

**Barefoot Bay Recreation District
Regular Meeting of the Board of Trustees**

Friday, December 7, 2018

1:00 PM

1225 Barefoot Boulevard, Building D/E



BAREFOOT BAY RECREATION DISTRICT

Barefoot Bay Recreation District Regular Meeting
Friday, December 7, 2018 at 1 P.M.
Building D&E

AGENDA

Please silence all electronic devices

1. Thought for the Day
2. Pledge of Allegiance to the Flag
3. Roll Call
4. Presentations and Proclamations
 - A. Barefoot Bay Homeowners Association Proclamation
5. Approval of Minutes
6. Treasurer's Report
7. Audience Participation
8. Unfinished Business
 - A. Pool Temperature
 - B. NRP Realtor Selection
9. New Business
 - A. DOR Cases
 - i. 909 Spruce Street, #17-004203
 - ii. 614 Royal Tern Drive, #17-004363
 - iii. 947 Jacaranda Drive, #17-006158
 - iv. 901 Waterway Drive, #18-000148
 - v. 901 Waterway Drive, #18-002658
 - vi. 414 Barefoot Blvd., #18-002962
 - vii. 942 Jacaranda Drive, #18-003438
 - viii. 414 Barefoot Blvd., #18-004699
 - ix. 414 Barefoot Blvd., #18-004700
 - x. 922 Fir Street, #18-001009
 - xi. 909 Hemlock Street, #18-003201
 - B. Mobile Mammogram Request
 - C. Donation Request: Barefoot Bay Homeowners Association
 - D. Lochmandy Letter
 - E. FY19 Pay and Classification Plan Adoption
 - F. Ratification of Chairman Lavier's Signature of New Administration Building Utility Conveyance (Water Line)

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.



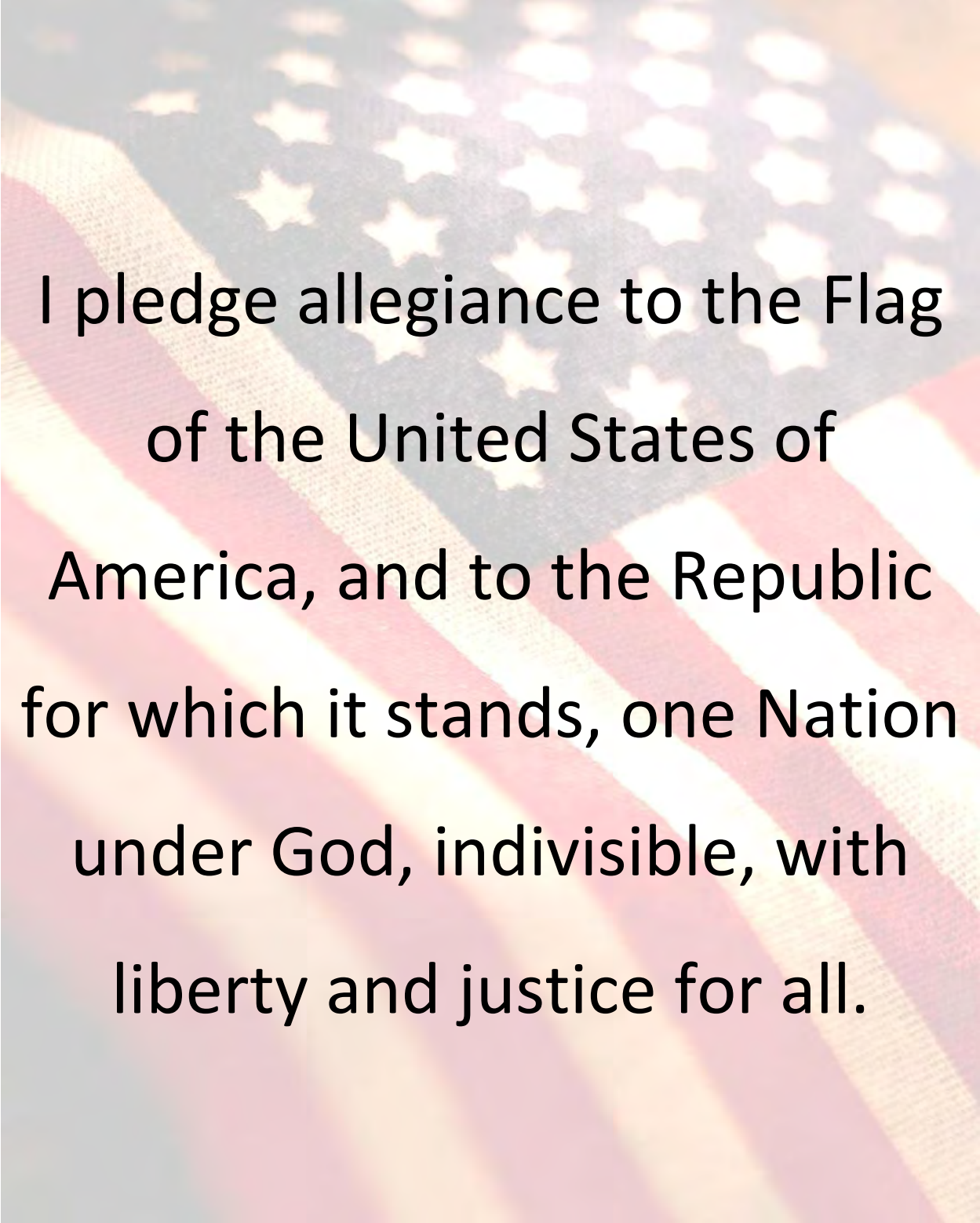
BAREFOOT BAY RECREATION DISTRICT

10. Manager's Report
11. Attorney's Report
12. Incidental Trustee Remarks
13. 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.

Thought of the Day





I pledge allegiance to the Flag
of the United States of
America, and to the Republic
for which it stands, one Nation
under God, indivisible, with
liberty and justice for all.

Roll Call

Trustees

Chairman - Mr. Lavier

1st Vice Chair - Mr. Diana

2nd Vice Chair – Mr. Wheaton

Secretary - Mr. Klosky

Treasurer - Mr. Cavaliere

Also Present

General Counsel- Cliff Repperger, Jr., Esq.

Community Manager - John W. Coffey

District Clerk - Dawn Myers

Presentations

Approval of Minutes



BAREFOOT BAY RECREATION DISTRICT

**Board of Trustees Regular Meeting
November 9, 2018
1 P.M. – Building D&E**

Meeting Called to Order

The Barefoot Bay Recreation District held a Regular Meeting on November 9, 2018 in Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Lavier called the meeting to order at 1:00 P.M.

Thought for the Day

Mr. Lavier asked for a moment of silence to honor our service personnel both past and present who have helped protect our country. He also asked that we remember our Barefoot Bay residents both past and present and the victims of the California shootings this week.

Pledge of Allegiance to the Flag

Led by Mr. Wheaton.

Roll Call

Present: Mr. Lavier, Mr. Wheaton, Mr. Cavaliere and Mr. Klosky. Mr. Diana was excused. Also present: Jason Pierman, SDS, John W. Coffey, Community Manager, Cliff Repperger, General Counsel and Dawn Myers, District Clerk.

Presentations

Veterans Day Proclamation

Chairman Lavier presented a Veterans Day Proclamation to the representative men and women of various Veteran organizations in the Barefoot Bay.

Employee Milestones

Chairman Lavier and Mr. Coffey presented a 5-year service award to Rebecca Santisi of the Property Services department and a 10-year service award Kathy Mendes, Food and Beverage Manager.

Minutes

Mr. Cavaliere made a motion to approve the minutes from October 12, 2018 and October 23, 2018 as written. Second by Mr. Wheaton. Motion carried unanimously.

Treasurer's Report

Mr. Cavaliere commended Finance Manager Charles Henley on his hard work in consolidating all interest-bearing funds into one account. Mr. Cavaliere read the Treasurer's Report for November 9, 2018.

Mr. Klosky made a motion to approve the Treasurer's Report as written. Second by Mr. Wheaton. Motion carried unanimously.

Audience comment On Agenda Items

Mr. Rich Schwatlow commented on the proposed new building for the area behind the shopping center, stating that the same area was suggested for the New Administration Building years ago. If this location was seriously considered at the time we could have had all the major facilities in one area for resident business.



BAREFOOT BAY RECREATION DISTRICT

Linda Hengst requested that the Board overturn the decision to raise the temperatures in the pools to a minimum of 84 degrees, as many people use these pools for health reasons. She provided documentation to support her request with information from local and state institutions on the health benefits for older residents of swimming and exercising in higher pool temperatures.

Jack Reddy congratulated the new trustee-elects and offered his sympathy to the incumbents that were not successful in the election. He commented on information received in his county tax correspondence regarding the short-term rentals issue. Mr. Reddy was adamant that this topic is seriously discussed within the new Board members and resolved. He stated that some Barefoot Bay homeowners are using AIRBNB to participate in short-term rentals which is unfair to the rest of the homeowners as this puts an unfair tax burden on the rest of the homeowners.

New Business

Budget Amendments

FY 2018 Year End Budget Amendment and Resolution

At the end of each fiscal year, state law permits staff up to 60 days to adjust the budget. Transfers within departments have been accomplished. Staff requested the BOT approve the Resolution for the FY18 Year-End Budget Amendment. General Counsel read the resolution.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAY RECREATION DISTRICT AMENDING RESOLUTION 2017-10; AMENDING THE BUDGET.

Mr. Cavaliere made a motion to approve the resolution for the FY18 Year-End Budget Amendment. Second by Mr. Klosky. Motion carried unanimously.

FY19 Roll Forward Budget Amendment and Resolution

Annually the District traditionally moves the unfinished projects into the new Fiscal Year Budget. Staff prepared a list of unfinished projects from FY18 to roll forward into the FY19 Budget and requested an approval of the accompanying resolution for the roll forward of FY18 unfinished projects to the FY19 Budget. General Counsel read the resolution.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT AMENDING RESOLUTION 2018-06; AMENDING THE BUDGET.

Mr. Cavaliere made a motion to approve the resolution adopting the roll forward of FY18 unfinished projects to the FY19 Budget. Second by Mr. Klosky. Motion carried unanimously.

Neighborhood Revitalization Program (NRP) Purchase Confirmation

Neighborhood Revitalization Program (NRP) Chairman Wheaton authorized the purchase of 969 Laurel Circle at the last NRP committee meeting. Per the NRP guidelines the purchase is submitted to the Board for confirmation.

Mr. Cavaliere made a motion confirming the purchase of 969 Laurel Circle. Second by Mr. Klosky. Motion carried unanimously.

Lakeside of Lounge New Year's Eve Entrance Fee Proposal

Mr. Coffey presented the option to sell tickets on New Year's Eve at Pool 1 for admission to the New Year's Eve event at the Lounge. He explained that this would help supplement the increased entertainment fee that bands traditionally charge on this holiday. He stated that ticket sales would be limited to a maximum of 400. Mr.



BAREFOOT BAY RECREATION DISTRICT

Cavaliere voiced concern that many non-residents may attempt to purchase tickets on this night resulting in limited or no room for Barefoot Bay homeowners. Board and General Counsel discussed the options to reduce non-residents from purchasing tickets on New Year's Eve and the legal ramifications if any.

Mr. Cavaliere made a motion prohibiting the sale of guest passes at Pool 1 for the New Year's Eve event only. Second by Mr. Klosky. Motion carried unanimously.

Facilities Assessment and Capital Forecasting Program Set Up Proposal

Mr. Coffey presented information on the facilities maintenance forecasting program he and Property Services Manager, Matt Goetz, have been researching for the District buildings and equipment. Due to increased workload, limited administrative staff and setbacks from two years of hurricane disaster prep and clean up, Property Services, have not been able to implement a full in-house maintenance program for buildings and equipment. Mr. Coffey explained that this program is a service provided by our current work order maintenance vendor, DudeSolutions, Inc. Together he and Mr. Goetz, in collaboration with Dude Solutions, Inc. have developed a customized program to have representatives come to the District for a one time in-depth assessment of all buildings and equipment in an effort to produce a comprehensive forecast for replacement and maintenance of buildings, electrical systems and equipment. Mr. Cavaliere voiced his support of the program as it is much need in the Bay. He stated that this is one of the best uses of District funds in many years.

Mr. Cavaliere made a motion to approve the Facilities Assessment and Capital Forecasting System proposal by DudeSolutions, Inc. in the amount of \$37,688.75, waive the second bid requirement and authorize staff to execute the required budget amendments. Second by Mr. Klosky. Motion carried unanimously.

Christmas Parade Support

Trustee Klosky requested this agenda item for the BOT to consider spending up to \$500 for the cost of the annual BBRD Christmas parade and festivities.

Mr. Cavaliere made a motion to authorize BBRD to expend up to \$500 on Christmas parade and festivities as requested by Trustee Klosky. Second by Mr. Wheaton. Motion carried unanimously. Motion carried unanimously.

Manager's Report

Resident Relations

ARCC Update:

- October 30th – 34 cases are on the agenda (17 consent and 17 non-consent) with all being approved except one non-consent.
- November 13th – 27 cases (11 consent, 13 non-consent and 3 old) are scheduled for the meeting.

Violations Committee Update:

- October 26th – 22 cases were on the agenda, with 11 being found in violation, 9 coming into compliance prior to the meeting and two being continued.
- November 09th – 17 cases are scheduled.

Interesting Fact

- In October, 72 new homeowners received their badges representing 47 home sales.

Food and Beverage

- Barefoot by the Lake update – Tickets are on sale for the Beach Boys/Eagles tribute band concert on the Barefoot Bay festival grounds on February 15, 2019. Field seat tickets may be purchased in the BFBHOA office for \$10. Tickets are SOLD OUT for seats behind the Lounge. There will be open free seating available, however, if you want a guaranteed seat, Barefoot Bay residents can purchase tickets now. Our friends from the North, West and South who are not here yet, can call the BFBHOA office to reserve their tickets.



BAREFOOT BAY RECREATION DISTRICT

- New Year's Eve Update – Tickets for New Year's Eve seats for the Lounge and 19th Hole parties go on sale Saturday, November 24 @ 10am at the Lounge and 11am at the 19th Hole.
- F&B Special Event: The Beatle Guys – The tribute band will play BBRD on January 26, 2019 from 7-10pm in Building A. Tickets go on sale outside Building A from 10-noon on December 1st. Tickets may be purchased in the Food & Beverage office after that date.

As always, flyers with all the details are posted.

Golf-Pro Shop

Projects Update

- Bunker sod replacement project is completed (daytime watering will continue until sod is established)
- Continuing drainage work along Hole #5

Tournaments (Please call pro shop 664-3174 for details)

- Christmas for Kids
 - November 17th 8:30am Shotgun
 - \$35 per player
 - Sign up began Oct 15
- Night Golf
 - December 7th 5pm start
 - Sign up begins November 19th

Thanksgiving Day Hours

- Pro Shop Closes at 2pm
- Last Cart out at 10am

Course Overseeding Reminder (May move few days due to weather)

- November 13th (Back nine and putting green will be closed)
- November 14th (Front nine and driving range will be closed)

Ernie says "there are only 46 more shopping days till Christmas. Do not settle for fake Barefoot Bay logo shirts. Get your authorized BBRD logoed merchandise at the Pro Shop."



Property Services

- Removed remaining pepper tree overgrowth along the canal on Barefoot Cir.
- Re-attached the escaping Swan in the lake
- Repaired broken valve in the men's room at D&E
- Trimmed the Oak trees and bottle brush trees along the Barefoot Blvd.
- Completed painting on Pool 1 deck
- Vendor poured the concrete pad at the west end of the Gunther bypass trail and staff sodded in damaged adjacent areas
- Expanded Golf cart parking and sodded damaged areas at Pool 1
- Repaired gates at the west RV storage facility
- Installed new television in the 19th hole
- Repaired damaged divider in the men's room 19th hole
- Repaired hole in the men's room 19th hole



BAREFOOT BAY RECREATION DISTRICT

General Information

December BOT meetings Reminder –Friday December 7th (1st Friday) is the only regularly scheduled meeting for the remainder of 2018.

Lounge Conceptual Design Follow-up Workshop – The second workshop where floorplans and renders will be reviewed is scheduled for Wednesday November 21st at 10am in Building D/E.

Second Annual Budget Kickoff Townhall Meeting – The public is invited to attend the townhall meeting which kicks-off the development of the FY20 Budget at 7pm Tues., Nov. 27th in Bldg. D/E. This is the meeting you want to attend if you have an opinion or idea about what BBRD should do over the next 5 years.

Building A/Pool #1 Retaining Wall Assessment Study Update – Staff received the locations for the excavation of the exploratory pits from the engineers this week. The task has been placed in the work queue and is expected to be completed by mid-December.

New Administration Building Change Order #4 – As I previously notified the Trustees, I have signed change order #4 this week providing an additional 7 weeks no cost extension to the contract for the following reasons:

- 2 weeks for weather delays in digging footers after the pad was installed
- 1 week for delays resulting from BBRD's telephone/data cabling vendor's interference
- 4 weeks for the ordering of a step-down transformer from FPL.

The new deadline for substantial completion is December 30, 2018.

Attorney's Report

General Counsel offered a recommendation concerning the sale of as-is properties via the NRP. His suggestion was based on the State and County policies for the sale of as-is properties by putting them up for public auction. He explained that the properties should be taken out of the NRP program and put up for public auction under public auction guidelines, as this gives a wider portion of the public access to purchase the properties and provides the potential for a higher selling price. He added that the selling of the homes would be sped up as well. Mr. Cavaliere stated that it was a good plan. Mr. Wheaton voiced concern that the auction would encourage investors rather than people looking to settle and build homes.

Trustee Incidental Report

Mr. Lavier congratulated the new trustee-elects Randy Loveland and Luann Henderson and incumbent Joseph Klosky. He wished everyone a safe Veterans Day and Happy Thanksgiving.

Mr. Wheaton had no remarks at this time.

Mr. Cavaliere had humorous gifts for the remaining Trustees on the Board. He shared his personal message imploring the residents to work together with the new Board for a shared outcome. He encouraged the residents to compromise their ideals regardless of what their opinions are or risk getting nothing accomplished.

Consensus by the Board to have Trustee Elects Randy Loveland and Luann Henderson join the trustees on the dais at the Lounge Conceptual Plans Workshop on November 21, 2018



BAREFOOT BAY RECREATION DISTRICT

Adjournment

Mr. Cavaliere made a motion to adjourn.

The next meeting will be on Friday, December 7, 2018 at 1PM in Building D/E.

Meeting adjourned 2:07PM.

Joseph Klosky, Secretary

Dawn Myers, District Clerk



BAREFOOT BAY RECREATION DISTRICT

**Board of Trustees
Town Hall Meeting
November 27, 2018
7P.M. – Building D&E**

Meeting Called to Order

The Barefoot Bay Recreation District held a Townhall Meeting on November 27, 2018 in Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Diana called the meeting to order at 7PM.

Pledge of Allegiance to the Flag

Led by Ms. Luann Henderson.

Roll Call

Present: Mr. Diana, Mr. Klosky and Mr. Wheaton. Mr. Lavier, Mr. Klosky and Mr. Cavaliere were excused. Also present: Trustee-Elects Randy Loveland and Luann Henderson, John W. Coffey, Community Manager, Matt Goetz, Property Services Manager, Kathy Mendes, Food and Beverage Manager, Ernie Cruz, Golf Manager, Rich Armington, Resident Relations Manager, Charles Henley, Finance Manager and Dawn Myers, District Clerk.

Town Hall Meeting Introduction

Mr. Coffey discussed the purpose of the Townhall Meeting and explained the two lists of projects that will be discussed this evening. The projects were taken from the Board approved 5-year plan. He encouraged the residents to ask as many questions of the trustees as needed and provide any input towards the projects. He stated that tonight the resident's input either for or against will be recorded per each project.

Resident Questions and Discussion

Why are pool heaters only set to 81-82 before the warranty is invalid? Mr. Coffey explained that due to issues with the previous heaters breaking down consistently, Board decision and manufacturer's recommendation the heaters have been set at the current temperature. Some opposition to this temperature arose from the audience. Discussion ensued regarding proposed pool covers, salt water filter, and a 4th pool. Mr. Coffey stated that the topic of pool heater temperature will be on the December 7th agenda for discussion per Trustee Klosky. Mr. Loveland stated that the Board is hearing the ideas from the residents tonight and not making any decisions in response to a resident concern that the trustees are not providing any input on the projects thus far.

