

Historical DOR Election Information

Provided as a supplement to the
November 12, 2021 BOT Meeting Agenda

BAREFOOT BAY RECREATION DISTRICT

PROPOSED BALLOT QUESTIONS FOR

DEED OF RESTRICTIONS AMENDMENTS

BALLOT QUESTION NO. 1:

Authorization for ARCC Application Fees

Adds a third section to Article II, Section 2 which authorizes the Recreation District to levy and collect reasonable fees to cover the administrative costs of processing and review of ARCC applications. ____ **Yes** ____ **No**

EFFECT OF “YES” VOTE:

A “yes” vote will add a third section which will specifically read: “3. The Recreation District may levy and collect reasonable fees to cover the administrative costs of processing and review of ARCC applications. The ARCC may recommend a Schedule of Fees to be approved by the Board of Trustees.”

BALLOT QUESTION NO. 2:

Garages or Carports

Allows for a carport or a garage to be constructed on each developed lot in BBRD.
____ **Yes** ____ **No**

EFFECT OF “YES” VOTE:

A “yes” vote will allow a garage or a carport to be installed on each developed lot in BBRD.

The amended section will specifically read: “2. A garage or a carport including posts and fascia, fabricated of aluminum or other approved material.”

BALLOT QUESTION NO. 3:

Utility Rooms Required

Requires utility room installed on a concrete slab, fabricated of aluminum or other approved materials to be included in the list of requirements which are provided in Article II, Section 3 (A). ☐Yes ☐No

EFFECT OF “YES” VOTE:

A “yes” vote will add a utility room installed on a concrete slab, fabricated of aluminum or other approved materials to Article II, Section 3(A).

*(**Note:** If approved, the drafters intend this requirement become number “3” under Article II, Section 3(A). Remaining items will be renumbered.)*

The new section will specifically read: “3. A utility room, fabricated of aluminum or other approved materials. A utility room is a building designed to house common household tools and equipment, and for general storage. The base of the building is a concrete slab. It may be used for housing a washer, dryer, and automatic hot water heater. A utility building must be structurally attached by full roof to the modular coach (mobile home) or carport at eave level. A utility room shall conform to all specific dimensions as approved and recorded by the ARCC.”

BALLOT QUESTION NO. 4:

Reflection of Installation Methods

Amends Article II, Section 3 (A) 10 to allow for installation methods appropriate to the style of the home being installed. ☐Yes ☐No

EFFECT OF “YES” VOTE:

A “yes” vote will allow manufactured and modular homes to be installed as prescribed by the manufacturer and the Brevard County codes. This change would allow for the installation of modular homes not having a running gear.

Amended Article II, Section 3 (A)10 will specifically read: “Each home shall be complete, set up on piers, shall be leveled and shall have a running gear and tongue of the manufactured or modular home removed as appropriate to the style of home being installed.”

BALLOT QUESTION NO. 5:

Lamp Post Illumination Requirement

Amends Article II, Section 3(A) 14 to require Lamp Posts to be illuminated from dusk to dawn during the time any residence is occupied. ☐Yes ☐No

EFFECT OF “YES” VOTE:

A “yes” vote will require the lamp post to be illuminated from dusk to dawn on all occupied residences.

Amended Article II, Section 3(A)14 will specifically read: “A Lamp Post approved by the ARCC shall be installed in front of all residences and maintained in operational condition. Said Lamp Post shall be illuminated from dusk to dawn during any time that the residence is occupied.”

BALLOT QUESTION NO. 6:

Vinyl Fencing

Separates Article II, Section 5 into two sections and adds vinyl picket fencing as an approved fencing material. ___Yes ___No

EFFECT OF “YES” VOTE:

A “yes” vote will separate the section and allow the use of vinyl picket fencing in addition to chain link fencing.

Amended Article II, Section 5 will specifically read:

- “A. Fencing shall not be permitted along any lot line where drainage canals or swales exist.
- B. Where no drainage canals or swales exist along a lot line, fencing shall be limited to chain link or vinyl fencing, not exceeding four (4) feet in height.”

BALLOT QUESTION NO. 7:

Single Story Requirement

Amends Article III, Sec. 1, such that only single story residences are permitted. ___Yes ___No

EFFECT OF “YES” VOTE:

A “yes” vote will restrict manufactured or modular homes placed in Barefoot Bay to a single story.

