



BAREFOOT BAY RECREATION DISTRICT

Barefoot Bay Recreation District Regular Meeting
November 9, 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**
 - A. Veterans Day Proclamation
- 7. Approval of Minutes**
 - A. Regular BOT meeting minutes dated October 12, 2023.
 - B. October 17, 2023 BOT Townhall Meeting
- 8. Treasurer's Report**
 - A. Treasurer's Report
- 9. Audience Participation**
- 10. Unfinished Business**
- 11. New Business**
 - A. Christmas Parade and Light Up the Bay Support
 - B. Exceptions to Competition and Emergency Purchases – Administration Building Water Intrusion
 - C. Sidewalk Easement Indenture
 - D. Amending the Budget: FY23 Year End
- 12. Manager's Report**
 - A. November 9, 2023 Manager's Report
- 13. Attorney's Report**
- 14. Incidental Trustee Remarks**
- 15. Adjournment**

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

Barefoot Bay Recreation District Regular Meeting



BAREFOOT BAY RECREATION DISTRICT

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

Meeting Called to Order

The Barefoot Bay Recreation District Board of Trustees held a Meeting on October 12, 2023, Building D&E 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Amoss called the meeting to order at 1PM.

Pledge of Allegiance to the Flag

Led by Ms. Hansen.

Roll Call

Present: Mr. Grunow, Mr. Amoss, Mr. Klosky, Ms. Hansen, Mr. Brinker. Also, present, Kent Cichon, Community Manager, Stephanie Brown, District Clerk, Garrett Olsen, General Counsel, Charles Henley, Finance Manager, Kathy Mendes, Food & Beverage Manager and Matt Goetz, Property Services Manager.

Additions or Deletions to the Agenda

None.

Approval of the Agenda

Mr. Klosky made a motion to approve the agenda is Second by Mr. Brinker. Motion passed unanimously.

Presentations and Proclamation

None.

Approval of Minutes

Regular BOT minutes dated September 26, 2023, were approved as submitted.

Treasurer's Report

Mr. Brinker submitted the Treasurer's Report for October 12, 2023, approved as written.



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Audience Participation

Lynn Tummolo-930 Cypress Street- voiced her concern about rumors of removing the Community Manager, Kent Cichon and Food & Beverage Manager Kathy Mendes from their positions with promises of promotions. She spoke in support of Mr. Cichon and Mrs. Mendes, identifying specific project accomplishments made to the district within the last year and highlighting the community involvement and good attitude of both. She identified collusion between some members of the BOT and some Managers.

Richard Schwatlow-636 Marlin Circle- spoke in favor of having all the information necessary prior to deciding on moving forward with a capital project. He used various mistakes involving the planning for capital projects in the past to highlight financial waste and he spoke in support of staff and Mr. Cichon.

Ed Haslam-909 Laurel Circle- voiced his concern about rumors of removing Mr. Cichon, Community Manager. He opined that Mr. Cichon was being railroaded because he was trying to do something about the lack of professionalism of the front office. He spoke of the collusion between two employees to come up with a 7 page evaluation form. He asked who was running BBRD, the BOT or the colluding managers.

David Wheaton-1477 Barefoot Circle- spoke about the rumors involving the removal of Mr. Cichon as Community Manager. He spoke in favor of Mr. Cichon remaining Community Manager, reiterating that these are tough times and that BBRD needs a tough leader. He advised BBRD to broach no dissension among the staff.

Kevin Hunter-373 Marlin Circle- voiced his concern about subordinates being involved in the Community Manager evaluation process. He stated that he was unaware of golf maintenance staff being involved in the evaluation of the golf superintendent and speculated that legal council's evaluation would not be directed to the legal support team. He expressed concern that this is a BOT overreach or a legal nightmare. He acknowledged the successes of the BOT when following appropriate procedures regarding the maintenance issues at the golf course, when selecting new legal counsel, and when selecting a Mr. Cichon as Community Manager and stated that Mr. Cichon was doing a good job. He recalled Chair Amoss' guidance to the BOT as to what was and was not their function; that the running of the District was the responsibility of the Community Manager with the assistance of staff.

Kriss Kline-556 Dolphin Circle- voiced her concern about 3 specific BOT members and two staff members. She called for revamping the BOT and getting rid of the problem in the administration. She spoke in support of Mr. Cichon's efforts to do the right things.

Charles Henley (BBRD Finance Manager) read a statement in support of Mr. Cichon remaining the Community Manager. He identified financial successes realized by BBRD under the guidance of Mr. Cichon. He spoke of a conspiracy between two managers to undermine Mr. Cichon as Community Manager. He identified a specific example of how the conspiracy had actively worked to mislead the BOT by the HR Manager and he speculated about another example identifying insurance to be their tool to mislead the BOT about Mr. Cichon's position on



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safety.

Kathy Mendes (BBRD Food & Beverage Manager) read a statement in support of Mr. Cichon remaining the Community Manager. She spoke of a plan of deceit, lies, disrespect and betrayal that was hatched by 2 managers that began from the beginning of Mr. Cichon's appointment. She identified specific actions and inactions taken by the conspirators to convince the BOT of Mr. Cichon's supposed shortcomings. She identified the collusion with one BOT member to oust the Community Manager, the Food and Beverage Manager and the Finance Manager. She quoted the District Clerk telling her that she is blindly following and warning her that this isn't going away.

Frank the Baker-Dolphin Circle- spoke in favor of BOT not micromanaging staff and letting the Community Manager and staff operate the Barefoot Bay Recreation District. He spoke in support of Mr. Cichon as Community Manager.

Rob Allen-1385 Barefoot Circle- voiced his concern about Board of Trustee members violating the Sunshine Law and micromanaging staff. He said that it was not the job of the BOT to force the managers to give everyone a raise or anyone a specific raise. He advised the BOT to refer to the Community Manager, managers who come to them complaining. He advised that if the BOT colludes with a Manager and or each other, they should resign, and the Manager should be fired.