Residents spoke on the necessity for new buildings as trying to repair the existing buildings which will be costly due to the unknown issues. Continued repairs as opposed to new construction will be more expensive in the long run as renovations will have to meet current code requirements. Some residents are concerned that as they are along in years, if the Bay waits to build the new facilities they may not get a chance to enjoy them. Discussion ensued regarding the benefits of a scrape and rebuild as opposed to the renovation of the Lounge project. Mr. Coffey discussed the issues with Building A.

Resident Input on Projects

Mini Golf (Currently FY19)



BAREFOOT BAY RECREATION DISTRICT

Performing Arts Center

Increase Monthly Assessment

Solar Panel for pools

New Building construction as opposed to maintaining old buildings

New Tennis Court bathrooms

Building A Upgrades

No Bond

Trustee Input

Mr. Klosky stated that we can get the projects accomplished with the current fund balance without having to take out a loan.

Mr. Wheaton stated that the renovation of the Lounge would be much easier and faster than a scrape and rebuild. Additionally, he stated that legally we are not permitted to build a new facility without a referendum to the people per the Charter. In his opinion, the projects can be accomplished with a 5-year bank loan. He stated that he is in favor of the mini golf project.

Mr. Diana stated that the residents have spoken, and it is clear they are not in favor of a bond but a smaller bank loan. He is confident that we can get the projects done in this way and is ready to get started.

Trustee-Elect Luann Henderson stated that the Building A electrical panel and the lake bank needs to be addressed immediately. She believes a 5-year loan for the projects is possible.

Trustee-Elect Randy Loveland stated that the maintenance projects should be removed from the project list. Without the maintenance projects only about four projects are left. He is not opposed to a short-term loan to get the projects accomplished.

Mr. Diana explained the Board cannot build new construction outside the common areas per the Charter but any other areas we are permitted to maintain the facilities with new buildings. Mr. Wheaton stated that the recent lawsuit established that the Old Administration Building was determined replaceable only due to mitigating circumstances as the building was beyond repair. Mr. Loveland requested Mr. Coffey direct General Counsel Repperger to provide a succinct definition about the Charter requirement on the \$25,000 spending cap and need for referendum. Board consensus to place the item on the January 11th agenda.

Meeting adjourned at 9AM.

Treasurer's Report

Barefoot Bay Recreation District

Treasurer's Report

December 7, 2018

Cash Balances in General Fund as of 11/29/18

Petty Cash

Total Petty Cash: \$ 2,000.00

Operating Cash in Banks

MB&T Operating Account

2,092,355.36

Total Operating Accounts: 2,092,355.36

Interest Bearing Accounts

SBA Reserve Account

674,750.11

Total Interest Bearing Accounts 674,750.11

Total Cash Balances in General Fund:

\$ 2,769,105.47

Total Daily Deposits and Assessments Received for 11/3 - 11/29/2018:

Daily deposits: \$ 181,393.21

Assessments received (from County only): 1,192,546.97

Total Deposits Received **\$ 1,373,940.18**

Expenditures over \$5,000 for 11/3 - 11/29/2018:

Check Number	Vendor	Description	Check Amount
51542	ABM Landscape & Turf Services	Golf bunker sod installation phase 3	28,800.00
51550	Brevard County Tax Collector	2018 Property Tax	31,378.77
51569	Reynolds General Contractors, Inc.	New Administration Bldg - Draw # 7	47,775.60
51584	Zambelli Fireworks	Deposit on Fireworks Display -Independence Celebrations	5,000.00
51638	Health First Health Plans	Staff Health Insurance - Dec.	17,730.41
51647	Christmas for Kids	Donations - Golf Tournament	5,345.00
	US Treasury	Payroll Tax - PPE 11/25/18	17,434.76
	Paychex	Net Payroll - PPE 11/25/18	60,998.35
	US Treasury	Payroll Tax - PPE 11/11/18	16,977.33
	Paychex	Net Payroll - PPE 11/11/18	59,897.42
	Florida DOR	Sales Tax - October	26,005.26

Total Expenditures over \$5,000 **\$ 317,342.90**

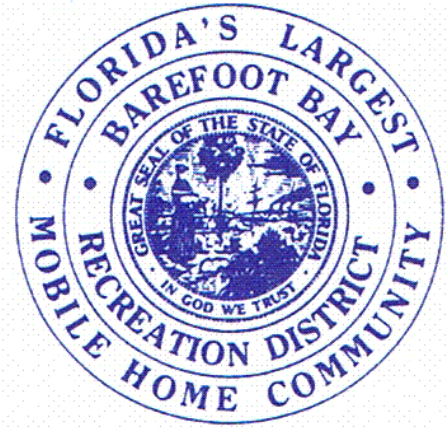
Audience Participation

Unfinished Business

Board of Trustees Meeting Agenda Memo

Date: December 07, 2018
Title: **Pool Temperature**
Section & Item: 8A
Department: Property Services: Pools
Fiscal Impact: N/A
Contact: Trustee Joseph Klosky
Attachments: Information submitted by residents and information submitted by Property Services

Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, Community Manager



Requested Action by BOT

Direction to staff.

Background and Summary Information

Historically, the propane pool heaters at BBRD were set at 86 degrees Fahrenheit. During winter months heaters would incur mechanical failures due to the constant running of the units. During the winter of 2018, all three heaters failed with multiple units being down at the same time resulting in numerous complaints to staff and the BOT. In response, two of the old 400,000 BTU heaters were replaced with 1,000,000 BTU units (while the third one is in the process of being replaced with a larger unit.).

At the June 08, 2018 BOT Meeting, the BOT voted to change the winter temperature setting to 80-82 degrees per the recommendation of the manufacturer. The minutes from said meeting are listed below.

Pool Temperatures agenda item

A resident (name redacted) commented on the current temperature of Pool 1. She voiced concern on keeping the temperature at 86 degrees as this is dangerously high and detrimental to the health of many people. She recommended the Board decide on a compromise regarding the pool temperatures. Due to the wide variety of personal comfort levels requested by the residents, Mr. Cavaliere recommended we follow the manufacturer's advice on where the pool temps should be. A second resident (name redacted) stated that 86 degrees may be too warm and agreed that we should come to a compromise. Mr. Coffey reminded the Board of the manufacturer's recommendation of 80-82 degrees. Mr. Diana voiced his opinion regarding this item not being a Board issue and should be a staff decision. Mr. Cavaliere made a motion to follow the manufacturer's recommendation on where the pool temps should be. Second by Mr. Wheaton. Mr. Diana abstained. Motion carried 4-0.

Trustee Klosky requested this item be placed back on the agenda for discussion and possible action.

Concerned residents submitted attached information in support of raising the temperature. Staff contacted the manufacture and received the attached information which was amended (in parentheses and italic) for clarity. An excerpt of the information received by staff is provided below:

However, a heating equipment recommendation that is properly sized is not just based off of the ability of the package to achieve the desired temperature, but also to maintain that temperature while not running longer than the recommended daily run time. Therefore, trying to achieve/maintain a temperature expectation outside of which the pool was sized, may bring the same premature failure, experienced with the older heater, to the new equipment. This type of failure is not covered under the auspices of the Manufacturer's Warranty as it is considered abuse of the equipment (emphasis added).

Staff requests direction from the BOT regarding this matter.

We are here to request that the Board reconsider their decision regarding the 81-82 pool temperature policy. Many people in the community use the pool not just for recreation or sunning, but for important health and mobility reasons. The pool temperature below 83 is not just uncomfortable, but harmful.

We find that respected sources recommend higher temperatures:

The Mayo Clinic recommends pool temperatures between 83 – 88 degrees for most types of exercise.

The United States Water Fitness Association recommends the water temperatures at the average for multi-purpose use in the USA is 84 – 86 degrees.

Aquatic Consulting Services recommends temperature for multi use pools should be kept at 83 – 86 degrees.

Pool Advisors recommends commercial pools should range from 82 – 85 degrees.

I have a petition with 21 signature of users of pool 2 requesting that the pool temperature be raised to a minimum of 84 degrees, which fall within the range of standard recommendations for multi-use pools in the USA.

Fw: request for information

bszoka3694@aol.com

Tue 11/13/2018, 3:48 PM

To: lrhengst@hotmail.com <lrhengst@hotmail.com>

Sent from my Verizon 4G LTE Tablet

----- Original message-----

From: Sinan Mousa

Date: Tue, Nov 13, 2018 3:36 PM

To: 'bszoka3694@aol.com';

Cc:

Subject: request for information

Ms. Betty Szoka,

Thank you for contacting Raypak applications.

Regarding your question about the pool water temperature and Raypak warranty, please note that all Raypak pool heaters can be set to maintain pool water temperature around 85°F without issues. Setting the Thermostat of any Raypak pool heater at 85°F will not affect your warranty.

Best Regards.

Sinan Mousa

Raypak Applications Engineer

Phone (805) 278-5452

Fax (888) 895-4322

Email Sinan.mousa@raypak.com



**PETITION FOR INCREASE POOL II WATER TEMPERATURE TO 84 DEGREES, WHICH IS ON THE
LOWER RANGE OF THE NATIONAL RECOMMENDATIONS FOR MULTI-PURPOSE USE POOLS**

(see attached)

Mayo Clinic, United States Water Fitness Association, Aquatic Consulting Services, Pool Advisors

We the undersigned use Pool II on a regular basis for exercise and enjoyment. For many of us this is vitally important for our health and mobility.

Name

Address

- | | | |
|----|--------------------------------|----------------------|
| 1 | Gloria Lockard | 923 Wren Circle |
| 2 | Damie Curran | 923 Wren Circle |
| 3 | Joe Woodward | 922 Laurel Circle |
| 4 | Diane Ritorto | 625 Papaya Circle |
| 5 | Linda R. Jumper | 1319 Barefoot Circle |
| 6 | Patricia Lane | 865 Pecan Circle |
| 7 | Vincent Humeke | 572 TARPON DR. |
| 8 | KAREN SMITH | 964 Barefoot Blvd. |
| 9 | Ronan Roberts | 964 Barefoot BLVD. |
| 10 | CAROLE KENNEDY | 331 Logans Dr |
| 11 | LYNOA NOTTE Lynda Notte | 434 Logans Dr |
| 12 | Susan Guerber
Susan Guerber | 636 BAREFOOT Blvd. |

- 13 Donna Borgen
- 14 Linda Kellogg
- 15 Ruffin Funnell
- 16 Gloria J. Boren
- 17 Viviane Vian
- 18 Jerry Early
- 19 Thomas Early
- 20 Lorraine Hobbs
- 21 Shirley Crouse
- 22 Robin Gayton
- 23 Tori Bernersen
- 24 Karen Hedonish
- 25 Paul & Bonkang
- 26 Leo Mullen
- 27 Margaret Mullins
- 28 Edward Bleke
- 29 Ben Condit

930 Hemlock
404 Macadamia
1019 Royal Palm Drive
925 Wren Circle
927 Barefoot Blvd.
925 Yew St. BFB
925 Yew St. BFB
904 Fir St BFB
1381 Barefoot Circle
1174 Barefoot a.
707 Bernersen
600 Dolphin Cir
942 Waco-way
937-Thrush Cir
937-Thrush Cir
562. Papaya Cir
409 Macadamia

- 30 Robert Wan 830 Hawthorn Cnll
31 Corinn Wan 830 Hawthorn Cnll
32 Saeey Vaedene 1084 Parkway lane
33, James Fran 319 LOQUAT DR.
34 Phila M. John 702 SILVER THORN CT
35.
36
37
38
-

United States Water Fitness Association

"The Central Aquatics Information Resource"

"The health and safety of our participants, including our instructors, is our top priority."

John Spannuth USWFA President/CEO



Suggested Swimming Pool Temperatures

This is a debatable subject! The suggested pool temperature is usually dependant on the person's activity in the pool. Below are some ideas regarding water temperatures for various activities.

[HOME](#)

[ABOUT US](#)

[NATIONAL
CERTIFICATION
COURSES](#)

[AQUATIC
PROGRAMMING
INFORMATION](#)

[OTHER
AQUATICS
INFORMATION](#)

[INTERNSHIPS](#)

[CONTACT US](#)

Highly Competitive Swimming Teams:

78 to 80 degrees

Swimming Lessons (beginners)

Preschool:	88 to 94 degrees
3 - 5 years:	86 to 90 degrees
6 - 13 years:	84 to 86 degrees
Adults:	85 to 89 degrees

Water Fitness

Arthritis:	83+ degrees (83 degrees is a minimum)
Prenatal:	84+ degrees
Aqua Aerobics:	78 to 82 degrees
Water Walking:	The older the person, the higher they like the water temperature (up to a certain point).

Special Note: Because of varying water temperatures, and for the safety of participants, classes should vary depending on the water temperature. High aerobic activity in high temperature water can be dangerous.

It's important to remember that you can never keep everybody happy regarding water temperature. If a pool is used for just one of the above-mentioned programs, you do not have a problem. However, if your pool is used for a variety of aquatic programs, you have what we call a "multi-purpose pool." The water temperature at the average multi-purpose pool in the USA is 84 to 86 degrees.

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Many of our Forms and Publications available on this website are in PDF format. If you have problems viewing these files please visit the Adobe website to download the free Acrobat Reader:



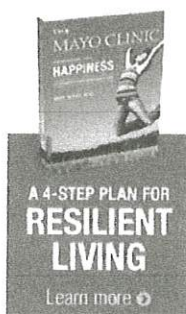

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Water exercise: Does pool temperature matter?

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What's the best pool temperature for water exercise?

Answer From Edward R. Laskowski, M.D.

The answer depends on your age and the type of water exercise you're doing. Small children and older people typically prefer pool temperatures to be a little warmer. Swimmers training for competitions may need cooler water, so they won't overheat.

In general, pool temperatures between 83 F (28.3 C) and 88 F (31.1 C) are usually comfortable for most types of water exercise. Pools that are used for physical therapy typically have warmer water to help relax muscles and make stretching exercises easier.

Water exercise is a good choice for people who have arthritis because the buoyancy of the water helps protect joints from weight-bearing impacts.

With

Edward R. Laskowski, M.D.

MSM for arthritis pain: Is it safe?

After a flood, are food and medicines safe to use?

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April 19, 2018

References

Advertisement

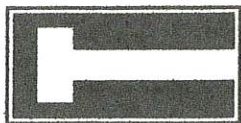
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What is the most important information I should know about HUMIRA?
You should discuss the potential benefits and risks of HUMIRA with your doctor. HUMIRA is a TNF blocker medicine that can lower the ability of your immune system to fight infections. You should not start taking HUMIRA if you have any kind of infection unless your doctor says it is okay.

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Pool Tip #58: Pool Water Temperature

Here's something you will never get two people to agree on. Water temperature preferences vary from person to person, depending on their age, health, the activity in which they are participating, and what they have become accustomed to when they enter a pool.

What is considered to be an appropriate pool water temperature varies by region of the country. For example, pools are usually kept colder in New England and warmer than average in Florida. Typically, spas are maintained at 104° Fahrenheit. Multi use pools are usually kept at 83° - 86°, while competitive pools are usually maintained at cooler temperatures between 78° - 82°. Depending on the target population, instructional and therapy pool water temperatures usually range between 86° - 94°.

As water temperature increases, costs of pool operation also increase. Besides the obvious cost of energy to heat the pool and surrounding area, evaporation rates speed up and destruction to the surrounding equipment and surface materials intensifies. Chemical usage goes up. Calcium is less soluble in warm water, so water is more difficult to balance and problems associated with calcium scale deposits mount. Perspiration rates increase and more ammonia is added to the pool. Chloramine levels escalate rapidly as a result. Organic loading escalates. TDS levels also increase at a faster rate, requiring more frequent dilution, and draining and refilling of the pool.

Pool operators should select a temperature based on priority facility usage and programming, and age of participants, while managing the maintenance concerns.

Cooler water temperatures are needed for: high level competitive or fitness swimming, aerobic fitness activities, and activities in which participants are generating a lot of heat that needs to be dissipated. Warmer temperatures are needed for instructional programs, low level fitness and health maintenance programs, therapeutic programs, and programs catering to young children or seniors.

No matter what the water temperature, someone is likely to complain that the water is either too warm or too cold. If a patron tells you the water feels too warm, tell them not to wear a bathing cap, to drink plenty of water, and to reduce the level of intensity at which they are working out. If the water feels too cold, suggest they wear a bathing cap, wear a Lycra dive skin, rash guard or neoprene wet suit, and work faster and harder so that they use more energy and generate more heat.

Ambient air temperature in indoor pools should be maintained for the comfort of

How Much Temperature Is Considered Too Cold For The Comr. Pools?

One of the most common issues with swimming in a cold swimming pool is the the entire body. Apart from this issue, there are various more that people can get from, by swimming in a pool that is filled with cold water. Swimmers with the heart problem can land in mortal danger, such as cardiac arrest. It has also been found that cold water is also less receptive to the chemicals that are put in it to make it safe for the swimmers. The demand of chlorine slows down and when that happens it can result in more issues. Also, chlorine salt generators, which help keep water free from bacteria won't work if the temperature of the water is below 60 Degrees Fahrenheit or 15 Degrees Celsius. You will find most hotels and commercial pools maintain the temperature of the water within the range of 82 Degrees Fahrenheit to 85 Degrees Fahrenheit.

What Do You Make Out Of All This?

That was about the right temperature of the swimming pools. Now, when you watch a swimming event on the TV, most likely the Olympics, then you can will know about the temperature of the water where your favorite swimmer will swim. With advancement in the technology, it has become easier to control and maintain the temperature of the water. This can be done with the help of heat pumps. So, when you go out for swimming, make sure that the temperature is between 82-85 Degrees Fahrenheit. If it is not, then don't bother getting into the pool, as it could be full of bacteria. If you want to make a swimming pool in your house, then you can get the help of pool advisors.

John Coffey

From: Matt Goetz
Sent: Friday, November 30, 2018 10:11 AM
To: John Coffey
Subject: Re: FW: Barefoot Bay Heating Package & Water Temp Expectaions

I think that is the pertinent information. I would go with that!

On Fri, Nov 30, 2018 at 10:01 AM John Coffey <jcoffey@bbrd.org> wrote:

Matt,

Please see below and let me know if you think I have accurately added enough clarifying information.

Sincerely,

John

PUBLIC RECORDS NOTICE: Barefoot Bay Recreation District (BBRD) is governed by the State of Florida public records law. This means that the information BBRD receives online including your e-mail address might be disclosed to any person making a public records request. If you have any question about the Florida public records law refer to Chapter 119 Florida Statutes. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Matt Goetz <mattgoetz@bbrd.org>
Sent: Thursday, November 29, 2018 10:50 AM
To: John Coffey <jcoffey@bbrd.org>
Subject: Fwd: Barefoot Bay Heating Package & Water Temp Expectaions

Please look this through

Thanks

----- Forwarded message -----

From: **Thomas Redman** <TRedman@raypak.com>

Date: Thu, Nov 29, 2018 at 8:23 AM

Subject: Barefoot Bay Heating Package & Water Temp Expectations

To: mattgoetz@bbrd.org <mattgoetz@bbrd.org>

Cc: EricTheGasMan Bill <billgasman@outlook.com>

Good Morning, Matt....

In reference to our conversation yesterday about Barefoot Bay's current heating package and different water temperature targets:

For this jobsite I was asked by the Dealer/Installer "Eric the Gas Man" to size the pool for the client expectation of 85 to 86degF. I was informed that the pool was originally serviced by a 400kBTU unit that could barely maintain 82degF, and as such, was running way over typical daily run time parameters, and therefore suffered a shorter than normal lifespan.

However, from what I understand, based on the quantity/size of the new heating equipment recommended, either the quote for the entire job, or the scope of the job to fit the equipment, or both (*four 4,000,000 BTU units connected in series*), were met with resistance by the client (*due to size limitations of areas heaters are currently located*).

As it turns out, the vendor (*name redacted*) has another client with a property that is almost identical in every way to Barefoot. This property successfully maintains 82degF on their pool with a heating package that is obviously larger than Barefoot's original/existing package, but smaller than the package I proposed in order to meet the new expectation of 85~86degF (*four 4,000,000 BTU units connected in series*). From there, I'm told a compromise was struck, and that it was agreed upon to install the package that can comfortably maintain 82degF instead (*1,000,000 BTU unit*).