Amended Article III, Sec. 1 will specifically read as follows:

“No structure other than a single story, single-family residential dwelling shall be erected, altered, placed or permitted to remain on any lot. Each lot is hereby restricted to residential use by the Owner or Owners thereof and their immediate families, guests, lessees and invitees. No commercial or business activity shall be permitted upon any lot unless the occupant thereof holds a home occupation license issued by Brevard County for such activity; provided, however, that all lot owners shall comply with the requirements of Section 8 of this article.”

BALLOT QUESTION NO. 8:

Abandoned and/or Inoperable Vehicles

Amends Article III, Sec. 3 (A) to prohibit abandoned and/or inoperable vehicles from being parked on any lot. ____ Yes ____ No

EFFECT OF “YES” VOTE:

A “yes” vote will prohibit abandoned and/or inoperable vehicles from being parked on any lot, driveway, carport or common area within Barefoot Bay.

Amended Article III, Sec. 3 (A) will specifically read as follows: “No commercial vehicle, abandoned and/or inoperable vehicle, recreational vehicle, jet ski, boat, boat trailer, utility trailer, camper, motor home, camping trailer, truck camper, pick-up 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 (1) 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.”

BALLOT QUESTION NO. 9:

Disposal of Animal Waste

Amends Article III, Sec. 4 (A) to require proper disposal of animal waste in accordance with any local, state, or federal law. ____ Yes ____ No

EFFECT OF “YES” VOTE:

A “yes” vote will require the Owner of any pet to be responsible for the immediate removal and proper disposal as required by law of any bodily waste deposited by a pet on any property within Barefoot Bay.

Amended Article III, Section 4(A) would be amended to read as follows:

“Property Owners and their lessees, tenants, guests and invitees shall be responsible for the control of any pets owned by them while such pets are within Barefoot Bay. All pets shall be on a leash while being walked or exercised within Barefoot Bay outside the confines of the Owner’s residence or completely enclosed fenced areas of a residential lot. The Owner of any pet shall be responsible for the immediate removal and proper disposal in accordance with any local, state or federal law of any bodily waste deposited by a pet on any property within Barefoot Bay.”

BALLOT QUESTION NO. 10:

Dangerous Dogs

Creates a new Section (D) to be added to Article III, Sec. 4 prohibiting dangerous dogs from being maintained on lots in Barefoot Bay. ____Yes____No

EFFECT OF “YES” VOTE:

A “yes” vote will create a new Section (D) prohibiting Dangerous Dogs.

The newly created Article III, Section 4(D) will read as follows: “(D) No Dangerous Dogs, as classified by the Brevard County Animal Services and Enforcement, pursuant to Sec. 14-49, Code of Ordinances of Brevard County, Florida, or as such section may be amended, shall be allowed to be maintained on any lot in Barefoot Bay.”

BALLOT QUESTION NO. 11:

Feral Cats

Amends Article III, Sec. 4 (B) to prohibit feral cats from being maintained on lots in Barefoot Bay. ____Yes ____ No

EFFECT OF “YES” VOTE:

A “yes” vote will amend Article III, Sec. 4(B) to prohibit feral cats from being maintained on any lot in Barefoot Bay.

Amended Article III, Sec. 4(B) will specifically read as follows:

“(B) No animals other than a dog or a cat shall be permitted to be kept as pets on any residential lot. No person shall keep more than two dogs and/or cats in any combination on any Lot; provided, however, that newborn litters of puppies or kittens may be kept for a maximum of three months. No feral cat colony shall be maintained on any lot in Barefoot Bay.”

BALLOT QUESTION NO. 12:

Removal of Sign Location Restrictions

Amends Article III, Sec. 6(A) to remove the sentence reading, “All such signs shall be placed no further than five (5) feet from the front wall of the home, or in the case of a vacant Lot, the minimum of fifteen (15) feet from the front line of the Lot, and all such signs shall be oriented such that the face of the sign is parallel to the front line of the Lot.”
____Yes ____No

EFFECT OF “YES” VOTE:

A “yes” vote will allow signs to be placed in any location acceptable to the homeowner, within the lot in accordance with Brevard County Codes.