Debbie Oldakowski-1110 Navajo- She advised the BOT to stop listening to all the whispers.

Don Oldakowski-1110 Navajo- spoke in full support of Mr. Cichon remaining the Community Manager

Joanne Plasse-1028 Barefoot Circle- voiced her concern about a threat made by a Department Manager to an employee stating the he has three trustees wrapped around his finger to do his bidding which includes getting rid of Kent Cichon: She suggested that BBRD get rid of the three trustees and stated that she did not want them representing her.

Nancy Eisele-Barefoot Blvd--spoke in favor of a quick resolution and in support of Mr. Cichon.

Robert Blackburn-810 Wren Circle-spoke in favor of 3 BOT members and the 2 staff members resigning.

Mr. Cichon read a letter from Margaret Moylan-who asked about the status of the courtesy golf cart. She also stated she read that a deed restricted community expires in 30 years in Florida and when that ends, the administration can no longer force people to pay the recreational fees nor enforce any DOR rules. She asked how this applied to the Barefoot Bay Recreation District. She also asked about how a charter needs to be reviewed and reinstated to the county every 3 or 5 years with a payment to the county. Garrett Olsen, the BBRD legal council opined as to why BBRD can enforce the DOR as well as the charter review.



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Mr. Amoss read a letter from Chuckie Kelly who spoke against the 3 BOT members who tried to run a filibuster at the last meeting and in favor of focusing on the budget. He spoke in favor of holding the 3 trustees accountable.

Mr. Amoss read a letter from Mr. Loveland expressing his disappointment in Board Members that have lost sight of their responsibilities or how to carry them out. He expressed concern about rumors of the termination of Community Manager, Mr. Cichon. Mr. Loveland stated that managers should do their job, be in the office during regular business hours so residents have access to them, and residents should not accept poor service, calamity caused by gossip, schemes, and hidden agendas.

Amy Altadonna-428 Barefoot Blvd-spoke in favor of Mr. Cichon remaining the Community Manager.

Unfinished Business

None.

New Business

Chairman's Statement

Mr. Amoss made a statement to the BOT explaining the purpose and roles of the BOT, the Community Manager, and staff. He also gave his opinion on the previous two BOT meetings and provided information on the Community Manager hiring process. The board is also responsible for setting the rules for use of the amenities and looking out for the best interest of the residents and the community manager is responsible for the hiring, firing, and managing of district employees and conducting the day-to-day activities.

Ms. Hansen stated that she has received complaints from staff members and has talked with Mr. Cichon about them. She stated that she also went to Attorney Olsen and Jason Pierman at SDS about the complaints and felt that there should be a community manager evaluation. She feels that Mr. Pierman and Mr. Cichon should put together an evaluation plan that lets the board have their input with him.

Mr. Pierman stated that there is a provision in the contract that allows for an evaluation of the community manager, although it has not been done in several years. He stated this agenda item is not an SDS initiative.

Mr. Grunow stated that he had called Mr. Coffey as he had concerns about a subordinate who was sending out the evaluation. He stated he has never worked in an environment where a subordinate sent out an evaluation on their boss. Mr. Grunow also spoke with Mr. Pierman and he also told Mr. Grunow that the evaluation was not required.

Mr. Klosky stated that he thought that there was an evaluation done in 2020.



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Mr. Cichon asked Mr. Pierman how many districts SDS currently manages. Mr. Pierman answered that SDS manages more than 120 districts. Mr. Cichon also asked Mr. Pierman how many of the 120 districts currently do evaluations. Mr. Pierman answered that none of these districts currently do evaluations.

Community Manager Evaluation; Direction to Staff

Mr. Olsen advised that the agenda item had been requested by Ms. Hansen. Mr. Olsen advised that he learned there was an evaluation being disseminated and he checked the rules. He could not find any rules relating to an evaluation of a community manager and recommended that the BOT establish a rule for performing Community Manager evaluations.

Ms. Hansen stated she feels that everyone should have an evaluation and would like Mr. Cichon to get together with Mr. Pierman and come up with a way for the board to evaluate the community manager. She also acknowledged that the residents were pleased with Mr. Cichon's performance.

Mr. Grunow feels that the evaluation is cumbersome but agrees with having the evaluation. Mr. Klosky felt the evaluation form should be updated. Mr. Amoss suggested that Mr. Cichon and SDS work together on the evaluation form.

Ms. Hansen spoke in favor of an annual meeting with individual trustees and Jason Pierman (SDS) to evaluate the Community Manager. Mr. Grunow spoke in favor of bypassing the evaluation this year and come up for some meaningful topics to discuss next year.

Consensus of the board is that recommended language be given to Mr. Cichon by Mr. Olsen to be included with the plan for next year's meeting with each trustee individually with Mr. Cichon and SDS.

Amending the Budget: Rebalancing of the FY 2024 Adopted Budget

Resolution 2023-16 read by Mr. Olsen:

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT AMENDING RESOLUTION 2023-08; AMENDING THE BUDGET.

Ms. Hansen made a motion to approve Resolution 2023-16 as read. Second by Mr. Brinker. Motion passed unanimously.