If the client wishes to revisit pursuing to target temperature of 86degF via their new equipment currently on~site, there is the possibility it may be able to achieve this goal. However, a heating equipment recommendation that is properly

sized is not just based off of the ability of the package to achieve the desired temperature, but also to maintain that temperature while not running longer than the recommended daily run time. Therefore, trying to achieve/maintain a temperature expectation outside of which the pool was sized, may bring the same premature failure, experienced with the older heater, to the new equipment. **This type of failure is not covered under the auspices of the Manufacturer's Warranty as it is considered abuse of the equipment (emphasis added).**

As an important side~note, utilizing a heating package to achieve/maintain a temperature outside of its original scope significantly increases fuel expenditures / heating costs.

As stated with my original sizing for this property, temperatures of 85~86degF are absolutely achievable w/out abusing the heating equipment it will just require more BTUs. If the dealer/client would like to have the pool sized again in order to determine/confirm what additional equipment will be necessary to properly achieve a higher water temperature, please do not hesitate to contact me.

Thank You Very Much for your Patronage and the Opportunity to Help "TJ"

TOM "TJ" REDMAN II

DISTRICT MANAGER: Central & NE FL

RAY~COM TEAM: FL & GA

407.448.1769

RAYPAK & RHEEM

RESIDENTIAL & COMMERCIAL

POOL & SPA

HEATING EQUIPMENT

"If you fell yesterday.... Stand Up Today...." H.G. Wells

--

Matthew J. Goetz

Barefoot Bay Recreation District

Property Service Manager

--

Matthew J. Goetz

Barefoot Bay Recreation District

Property Service Manager

John Coffey

From: Sinan Mousa
Sent: Friday, November 30, 2018 2:03 PM
To: 'jcoffey@bbrd.org'
Cc: 'mattgoetz@bbrd.org'; 'mattgoetz@bbrd.org'
Subject: FW: FW: Barefoot Bay Heating Package & Water Temp Expectations
Attachments: Mousa email.pdf

Importance: High

Mr. John W Coffey,
The issue Mr. Redman is presenting is installing an undersized heater, and not a set point to properly sized heater.
Obviously Mr. Redman is correct since, "**any undersized pool heater will suffer short lifetime**"

Best Regards.

Sinan Mousa

Raypak Applications Engineer

Phone (805) 278-5452

Fax (888) 895-4322

Email Sinan.mousa@raypak.com

From: John Coffey [mailto:jcoffey@bbrd.org]
Sent: Thursday, November 29, 2018 1:38 PM
To: Sinan Mousa <Sinan.Mousa@raypak.com>
Cc: Dawn Myers <dawnmyers@bbrd.org>; Matt Goetz <mattgoetz@bbrd.org>
Subject: [EXT]FW: Barefoot Bay Heating Package & Water Temp Expectations
Importance: High

Mr. Mousa,

Attached is a copy of an email you sent to a resident who is complaining about the temperature of the public pools where I work. All our pools have Raypak heaters. Attached below appears (please see highlighted and underlined section specifically) to be contradictory information from a person who works for your company. Could you please clarify your statement in the attached email?

Sincerely,

John W. Coffey

Community Manager (i.e. Chief Appointed Official)
Barefoot Bay Recreation District (a form of local government)
625 Barefoot Blvd.
Barefoot Bay, FL 32976
Phone: 772.664.3141
Fax: 772.664.1928

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From: Matt Goetz <mattgoetz@bbird.org>
Sent: Thursday, November 29, 2018 10:50 AM
To: John Coffey <jcoffey@bbird.org>
Subject: Fwd: Barefoot Bay Heating Package & Water Temp Expectaions

Please look this through i am not sure if this helps or hinders

Thanks

----- Forwarded message -----

From: Thomas Redman <TRedman@raypak.com>
Date: Thu, Nov 29, 2018 at 8:23 AM
Subject: Barefoot Bay Heating Package & Water Temp Expectaions
To: mattgoetz@bbird.org <mattgoetz@bbird.org>
Cc: EricTheGasMan Bill <billgasman@outlook.com>

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Thank You Very Much for your Patronage and the Opportunity to Help "TJ"

TOM "TJ" REDMAN II
DISTRICT MANAGER: Central & NE FL
RAY~COM TEAM: FL & GA
407.448.1769

**RAYPAK & RHEEM
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HEATING EQUIPMENT**

"If you fell yesterday.... Stand Up Today...." H.G. Wells

--

Matthew J. Goetz
Barefoot Bay Recreation District
Property Service Manager

Board of Trustees Workshop Agenda Memo

Date: December 7, 2018

Title: **Neighborhood Revitalization Program Sub-Committee Recommendation: Realtor Selection**

Section & Item: 8B

Department: Resident Relations

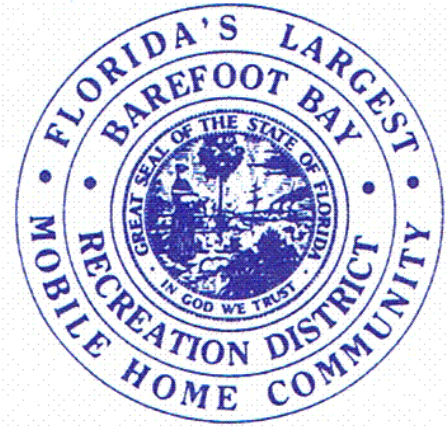
Fiscal Impact: N/A

Contact: Rich Armington, Resident Relations Manager/H.R. Coordinator; or John W. Coffey, Community Manager

Attachments: Proposals from realtors.

Reviewed by General Counsel: N/A

Approved by: John W. Coffey, Community Manager



Requested Action by BOT

Approval for staff to dispose of surplus Neighborhood Revitalization Program (NRP) properties via on-line auctions.

Background and Summary Information

Beginning in FY16, the BOT has budgeted annually monies for the acquisition of distressed properties, the removal of the homes and the sale of the property to stabilize and revitalize neighborhoods in decline. On 25Jul17, the Neighborhood Revitalization Program BOT Sub-Committee was established by the BOT.

At the October 10, 2018 NRP meeting the following recommendation to the BOT was made and approved:

- Motion by Trustee Wheaton to recommend to the BOT that should solicit bids from realtors to handle all future NRP land sales, seconded by Trustee Cavaliere. Motion approved 2-0.

At the October 23, 2018 BOT meeting, staff was instructed to solicit, via an informal RPF process, for realtors to become the official NRP agent. The following local agents responded:

- Paradise Home Finders, LLC
- Barefoot Bay Realty, Inc.
- Sunshine Rentals and Sales, LLC
- Marge Frego Realty, Inc.

However, General Counsel offered a recommendation concerning the sale of as-is properties via the NRP. His suggestion was based on the State and County policies for the sale of as-is properties by putting them up for public auction. He explained that the properties should be put up for auction under public auction guidelines. General Counsel Repperger maintained that this process would give a wider portion of the public access to purchase the properties and provides the potential for a higher selling price.

Staff recommends the BOT not select a realtor and instruct staff to auction individual properties via the currently used website (govdeals.net) .



PARADISE HOME FINDERS LLC

311 Barefoot Blvd Suite 6, Barefoot Bay Fl 32976

772-202-4045

paradisehomefinders@yahoo.com www.paradisehomefinders.info

November 14, 2018

Mr. John Coffey

Community Manger

Barefoot Bay Recreation District

Dear Mr. Coffey:

It is our please to submit our proposal to handle the properties that Barefoot Bay Recreation District presently possess and the ones you will take ownership of in the future.

Let me tell you a little about Paradise Home Finders LLC. We are located at 311 Barefoot Blvd Suite 6 the ideal location in the front of the Bay. We have over 30 years' experience with the properties/homes in Barefoot Bay. You may be interested to know that with our experienced agents which work here; we have closed in the past 3 years 300+ properties. Even though we are now a new brokerage, we have closed 5 properties within the last 30 days and have 4 more scheduled to close within next 15 days.

On staff we have 4 agents, in house mortgage broker/real estate attorney and closing company to handle all of your requirements as well as potential buyer's needs. We also have an intensive recruiting policy for experienced professional agents who

wish to work with our growing firm. Presently we have offices available for 4 more agents.

We do a tremendous amount of social media blasting's of our listings on our website, Facebook, Instagram, Twitter, and bloggings. We reach potential clients from as far north as Canada, whom we are on many Facebook groups with, thru the north, middle Atlantic states and west to Colorado and Michigan. Our followers are in the thousands and growing every day so is our marketable area. We can offer you the availability to reach far more people on a personal level and let them know what paradise really is here in Barefoot Bay.

We can help with any title issues that can arise with our inhouse real estate attorney/closer. So dealing with your Counsel will not be any issue.

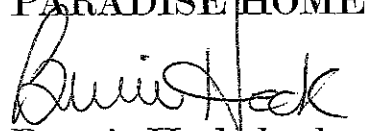
Since my husband and I own the Sonshine Mall, we are well established here and solid in the fact we are not going anywhere.

We feel comfortable with the offering you a total commission of 8% on vacant land which will be 5% to buying agent to not discourage other realtors and 3% to Paradise Home Finders LLC as listing agent. As far as properties with homes on them, we will do a total commission of 5% which will be 3% to buying agent and 2% to Paradise Home Finders LLC. We feel this is fair to you as a volume supplier of properties. If we do not sell your properties within 6 months, we have wholesales who we work with in moving properties to put new homes on them.

Please consider our firm in your decision to represent Barefoot Bay Recreation District and their properties.

Respectfully,

PARADISE HOME FINDERS LLC.



Bonnie Heck, broker

Angie Keeler

From: Geraldine Mize
Sent: Thursday, November 15, 2018 3:34 PM
To: angiekeeler@bbrd.org
Subject: IRFP

Angie,

In response to your letter sent out 10/29/2018 to Real Estate Offices regarding the N.R.P. and realtors to represent the properties your office acquires:

Barefoot Bay Realty, Inc.
Geraldine L. Mize, Broker
311 Barefoot Blvd suite 3
Barefoot Bay, FL 32976
772-663-0064
Email: barefootrealty@bellsouth.net
Business since June 1996

Geraldine L. Mize, Broker
321-698-4058/bfbr.geraldinemize@att.net1
11.5 years experience listing/selling/property management

2015 office sold 142 properties
2016 office sold 135 properties
2017 office sold 120 properties
2018 office sold 84 properties y-t-d

Previous Broker, Jack Grantham, who prior to forming Barefoot Bay Realty, Inc. in 1996; worked for the land developer/owner Avatar. His knowledge of the area combined with years of work experience/ethics, took the time to train me, Geraldine Mize, over the course of 11+ years in Real Estate, knowledge of the construction of manufactured homes, as well as the importance of Professional Communications between: Buyers, Sellers, Renters, Contractors, and the governing offices of the Community and County. With our office location being at the main entrance to Barefoot Bay Community it gives Barefoot Bay Realty, Inc. the opportunity to represent new and current residence with informative information about buying or selling in Barefoot Bay. Currently this office has 7 Real Estate agents of whom a majority live directly in Barefoot Bay, thereto, giving personal experience combined with a class of professionalism. It would be this office's honor and privilege to represent the N.R.P. in their quest to revitalize distressed neighborhoods and to encourage the free market placement of new homes within BBRD.

Sales Commission is 10% of the sale price for vacant land and 6% of the sale price for residential homes. This commission is then split between the Listing agent and the

Selling agent 50/50. Barefoot Bay Realty, Inc. is MLS Associated not only for Brevard County but for Indian River County as well.

Should you have any further questions please do not hesitate to contact me directly via Cell or through the Office. Thank you for your time and consideration. I look forward to hearing from you soon regarding your decision.

Sincerely,

Geraldine Mize, Broker

Barefoot Bay Realty, Inc.

311 Barefoot Blvd Suite #3

Barefoot Bay, FL 32976

Office: 772 663-0064/Fax: 772 663-9060

Cell: 321 698-4058

Email: bfbr.geraldinemize@att.net

Website: www.barefootbayrealty.com

November 16, 2018

Ms. Angie Keeler

Re: Neighborhood Revitalization Program

Realtor proposal

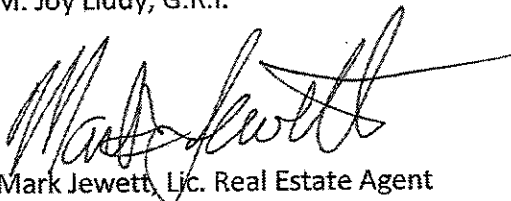
- Sunshine Rentals and Sales, L.L.C., 935 Barefoot Blvd. Suite #7, Barefoot Bay, Fl. 32976
 - M. Joy Liddy, G.R.I., 772-664-4411
 - 39+ years of experience, 27 years at the above Barefoot Bay location.
-
- Mark Jewett, Licensed real Estate agent. 30+ years of experience.
 - 18 properties closed in 9 months
 - 1 sale pending
 - Over 15 years of experience dealing with several financial institutions, handling their R.E.O. and short sales
 - Mark also managed one of the largest Timeshare Sales Lines in Florida, grossing over 30 million in sales per year.
-
- Sunshine rentals and Sales, L.L.C. charges a 6% commission, with 3% going to co-broker.
 - In cases where we handle both ends of the deal, commission will be negotiable.

Thank you for your consideration of our proposal.

Most sincerely,



M. Joy Liddy, G.R.I.



Mark Jewett, Lic. Real Estate Agent

MARGE FREGO REALTY, INC.
5660 MICCO ROAD
MICCO, FLORIDA 32976
OFFICE (772) 664-3783 FAX (772) 664-3786

November 9, 2018

Angie Keeler
angiekeeler@bbrd.org

Dear Ms. Keeler,

Let me introduce myself. I am Marge Frego, Owner of and Broker at Marge Frego Realty, Inc. I have been a Realtor in the Barefoot Bay area in excess of 40 years and in my current business location more than 15 years. I and my team of Realtor Associates live, work, and play in "The Bay". Together, we have held Real Estate licenses for nearly 70 years! I am currently the only Broker here but we will have another Broker on board by the end of the year. Jo Nichols, of 508 Barefoot Blvd. a Realtor Associate, is a member of the BFB Little Theater and Vice President of the BFB Craft Club. We are well established and involved in our community.

I, with members of my family have purchased, remodeled, sold and/or currently hold as rentals 7-10 homes in the bay. Mr. and Mrs. Nichols purchased their personal home in 2014, own one rental unit and are currently working on their third remodel with another one to close escrow later this month.

We believe, because of our personal interest in and ties to Barefoot Bay, our team is uniquely suited to represent the District in your efforts to revitalize Barefoot Bay.

We would like to offer you an open-ended contract to represent you with a company-wide commission rate of 5% on any properties which we feel might be best suited for sale to an investor for rehab and a commission rate of 7% on vacant properties.

We feel that if we could work jointly with the District in selecting which homes to attempt to save and which to demolish we could potentially save the District multiple thousands of dollars in demolition and haul-away costs, while making those salvageable homes available to investors for rehab.

Please find our company and personal contact information following. I will be your point of primary contact, followed by Mr. and Mrs. Nichols. Our office hours are Monday – Saturday, 9am – 5pm, however, our phone is always forwarded to one of our personal cell phones after hours.

Thank you so much for your consideration in this matter.

Sincerely,

Marge Frego, Broker/Owner
Marge Frego Realty, Inc.
5660 Micco Rd.
Micco, FL 32976
Office – (772) 664-3783
Cell – (772) 913-2266
Email – Margefregorealtyinc@yahoo.com

Jo-Reid Nichols, Realtor Associate
508 Barefoot Blvd.
BFB, FL 32976
Office – (772) 664-3783
Cell – (904) 446-0095
Email – Margefregorealty-Jo@outlook.com

New Business

Board of Trustees Meeting Agenda Memo

Date: December 7th, 2018

Title: **DOR Violation 17-004203**
909 Spruce Street

Section & Item: 9A I

Department: Resident Relations: DOR Enforcement

Fiscal Impact: N/A

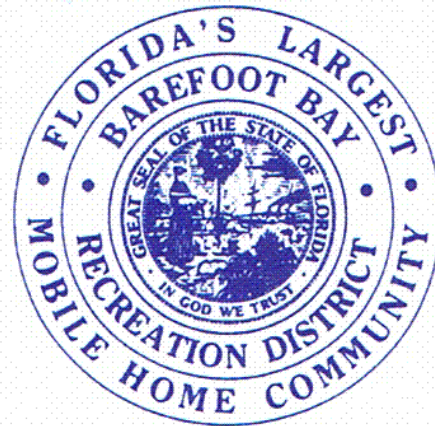
Contact: Rich Armington, Resident Relations Manager

Attachments: Notice's and Pictures

Reviewed by

General Counsel: N/A

Approved by: John W. Coffey, Community Manager



Requested action by the Board of Trustees

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation case was started 9/18/2017. Twelve inspections have been completed. The property has been on social membership suspension for 4 months. The Violation committee found the property in violation on 8/10/18. Staff has Affidavit of Notices, statement of violation, affidavits of non-compliance and notice of hearings. Respondent has been notified by First Class Mail and Certified Mail.

Staff recommends that the BOT refer this Violation to the General Counsel Repperger 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 as a lien.

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 17-004203

#0901/ 17-004203

SIEGEL, RICHARD W

916 SPRUCE 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 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 or carport roof, including posts and fascia, fabricated of aluminum or other approved material.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 3 Lot # 26

916 SPRUCE STREET

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): no carport/must have a carport that meets ARCC requirements (11'X18' minimum)

DATE OF VIOLATION FIRST OBSERVED: Sep 18, 2017

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

June 18, 2018 via First Class

July 19, 2018 via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: December 03, 2018



Stephane Fecteau, DOR Inspector
772-664-4722

November 20, 2018



916 spruce
Stephane Fecteau
Nov 20, 2018

**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 **December 07, 2018** 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 771-664-4722.

November 20, 2018

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 17-004203

#0901 / 17-004203
SIEGEL, RICHARD W,
916 SPRUCE ST
BAREFOOT BAY, FL 32976
Respondent(s),

RE: 916 SPRUCE STREET
Barefoot Bay, FL 32976

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
COUNTY OF BREVARD

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

1. That on or about the _____ day of _____ 2018, 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 _____ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2018, 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 _____ 2018, 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____.



Stephane Fecteau, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Stephane Fecteau, 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: December 7th, 2018
Title: **DOR Violation 17-004363**
614 Royal Tern Drive
Section & Item: 9A II
Department: Resident Relations: DOR Enforcement
Fiscal Impact: N/A
Contact: Rich Armington, Resident Relations Manager
Attachments: Notice's and Pictures

Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, Community Manager



Requested action by the Board of Trustees

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation case was started 9/19/2017. Nine inspections have been completed. The property has been on social membership suspension for 5 months. The Violation committee found the property in violation on 7/16/18. Staff has Affidavit of Notices, statement of violation, affidavits of non-compliance and notice of hearings. Respondent has been notified by First Class Mail and Certified Mail.

Staff recommends that the BOT refer this Violation to the General Counsel Repperger 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 as a lien.

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 17-004363

#3523/ 17-004363

HARNCH-RUANE, APRIL L

614 ROYAL TERN DR

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 or carport roof, including posts and fascia, fabricated of aluminum or other approved material.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 98 Lot # 27

614 ROYAL TERN DRIVE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Carport Damage

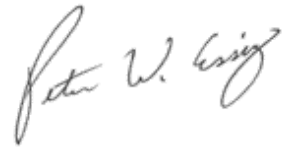
DATE OF VIOLATION FIRST OBSERVED: Sep 19, 2017

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

January 17, 2018 via First Class

June 27, 2018 via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: December 04, 2018



Peter Essig, DOR Inspector
772-664-4839

November 26, 2018



614 Royal Tern. Carport damage.
Peter Essig
Nov 03, 2018

**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 **December 07, 2018** 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 771-664-4722.

November 26, 2018

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 17-004363

#3523 / 17-004363

HARNCH-RUANE, APRIL L,

614 ROYAL TERN DR

BAREFOOT BAY, FL 32976

Respondent(s),

RE: 614 ROYAL TERN DRIVE
Barefoot Bay, FL 32976

AFFIDAVIT OF NOTICES

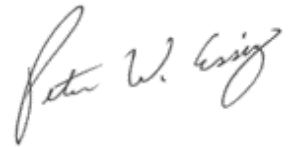
STATE OF FLORIDA
COUNTY OF BREVARD

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

1. That on or about the _____ day of _____ 2018, 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 _____ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2018, 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 _____ 2018, 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____.



