 22-001452

#4052/ 22-001452

MOTTAU, JANICE R

720 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. 1 Residential Use - Unauthorized Structure**

No structure other than a single story, single-family residential dwelling shall be erected, altered, placed or permitted to remain on any lot. Each lot is hereby restricted to residential use by the Owner or Owners thereof and their immediate families, guests, lessees and invitees.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 69 Lot # 37

720 HYACINTH CIRCLE

BAREFOOT BAY, FL 32976

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

DATE OF VIOLATION FIRST OBSERVED: May 05, 2022

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

June 17, 2022 via First Class

June 17, 2022 via Certified return receipt requested.

via Posted Notice.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: May 08, 2023

Deed of Restrictions Staff

May 01, 2023



720 Hyacinth Cir. Unapproved structure/ must be removed.
05/01/2023



720 Hyacinth Cir. Unapproved structure/ must be removed.
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 **May 11, 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.

May 01, 2023

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-001452

#4052 / 22-001452

MOTTAU, JANICE R,

720 HYACINTH CIR

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 720 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: Thursday, May 11, 2023
Title: **DOR Violation 21-002472 900 Hawthorn Circle**
Section & Item: 11.C.vi
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, Kent Cichon, Community Manager
Attachments: 21-002472 BOT 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 Olsen.

Background and Summary Information

ARTICLE III, SECT 3 (A) (B) (C) (D) (E) Vehicle Violations (Boats/Trailer/RV/Comm. Vehicles, Etc.)

The first violation occurred on November 10, 2021. Since the first violation, 16 follow ups and 25 photos have been completed. The staff have signed Affidavit of Notices and attached photos. The Respondent has been notified by First Class Mail, Certified Mail and the Property posted.

Staff recommends that the BOT refer this violation to General Counsel Olsen 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. 21-002472

#195/ 21-002472

ASCHENBACK, JOSEPH

900 HAWTHORN 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. 3 (A) (B) (C) (D) (E) Vehicle Violations(Boats/Trailer/RV/Comm. Vehicles, Etc.)**

(A) No commercial vehicle, abandoned and/or inoperable vehicle, recreational vehicle, jet ski, boat, boat trailer, utility trailer, camper, motor home, camping trailer, truck camper, pickup truck with camper top OR any vehicle in excess of 25 feet in overall length as measured from the foremost projection thereof to the rearmost projection thereof, shall be parked on any lot, driveway, carport or common area within Barefoot Bay, except for commercial vehicles parked temporarily at a lot for the purpose of providing repair or other services to the occupant thereof, and (2) those vehicles described in subsection C of this section. (B) All vehicles described in subsection (A) of this section shall be parked in vehicle storage areas provided by the Recreation District or in such other areas outside Barefoot Bay as may be located by the owner. (C) 1. Notwithstanding any of the foregoing sub-paragraphs of this section, a recreation vehicle, boat, personal water craft, utility trailer, or boat mounted on a trailer may be parked in the driveway on a lot for purposes of cleaning, loading, unloading and preventative maintenance between the hours of 7 a.m. and 10 p.m. only. An owner may request that a vehicle be allowed to remain on a lot beyond the time-frame provided herein if extenuating circumstances exist, submitting a request to Recreation District Resident Relations in advance of said occurrence. No vehicle shall remain on a lot beyond the time-frame provide herein without obtaining approval from Recreation District Resident Relations in advance. 2: A commercial vehicle is defined for the purpose of this Document as any passenger and/or non-passenger vehicle designed, used, or maintained primarily for conduct or operation of a commercial business. Only one pick-up truck, passenger van or cargo van used for commercial purposes, which is the sole means of transportation of the occupant of the lot, must be kept in a garage or fully parked under a carport with visual buffering as may be approved by ARCC. A vehicle may not have signage, equipment or materials visible when parked. (D) Motor vehicles parked at or on a Lot shall be parked only on the concrete driveway or concrete parking area serving on such Lot. No vehicle shall be parked on any lawn, grass or landscaped area of a Lot. (E) Kayaks and canoes may be properly stored and secured at the rear of any residence.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 118 Lot # 11