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Manager's Report

Resident Relations

ARCC Meeting 9/26/2023

- 14 Consent Permits – approved
- 5 Other Permits – approved

VC Meeting 9/22/2023

- 8 Cases – came into compliance
- 1 Case – DOR is working with the homeowner
- 9 Cases – found to be in violation

Food & Beverage

- A reminder that there will be a grand opening on Thursday, October 26th to officially celebrate the opening of the Cabana Bay bar and reopening of Pool #1 with a ribbon cutting ceremony at 4pm. After the ceremony, there will be a light appetizer buffet, and the Allen Wronko band will play on the Lake Side Stage until 7:30pm.
- Lift your spirits at our annual Halloween Party on Friday, October 27th. The Lounge and Lake Stage area is creep'n it real with the Real Deal band from 7-10:30pm. They are bat to the bone. Please come as you aren't as prizes are awarded for the best costumes. Don't forget you can goblin up some screamin' good food at the freak truck.
- The 2024 Winter Beats series schedule will be coming out next Monday, October 16th with a full line up of great entertainment.

Property Services

- Pools
 - Completed painting all of the posts under the walkway roof at Pool #1
 - Worked with vendors to address issues with Pool #1
 - Continued to solicit bids for concrete for Pool #1 projects
 - Repaired leaking valves at Pool #2
- Lounge
 - Began painting of the lounge interior
 - Began the process of replacing the lounge restroom doors
- Administration Building
 - Continued to solicit bids for repairing Administration Building leaks
 - Continued to solicit bids for replacing Administration Building floors



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- Began work on the lawn bowling irrigation system
- Worked with the vendor to replace the Cart Guys' AC unit
- Repaired the Veterans Gathering Center AC
- Solicited bids to install an automatic entrance door for Building D/E

Golf-Pro Shop

- Day light saving time will be ending in early November. As a result, on November 1st, the hours of operation will be 7am – 5:30pm.
- Tournaments
 - Sunday Morning Scramble Christmas Event
 - October 21st with an 8:30am Shotgun Start (108 players max)
 - 4-person scramble
 - Sign up in the Pro Shop and call 772-664-3174 with questions
 - 9 & 18-Hole Ladies Shotgun
 - October 31st with an 8:30am Shotgun Start
 - Must be a member of either the 9 or 18-hole leagues
 - Call the Pro Shop at 772-664-3174 with questions

Beach Restroom Project

- Awaiting delivery of the County's sidewalk easement conveyance documents for the BOT to approve.

Accessibility Ramps

- Request for storage at Property Services facility

Additional Comments

Mr. Cichon gave an update on the beach restroom project and the accessibility ramps and how the issue with water intrusion will be mitigated in the Administration Building. He also stated that BBRD staff has implemented a Safety Committee.

Consensus of the BOT to work with legal counsel and BBRD insurance company to move forward with working on an agreement with the CVO to store accessibility ramps at the Property Services Department (895 Falcon).



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Consensus of the BOT to work with the General Counsel and the BBRD insurance company (PGIT) to research terms and requirements for an agreement that would allow Softball Over Sixty League to resume maintaining the softball field.

Mr. Cichon expressed his love and gratitude to all the BBRD residents for their support of him remaining the BBRD Community Manager.

Attorney's Report

Mr. Olsen gave an update on DOR cases. He also stated 526 Persimmon Drive is now in compliance.

Incidental Trustee Remarks

Mr. Klosky asked for an update on the beach restroom project. Mr. Cichon responded that he is waiting for easement documents. He also asked about the 19th Hole chairs. Ms. Mendes responded that she will be looking at chairs this month.

Ms. Hansen asked about the roof at the 19th Hole. Mr. Cichon explained that it is condensation and provided some options for remedies.

Mr. Grunow asked for the status of the courtesy golf cart. Mr. Cichon responded that the decision is up to the BOT. He also reminded residents to attend the Townhall Meeting being held in D/E on October 17, 2023, at 6pm.

Mr. Amoss made a request to staff about working on improving the microphones for the BOT meetings.

Adjournment

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

Mr. Amoss adjourned.

Meeting adjourned at 3:12pm.

Jeff Grunow, Secretary

Stephanie Brown, District Clerk



BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Meeting
Quarterly Townhall
October 17, 2023
6PM –Building D&E

Meeting Called to Order

The Barefoot Bay Recreation District Board of Trustees held a Townhall Meeting on October 17, 2023, Building D&E 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Amoss called the meeting to order at 6PM.

Pledge of Allegiance to the Flag

Led by Mr. Grunow.

Roll Call

Present: Mr. Amoss, Mr. Klosky, Mr. Grunow, Mr. Brinker. Also, present, Kent Cichon, Community Manager, Stephanie Brown, District Clerk, Matt Goetz, Property Services Manager, Charles Henley, Finance Manager and Kathy Mendes, Food & Beverage Manager. Ms. Hansen was excused.

Introduction and Overview of the FY25 Budget Development (Community Manager)

Mr. Cichon explained the process of the meeting and provided a power point presentation overview of the FY25 budget development and FY25-29 Capital Improvement Project Plan.

Mr. Klosky asked if the contingency fund would be increased to 20% in the next three years. Mr. Cichon responded with a larger budget; the contingency fund can remain at 15%. Mr. Amoss asked if the Golf Course pond could be placed in a FRDAP Grant. Mr. Cichon responded that it is possible, and he would research further. He also requested that the exterior door replacement at the Pro Shop be ADA accessible on the side with the ramp. Mr. Amoss suggested adding four more pickleball courts for FY25 and attempting to obtain a FRDAP grant to fund the additional courts. Mr. Amoss also asked if the annual assessment revenue will keep up with what is needed for minimum wage increase. Mr. Cichon responded staff should have a better idea prior to the January Townhall meeting. Mr. Grunow agreed with ideas to give residents who are not members of the league more playing time.

Audience Dialogue with BOT

Kriss Kline-asked whether the \$8,000 for ADA was total or if it was for each year. Mr. Cichon responded that the \$8,000 is for a year (FY25) and gave some ADA projects (pool; smoking area) to start in FY24. She voiced her concern about access to buildings and ramps. Mr. Cichon stated that in FY24 will include Pool #1 reconstruction of the ramp near Building A and address the showers without creating tripping hazards. The new smoking area will also be ADA compliant and funds for FY24 also include automatic door openings throughout the community.