Peter Essig, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Peter Essig, 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: December 7th, 2018
Title: **DOR Violation 17-006158**
947 Jacaranda Drive
Section & Item: 9A III
Department: Resident Relations: DOR Enforcement
Fiscal Impact: N/A
Contact: Rich Armington, Resident Relations Manager
Attachments: Notice's and Pictures

Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, Community Manager



Requested action by the Board of Trustees

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation case was started 12/28/2017. Eleven inspections have been completed. The property has been on social membership suspension for 6 months. The Violation committee found the property in violation on 6/22/18. Staff has Affidavit of Notices, statement of violation, affidavits of non-compliance and notice of hearings. Respondent has been notified by First Class Mail and Certified Mail.

Staff recommends that the BOT refer this Violation to the General Counsel Repperger 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 as a lien.

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 17-006158

#3727/ 17-006158

CRAWFORD-HANDLE, DONNA

522 SLATER AVE

HAMPTON, VA 23664

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.10 and SECT. 2(D) Condition of Skirting**

(10) The skirting material on all manufactured or modular homes shall be maintained at all times so that such skirting remains in substantially the same condition as when it was newly installed. No gaps or openings will be permitted to exist. Vents are to be maintained in good condition.

(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 # 120 Lot # 2
947 JACARANDA DRIVE
BAREFOOT BAY, FL 32976

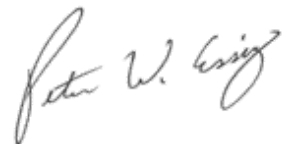
DESCRIPTION OF VIOLATION(s): skirting and awning damage

DATE OF VIOLATION FIRST OBSERVED: Dec 28, 2017

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

December 31, 2017 via First Class
June 02, 2018 via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: December 04, 2018



Peter Essig, DOR Inspector
772-664-4839

November 26, 2018



947 Jacaranda. Post-V.C. inspection. Skirting, awning damage.
Peter Essig
Nov 16, 2018

**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 **December 07, 2018** 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 771-664-4722.

November 26, 2018

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 17-006158

#3727 / 17-006158

CRAWFORD-HANDLE, DONNA,

522 SLATER AVE

HAMPTON, VA 23664

Respondent(s),

RE: 947 JACARANDA DRIVE
Barefoot Bay, FL 32976

AFFIDAVIT OF NOTICES

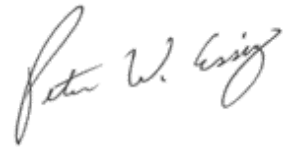
STATE OF FLORIDA
COUNTY OF BREVARD

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

1. That on or about the _____ day of _____ 2018, 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 _____ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2018, 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 _____ 2018, 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____.



Peter Essig, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Peter Essig, 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: December 7th, 2018

**Title: DOR Violation 18-000148
901 Waterway Drive**

Section & Item: 9A IV

Department: Resident Relations: DOR Enforcement

Fiscal Impact: N/A

Contact: Rich Armington, Resident Relations Manager

Attachments: Notice's and Pictures

Reviewed by

General Counsel: N/A

Approved by: John W. Coffey, Community Manager



Requested action by the Board of Trustees

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation case was started 1/09/2018. Nine inspections have been completed. The property has been on social membership suspension for 8 months. The Violation committee found the property in violation on 4/17/18. Staff has Affidavit of Notices, statement of violation, affidavits of non-compliance and notice of hearings. Respondent has been notified by First Class Mail and Certified Mail.

Staff recommends that the BOT refer this Violation to the General Counsel Repperger 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 as a lien.

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-000148

#2111/ 18-000148

GRIFFIN, DONNA L

901 WATERWAY DR

BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

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

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

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

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

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

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 124 Lot # 3

901 WATERWAY DRIVE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Siding damage to bottom of home.

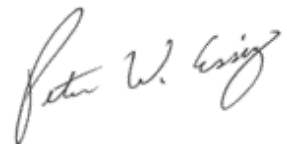
DATE OF VIOLATION FIRST OBSERVED: Jan 09, 2018

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

January 09, 2018 via First Class

March 26, 2018 via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: December 04, 2018



Peter Essig, DOR Inspector
772-664-4839

November 26, 2018



901 Waterway. Siding damage.
Peter Essig
Jul 17, 2018

**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 **December 07, 2018** 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 771-664-4722.

November 26, 2018

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-000148

#2111 / 18-000148

GRIFFIN, DONNA L,
901 WATERWAY DR
BAREFOOT BAY, FL 32976

Respondent(s),

RE: 901 WATERWAY DRIVE
Barefoot Bay, FL 32976

AFFIDAVIT OF NOTICES

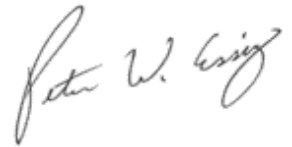
STATE OF FLORIDA
COUNTY OF BREVARD

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

1. That on or about the _____ day of _____ 2018, 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 _____ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2018, 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 _____ 2018, 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____.



Peter Essig, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Peter Essig, 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: December 7th, 2018
Title: **DOR Violation 18-002658**
901 Waterway Drive
Section & Item: 9A V
Department: Resident Relations: DOR Enforcement
Fiscal Impact: N/A
Contact: Rich Armington, Resident Relations Manager
Attachments: Notice's and Pictures

Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, Community Manager



Requested action by the Board of Trustees

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation case was started 6/02/2018. Nine inspections have been completed. The property has been on social membership suspension for 5 months. The Violation committee found the property in violation on 7/13/18. Staff has Affidavit of Notices, statement of violation, affidavits of non-compliance and notice of hearings. Respondent has been notified by First Class Mail and Certified Mail.

Staff recommends that the BOT refer this Violation to the General Counsel Repperger 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 as a lien.

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-002658

#2111/ 18-002658

GRIFFIN, DONNA L

901 WATERWAY DR

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 subparagraphs 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 # 124 Lot # 3

901 WATERWAY DRIVE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Parking violation: ATV parked on property overnight w/out approval. ATVs not allowed on property unless stowed in garage. Must be removed.

DATE OF VIOLATION FIRST OBSERVED: Jun 02, 2018

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

June 02, 2018 via First Class

June 29, 2018 via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: December 04, 2018

Peter W. Essig

Peter Essig, DOR Inspector
772-664-4839

November 26, 2018



901 Waterway. ATV on property overnight.
Peter Essig
Oct 28, 2018

**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 **December 07, 2018** 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 771-664-4722.

November 26, 2018

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-002658

#2111 / 18-002658

GRIFFIN, DONNA L,
901 WATERWAY DR
BAREFOOT BAY, FL 32976

Respondent(s),

RE: 901 WATERWAY DRIVE
Barefoot Bay, FL 32976

AFFIDAVIT OF NOTICES

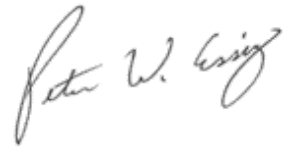
STATE OF FLORIDA
COUNTY OF BREVARD

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

1. That on or about the _____ day of _____ 2018, 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 _____ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2018, 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 _____ 2018, 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____.



Peter Essig, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Peter Essig, 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: December 7th, 2018
Title: **DOR Violation 18-002962
414 Barefoot Blvd**
Section & Item: 9A VI
Department: Resident Relations: DOR Enforcement
Fiscal Impact: N/A
Contact: Rich Armington, Resident Relations Manager
Attachments: Notice's and Pictures

Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, Community Manager



Requested action by the Board of Trustees

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation case was started 6/26/2018. Six inspections have been completed. The property has been on social membership suspension for 5 months. The Violation committee found the property in violation on 7/13/18. Staff has Affidavit of Notices, statement of violation, affidavits of non-compliance and notice of hearings. Respondent has been notified by First Class Mail and Certified Mail.

Staff recommends that the BOT refer this Violation to the General Counsel Repperger 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 as a lien.

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-002962

#0155/ 18-002962

NICOLO, MARIO JOHN

414 BAREFOOT BLVD

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. (13) TEMPORARY PORTABLE OR FREE-STANDING STRUCTURES**

Temporary, portable, or freestanding structures that are installed for longer than 48 hours are prohibited unless an application is completed, submitted to and approved by the ARCC.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 84.B Lot # 19

414 BAREFOOT BOULEVARD

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Temporary, portable, or free standing structure w/out ARCC permit: Above ground pool. Must be removed or must submit ARCC permit for review.

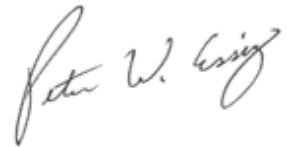
DATE OF VIOLATION FIRST OBSERVED: Jun 26, 2018

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

via First Class

July 03, 2018 via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: December 04, 2018



Peter Essig, DOR Inspector
772-664-4839

November 26, 2018



414 Barefoot Boulevard. Pool. No permit.
Peter Essig
Nov 20, 2018

**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 **December 07, 2018** 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 771-664-4722.

November 26, 2018

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-002962

#0155 / 18-002962

NICOLO, MARIO JOHN,
414 BAREFOOT BLVD
BAREFOOT BAY, FL 32976

Respondent(s),

RE: 414 BAREFOOT BOULEVARD
Barefoot Bay, FL 32976

AFFIDAVIT OF NOTICES

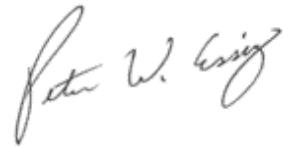
STATE OF FLORIDA
COUNTY OF BREVARD

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

1. That on or about the _____ day of _____ 2018, 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 _____ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2018, 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 _____ 2018, 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____.



Peter Essig, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Peter Essig, 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: December 7th, 2018
Title: **DOR Violation 18-003438**
942 Jacaranda Drive
Section & Item: 9A VII
Department: Resident Relations: DOR Enforcement
Fiscal Impact: N/A
Contact: Rich Armington, Resident Relations Manager
Attachments: Notice's and Pictures

Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, Community Manager



Requested action by the Board of Trustees

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation case was started 7/26/2018. Six inspections have been completed. The property has been on social membership suspension for 3 months. The Violation committee found the property in violation on 9/14/18. Staff has Affidavit of Notices, statement of violation, affidavits of non-compliance and notice of hearings. Respondent has been notified by First Class Mail and Certified Mail.

Staff recommends that the BOT refer this Violation to the General Counsel Repperger 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 as a lien.

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-003438

#2098/ 18-003438

BARBOUR, DAVID L

942 JACARANDA DR

BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

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

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

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

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

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

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 121 Lot # 41
942 JACARANDA DRIVE
BAREFOOT BAY, FL 32976

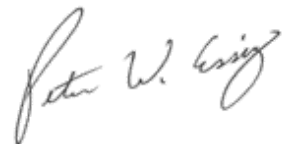
DESCRIPTION OF VIOLATION(s): Damage on front of house/siding and windows/Exterior maintenance

DATE OF VIOLATION FIRST OBSERVED: Jul 26, 2018

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

July 26, 2018 via First Class
September 04, 2018 via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: December 04, 2018



Peter Essig, DOR Inspector
772-664-4839

November 26, 2018



942 Jacaranda. Post-V.C. re-inspection. Exterior maintenance. Damage to front and side of house.
Peter Essig
Nov 16, 2018

**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 **December 07, 2018** 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 771-664-4722.

November 26, 2018

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-003438

#2098 / 18-003438

BARBOUR, DAVID L,
942 JACARANDA DR
BAREFOOT BAY, FL 32976

Respondent(s),

RE: 942 JACARANDA DRIVE
Barefoot Bay, FL 32976

AFFIDAVIT OF NOTICES

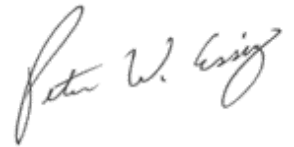
STATE OF FLORIDA
COUNTY OF BREVARD

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

1. That on or about the _____ day of _____ 2018, 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 _____ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2018, 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 _____ 2018, 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____.



Peter Essig, DOR Inspector

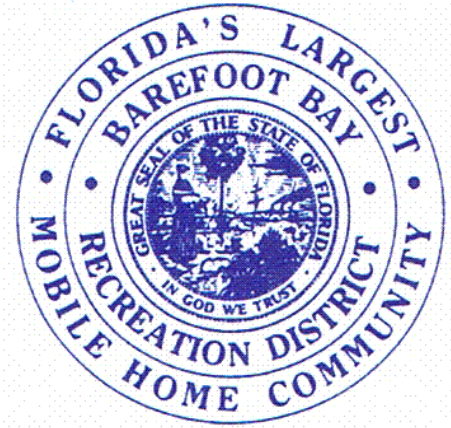
The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Peter Essig, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large

Board of Trustees Meeting Agenda Memo

Date: December 7th, 2018
Title: **DOR Violation 18-004699
414 Barefoot Blvd**
Section & Item: 9A VIII
Department: Resident Relations: DOR Enforcement
Fiscal Impact: N/A
Contact: Rich Armington, Resident Relations Manager
Attachments: Notice's and Pictures

Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, Community Manager



Requested action by the Board of Trustees

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation case was started 10/17/18. **Three** inspections have been completed. The property is on social membership suspension for 1 month. The Violation committee found the property in violation on 11/09/2018. Staff has Affidavit of Notices, statement of violation, affidavits of non-compliance and notice of hearings. Respondent has been notified by First Class Mail and Certified Mail.

Staff recommends that the BOT refer this Violation to the General Counsel Repperger 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 as a lien.

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-004699

#0155/ 18-004699

NICOLO, MARIO JOHN

414 BAREFOOT BLVD

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. 2 ARCC No Permit**

No building or other structure shall be erected or placed on any Lot, nor shall the exterior of any such building or structure or the driveways or parking areas serving such building or structure be altered in any way unless and until two sets of the complete building plans, two sets of complete specifications and two copies of a plot plan have been submitted to the ARCC and approved by it in writing. An application for such approval shall demonstrate to the satisfaction of the ARCC that: 1. The said building or other structure complies in all respects with the Provisions of this instrument; and 2. The said building or other structure is in conformity and harmony with such written rules as may from time to time be adopted by the ARCC. The ARCC's approval of the said plan specifications and plot plans shall be evidenced by the signature of its Chairman or Vice-Chairman on the plans, specifications and plot plans submitted by an applicant. One set of approved plan shall be returned to the applicant and the other shall be retained by the ARCC among its permanent records. In the event the ARCC fails to approve or disapprove an application within thirty (30) Days after the complete application has been submitted to the ARCC, the ARCC shall be deemed to have approved the application in all respects. The ARCC shall have the authority to promulgate regulations relating to all construction and landscaping for lots within Barefoot Bay. Such regulations may, without formal amendment of this Deed of Restrictions, be created, amended, modified, altered or changed by a majority vote of the ARCC, provided, however, that notice of any such amendment, modification, alteration or change to the regulations shall be given in writing to the Recreation District as soon as practicable after adoption thereof by the ARCC. A copy of any such amendment, modification, alteration or change to such a regulation shall be maintained in the offices of the Recreation District and shall be made available on request to any interested party upon payment of a reasonable copying fee. In the event that a dispute arises in the interpretation by the ARCC of any requirement of this Article or of the regulations provided for herein above, such dispute shall be resolved by a majority vote of the Recreation District, whose decision shall be final and binding.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 84.B Lot # 19

414 BAREFOOT BOULEVARD

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Fence installed w/out permit. Must submit ARCC permit for review before conducting work.

DATE OF VIOLATION FIRST OBSERVED: Oct 17, 2018

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

via First Class

October 17, 2018 via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: December 07, 2018

Peter W. Essig

Peter Essig, DOR Inspector
772-664-4839

November 26, 2018



414 Barefoot Boulevard. Post-V.C. inspection. Fence installed w/out permit.
Peter Essig
Nov 24, 2018

**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 **December 04, 2018** 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 771-664-4722.

November 26, 2018

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-004699

#0155 / 18-004699

NICOLO, MARIO JOHN,

414 BAREFOOT BLVD

BAREFOOT BAY, FL 32976

Respondent(s),

RE: 414 BAREFOOT BOULEVARD
Barefoot Bay, FL 32976

AFFIDAVIT OF NOTICES

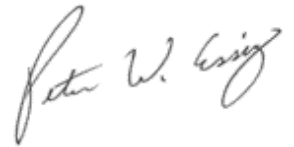
STATE OF FLORIDA
COUNTY OF BREVARD

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

1. That on or about the _____ day of _____ 2018, 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 _____ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2018, 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 _____ 2018, 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____.



Peter Essig, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Peter Essig, 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: December 7th, 2018
Title: **DOR Violation 18-004700
414 Barefoot Blvd**
Section & Item: 9A IX
Department: Resident Relations: DOR Enforcement
Fiscal Impact: N/A
Contact: Rich Armington, Resident Relations Manager
Attachments: Notice's and Pictures

Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, Community Manager



Requested action by the Board of Trustees

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation case was started 10/17/18. Three inspections have been completed. The property is on social membership suspension for 1 month. The Violation committee found the property in violation on 11/09/2018. Staff has Affidavit of Notices, statement of violation, affidavits of non-compliance and notice of hearings. Respondent has been notified by First Class Mail and Certified Mail.

Staff recommends that the BOT refer this Violation to the General Counsel Repperger 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 as a lien.

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-004700

#0155/ 18-004700

NICOLO, MARIO JOHN

414 BAREFOOT BLVD

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) (9) ADIR Landscaping & Privacy Materials**

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 84.B Lot # 19

414 BAREFOOT BOULEVARD

BAREFOOT BAY, FL 32976

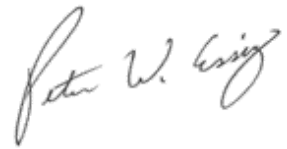
DESCRIPTION OF VIOLATION(s): Too much privacy material installed; properties may only have a maximum of 32 feet of privacy material.

DATE OF VIOLATION FIRST OBSERVED: Oct 17, 2018

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

October 17, 2018 via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: December 04, 2018



Peter Essig, DOR Inspector

772-664-4839

November 26, 2018



414 Barefoot Boulevard. Post-V.C. inspection. Too much privacy material (more than 32 feet)
Peter Essig
Nov 24, 2018

**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 **December 07, 2018** 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).

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November 26, 2018

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-004700

#0155 / 18-004700

NICOLO, MARIO JOHN,
414 BAREFOOT BLVD
BAREFOOT BAY, FL 32976

Respondent(s),

RE: 414 BAREFOOT BOULEVARD
Barefoot Bay, FL 32976

AFFIDAVIT OF NOTICES

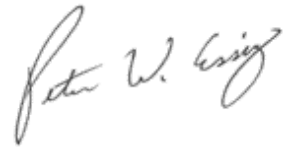
STATE OF FLORIDA
COUNTY OF BREVARD

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

1. That on or about the _____ day of _____ 2018, 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 _____ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2018, 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 _____ 2018, 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____.



Peter Essig, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Peter Essig, 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: December 7th, 2018
Title: **DOR Violation 18-001009**
922 Fir Street
Section & Item: 9A X
Department: Resident Relations: DOR Enforcement
Fiscal Impact: N/A
Contact: Rich Armington, Resident Relations Manager
Attachments: Notice's and Pictures

Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, Community Manager



Requested action by the Board of Trustees

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation case was started 3/02/2018. Fifteen inspections have been completed. The property has been on social membership suspension for 3 months. The Violation committee found the property in violation on 8/10/18. Staff has Affidavit of Notices, statement of violation, affidavits of non-compliance and notice of hearings. Respondent has been notified by First Class Mail and Certified Mail.

Staff recommends that the BOT refer this Violation to the General Counsel Repperger 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 as a lien.

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-001009

#0615/ 18-001009

GARCIA, ROSARIO H

922 FIR STREET

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 # 110 Lot # 24
922 FIR STREET
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): all unauthorized items on back porch and around the home, including the water tank on the side of the garage must be removed

DATE OF VIOLATION FIRST OBSERVED: Mar 02, 2018

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

March 02, 2018 via First Class
July 30, 2018 via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: December 04, 2018



Stephane Fecteau, DOR Inspector
772-664-4722

November 27, 2018



922 fir
Stephane Fecteau
Nov 26, 2018

**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 **December 07, 2018** 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 771-664-4722.