900 HAWTHORN CIRCLE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Vehicle(s) must be parked in concrete driveway.

DATE OF VIOLATION FIRST OBSERVED: Nov 10, 2021

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

November 10, 2021 via First Class

via Certified return receipt requested.

via Posted Notice.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: May 08, 2023

Deed of Restrictions Staff

May 01, 2023



900 Hawthorn Vehicle(s) must be parked in concrete driveway.
James Trevelino
04/27/2023



900 Hawthorn Cir. Vehicle(s) must be parked in concrete driveway.
Mary Barry
09/13/2022

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

NOTICE OF HEARING

The Respondent must correct the alleged violation(s) contained in the enclosed Statement of Violation by the date set forth therein and contact the Deed of Restrictions Enforcement Officer who signed the Statement of Violation to verify such correction. If the Respondent disputes the existence of the violation(s) and wishes a hearing, notice is hereby given that a Hearing will be conducted before the Board of Trustees at **01:00 PM** on **May 11, 2023** at 1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida. The purpose of this Hearing will be to determine whether or not the alleged violation(s) exist.

If the violation(s) described in the Statement of Violation are corrected and then recur, or if the violations are not corrected by the time specified for correction, the case shall be presented to the 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 **May 11, 2023** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

The Board of Trustees will receive testimony and evidence at the Hearing and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the enclosed Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the Hearing, or may be represented by an attorney. If the property is found to be in violation, all social, family, and golf memberships affiliated with the property will be automatically suspended. 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, 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.

May 01, 2023

Board of Trustees/Deed of Restrictions STAFF

[DOCUMENT]

[DOC_DESCRIPTION]

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 21-002472

#195 / 21-002472

ASCHENBACK, JOSEPH,
900 HAWTHORN CIRCLE
BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 900 HAWTHORN 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 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**, rcertified 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: May 11, 2023

Subject: Manager's Report

Finance

Assessment received – 93.81% collected or \$3,949,279. Balance to collect \$260,762.

Resident Relations

ARCC Meeting 4/25/23

- 10 Consent Permits – 10 approved
- 19 Other Permits – 19 approved

VC Meeting 4/14/23

- 12 Cases – came into compliance prior to the meeting
- 7 Cases – DOR is working with the homeowner
- 7 Cases – found to be in violation

VC Meeting 4/28/23

- 9 Cases – came into compliance prior to the meeting
- 2 Cases – DOR is working with the homeowner
- 5 Cases – found to be in violation

Food & Beverage

- A Mother's Day brunch buffet will be held lake side of the Lounge this Sunday from 10:30am - 1pm. Royal Ink duo entertains from 10:30am - 12:30pm with songs you know by heart with a reggae twist, and The Kore will perform from 2 - 6pm for a great day whether you're a mom or not! Tickets on sale at the Lounge, the 19th Hole, and Administration.

Food & Beverage (continued)

- Memorial Day is Monday, May 29th, and the Flashbacks will play on the Lakeside of the Lounge Stage from 2-6. The food truck will be open with BBQ specials from 11am-7pm.

Flyers with all the details are posted.

Property Services

- Began repairs to the Miniature Golf Course (patch and paint)
- Continued to fabricate more posts to replace all of the rope fences
- Replaced a broken light at the 19th Hole facility
- Worked with the contractor to complete the Shopping Center electrical upgrades project
- Worked with Maxwell & Son Plumbing to repair the broken Building A sewer line
- Worked with the fire inspector to address fire violations
- Addressed all tree violations requiring a lift
- Removed a dangerous tree from the Building A traffic circle
- Removed other dead trees from the common grounds
- Cleaned up debris from multiple storms
- Investigated issues with the Beach lock again

Golf-Pro Shop

- 2023 Jr. Golf Camp
 - Grant application submitted
 - Scheduled for July 10th to July 27th
 - Participant applications available at the Pro Shop
 - Free to BBRD residents and their family only
- RFP for Golf Cart Fleet
 - Documents are under development
 - Current lease ends December 23, 2023
- Course Closures
 - May 8, 2023: Back Nine & Putting Green Aerification
 - May 9, 2023: Front Nine & Range Aerification
 - May 15, 2023: Brightview Maintenance total course chemical application for weed control
 - Close at 2pm
 - Last cart out at 10am
 - Includes Practice Area
 - Everyone must vacate property