Kelly Leydon-Gardenia Drive-spoke in favor of instituting ADA doors. She asked what the social membership fee is for. Mr. Cichon responded that it is a one-time fee for the use of all the BBRD amenities. She asked about beach



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restrooms. Mr. Cichon responded with an update.

Kevin Hunter-373 Marlin Circle-was not in favor of non-members using the court during Pickleball Club member time. He suggested more discussion with the officers of the Pickleball Club to address any concerns that any non-club members may have about using the courts during the club hours.

Linda Munson (Pickleball Club President) voiced her concern about the playing schedule for members and non-members. She also voiced her concern about the lack of communication between BBRD and the club. Mr. Amoss responded that trustees and staff are not required to seek permission to change schedules or offer different options for playing times for non-members. He also stated that he would be willing to sit down with the club.

Margaret Moylan-Royal Palm Drive-asked if there is a priority list for capital improvement projects. Mr. Grunow responded that triage is done often. Also asked if badges are being checked during Music Bingo. Mr. Klosky responded that badges are checked. Ms. Moylan asked that trustee members email her back.

Louanne Neigut-Puffin-if there are funds for ground beautification, especially in front of Building A. She also voiced her concern about the fencing that is leaning at the Basketball court area. Mr. Cichon responded that he is trying to get some plant recommendations from some of the gardening organizations about the pots and the area where the palm tree was located.

A resident asked about lawn bowling. Mr. Grunow responded that the Canadian residents use lawn bowling the most.

Mr. Goetz stated that the basketball and playground fence need to be replaced. Mr. Amoss requested that the fence be placed on a future BOT Meeting agenda.

Rich Schwatlow-636 Marlin Circle-spoke in favor of updating the BBRD Charter and DOR enforcement policy. Mr. Amoss responded by explaining the process for making changes to the BBRD Charter. Mr. Amoss advised that our attorney is enforcing the DOR by taking cases to court. Mr. Grunow stated that the state legislature has said that we cannot fine for DOR violations. Mr. Schwatlow also voiced concern about the Administration Building water intrusion problem and warranty. Mr. Goetz explained that there was a standard building warranty which is a year or two years. Once the problem is resolved the floors will be replaced.

Kathy Patton-627 Wedelia-explained that fountains prevent algae from growing and help control the mosquito population. She also voiced her concern about people from outside the community using the courts. Mr. Amoss responded to notify staff if it is suspected that someone does not have a badge. She also asked about defibrillators being at Building A. Mr. Goetz responded that there is one in Building A pool area and are checked monthly. She also expressed her concern about the area between the stage and the bar. Residents have moved chairs into the dancing areas and asked that signs be placed that say no tables or chairs beside the stage. Mr. Grunow suggested painting the concrete with the words "No chairs or tables."

Michelle-Barefoot Circle-spoke in favor of a fund for broken windows in houses surrounding the golf course. Mr. Balash said this was an unfortunate risk you take living on the golf course.



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Rob Allen-suggested creating a youth coordinator position to put programs on for children and also suggested planting oak trees along Midway. Mr. Allen also spoke in favor of finding ways to increase revenue. Mr. Grunow responded that the Christian Women's Group will be starting a non-denominational Youth League every other Tuesday in Building C.

Jim Mellow-Dolphin Circle-asked if there are any sub-committees to work with the managers. Mr. Amoss responded that there are no committees, the Community Manager and staff operates BBRD.

BOT FY25 Budget Development Direction to Staff

Consensus of BOT to staff to research costs for basketball and playground fence replacement.

Incidental Trustee Remarks

Mr. Grunow reminded residents of the upcoming election and thanked staff for attending the Townhall meeting.

Mr. Klosky thanked people for coming and providing their input.

Mr. Amoss thanked staff for their input. Spoke with trustees about using incidental remarks to discuss anything that they may want to bring on an agenda.

Adjournment

The next Townhall meeting will be held on January 25, 2024, at 6pm in Building D/E.

Mr. Amoss adjourned.

Meeting adjourned at 7:33pm.

Jeff Grunow, Secretary

Stephanie Brown, District Clerk

Barefoot Bay Recreation District

Treasurer's Report

November 9, 2023

Cash and Investments Balances in General Fund as of 10/30/23

Petty Cash/Cash Drawers	Total Petty Cash: \$	5,300.00
Non Interest Bearing Accounts		
MB&T Operating Account		137,221.52
Interest Bearing Accounts		
MB&T Money Market Account		573,047.64
Valley National Bank		51,129.48
FL Class		210,487.97
SBA Reserve Account		740,520.14
Investment Accounts		
FL Trust - Short Term Bond Fund		110,650.82
Total Cash Balances in General Fund:	\$	1,828,357.57

Total Daily Deposits and Assessments Received for 10/3/23 -10/30/23

Daily Deposits:	\$	327,723.34
Assessments Received:		-
Total Deposits Received:	\$	327,723.34