November 27, 2018

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-001009

#0615 / 18-001009

GARCIA, ROSARIO H,

922 FIR STREET

BAREFOOT BAY, FL 32976

Respondent(s),

RE: 922 FIR 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 Stephane Fecteau for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2018, 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 _____ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2018, 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 _____ 2018, 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____.



Stephane Fecteau, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Stephane Fecteau, 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: December 7th, 2018
Title: **DOR Violation 18-003201
909 Hemlock Street**
Section & Item: 9A XI
Department: Resident Relations: DOR Enforcement
Fiscal Impact: N/A
Contact: Rich Armington, Resident Relations Manager
Attachments: Notice's and Pictures

Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, Community Manager



Requested action by the Board of Trustees

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation case was started 7/12/2018. Four inspections have been completed. The property has been on social membership suspension for 4 months. The Violation committee found the property in violation on 7/27/18. Staff has Affidavit of Notices, statement of violation, affidavits of non-compliance and notice of hearings. Respondent has been notified by First Class Mail and Certified Mail.

Staff recommends that the BOT refer this Violation to the General Counsel Repperger 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 as a lien.

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-003201

#2613/ 18-003201

FULLERTON, ROBERT B

909 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 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 or carport roof, including posts and fascia, fabricated of aluminum or other approved material.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 7 Lot # 2

909 HEMLOCK STREET

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Carport is not ARCC approved. Carport dimensions must be at least 11'X18'

DATE OF VIOLATION FIRST OBSERVED: Jul 12, 2018

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

July 12, 2018 via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: December 03, 2018



Stephane Fecteau, DOR Inspector
772-664-4722

November 26, 2018



909 Hemlock
Stephane Fecteau
Aug 15, 2018

**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 **13:00 p.m. on December 07, 2018 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 771-664-4722.

November 26, 2018

Deed of Restrictions STAFF

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

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-003201

#2613 / 18-003201

FULLERTON, ROBERT B,

909 HEMLOCK ST

BAREFOOT BAY, FL 32976

Respondent(s),

RE: 909 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 Stephane Fecteau for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2018, 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 _____ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2018, 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 _____ 2018, 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____.



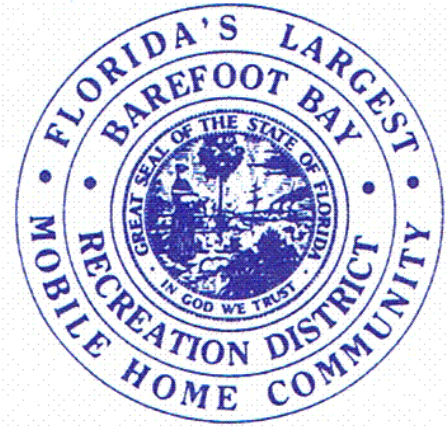
Stephane Fecteau, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Stephane Fecteau, 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: December 7, 2018
Title: **Florida Mobile Mammography Request**
Section & Item: 9B
Department: Office of the District Clerk
Fiscal Impact: N/A
Contact: Dawn Myers, District Clerk; or John W. Coffey, Community Manager
Attachments: Informational material from Florida Mobile Mammography
Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, Community Manager



Requested Action by BOT

Review and direction to staff.

Background and Summary Information

Recently, staff received a request from Florida Mobile Mammography (FMM) to regularly provide mammography services (via insurance or fee) in BBRD. Texts of emails from Kerry Lawrence of FMM are provided below.

Florida Mobile Mammography provides 3D Screening Mammograms through its mobile breast center using Hologic's Genius Exam. We do not charge to come to a location rather we bill our patient's individual insurance. For patients without insurance we have a grant program that patients may qualify for. We collect all prior images and our exams are read by a Breast Fellowship Board Certified Radiologist. By making mammograms more accessible women that are typically noncompliant do come and get this important exam done.

We can tailor the frequency based on the need of our service. In a full day we can see 40 patients. But yes we could start with a 4 week rotation and adjust if necessary. Most communities we work with are on either a 4, 8, or 12 week rotation. We do find patients like having dates pre-set for the year so they can schedule according to when they are due.

Additional information is attached.

Staff requests direction from the BOT regarding this matter.



ABOUT OUR imaging services

Florida Mobile Mammography serves the women of Florida with top-of-the-line 3D mobile mammography. We go to medical practices, businesses and community events.

Florida Mobile Mammography believes 3D mammography is the best option for prevention because it increases detection of invasive breast cancer by 41%, detecting breast cancer in early stages and potentially save lives.

Visit our website for more information, and our Facebook page for client feedback.

WE PROVIDE THE BEST women's imaging services

Experience you can trust

CENTER OF EXCELLENCE for personalized healthcare

WHY CHOOSE US

- We do not bill extra for 3D mammography (many providers charge \$50 or more)
- Board-certified, fellowship-trained radiologists who specialize in reviewing breast images
- Nationally accredited by the American College of Radiology (ACR)
- Zero cost to schedule our mobile coach, free-standing no hook ups needed
- Women's Only Facility with Private Dressing Areas
- **Easy online scheduling on FloridaMobileMammography.com**
- Accepts most insurance plans
- Partnered with FBCCEDP for those that qualify and don't have insurance
- Appointments can be done in as little as fifteen minutes
- We send results to the patient and her doctor for continuity of care



CONTACT US

PHONE: 877.318.1349

FAX: 772.263.8887

**CALL OR GO ONLINE TO
SCHEDULE AN APPT!**

Schedule an Appointment: 877.318.1349

FLORIDAMOBILEMAMMOGRAPHY.COM

No Excuses, Ladies

I'm so busy
taking care of
my family.

I don't know where to go.

I have no
health
insurance.



FREE MAMMOGRAM & PAP SMEAR

Florida Breast & Cervical Cancer Early Detection Program

SERVICES

Free or at a reduced cost for women who qualify for the program:

- Clinical breast examinations
- Mammograms
- Pelvic examinations
- Pap tests
- Diagnostic testing if results are abnormal
- Referrals for treatment

Participants must be available to complete all diagnostic testing within 60 days.

Services provided in Broward, Palm Beach and Martin counties

broward.floridahealth.gov

ELIGIBILITY

Consider this program if you or someone you know:

- Is at least 50 years old *or*
- 40-49 years old with an immediate family member with a history of breast cancer *and*
- Has little or no health insurance *and*
- Is not covered by Medicare or Medicaid *and*
- Meets income guidelines of the program *and*
- Has a picture ID *and*
- Lives in Broward, Palm Beach or Martin county

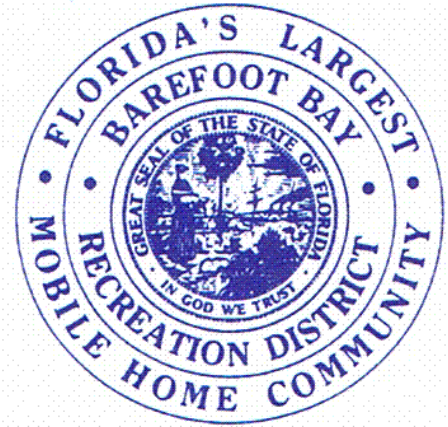


Call today for more information
and to schedule an appointment

954-762-3649

Board of Trustees Meeting Agenda Memo

Date: December 07, 2018
Title: **Donation Request: BFBHOA**
Section & Item: 9C
Department: Administration: District Clerk
Fiscal Impact: Approximately \$50,326.00 (depending up installation costs)
Contact: Dawn Myers, District Clerk or John W. Coffey, Community Manager
Attachments: Excerpt from Policy Manual and Brochure for Donated Structure
Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, Community Manager



Requested Action by BOT

Acceptance of donation.

Background and Summary Information

Barefoot Bay Homeowner's Association has requested to donate a 40' Hexagonal Duo-Top Structure to be placed on the concrete pad behind Building A. Costs include the following:

- \$25,604.98 Structure
- \$1,100.00 Sealed construction drawings
- \$621.00 Freight
- Approximately \$23,000.00 installation (to be finalized when two quotes are obtained from local qualified vendors)

Per BBRD Policy Manual, the party requesting to donate the item must pay BBRD the cost and staff will procure the donation. BFBHOA President Compton stated his acceptance of these terms to staff.

Due to the anticipated cost of construction, staff will bring the award of contract for the installation to the BOT at the next available meeting.

Staff recommends the BOT accept the donation of a 40' structure and installation costs from the Barefoot Bay Homeowners' Association.

Exhibit A
Barefoot Bay Recreation District Policy Manual
PUBLIC RECORDS REQUEST POLICY

7. The gas grill is available for use at Pool 1 by residents and their guests on a first come, first served basis.¹⁴⁴
8. Residents must wipe the grill and cooking area clean when cooking is complete.
9. Residents assume all responsibility for food safety.
10. Due to the potential risks, residents using grills are required to sign a waiver and assume all responsibility for the cooking and safety of the prepared food.
11. Residents must provide their own cooking tools.
12. All commercial entity hosted for-profit, revenue-based, food service special events, excluding outside commercial entity catering and/or simple food delivery for resident or club-hosted meetings or special events, are prohibited from being held in any District owned facilities.¹⁴⁵
13. Any private commercial caterer and/or event planner providing food-related services for any resident or club-hosted meeting or special event, excluding simple food service delivery, shall be required to execute an indemnification and hold harmless agreement in favor of the District related to any food-related services provided.

3.5 Guidelines for Gift and or Memorials for the Barefoot Bay Recreation District¹⁴⁶

All gifts and /or memorials plans must be submitted for review by the Community Manager for compliance with the guidelines below. Those meeting the criteria below may be recommended for acceptance to the Board of Trustees at a regularly scheduled meeting. Acceptance of any memorial or gift meeting the criteria shall be at the discretion of the Board of Trustees. The Board of Trustees reserves the right to decline the acceptance of gifts or memorials due to inappropriateness, restrictions placed upon the gift or memorial and any potential financial or legal liability and for any other reason.

1. No gifts or memorials may be considered until the person has been deceased for more than 90 days.
2. Residents desiring to donate gifts and/or memorials shall work with staff to determine the costs of the memorial or item. The cost of the item will be presented to the donor. BBRD will purchase the item after the resident has paid for the item(s) and assume legal liability for the item.
3. No restrictions can be placed on the use or ownership of the gift or memorial. The BBRD is the sole owner of all gifts and will determine the use of the gift or memorial.
4. The gift or memorial must be deemed appropriate by the Community Manager and the Board of Trustees.
5. The Community Manager must determine all short and long-term costs of all gifts and memorials. These costs shall include the maintenance, repair, upkeep, insurance and/or any other hazards or liability. The placement of any memorial or gift shall not interfere with the maintenance of District facilities.
6. The acceptance, placement, use and removal of gifts and memorials are at the sole discretion of the District.
7. Plaques for all memorials shall not be considered permanent and will be removed at the sole discretion of the District when they deteriorate.

SUPERIOR SHELTER

Budget Breakdown

While every shelter project is different, each of our shelter clients can expect certain costs while planning for their new shaded area. Check out this great diagram to answer the age-old question: "What should I budget for?"

10%
Freight

30%
Product

OTHER ITEMS TO CONSIDER

*After product selection,
we should consider:*

- Engineering & Permitting
- Assembly & Installation
- Concrete & Rebar Costs
- Concrete Pad for Shelter
- Site Amenities
- Maintenance Plan

60%
Engineering
& Installation



1050 Columbia Dr.
Carrollton, GA 30117

1.800.327.8774
superiorrecreation.com

QUO00165641

CREATED: 11/14/2018

EXPIRES: 12/14/2018

PROJECT NAME

NOTES

BILL TO

SHIP TO

Elaine B.
Sebastian FL 32976

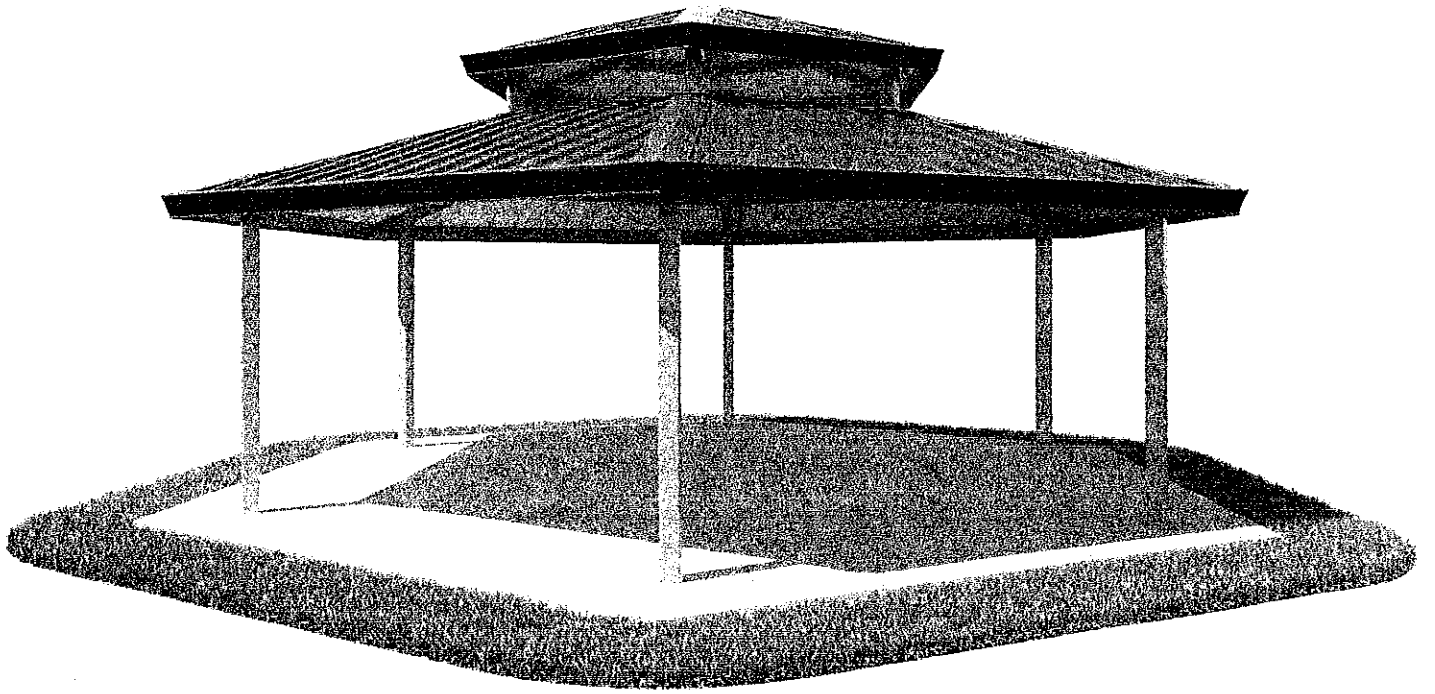
TERMS

Prepaid

QTY	ITEM	UNIT PRICE	EXTENDED PRICE
1	Custom Shelter Design - 40' (AS) Hexagonal Duo-Top Structure; 4:12 Pitch; 6 Standard Column Design; Standard 4" Sub Surface Mount	\$24,859.20	\$24,859.20
	Surcharge - Due to the rise in commodity material cost a 3% surcharge was implemented on 5/3/18.	3%	\$745.78
1	IN:EQ-INSTALL - Installation of Equipment *Based on a flat, level, accessible area *Does not include removal of existing equipment *Unless specifically noted this does NOT include prevailing wage rates or fees *Permitting is not included unless specifically noted on a separate line item	\$23,300.00	\$23,300.00
1	Engineering: Sealed Drawings & Fees - Engineering: Sealed Drawings & Fees	\$1,100.00	\$1,100.00
1	Freight: Freight Out Billable and Handling - Freight: Freight Out Billable and Handling	\$621.00	\$621.00
		Subtotal	\$50,625.98
		Tax (6.58%)	\$3,260.77
		Net Total	\$53,886.75

Thank you for the opportunity to quote your upcoming project! If you have any questions, please contact our Customer Service Department at 1.800.327.8774. Quotes do not include installation or safety surfacing unless otherwise noted. In the event of any inconsistencies in regards to terms, the terms stated on this quote shall control.

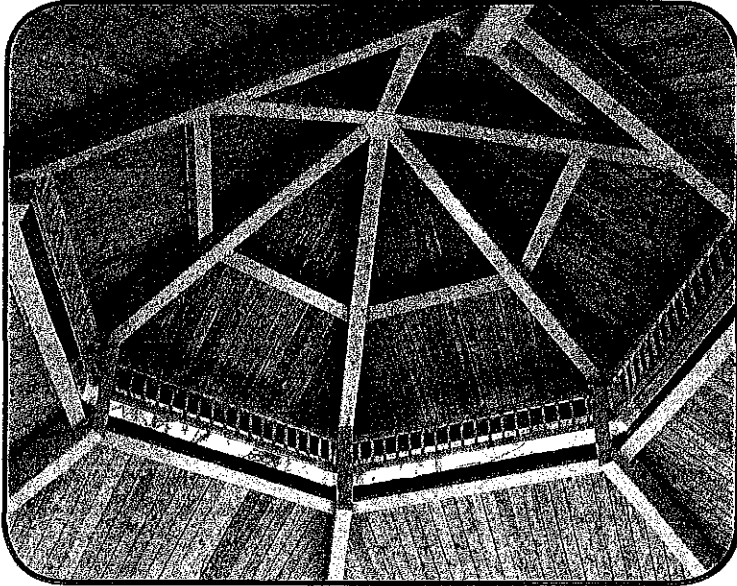
PREPARED BY: Michael Derbecker
Page 1 of 1





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NO EXPOSED BOLTS

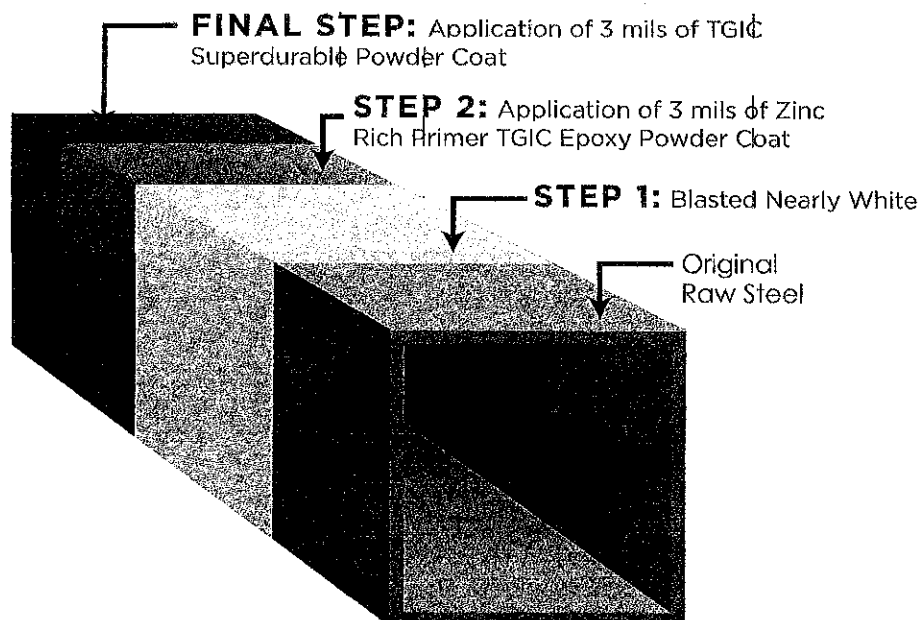
Our hardware connections are hidden within the beams to provide aesthetic elegance.



STRUCTURAL EAVES

For structural stability of the shelter and prevention of vandalism on the roof edges.

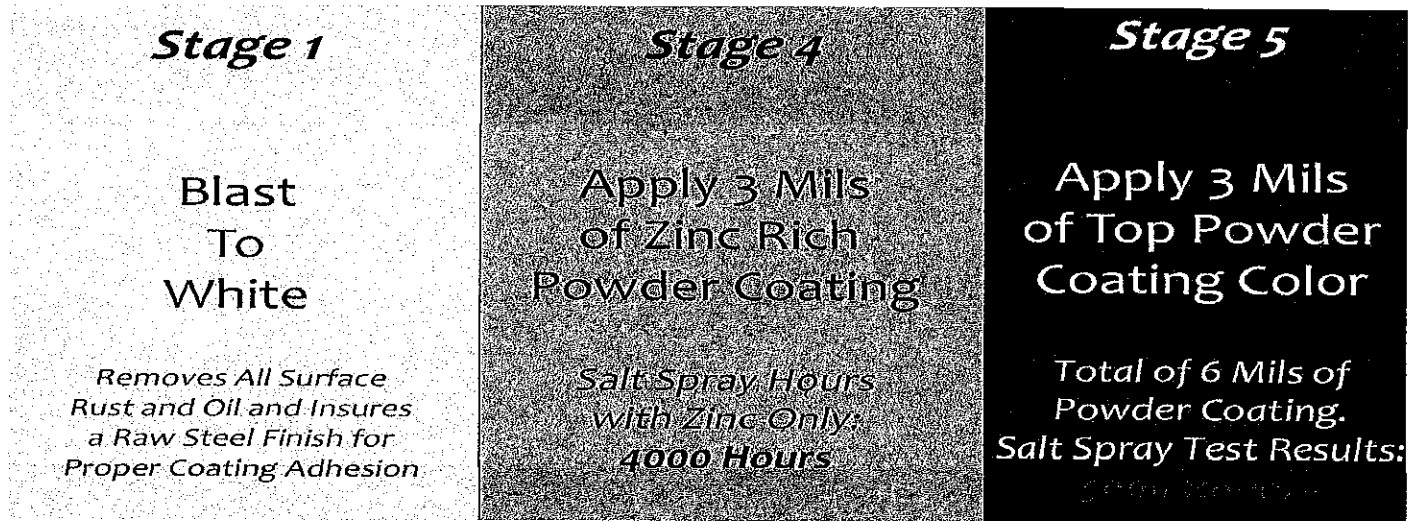
Best In Industry Powder Coating **Over 5000 Hours of Salt Spray Testing**





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DO NOT ACCEPT LESS THAN BEST!! WE HAVE THE INDUSTRY'S LEADING POWDER COATING PROCESS



Process Stages

- Stage 1:** Blast all steel to "White" condition to remove all surface rust and oil. This process insures a raw steel finish for proper adhesion for Stage 4 (Zinc TGIC Powder Prime Coat).
- Stage 2:** Air Induction Cleaning Stage to remove all dust from Stage 1 (Blast Process)
- Stage 3:** Pre-Heat steel at 1.5 ft per line minute for 13ft in IR oven to a temperature of 250 Degrees to prepare steel for Stage 4 (Epoxy TGIC Powder Coating Zinc Rich Primer Process).
- Stage 4:** Electrostatic Application of Epoxy TGIC Powder Coating Zinc Rich Primer. Unlike any other shelter manufacturer, we are utilizing an actual TGIC Zinc Powder Coating Rich Primer. This stage 3 application is applied at 3 mils and has been salt spray tested for 4000 + hours using the ASTM Method B117. Note: The 4000 hours of salt spray testing is only with the Zinc Rich TGIC Powder Coat Primer and before the Stage 5 TGIC Top Powder Coat application of an additional 3 mils of TGIC Powder Coat.
- Stage 5:** Electrostatic application of TGIC Top Powder Coat at 3 mils. This application, along with the Stage 4 Epoxy TGIC Powder Coating Zinc Rich Primer, produces a total of 6 mils of finished Powder Coating and has tested at 5000+ hours using the ASTM Method B117. It is important to note that testing was discontinued at 5000 hours.
- Stage 6:** Final cure of coatings at 450 degrees for 30 minutes.



Recreational Products

Limited Warranty

1. Superior Recreational Products warrants that its **structure** will be free from defects in materials and workmanship, as well as maintain structural integrity for a period of 10 years from the date of invoice with the following terms and conditions.

2. Superior Recreational Products gives a 2 year limited warranty on All-Steel, Recycled Plastic and Wood **Site Furnishings** from the date of invoice with the following terms and conditions.

3. Superior Recreational Products gives a 1 year limited warranty on **Survivor Series Site Furnishings** from the date of invoice with the following terms and conditions

4. This warranty is in effect only if the structure/ site furnishing has been assembled and installed strictly in accordance with the set-up instructions, good construction practices and has been subjected only to normal use and exposure.

5. Abnormal conditions are specifically excluded from coverage under this warranty.

6. Contingent liability is specifically excluded. Superior Recreational Products Inc. has the option to repair or replace any defect in materials.

7. The owner shall notify Superior Recreational Products to arrange for an inspection within 30 days after discovery of any defect under this warranty, and before any alteration or repair is made or attempted. This limited warranty shall be null and void if the owner makes any alterations in design.

8. Superior Recreational Products is in no way responsible for damages caused by others, including: installer, vandalism, fire, acts of God (lightning, storms, hail, etc.), corrosion, salt spray, pollution, or infestation by rodents or other vermin.

9. Superior Recreational Products shall not be responsible for insurance standards or code compliance changes that may be required in the future.

10. Superior Recreational Products shall not be responsible for delays due to missing, stolen, or non-conforming parts. Any rework of non-conforming parts must be authorized by Superior Landscape Elements, Inc. prior to the time that the rework is done.

11. Some fitting and field cutting of parts may be required, and will not be subject to back charges or cause for rejection.

12. In the unlikely event of failure, Superior Recreational Products reserves the right to alter the design, color, or contributing factors to rectify the condition and help prevent any future re-occurrence(s).

13. Superior Recreational Products specifically excludes any implied warranty of merchantability, fitness or purpose, and there are no warranties, which extend beyond the description of the face hereof.

14. Under no circumstances will Litchfield Landscape Elements, Inc. be responsible for any consequential or incidental damages due to breach of warranty, and such damages are specifically excluded from this warranty.

15. The pre-finished metal roof manufacturer warrants to the purchaser that when used for exterior applications under normal environmental conditions the painted or unpainted metal roof panels will meet the following standards.

R-Panel, Max- Rib, and Standing Seam Metal Roof Panels:

For a period of 25 years from the date of shipment (20 years for Brite Red), the coating system will not crack, check, peel (lose adhesion), chalk or change color (fade).

For a period of 30 years from the date of shipment, painted or unpainted metal roof panels, if erected within the United States, will not rupture, fail structurally, or perforate due to exposure to normal environmental conditions.

Subject to the conditions, limitations and exclusions set forth by the pre-finished metal roof manufacturer.

16. **Fiberglass Shingles** have a 30 year limited warranty per the manufacturer's specifications.

17. **Cedar Shingles** have a 5 year limited warranty per the manufacturer's specifications.

18. **Polycarbonate/ Lexan Panels** have a 5 year limited warranty per manufacturer's terms and conditions.

19. **Powder Coat** is the structure's *standard* steel frame finish, unless specifically noted otherwise. All of our parts are blasted to a "white finish". Every part is cleaned, utilizing an environmentally safe citric acid solution to remove all dust and grease after the blasting process. Our powder coating is a multiple step process. It consists of a Zinc Rich TGIC Polyester Powder Prime Coat, along with the Final TGIC Polyester Powder Top Coat.

Superior Recreational Products offers a **10 year Limited Warranty** for Powder Coating to the original purchaser.

This limited warranty is only valid if Superior has been paid in full for the cost of the shelter. This limited warranty is for factory applied finish only.

Damage occurring from shipping, erection, vandalism, accidents, or field modification will require field touch-up immediately and periodically thereafter which is not covered in this limited warranty. The owner must report any defects in the powder coat at the time the installation is completed.

The 10 year limited warranty excludes structures erected at sites where salt air, corrosive atmosphere, or sprinkler systems come in contact with the shelter.

Not covered by this limited warranty are acute angles, welds, and end-plates that are prone to minor defects on occasions and will require touch-up by owner.

info@silbrands.com

Ph: 800-327-8774 Fax: 770-214-0747

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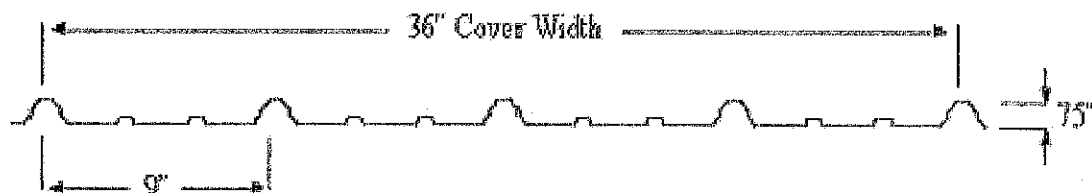
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SPECIFICATIONS
29ga. Max-Rib Metal Roof Panels
 Shelters w/T&G Decking

ROOF: Roof decking will be a minimum 29 gauge steel panels, featuring a galvalume substrate and Kynar 500 coating selected from our standard offering of 17 colors (Color Sheets Available). Eave & hip trims shall be 29ga. provided of the same color.

Description	Test Method	Galvalume Substrate w/ Fluoropan Coating
Accelerated Weathering	ASTM G 23	Hours: 2000 – Chalk Rating 9 – Color: 2 Δ E Max.
(QUV)	ASTM G 53	Hours: 2000 – Chalk Rating 9 – Color: 2 Δ E Max.
Salt Spray	ASTM B 117	Hours: 1000 – Scribe Rating 7 1/16" – Field Rating 10 – No Blisters
Humidity	ASTM D 2247	Hours: 2000 – Rating 10 – No Blisters
Adhesion	ASTM D 3359	No Loss of Adhesion
Pencil Hardness	ASTM D 3363	HB Minimum
Specular Gloss	ASTM D 523	25-35 @ 60°
Impact Resistance	ASTM D 2794	3x Metal Thickness in inch-lb. – No Loss of Adhesion
Abrasion Resistance	ASTM D 968	Total Sands = 67 liters
Acid Resistance	ASTM D 1308 (Procedure 6.2) (Independent of Substrate)	10% Hydrochloric Acid 24 hrs. – No Visible Change 20% Hydrochloric Acid 18 hrs. – No Visible Change 20% Sulfuric Acid 18 hrs – No Visible Change 25% Sodium Hydroxide 1 hr – No Visible Change 20% Muriatic Acid 15 minutes – No Visible Change
Flame Test	ASTM E 84	Class A Coating

MAX-RIB STEEL ROOF PANEL



SPECIFICATIONS SUBJECT TO CHANGE FOR PRODUCT IMPROVEMENT!



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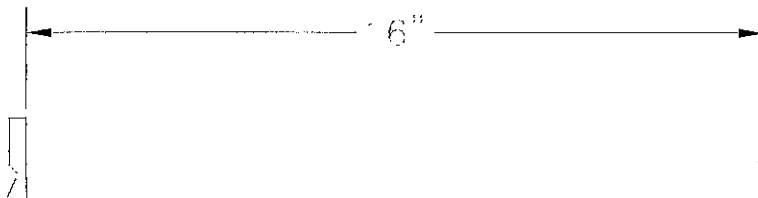
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SPECIFICATIONS
24ga. Medallion-Lok Metal Roof Panels
Shelters w/Steel Frame Only

ROOF: Roof decking will be a minimum 24 gauge steel panels, featuring a galvalume substrate and Kynar 500 coating selected from our standard offering of 22 colors (Color Sheets Available). Eave & hip trims shall be 29ga. provided of the same color.

Description	Test Method	Galvalume Substrate w/ Fluoropolymer Coating
Accelerated Weathering	ASTM G 23	Hours: 2000 -- Chalk Rating 9 -- Color: 2 Δ E Max.
(QUV)	ASTM G 53	Hours: 2000 -- Chalk Rating 9 -- Color: 2 Δ E Max.
Salt Spray	ASTM B 117	Hours: 1000 -- Scribe Rating 7 1/16" -- Field Rating 10 -- No Blisters
Humidity	ASTM D 2247	Hours: 2000 -- Rating 10 -- No Blisters
Adhesion	ASTM D 3359	No Loss of Adhesion
Pencil Hardness	ASTM D 3363	HB Minimum
Specular Gloss	ASTM D 523	25-35 @ 60°
Impact Resistance	ASTM D 2794	3x Metal Thickness in inch-lb. -- No Loss of Adhesion
Abrasion Resistance	ASTM D 968	Total Sands = 67 liters
Acid Resistance	ASTM D 1308 (Procedure 6.2) (Independent of Substrate)	10% Hydrochloric Acid 24 hrs. -- No Visible Change 20% Hydrochloric Acid 18 hrs. -- No Visible Change 20% Sulfuric Acid 18 hrs -- No Visible Change 25% Sodium Hydroxide 1 hr -- No Visible Change 20% Muriatic Acid 15 minutes -- No Visible Change
Flame Test	ASTM E 84	Class A Coating

Medallion-Lok Metal Roof Profile



SPECIFICATIONS SUBJECT TO CHANGE FOR PRODUCT IMPROVEMENT!

SUPERIOR COLOR SELECTION CHART

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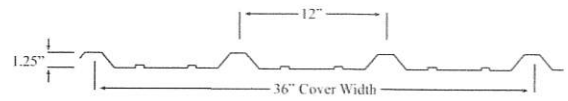
TGIC Powder Coat Finish Standard Steel Frame Colors



Pittsburgh Metal Roof Colors

24 Gauge for use on Pittsburgh All-Steel Shelters

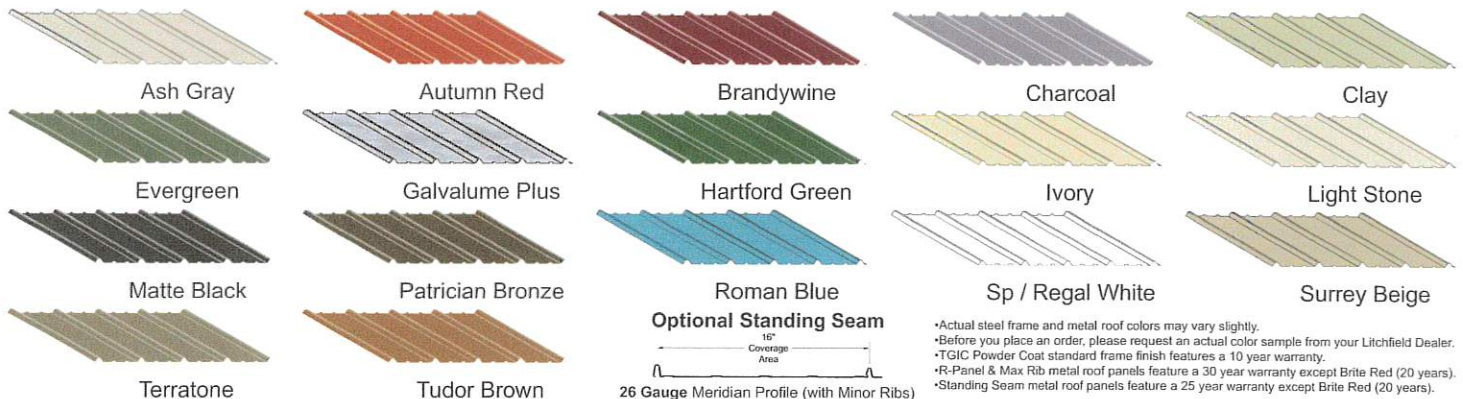
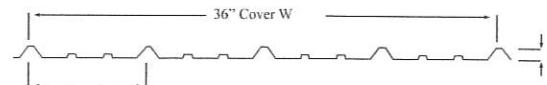
R-Panel Profile Standard (available in 24 Gauge Standing Seam at an upcharge)



NOTE: Inventory and color offerings can change without notice.

Superior "Metal Over Wood" Metal Roof Colors

29 Gauge only for use as an overlay on shelters with Tongue & Groove Decking Substrate
Max-Rib Profile Standard (available in 26 Gauge Standing Seam at an upcharge).



•Actual steel frame and metal roof colors may vary slightly.
•Before you place an order, please request an actual color sample from your Litchfield Dealer.
•TGIC Powder Coat standard frame finish features a 10 year warranty.
•R-Panel & Max Rib metal roof panels feature a 30 year warranty except Brite Red (20 years).
•Standing Seam metal roof panels feature a 25 year warranty except Brite Red (20 years).



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TEST RESULTS
POWDER COATING - ZINC-LOC TESTING RESULTS

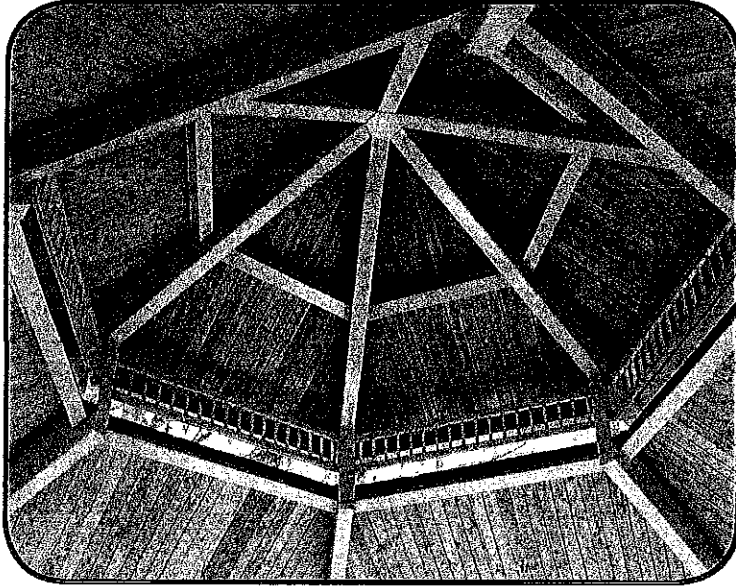
<i>TEST</i>	<i>Method</i>	<i>Range</i>
Direct Impact (Inch LBS.):	D2794	120 + in.lbs.
Indirect Impact (Inch LBS.):	D2794	120 + in.lbs.
Pencil Hardness:	D3363	2H +
Cross Hatch Adhesion:	D3359B	4B +
Flexibility (Conical Mandrell):	D1737 / D522	90%
Salt Spray Resistance:	ASTM B117	5000 + Hours
Humidity Resistance:	ASTM D2247	5000 + Hours

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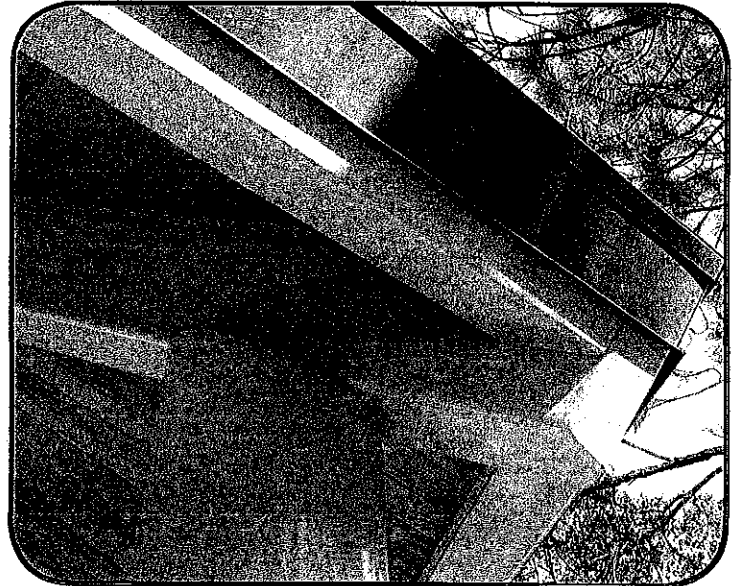
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superiorrecreationalproducts.com



NO EXPOSED BOLTS

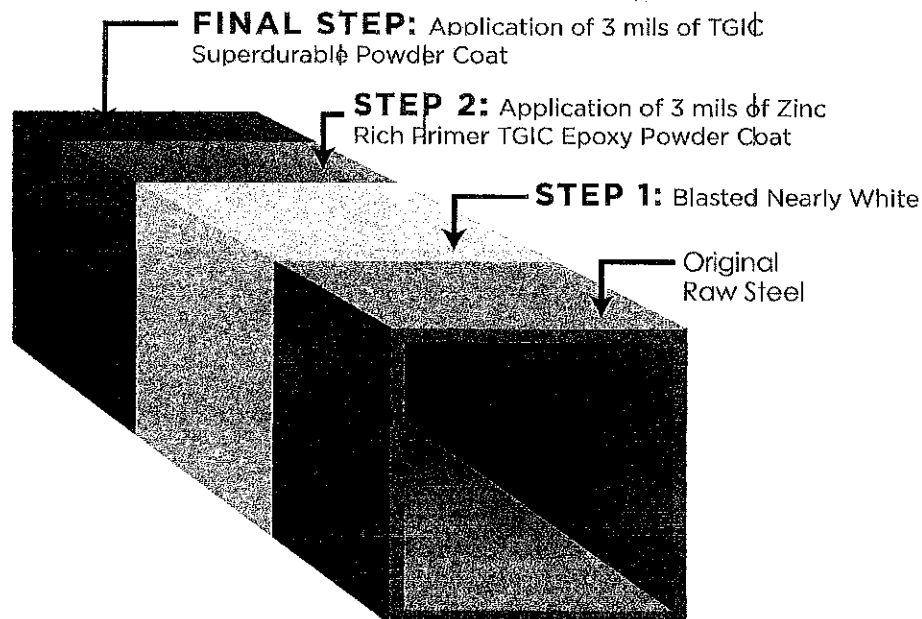
Our hardware connections are hidden within the beams to provide aesthetic elegance.