Expenditures for 10/3/23 - 10/30/23

Check Number	Vendor	Description	Check Amount
62386	Civic Plus	Annual Hosting and Support	16,604.13
62395	IM Solutions, Inc	Audio and Video Services	6,600.00
62397	Omega Technology Solutions, LLC	Monthly IT Support	5,758.06
62412	US Foods	Foodstuff and Supplies	6,235.07
62416	Wesco Turf, Inc	Irrigation Components	9,488.93
62430	Barefoot Bay Water & Sewer	Monthly Water	5,384.18
62443	Keep'n Cool Inc	A/C Unit @ 935 Barefoot Blvd	7,324.00
62459	Family Pools Inc	Pool 1 Pit and Heater Replacement	25,600.00
62466	BrightView Golf Maintenance, Inc	Golf Course Maintenance	44,915.67
62481	Home Depot Credit Services	Building and Grounds Supplies	7,457.86
62497	US Foods	Foodstuff and Supplies	8,040.08
62507	A1A Technologies & Electric	Cameras for 625 and 1225 BF Blvd	36,344.00
62515	Online Solutions LLC	Citizenserve Annual Fee	12,600.00
62519	Florida Blue	Employee Health Insurance	36,589.86
62521	Florida Power & Light Co	Electricity	11,782.20
62524	MissionSquare	401 Retirement fund	5,877.53
62530	Special District Services, Inc	Management Fees	14,798.21
62533	US Foods	Foodstuff and Supplies	7,329.10
	Florida Department of Revenue	Sales Tax	12,910.15
	Paychex	Net Payroll PPE 231008	74,169.27
	US Department of Treasury	Payroll Tax PPE 231008	21,214.89
	Paychex	Net Payroll PPE 231022	94,405.60
	US Department of Treasury	Payroll Tax PPE 231022	27,869.35
Total Expenditures \$5,000 and above:			499,298.14
Expenditures under \$5,000:			119,678.12
Total Expenditures:			\$ 618,976.26

Board of Trustees

Date:

Meeting Agenda Memo

Thursday, November 9, 2023

Title:

Christmas Parade and Light Up the Bay Support

Section & Item:

Department:

Property Services, Recreation

Fiscal Impact:

Not to exceed \$1,300

Contact:

Kent A. Cichon, Community Manager

Attachments:

Reviewed by General Counsel: N/A

Approved by:

Kent A. Cichon, Community Manager



Requested Action by BOT

Consideration of Vice Chairman Emeritus Klosky, CDO's request for support of his annual BBRD Christmas Parade and Light Up the Bay contest.

Background and Summary Information

Vice Chairman Emeritus Klosky, CDO requests the BOT consider spending up to \$1,300 for the cost of his annual BBRD Christmas parade, festivities, and Light Up the Bay contest.

Vice Chairman Emeritus Klosky, CDO believes, as in years past, he will be able to stay under budget and not expend all the funds. Sufficient budget exists in the Property Services Department: Recreation Sub-department to fund this request.

Staff recommends the BOT authorize BBRD to expend up to \$1,300 on the Christmas parade, festivities, and Light Up the Bay contest as requested by Vice Chairman Emeritus Klosky, CDO.

Board of Trustees

Date:

Meeting Agenda Memo

Thursday, November 9, 2023

Title:

**Exceptions to Competition and Emergency Purchases
– Administration Building Water Intrusion**

Section & Item:

Department:

Community Manager and Property
Services

Fiscal Impact:

\$3,500 estimate

Contact:

Kent A. Cichon, Community Manager; and Matt
Goetz, Property Services Manager

Attachments:

Moisture Intrusion Solutions Proposal

Reviewed by General Counsel: No

Approved by:

Kent A. Cichon, Community Manager



Requested Action by BOT

Confirmation of emergency purchases.

Background and Summary Information

The Administration Building has experienced water intrusion on numerous occasions at multiple locations. A proposal from Moisture Intrusion Solutions (see attachment) to determine and evaluate causes of water leakage of exterior walls has been accepted by staff. In accordance with BBRD Policy Manual's Emergency Purchases (In the event of the need to repair existing infrastructure that impacts the health welfare and safety of residents, the Community Manager may waive normal purchasing procedures. The Community Manager shall place the contract for repairs on the next regularly scheduled BOT meeting agenda for confirmation.) (page 13). The vendor's proposal reflects an estimated amount of \$3,500 for the specified work. The vendor has been scheduled to conduct this work on October 30, 2023.

Staff recommends the BOT confirm the emergency purchase to determine and evaluate causes of water leakage of the Administration Building's exterior walls.



MOISTURE INTRUSION SOLUTIONS
d/b/a NATIONAL TESTING SERVICES
475 Fentress Blvd. Suite A, Daytona Beach, FL 32114
ISO 17025 Certification # (TL-713)
1-844-446-6532

June 20, 2023

Matt Goetz
Barefoot Bay Recreation District
625 Barefoot Blvd.
Sebastian, FL 32976
Phone: 772.664.2063
Mobile: 772.494.9985
Email: mattgoetz@bbrd.org

Re: Field Forensic Testing Services

Project: Barefoot Bay Recreation
Brevard County, FL

Mr. Goetz,

Moisture Intrusion Solutions, LLC (MIS), a Salas O'Brien Company is pleased to provide this proposal for the Barefoot Bay Recreation project to confirm that Barefoot Bay Recreation District is in agreement with the terms, conditions, and tentative scheduling. MIS will tentatively schedule the onsite meetings and testing to begin on a date to be determined (TBD) by and agreed between MIS and Barefoot Bay Recreation District. The observation/test dates should be scheduled in advance as early as possible.

In order to confirm this tentative schedule, it is requested that this proposal by MIS be returned to our Corporate Office to the attention of Rebecca Rioux at rrioux@consultmis.com as acceptance of the conditions, fees, payment terms, and scheduling no later than the close of business two weeks prior to testing. Every effort will be made by MIS to schedule the observation/testing to accommodate Barefoot Bay Recreation District.

This proposal is based upon the information provided by the client. Newly added buildings are experiencing water migration from the slab during rain events at the middle and perimeter of floors.

Building Relationships, One Project at a Time

Atlanta | Baton Rouge | Charleston | Charlotte | Dallas | Daytona Beach | Destin | Houston
Nashville | Orlando | Phoenix | Raleigh-Durham | Tampa | Washington DC
ConsultMIS.com

MOISTURE INTRUSION SOLUTIONS

FIELD OBSERVATION/TESTING - SCOPE OF WORK:

This proposal has been tailored specific to this project. The intent of the proposed field testing is being completed following forensic field test methods as described in ASTM E 2128 “Evaluating Water Leakage of Building Walls.” This guide describes methods for determining and evaluating causes of water leakage of exterior walls. This guide is intended to provide building professionals with a comprehensive methodology for evaluating water leakage through walls. It addresses the performance expectations and service history of a wall, the various components of a wall, and the interaction between these components and adjacent construction. It is intended for evaluating buildings that exhibit water leakage.

SCOPE

Determination of service history

Observation

Investigative Testing

Analysis / Light Destructive

Report Preparation

INVESTIGATIVE TESTING OBJECTIVES

Recreate Leaks— The primary purpose of investigative testing is to recreate leaks that are known to occur. Investigative testing is not intended to demonstrate code compliance or compliance with project documents unless such deviations are actually related to the leakage problem.

Trace Internal Path of the Leak—Leakage paths within a wall are difficult to trace during a rain. Testing provides the opportunity to recreate the leakage and water migration paths under controlled and reproducible conditions. The paths observed during testing should be compared to evidence of water paths during actual leaks by assessing existing concealed staining, damage, and residue accumulation.

Correlate Test Results with Observed Damage— The test procedure should reproduce the observed in-service leakage behavior. Creating new leaks during a test may be useful information, but it is not a valid assessment of the existing leakage problem.

MOISTURE INTRUSION SOLUTIONS

PROPOSED TESTING METHODOLOGIES

The following proposed testing methodologies below are intended to re-create the in-service leaks at the vertical wall assembly where leakage has been previously reported.

- Perform Isolation Spray Testing following AAMA 501.2 “Quality Assurance and Water Leakage Diagnostic Field Check of Installed Storefronts, Curtain Walls, and Sloped Glazing Systems” at dissimilar building interfaces starting at the lowest portion of the test specimen or suspect leak area. The spray apparatus, water delivery rates and systematic isolation approach of this standard shall be followed as described in the standard.

BID FOR WORK AS SPECIFIED:

- | | |
|----------------------|---------|
| • Site investigation | \$3,500 |
| -Estimated at 1 day | |

TOTAL	\$3,500
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- Lift Rental (if required) will be invoiced at cost plus 10%

Fees shall be invoiced upon completion of field work. Our report shall be submitted and invoiced at a separate date as defined above upon receipt of payment for field services.

For additionally requested services not included in the above scope of work, MIS’ hourly fee is \$175/hr.

Site Requirements: A water source must be provided within 150 feet of test specimen(s). Water pressure must be a minimum of 50 psi at tap. Additional water pressure/volume will be necessary for more than 150 feet and/or above the ground level. If lifts are required, it is anticipated that it is provided onsite by others. MIS/NTS can provide a lift at cost plus 10%; notice would be necessary. A consistent source of electricity must be available within 100 feet of test specimen(s). All interior and access to elevated stages of the building shall be provided by Contractor.

MOISTURE INTRUSION SOLUTIONS

Terms and Conditions

Field Testing – All accredited field testing is conducted by Moisture Intrusion Solutions, LLC (MIS) d/b/a National Testing Services (NTS) under lab 713. MIS/ NTS lab 713 is an ISO 17025 accredited laboratory, which includes associated and accredited field testing. Reports including field testing will include reference to MIS and NTS.

Additional Services - If any additional or special services are required by Client, these services shall be set forth in a new proposal satisfying all applicable and appropriate requirements including a separate schedule of fees (Change Order).

Compensation - Client will pay MIS for services and expenses in accordance with the proposal. MIS will submit periodic invoices to Client together with reasonable supporting documentation requested by Client and a final bill upon completion of its services. Unless otherwise agreed in writing, there shall be no retainage. Payment is due within thirty (30) days regardless of whether Client has been reimbursed by any other party. MIS may suspend work, withhold reports and vacate the site without liability if payment is not received. Client will indemnify MIS for all claims concerning the suspension of work for nonpayment regardless of whether the claims are by the Client, someone claiming through the client, or by a third party. Client agrees to pay MIS' attorney's fees, and all other costs incurred in collecting past due amounts.

Standard of Care - MIS' services as defined by this proposal shall be performed in accordance with generally accepted industry principles and practices, consistent with a level of care and skill ordinarily practiced by the consulting profession currently providing similar services under similar circumstances at the time the services were provided. Client agrees to give MIS written notice within one (1) year of any breach or default under this section and to provide MIS a reasonable opportunity to cure such breach or default, without the payment of additional fees to MIS, as a condition precedent to any claim for damages.

Construction Techniques - MIS shall not be responsible for health and safety procedures, construction means, methods, techniques, sequences, or procedures, nor be responsible for the acts or omissions of contractors or other parties on the site. As the Exterior Envelope Consultant for the project, MIS is to be held harmless for misapplication of the products and/or systems by the Contractor or Subcontractors.

Cancellation Policy - Scheduling of any services relating to water testing on projects are based on the assumption that the areas to be tested are complete and ready for testing, including installation of all glazing, internal framing seals, gaskets, face caps and perimeter sealant joints. All applied sealants at the test area must be adequately cured for a period specified by the sealant manufacturer. It is the responsibility of the Client or Client's on-site representative to confirm within 72 hours prior to the testing start time that the test areas are complete and ready to test. If not cancelled more than 48 hours ahead of the scheduled test, or if we find upon arrival that the test areas are not fully ready for testing as described above, a minimum charge of \$1,500 will be invoiced to the client. Testing cannot be performed in inclement weather, nor when the temperature is below freezing.

Force Majeure - Neither party shall hold the other responsible for damages or delays in performance caused by acts of God, strikes, lockouts, accidents or other events beyond the reasonable control of the other party or its employees and agents.