STRUCTURAL EAVES

For structural stability of the shelter and prevention of vandalism on the roof edges.

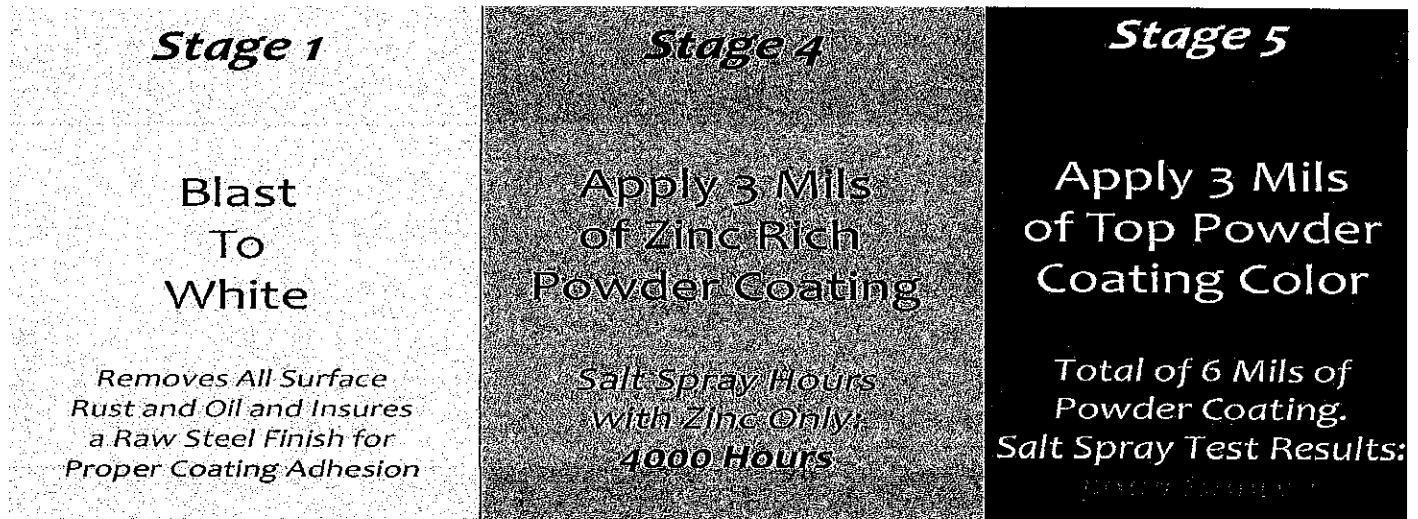
Best In Industry Powder Coating **Over 5000 Hours of Salt Spray Testing**





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DO NOT ACCEPT LESS THAN BEST!! WE HAVE THE INDUSTRY'S LEADING POWDER COATING PROCESS



Process Stages

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Recreational Products

Limited Warranty

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5. Abnormal conditions are specifically excluded from coverage under this warranty.

6. Contingent liability is specifically excluded. Superior Recreational Products Inc. has the option to repair or replace any defect in materials.

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13. Superior Recreational Products specifically excludes any implied warranty of merchantability, fitness or purpose, and there are no warranties, which extend beyond the description of the face hereof.

14. Under no circumstances will Litchfield Landscape Elements, Inc. be responsible for any consequential or incidental damages due to breach of warranty, and such damages are specifically excluded from this warranty.

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info@Siibrands.com

Ph: 800-327-8774

Fax: 770-214-0747

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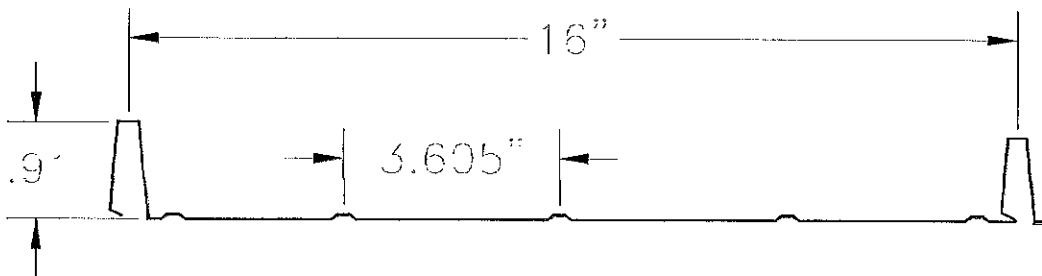
1050 Columbia Drive – Carrollton, GA 30117 – Email: info@Siibrands.com – 1-800-327-8774

SPECIFICATIONS
26ga. Meridian Metal Roof Panels
Shelters w/T&G Decking

ROOF: Roof decking will be a minimum 26 gauge steel panels, featuring a galvalume substrate and Kynar 500 coating selected from our standard offering of 17 colors (Color Sheets Available). Eave & hip trims shall be 29ga. provided of the same color.

Description	Test Method	Galvalume Substrate w/ Fluoropan Coating
Accelerated Weathering	ASTM G 23	Hours: 2000 – Chalk Rating 9 – Color: 2 Δ B Max.
(QUV)	ASTM G 53	Hours: 2000 – Chalk Rating 9 – Color: 2 Δ B Max.
Salt Spray	ASTM B 117	Hours: 1000 – Scribe Rating 7 1/16" – Field Rating 10 – No Blisters
Humidity	ASTM D 2247	Hours: 2000 – Rating 10 – No Blisters
Adhesion	ASTM D 3359	No Loss of Adhesion
Pencil Hardness	ASTM D 3363	HB Minimum
Specular Gloss	ASTM D 523	25-35 @ 60°
Impact Resistance	ASTM D 2794	3x Metal Thickness in inch-lb. – No Loss of Adhesion
Abrasion Resistance	ASTM D 968	Total Sands = 67 liters
Acid Resistance	ASTM D 1308 (Procedure 6.2) (Independent of Substrate)	10% Hydrochloric Acid 24 hrs. – No Visible Change 20% Hydrochloric Acid 18 hrs. – No Visible Change 20% Sulfuric Acid 18 hrs – No Visible Change 25% Sodium Hydroxide 1 hr – No Visible Change 20% Muriatic Acid 15 minutes – No Visible Change
Flame Test	ASTM E 84	Class A Coating

Meridian Metal Roof Profile



SPECIFICATIONS SUBJECT TO CHANGE FOR PRODUCT IMPROVEMENT!

Board of Trustees Meeting Agenda Memo

Date: December 07, 2018
Title: **Lochmandy Letter**
Section & Item: 9D
Department: Administration: District Clerk
Fiscal Impact: Unknown
Contact: Trustee Frank Cavaliere
Attachments: Email from Mr. J.R. Lochmandy
Reviewed by
General Counsel: Yes
Approved by: John W. Coffey, Community Manager



Requested Action by BOT

Review Mr. Lochmandy's letter and direction to staff.

Background and Summary Information

Trustee Cavaliere requested the following language be placed under this section:

Background

On October 23, 2018 under "Incidental Trustee Comments" Trustee Wheaton was speaking about having grown tired of being attacked by certain individuals in the community. As part of his remarks he said some unflattering things about Mr. Lochmandy. As a result of those comments Mr. Lochmandy has sent a letter to all Trustees, Mr. Coffey and Mr. Repperger indicating his plans to file a lawsuit unless certain conditions are met.

While this may be an unpleasant matter it has to be discussed in a public forum due to the Sunshine Laws. Whether Mr. Wheaton has done anything wrong is not for me to decide and he is entitled to due process the same as any other citizen of this Country. It is the responsibility of all Trustees to protect the District from litigation.

Discussion

1. The discussion should be limited to:
2. What exposure does the District have in this matter?
3. Is the District liable for the legal fees of Mr. Wheaton?
4. Did Mr. Wheaton violate any rules or policies of a Trustee?
5. Are Trustees above reproach when making statements in a public meeting?
6. What, if any, actions should the BOT take against Mr. Wheaton?

Staff requests direction from the BOT regarding this matter.

John Coffey

From: John Lochmandy
Sent: Tuesday, October 30, 2018 11:24 AM
To: John Lochmandy
Cc: John Coffey; Frank Cavaliere; brianlavie@bbrd.org; Steve Diana; David wheaton; Joe Klosky; Clifford R. Repperger Jr. Esq.; Dawn Myers
Subject: Demand Letter to Barefoot Bay Recreation District

To All Concerned,

I was slandered and my character was defamed by Barefoot Bay Trustee David Wheaton at the October 23 Barefoot Bay Board of Trustees (BOT) meeting which has been published on DVD, YouTube, Spectrum channel 499 and AT&T channel 99. Trustee Wheaton's statement about me made under incidental comments at the end of the BOT meeting are false and do not fall under the scope of his duties. His remarks were made in reckless disregard, falsity and negligently on a private person in reprisal of a factual article written about Trustee Wheaton not following the chain of command and the residents and golf course policies of the Barefoot Bay Recreation District. Trustee Wheaton's defamatory statement has damaged my good name and reputation in the Barefoot Bay community both personally and as the Editor of the Barefoot Tattler.

At this point I am demanding the removal of Trustee Wheaton for malfeasances under Article V, Section 5 of the Barefoot Bay Recreation District Charter. I also demand a public apology from Trustee Wheaton prior to his removal. If these demands are not met I have been instructed by my attorney to file suit against Trustee Wheaton and the Barefoot Bay recreation District.

Sincerely,
J.R. Lochmandy
Editor, The Barefoot Tattler
tattler.ads@gmail.com
www.barefoottattler.com
<http://editorsblog.barefoottattler.com>



"It takes less time to do a thing right, than it does to explain why you did it wrong." - Henry Longfellow

Board of Trustees Meeting Agenda Memo

Date: December 07, 2018

Title: **FY19 Employee Pay and Classification Plan**

Section & Item: 9E

Department: Resident Relations: Customer Service

Fiscal Impact: N/A

Contact: Rich Armington, Resident Relations Manager/H.R. Coordinator or John W. Coffey, Community Manager

Attachments: Resolution and Pay and Classification Plan

Reviewed by

General Counsel: Yes

Approved by: John W. Coffey, Community Manager



Requested Action by BOT

Review pay plan and approve accompanying resolution.

Background and Summary Information

Beginning in FY17, BBRD adopted a formal pay and classification plan based on a representative employee pay survey and an internal comparative worth review to ensure the continued equity of the pay and classification plan where employees performing comparable work are fairly compensated. The FY19 employee pay and classification plan, as budgeted, can be updated for compliance with the 2019 Florida minimum wages of \$5.44 for tipped employees and \$8.46 for non-tipped employees. Of note, the COLA and merit maximums are as follows:

		Merit	
	COLA	Max.	Total
Non-tipped	2.5%	0.5%	3.0%
Tipped	2.5%	0.5%	3.0%

The reader should be aware the tipped minimum wage is a calculation of the non-tipped minimum wage minus \$3.02 therefore causing a higher percentage COLA for tipped employees as compared to non-tipped employees. Hence, the actual percentage increase for FY19 for the tipped minimum wage is actually 4.0%. Eight BBRD employees will receive an additional increase ranging from \$0.08 to \$0.02 an hour to bring them up to the 2019 state minimum wage for tipped employees.

Based on results of an informal salary survey of comparable positions within comparable organizations (mirroring the salary survey conducted two years ago) BBRD's pay and classification plan is approximately 5-7% below market average. Staff will conduct a formal salary survey in the next few months and will submit a decision point to rectify this deficiency as part of the FY20 Working Draft Proposed Budget for consideration by the BOT.

The pay plan is recommended to be amended as follows:

- Deletion of “Pro Shop Coordinator” position (Tipped NE-21)
Funding for this vacant position was converted into part-time (Golf) Clerk hours and the balance transferred via a Budget Amendment to Administration: District Clerk and Resident Relations: Customer Service via the support staff re-organization approved by the BOT on October 23, 2018.

Costs of alternate increase in the amount of merit increases available to employees for FY19 is presented in the chart to the right:

Hence, to partly address the deficiency in the BBRD Pay and Classification Plan, the Community Manager recommends the BOT approve the accompanying resolution thereby adopting the FY19 Employee Pay and Classification Plan effective December 24, 2018 with a maximum of a 4.0% combined COLA and merit increase (2.5% COLA and 1.5% merit maximums).

No transfer from operating contingency is required as vacancies that will occur throughout the year should offset the higher costs to the departments.

	Percentage
Cost	Increase
4,611	0.25%
9,222	0.50%
13,834	0.75%
18,445	1.00%
23,056	1.25%
27,667	1.50%
32,278	1.75%
36,889	2.00%

RESOLUTION 2018-

A RESOLUTION OF THE BAREFOOT BAY RECREATION DISTRICT AMENDING RESOLUTION 2017-18 AND ADOPTING AN EMPLOYEE PAY AND CLASSIFICATION PLAN FOR FISCAL YEAR 2018-2019; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT WITH OTHER PROVISIONS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees adopted a formal pay and classification plan Resolution 2017-18; and

WHEREAS, the Board of Trustees adopted Fiscal Year 2018-2019 Operating Budget Resolution 2018-06 which contains funding for employee compensation; and

WHEREAS, an annual internal comparative worth review was conducted to ensure the continued equity of the pay and classification plan where employees performing comparable work are fairly compensated; and

WHEREAS, staff conducted a representative employee pay survey and found the attached pay plan within 10% of meeting average comparable wages in comparable organizations; and

WHEREAS, the Board of Trustees desires a competitive pay and classification plan to attract and maintain qualified employees; and

WHEREAS, staff will propose a decision point within the Fiscal Year 2019-2020 Working Draft Proposed Budget to bring the Barefoot Bay Recreation District pay and classification plan back to the average of comparable positions within comparable organizations; and

WHEREAS, the State minimum pay for tipped non-exempt employees is scheduled to increase to \$5.44 per hour on January 1, 2019; and

WHEREAS, the State minimum pay for non-tipped non-exempt employees is scheduled to increase to \$8.46 per hour on January 1, 2019; and

WHEREAS, the Board of Trustees desires to maintain a pay and classification plan that is gender neutral and based on each employee's ability to perform her/his job and job market conditions; and

WHEREAS, the Board of Trustees desires to formally adopt an employee pay and classification plan so residents and employees understand the minimum and maximum pay for each position;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT AS FOLLOWS:

Section 1. The Fiscal Year 2018-2019 Employee Pay and Classification Plan appearing as Exhibit "A" of this Resolution is hereby adopted to serve as the basis of employee compensation of Barefoot Bay Recreation District.

Section 2. Severability.

If any portion, clause, phrase, sentence or classification of this Resolution is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the resolution; it is hereby declared to be the expressed opinion of the Trustees of the Barefoot Bay Recreation District that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this Resolution did not induce its passage, and that without the inclusion of any such portion or portions of this Resolution, the Trustees would have enacted the valid constitutional portions thereof.

Section 3. Conflict with other Provisions.

All resolutions or parts of resolutions in conflict herewith are hereby repealed and all resolutions or parts of resolutions not in conflict herewith are hereby continued in full force and effect.

Section 4. Effective Date.

The Fiscal Year 2018-2019 Employee Pay and Classification Plan appearing in Exhibit "A" of this Resolution shall take effect December 24, 2018.

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, Brian Lavier
Trustee Steve Diana
Trustee, Joseph Klosky
Trustee David Wheaton
Trustee, Frank Cavaliere

The Chairman thereupon declared this resolution Done Ordered and Adopted this 7th day of December 2018.

BAREFOOT BAY RECREATION DISTRICT

By: _____
BRIAN LAVIER, Chairman

Attest: _____
JOSEPH KLOSKY, Secretary

Exhibit A

Adopted FY19 Employee Pay and Classification Plan					
<u>Position</u>	<u>Classification</u>	<u>Grade</u>	<u>Min*</u>	<u>Mid</u>	<u>Max</u>
Finance Manager	Mgr.	115	32.90	39.48	46.06
	Mgr.	114	32.10	38.52	44.94
	Mgr.	113	31.31	37.58	43.84
	Mgr.	112	30.55	36.66	42.77
	Mgr.	111	29.80	35.77	41.73
Food & Beverage Manager	Mgr.	110	29.08	34.89	40.71
Resident Relations Manager	Mgr.	109	28.37	34.04	39.72
	Mgr.	108	27.68	33.21	38.75
Golf Operations Manager	Mgr.	107	27.00	32.40	37.80
	Mgr.	106	26.34	31.61	36.88
	Mgr.	105	25.70	30.84	35.98
District Clerk	Mgr.	104	25.07	30.09	35.10
Property Services Manager	Mgr.	103	24.46	29.35	34.25
Lead Accountant	Exempt	38	21.09	25.31	29.53
	Exempt	37	20.58	24.70	28.81
	Exempt	36	20.08	24.09	28.11
	Exempt	35	19.59	23.51	27.42
	Exempt	34	19.11	22.93	26.75
	Exempt	33	18.64	22.37	26.10
	Exempt	32	18.19	21.83	25.46
	Exempt	31	17.75	21.29	24.84
	Exempt	30	17.31	20.78	24.24
	Exempt	29	16.89	20.27	23.65
	Exempt	28	16.48	19.77	23.07
	Exempt	27	16.08	19.29	22.51
	Exempt	26	15.68	18.82	21.96
	Exempt	25	15.30	18.36	21.42
Kitchen Supervisor	Exempt	24	14.93	17.91	20.90
Accounting Associate III	Non-Exempt	28	16.48	19.77	23.07
Accounting Associate II	Non-Exempt	27	16.08	19.29	22.51
Associate Golf Professional	Non-Exempt	26	15.68	18.82	21.96
Accounting Associate I	Non-Exempt	26	15.68	18.82	21.96
P.S. Crew Leader	Non-Exempt	25	15.30	18.36	21.42
Custodian Supervisor	Non-Exempt	25			
Pool Sup./Office Coordinator	Non-Exempt	25			
	Non-Exempt	24	14.93	17.91	20.90

* indicates minimum of pay scale is based on the Florida minimum wage.

Exhibit A

Adopted FY19 Employee Pay and Classification Plan					
<u>Position</u>	<u>Classification</u>	<u>Grade</u>	<u>Min*</u>	<u>Mid</u>	<u>Max</u>
Catering Coordinator	Non-Exempt	23	14.56	17.48	20.39
Bldg. Tech III	Non-Exempt	23			
Maintenance/Audio-Visual	Non-Exempt	22	14.21	17.05	19.89
Bldg. Tech II	Non-Exempt	22			
Bldg. Tech/Mechanic	Non-Exempt	22			
	Non-Exempt	21	13.86	16.64	19.41
Administrative Assistant	Non-Exempt	20	13.52	16.23	18.93
DOR/ARCC Administrative Assistant	Non-Exempt	20			
DOR/ARCC Inspector	Non-Exempt	19	13.19	15.83	18.47
Calendar/RV Coordinator	Non-Exempt	19			
Lead Cook	Non-Exempt	19			
Lead Pool Tech	Non-Exempt	19			
	Non-Exempt	18	12.87	15.45	18.02
Community Watch Officer	Non-Exempt	17	12.56	15.07	17.58
Accounting Clerk	Non-Exempt	17			
Bldg. Tech I	Non-Exempt	17			
Customer Service Clerk	Non-Exempt	16	12.25	14.70	17.15
Lead Grounds Keeper	Non-Exempt	15	11.95	14.34	16.74
Custodian/AV Tech	Non-Exempt	14	11.66	13.99	16.33
	Non-Exempt	13	11.38	13.65	15.93
Lead Custodian	Non-Exempt	12	11.10	13.32	15.54
Pool Tech	Non-Exempt	12			
	Non-Exempt	11	10.83	13.00	15.16
Administrative Clerk	Non-Exempt	10	10.57	12.68	14.79
Receptionist/Clerk	Non-Exempt	10			
(Golf) Clerk	Non-Exempt	10			
Cook	Non-Exempt	10			
	Non-Exempt	9	10.31	12.37	14.43
	Non-Exempt	8	10.06	12.07	14.08
	Non-Exempt	7	9.81	11.77	13.74
Grounds Keeper	Non-Exempt	6	9.57	11.49	13.40
Pool Host	Non-Exempt	6			
Player Assistant/Cart Tech	Non-Exempt	6			
	Non-Exempt	5	9.34	11.21	13.07
	Non-Exempt	4	9.11	10.93	12.75
Custodian	Non-Exempt	3	8.89	10.67	12.44
Crowd Monitor/Bar Back	Non-Exempt	3			
	Non-Exempt	2	8.67	10.41	12.14

* indicates minimum of pay scale is based on the Florida minimum wage.

Exhibit A

Adopted FY19 Employee Pay and Classification Plan					
<u>Position</u>	<u>Classification</u>	<u>Grade</u>	<u>Min*</u>	<u>Mid</u>	<u>Max</u>
Dish Washer	Non-Exempt	1	8.46	10.15	11.84
Courtesy Golf Cart Driver	Non-Exempt	1			
F&B Host	Non-Exempt	1			
Player Assistant	Non-Exempt	1			
Bar Supervisor	Tipped Non-Exempt	H	6.47	7.76	9.05
	Tipped Non-Exempt	G	6.31	7.57	8.83
	Tipped Non-Exempt	F	6.15	7.39	8.62
	Tipped Non-Exempt	E	6.00	7.21	8.41
	Tipped Non-Exempt	D	5.86	7.03	8.20
Lead Server	Tipped Non-Exempt	C	5.72	6.86	8.00
Lead Bartender	Tipped Non-Exempt	C			
	Tipped Non-Exempt	B	5.58	6.69	7.81
Bartender	Tipped Non-Exempt	A	5.44	6.53	7.62
Server	Tipped Non-Exempt	A			

* indicates minimum of pay scale is based on the Florida minimum wage.

Board of Trustees Meeting Agenda Memo

Date: December 07, 2018

Title: **Ratification of Chairman Lavier's
Signatures for New Administration
Building Utility (Water Line) Conveyance**

Section & Item: 9F

Department: Administration: District Clerk

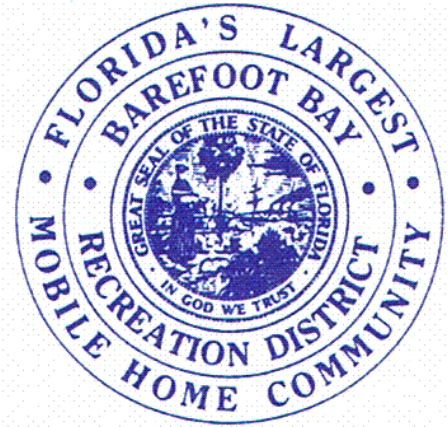
Fiscal Impact: N/A

Contact: John W. Coffey, Community Manager

Attachments: Signed Utility Conveyance form, Signed
Utility Easement Form, and Signed Legal
Description and Survey

Reviewed by
General Counsel: Yes

Approved by: John W. Coffey, Community Manager



Requested Action by BOT

Ratification of Chairman Lavier's signatures to convey new water line to Brevard County.

Background and Summary Information

A new eight-inch water line was required to be run from Brevard County's water line (running on the north side of Barefoot Boulevard within the right-of-way) for the New Administration Building to service the required fire hydrant and potable water to the building. Before Brevard County will allow the contract to backfill the construction pit, a conveyance of the line and granting of an easement (through BBRD property to the site of the hydrant is required). To expedite the closure of the construction pit, the Community Manager requested Chairman Lavier sign the required forms before this meeting and then seek ratification for his actions from the BOT. Although technically, out of sequence, the Community Manager believed it was in the best interest of the community to not further delay the backfilling of the pit and restoration of the right-of-way in front of the homeowner's property.

Below is an excerpt from an e-mail from BBRD General Counsel Repperger to a County employee explaining the Community Managers course of action.

Pursuant to Article V, Section 1 of the BBRD Charter (Brevard County Ordinance 84-05 attached), the Board of Trustees must collectively approve all action taken by the Board. However, pursuant to Article VI, Section 2, of the Rules for the Board of Trustees, the BBRD Chairperson is authorized to sign all documents requiring the signature of a Board representative (including a real property interest conveyance).

In this case, the Board of Trustees previously approved Chairman Lavier's execution of the Agreement to proceed with the Administration Building project on March 9, 2018. It is BBRD Staff's understanding (as well as mine) that the authorization granted to Chairman Lavier by the Board on March 9, 2018 carried with it the power to execute required documentation to implement the project as expeditiously as possible. This includes the authority to execute the required draft Utility Conveyance attached. As such, this email is offered to confirm Chairman Lavier's authority to execute the required Utility Conveyance.

In an abundance of caution, we have also placed the ratification of Chairman Lavier's execution of the Utility Conveyance on the next regularly scheduled BBRD Board of Trustees meeting scheduled for Friday, December 7, 2018. I have no doubt that the Board's ratification of Chairman Lavier's execution of the Utility Conveyance will be approved. After that meeting, either myself or District Clerk Dawn Myers will provide confirmation of the Board's ratification to your office.

Hence, staff recommends the BOT ratify Chairman Lavier's signature on the attached utility conveyance forms.

LEGAL DESCRIPTION

PARCEL # 801

PARENT PARCEL ID#: 30-38-10-JT-C
PURPOSE: WATER LINE EASEMENT

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL #801 (PREPARED BY SURVEYOR)

A 15 FOOT WIDE STRIP OF LAND IN TRACT C, BAREFOOT BAY MOBILE HOME SUBDIVISION MICCO, FLORIDA, UNIT TWO, PART ELEVEN ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGE 116, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA, LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 83 OF SAID BAREFOOT BAY MOBILE HOME SUBDIVISION MICCO, FLORIDA, UNIT TWO, PART ELEVEN AND RUN S89°35'00"W, ALONG THE NORTH RIGHT-OF-WAY LINE OF BAREFOOT BOULEVARD, (ALSO BEING THE SOUTH LINE OF SAID BLOCK 83), A DISTANCE OF 52.94 FEET; THENCE S02°50'46"W A DISTANCE OF 120.19 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF BAREFOOT BOULEVARD AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE CONTINUE S02°50'46"W A DISTANCE OF 61.86 FEET; THENCE S56°01'28"W A DISTANCE OF 241.81 FEET; THENCE S10°25'40"W A DISTANCE OF 32.51 FEET; THENCE S50°59'27"W A DISTANCE OF 31.98 FEET TO THE END OF THIS CENTERLINE. CONTAINING 5522.39 SQUARE FEET, (0.12 ACRES), MORE OR LESS.

(SIDE LINES TO BE LENGTHENED OR SHORTENED TO INTERSECT WITH THE SOUTH RIGHT-OF-WAY LINE OF BAREFOOT BOULEVARD.)

SURVEYORS NOTES:

DESCRIPTION OF A 15 FOOT WIDE STRIP OF LAND IN TRACT C, BAREFOOT BAY MOBILE HOME SUBDIVISION MICCO, FLORIDA, UNIT TWO, PART ELEVEN ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGE 116, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA.

THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.

BEARING REFERENCE: ASSUMED BEARING OF S89°35'00"W ON THE NORTH RIGHT-OF-WAY LINE OF BAREFOOT BOULEVARD.

LOCATIONS OF IMPROVEMENTS AND/OR TOPOGRAPHIC FEATURES SHOWN ARE TAKEN FROM A SPECIFIC PURPOSE SURVEY PERFORMED BY B.S.E. CONSULTANTS, INC, DRAWING NO. 1131101_100_001, PROJECTR NO. 11311.01, DATED 6/8/16 AND LAST REVISED 9/20/16.

THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE

THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN OPINION OF TITLE PREPARED BY ROSSWAY, SWAN, TIERNEY, BARRY, LACEY & OLIVER, P.L. DATED NOVEMBER 5, 2018

PREPARED FOR AND CERTIFIED TO:

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS


LESLIE E. HOWARD, PSM 5611
PROFESSIONAL SURVEYOR & MAPPER
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY:

B.S.E. CONSULTANTS, INC.

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4, MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DRAWN BY: DRB

CHECKED BY: LEH

PROJECT NO. 11311.01.02

SECTION 10

REVISIONS

DATE

DESCRIPTION

TOWNSHIP 30 SOUTH
RANGE 38 EAST

DATE: 11/01/2018

DRAWING: 113110102_100_001

SKETCH OF DESCRIPTION

PARCEL # 801

PARENT PARCEL ID# 30-38-10-JT-C

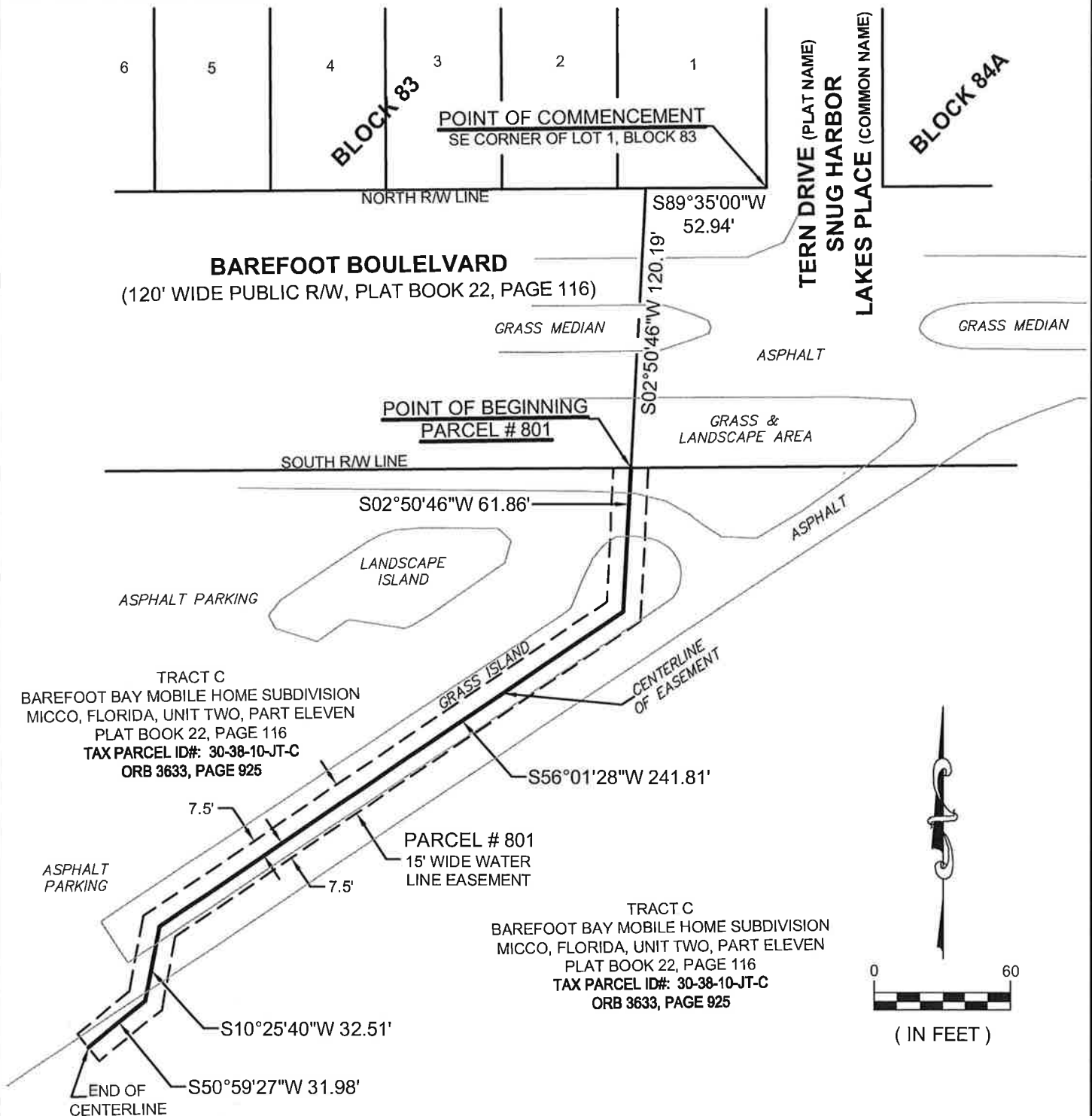
PURPOSE: WATER LINE EASEMENT

EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY



PREPARED BY:

B.S.E. CONSULTANTS, INC.

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4, MELBOURNE, FLORIDA 32901

PHONE: (321) 725-3674 FAX: (321) 723-1159

CERTIFICATE OF PROFESSIONAL ENGINEERS BUSINESS AUTHORIZATION: 4905

CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

SCALE:

1" = 60'

PROJECT NO.:

11311.01.02

SECTION 10

TOWNSHIP 30 SOUTH

RANGE 38 EAST

PERMANENT WATERLINE EASEMENT

THIS INDENTURE, made this 27 day of November 2018, between Barefoot Bay Recreation District, a special district of the State of Florida, whose mailing address is 625 Barefoot Bay, Florida 32976, as the first party, and Brevard County, Florida, a political subdivision of the State of Florida, whose mailing address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, as party of the second part, for the use and benefit of Brevard County, Florida;

WITNESSETH: That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a Permanent Water-line easement commencing on the above date, for the purpose of constructing and maintaining a water line and other allied uses pertaining thereto which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of this easement is located in Section 10, Township 30 South, Range 38 East, County of Brevard, and State of Florida, more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A"

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and assigns.

The first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

IN WITNESS WHEREOF, the first party having set their hand and seal this, the day and year first above written.

Signed, sealed, and delivered in the presence of:

Barefoot Bay Recreation District, a Special District
of the State of Florida

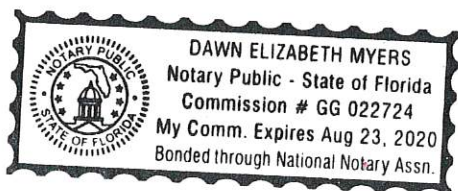
Brian K. Lavier
Brian Lavier, as Chairman

Dawn Myers
Witness
Dawn Myers
(Print)
Matthew J Goetz
Witness
Matthew J Goetz
(Print)

**STATE OF FLORIDA
COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 27 day of November 2018, by, Brian K. Lavier who is personally known to me or who has produced _____ as identification and who did/did not take an oath.

WITNESS my hand and official seal at County of Brevard, State of Florida, this 27 day of November 2018.



Dawn Elizabeth Myers
Notary Public
Dawn Elizabeth Myers
Print Name

Stamp:

UTILITY CONVEYANCE

Barefoot Bay Recreation District
(Owner), for consideration

received, do hereby grant and convey ownership of all sanitary sewers, manholes, lift station,
water lines, reclaimed water lines and any other appurtenances connected with the public utility
system installed at/in

Barefoot Bay Building F Replacement
(Project Name), Brevard County,

Florida to the Board of County Commissioners.

Brian K. Lavier BBED BOT Chairman 11/20/18
(Signature) Name & Title (Date)

Dawn Myers

Witness

Wendy Stedje

Witness

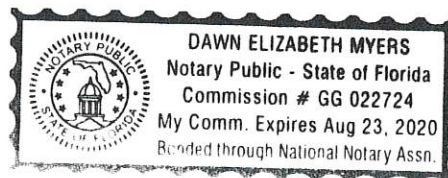
STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument of conveyance was acknowledged before me this 20 day of
November, 2018, by Brian K. Lavier,
who is personally know to me or who has produced
as identification and who did (did not) take an oath.

Dawn Elizabeth Myers
Notary Public

Name: Dawn Elizabeth Myers

My commission expires: 8/23/20



Manager's Report



Barefoot Bay Recreation District
625 Barefoot Boulevard, Old Administration Building"
Barefoot Bay, FL 32976-9233

Phone 772-664-3141
Fax 772-664-1928

Memo To: Board of Trustees

From: John W. Coffey, Community Manager

Date: December 07, 2018

Subject: Manager's Report

Office of the District Clerk

- **Web-based Agenda System Update** – The system is currently being customized to BBRD standards. Staff is scheduled to have an initial introduction from the vendor representative on the new process next week.
- **New ADA Compliant Website Update** – Staff is currently seeking bids from website design providers. Two bids have been received and vetted.

Finance

- **FY19 Assessment Collection Update** – \$1,192,718.76 (gross) or 32.1% of the FY19 Budget has been received as of November 28th. Please see attached for details.

Resident Relations

ARCC Update:

- November 27th – 22 permits were on the agenda (1 old, 11 consent and 10 non-consent) with all being approved except one non-consent being denied.
- December 11th – 20 permits so far (deadline for the agenda is December 4th)) are scheduled for the meeting.

Violations Committee Update:

- December 7th – 26 cases are on the agenda.

Interesting Fact

- In November, 61 new homeowners received their badges representing 49 home sales.

Food and Beverage

- The Lounge and 19th Hole will close at 6pm on Christmas Eve and are closed Christmas.

- **A Motown Christmas with Ladies of Soul** is scheduled for Saturday, December 22nd in the Lounge from 6-10pm. No tickets are needed, and food will be available.
- **Barefoot by the Lake update** – Tickets are still available for the Beach Boys/Eagles tribute band concert on the Barefoot Bay festival grounds on February 15, 2019. Field seat tickets may be purchased in the BFBHOA office for \$10. Tickets are SOLD OUT for seats behind the Lounge. There will be open free seating available, however, if you want a guaranteed seat, Barefoot Bay residents can purchase tickets now. Our friends from the North, West and South who are not here yet, can call the BFBHOA office to reserve their tickets.
- **New Year's Eve Update** – Tickets for New Year's Eve seats for the Lounge and 19th Hole parties are still available at the Lounge and the 19th Hole.
- **F&B Special Event: The Beatle Guys** – The tribute band will play BBRD on January 26, 2019 from 7-10pm in Building A. Tickets are still available and may be purchased in the Food & Beverage office.



As always, flyers with all the details are posted.

Golf-Pro Shop

Projects Update

- Picnic Area: 4 picnic tables with umbrellas added, concrete base and screenings will be done by Property Services
- No. 5 drainage (Estimated completion Jan 2020)
- Cart parking area (Estimated completion mid-December)
- Irrigation jockey pump motor failing (troubleshooting being conducted)

Christmas Day Hours

- Course is closed

Ernie says “there are only **17** more shopping days till Christmas. Do not battle the crowds at the mall or worry about giving your credit card number to a faceless website, get your authorized BBRD logoed merchandise at the Pro Shop.”



Property Services

- Replaced old burned out lighting at the shuffle board courts with LED fixtures
- Re-adjusted lighting for the pickleball courts
- Installed new irrigation piping for the New Administration Building
- Installed Christmas decorations
- Trimmed large trees along the Barefoot Blvd. and common grounds
- Replaced broken lock at the beach
- Replaced broken gate at pool #3
- Repaired broken pipe behind the tennis courts
- Poured concrete pads for the new picnic area at the 19th hole
- Installed crushed concrete and tables for the new picnic area at the 19th hole
- Replaced Flag lights on US 1 with LED fixtures
- Updated assessment of Building C in anticipation of release of RFP in January

General Information

December 18th Buildings and Amenities Early Closure – To allow all employees to attend the annual employee Christmas party, all buildings and amenities will close at 5pm on Tuesday the 18th.

Lounge Conceptual Design Follow-up Workshop – The second workshop was held on November 21st with direction being given to staff to post the conceptual floorplans and renderings at the Lounge and develop a feedback form for use by the residents. However, the signed proposal from TLC only covered two workshops with a final product being due after comments received from the second workshop. The BOT needs to decide if they want to amend the proposal to add a third workshop to provide feedback to the design team (based on the feedback cards) or close out the project as it currently stands.

Special Message from the North Pole

- The Community Manager is working on a really big project and will have an announcement at the meeting that all BBRD residents will want to hear.

Attorney's Report

Incidental Remarks from Trustees

Adjournment