MIS and Client Indemnification - MIS shall indemnify and hold harmless Client against claims, demands, and lawsuits, to the extent arising out of or caused by the negligence or willful misconduct of MIS or subcontractor retained by MIS, in connection with activities conducted in the performance of the Services.

MOISTURE INTRUSION SOLUTIONS

The Client shall indemnify and hold harmless MIS from and against claims, demands, and lawsuits, to the extent arising out of or caused by Client's breach of this Agreement or the negligence or willful misconduct of the Client or other contractors retained by Client in connection with activities conducted in the performance of the Services.

If a dispute arises between the parties resulting in litigation, the prevailing party shall be entitled to recover all reasonable costs incurred. Client agrees that all indemnifications granted to MIS shall also be granted to those subcontractors retained by MIS for the performance of the Services.

Termination of Contract - This Agreement may be terminated by either party upon seven (7) days written notice provided that any incomplete or unfinished service will remain in effect until completed, unless otherwise agreed to in writing. In the event of termination or suspension, by the Client, MIS shall be paid for Services performed prior to the termination date plus reasonable termination and suspension expenses.

Limit of Liability – MIS' total liability for all claims or causes of action of any kind, including, but not limited to, negligence, bodily injury or property damage, breach of contract or warranty shall not exceed amounts recoverable from insurance for General Liability, Auto and Workers Compensation and three times total fee collected under this agreement for Professional Liability.


Additionally Insured - MIS and Client agree that MIS' Commercial General Liability Policy and its Commercial Business Automobile Liability policy shall contain an endorsement naming Client as additional insureds. If requested, MIS will provide a certificate of insurance demonstrating that Client is listed as an additional insured, as acknowledged by this agreement.

PURSUANT TO SECTION 558.0035, FLORIDA STATUTES, NO INDIVIDUAL EMPLOYEE OR AGENT OF MIS/NTS MAY BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE FOR ANY SERVICES PROVIDED TO CLIENT UNDER THIS CONTRACT.

VALIDITY: The above fees and terms are considered valid as quoted until October 2023.

Issued By:
Chris Damiano -
Associate Vice President Investigations
Moisture Intrusion Solutions, LLC
A Salas O'Brien Company

Authorized By:
Shawn Ferris- Principal
Moisture Intrusion Solutions, LLC
A Salas O'Brien Company

Authorized By:
Barefoot Bay Recreation District
(Name of Person Authorized to Sign)
BY: 
PRINTED NAME:
Kent Cichon
TITLE: Community Manager
DATE: 10/7/23

Board of Trustees

Date:

Meeting Agenda Memo

Thursday, November 9, 2023

Title:

Sidewalk Easement Indenture

Section & Item:

Department:

Community Manager and Property Services

Fiscal Impact:

\$21.45 Recording Fees

Contact:

Kent A. Cichon, Community Manager; and Matt Goetz, Property Services Manager

Attachments:

Sidewalk Easement Indenture (currently under development and to be made available prior to meeting)

Reviewed by General Counsel: Yes

Approved by:

Kent A. Cichon, Community Manager



Requested Action by BOT

Consider approval of a sidewalk easement indenture to provide Brevard County with a 10' wide perpetual easement on the western side of BBRD's Beach property for the purposes of constructing, reconstructing, repairing, and reconfiguring a sidewalk.

Background and Summary Information

In 2015, as part of a grant proposal, the concept of a restroom building (in lieu of port-a-potties) was initially developed. Due to the community's interest in "support projects" (i.e., non-active recreation amenities) that had to be less than 50% of the grant program, BBRD ultimately rejected the grant award. Later, the BOT adopted the FY19 Approved Budget based on issuing over \$9,000,000 in long-term bonds to fund 20 projects which included a prefabricated restroom building at the Beach. The 2019 BOT decided not to proceed with the bond issuance and the 20 projects were re-programmed back into the next five-year financial model and capital improvement plan. The Beach restroom project was then budgeted within the FY21 Approved Budget. In 2020, BBRD procured a prefabricated concrete restroom building from Leesburg Concrete Company, Inc. costing \$83,929.00. The purchase price included the cost of delivery to the Beach project site in the amount of \$4,800.

Due to Brevard County's adoption of revised Building Codes in 2018 and changing locations of FEMA flood map boundaries and Coastal Construction Line location, after considerable research and conversations, TLC, BBRD's engineering consultant, learned that Brevard County required 40-foot pilings as the foundation for the building anywhere on BBRD's beach property (although FEMA and DEP do not). After discussions between BBRD and Brevard County, it was determined that these pilings were not needed if the proposed location of the restroom building was moved further west.

BBRD engaged TLC Engineering Solutions to prepare the engineering plans. These plans were completed in FY22 and a permit application for the septic system was submitted and approved.

Leesburg Concrete Company, Inc. has been storing the prefabricated restroom unit at no additional cost to BBRD, however the company has communicated that delivery costs have increased due to inflation over the past three plus years. The company will be providing an estimated additional cost, with the exact amount to be determined once a delivery date has been scheduled.

The BOT awarded a contract for general contracting services to Big 5 General Construction, Inc. on December 8, 2022, and a contract was executed between Big 5 General Construction, Inc. and BBRD. Upon submittal of a building construction permit for this project, it was learned that Brevard County requires a major site plan for this project to be submitted and approved prior to a building construction permit being reviewed for approval. A minor site plan was approved by Brevard County in 2017 for prior development of this site by BBRD.

BBRD submitted a major site plan review application in 2023 through its engineering consultants, TLC and BSE Consultants, Inc.. This review process has ensued over several months in 2023 and has reached its final steps with BBRD's submission of a sidewalk waiver application. Through a consensus during the September 14, 2023, BOT Regular Meeting, the BOT directed staff to pursue the provision of a 10' wide easement of the BBRD Beach property to Brevard County, so as to obtain approval of the sidewalk waiver application, which would then result in approval of the major site plan by Brevard County.

Staff recommends the BOT consider approval of a sidewalk easement indenture to provide Brevard County with a 10' wide perpetual easement on BBRD's Beach property; and authorize the BOT Chairman to sign said indenture.

Board of Trustees Meeting Agenda Memo

Date: Thursday, November 9, 2023
Title: **Amending the Budget: FY23 Year End**
Section & Item: 11.D
Department: Administration, Finance
Fiscal Impact: 0
Contact: Charles Henley, Finance Manager, Kent Cichon, Community Manager
Attachments: 231109 Resolution 2023-17 FY23 Year End Budget Amendment
Reviewed by General Counsel: Yes
Approved by: Kent Cichon, Community Manager



Requested Action by BOT

Review and Approve Budget Amendment 2023-17 and Resolution

Background and Summary Information

At the end of each fiscal year, staff requests the Board to reallocate budgeted expenditures between departments as well as increases and decreases in R&M/Capital Projects Department line-item budgets necessary to close project budgets and transfer the budgets to contingency in preparation for FY2024 budgeting.

The first illustrated table depicts the expenditure budget transfer to the Food & Beverage and the Shopping Center Departments:

	Increase	Decrease
7210 - Food & Beverage Department	\$ 62,000	
7400 - Shopping Center	\$ 3,000	
7230 – Golf Proshop		\$ 65,000

The second illustrated table depicts the non-use of Fund Balance by the R&M/Capital Projects Department:

	Increase	Decrease
Fund Balance	\$ 612,282	
7300 - R&M Capital Projects Department		\$ 612,282

RESOLUTION 2023-17

**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 transfer \$62,000 of the Golf Pro-shop Department's FY23 Budget to the Food & Beverage Department's FY23 Expenditure Budget.

An Amendment to transfer \$3,000 of the Golf Pro-shop Department's FY23 Budget to the Shopping Center Department's FY23 Expenditure Budget.

**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 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, Jeff Grunow
Trustee, Hurrol Brinker
Trustee, Joe Klosky
Trustee, Ann Hansen

The Chairman thereupon declared this Resolution Done, Ordered, and Adopted on this 9th day of November 2023.

BAREFOOT BAY RECREATION DISTRICT

By: _____
Bruce Amoss,
CHAIRMAN

Hurrol Brinker,
SECRETARY



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: November 9, 2023

Subject: Manager's Report

Finance

Assessment received – 99.9% collected or \$4,205,717.

Resident Relations

ARCC Meeting 9/26/2023

- 14 Consent Permits – approved
- 5 Other Permits – approved

ARCC Meeting 10/24/2023

- 5 Old Business Items – 4 approved, 1 tabled
- 13 Consent Permits – approved
- 7 Other Permits – approved

VC Meeting 9/22/2023

- 8 Cases – came into compliance
- 1 Case – DOR is working with the homeowner
- 9 Cases – found to be in violation

VC Meeting 10/27/2023

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

Food & Beverage

- The Day Trippers, a “Fab 5” tribute band, will once again play all the Beatles hits on the Lounge Lake Side Stage Friday, November 17th from 7-10:30pm. This is a free event for Barefoot Bay residents and their guests.
- The 2024 Winter Beats series schedule is posted with a great line up of entertainment. Tickets for the first weekend in the series “The Atlantic City Boys on January 19” will go on sale Tuesday, November 28th at 9am. Tickets for “The Divas music of the 70s and 80s on January 20th” go on sale Tuesday, December 5th at 9a.m. Flyers with the full schedule and ticket sale dates are posted.
- The Lounge and the 19th Hole will be closed on Thanksgiving to allow staff to spend the day with their families.

Property Services

- Pools
 - Worked with contractor on punch list for Pool #1
 - Arranged for repairs to Pool #1
 - Added additional fencing to the Pool #1 area
 - Repaired loose fence post in the Pool #1 area
 - Ordered materials, picked up the fences, and met onsite with potential contractors for the new smoking area at Pool #1
 - Installed yellow tape at the edge of the Lakeside of the Lounge Stage for safety
- Lounge
 - Completed painting of the lounge interior
- Administration Building
 - Scheduled contractor to determine and evaluate causes of water leakage of exterior walls of the Administration Building
 - Continued discussions with vendors for replacing Administration Building floors
- Set up and prepped Building A for the elections
- Began installation of the improved lawn bowling irrigation system
- Assessed canal banks to be mowed
- Changed locks on various facilities
- Ordered replacement tiles for the 19th Hole
- Ordered a backup AED
- Installed new signage around Barefoot Bay for safety precautions
- Installed automatic door opener for entrance of Building D/E

Golf-Pro Shop

- The Golf Pro Shop is having a clearance sale on Men’s and Ladies apparel, stop by and save
- Tournaments
 - Sunday Morning Scramble Christmas Event
 - 108 players participated
 - Funds were raised to benefit the Barefoot Bay community

Golf-Pro Shop (continued)

- Member-Member Tournament
 - November 11th with an 8:30 am Shotgun start
 - Visit the Pro Shop to sign up
- Martini League Barbie Tournament
 - November 14th with a 3 pm Shotgun start
 - Contact Deb Ferguson at 772-664-3174 for details and visit the Pro Shop to sign up
- Brightview Maintenance
 - Overseeding of the Tees, Greens and Collars will take place November 16th & 17th
 - Thursday, November 16th Back 9 and Putting Green will be closed
 - Friday, November 17th Front 9 and Driving Range will be closed
 - Watering intervals until the seed has germinated will be 9am/12pm/3pm
 - These will be approximately 3-minute intervals per hole
 - We ask our golfers to be patient during this important process