Article III, Sec. 6(A) will be amended to specifically read as follows: “Not more than one sign having a maximum area of 6 square feet may be used to advertise a Lot “*for sale*” or “*for rent*” or to express political views or support. Any such sign shall be made of wood, plastic, or metal and shall be maintained in good repair, free of faded or peeling paint or other material. ~~All such signs shall be placed no further than five (5) feet from the front wall of the home, or in the case of a vacant Lot, the minimum of fifteen (15) feet from the front line of the Lot, and all such signs shall be oriented such that the face of the sign is parallel to the front line of the Lot.~~”

BALLOT QUESTION NO. 13:

Use of Clotheslines

Repeals existing language in Article III, Section 9 which prohibits clotheslines and creates regulations for the time, place, and manner of clothes drying. ____Yes____No

EFFECT OF “YES” VOTE:

A “yes” vote would permit clotheslines, but would regulate the time, place, and manner of use.

Amended Article III, Section 9 will specifically read: “~~No clothesline or devices for hanging or drying of clothes shall be permitted on the exterior of any home or vacant Lot.~~ Clotheslines and any outdoor drying apparatus are permitted on lots within Barefoot Bay. Any such clothesline or drying apparatus must be placed to the rear of the residence and must be folded or removed overnight. Clotheslines may not be located within carports.”

BALLOT QUESTION NO. 14:

Administrative Fines for Use in DOR Enforcement

Amends Article III, Section 12 (A) to provide for the use of administrative fines as authorized by the Florida Legislature in the process of enforcing the Deed of Restrictions. ____Yes____No

EFFECT OF “YES” VOTE:

A “yes” vote will provide for the use of administrative fines as authorized by the Florida Legislature in the process of enforcing the Deed of Restrictions.

Amended Article III, Section 12(A) will specifically read as follows: “Violations Committee to assist in the enforcement of the provisions of this Instrument. The Violations Committee shall advise and consult with a designated representative of the Recreation District with respect to apparent or alleged violations of the terms or conditions of this Instrument. The Violations Committee shall bring apparent or alleged violations to the attention of the Recreation District and shall consult with the Recreation District's designated representative as to the appropriate means to correct or remedy such violations. The Violations Committee is authorized

to impose administrative fines on behalf of the Board of Trustees to enforce compliance with this Instrument to the extent that such administrative fines are authorized by the Florida Legislature. This subsection shall not be deemed to limit the right of the Recreation District to determine for itself whether such a violation exists and the appropriate remedy for any such violation.

BALLOT QUESTION NO. 15:

Clarification that Social Membership Fee is Non-Transferable

Amends the second paragraph of Article IV, Section 3 to clarify that a Social Membership Fee is not transferable to any other Lot. ☐ Yes ☐ No

EFFECT OF “YES” VOTE:

A “yes” vote adopts language which clarifies that a Social Membership Fee is charged every time a Lot is sold.

The second paragraph of Article IV, Section 3 will be specifically amended to read as follows: “The Social Membership Fee shall be a one time charge which is non-refundable and non-transferable from a Lot Owner to any other party or any other Lot. Such fee shall entitle the Lot Owner to use of the common facilities of the Recreation District, except the Golf Course, subject to the Rules and Regulations adopted by the Recreation District for the use of its facilities. No Lot Owner shall be excused from payment of the Social Membership Fee by reason of (I) non-use of the facilities,(II) non-residency in Barefoot Bay, or (III) by virtue of ownership of more than one Lot.”

BALLOT QUESTION NO. 16:

Removal of Concurring Vote of HOA Executive Board

Amends Article V, Section 4 to remove the requirement of a concurring vote of the Executive Board of the Association on amendments affecting the Homeowners Association. ☐ Yes ☐ No

EFFECT OF “YES” VOTE:

A “yes” vote removes the requirement for having the Executive Board of the Homeowners Association cast a concurring vote on amendments to the DOR affecting the rights of the Association.

Amended Article V, Sec. 4 will specifically read as follows: “Amendments to this instrument may be initiated by a Lot Owner, the Recreation District, or the Association. Any amendment shall become effective only upon approval by a majority vote of the Lot Owners in Barefoot Bay, provided however that the amendment affecting any of the rights or responsibilities of ~~either the Association or the Recreation District~~ shall have the concurring vote of ~~the Executive Board of the Association, and/or the concurring vote of~~ the Board of Trustees of the Recreation District, as applicable. In voting with respect to any proposed amendment of this instrument, the

Owners of each Lot shall be entitled to one vote, and multiple Owners of any given Lot shall designate which of the Owners shall be entitled to vote on any such proposal.”

BALLOT QUESTION NO. 17:

Majority of Votes Cast for Amendment

Amends Article V, Section 4 to authorize amendment to the Deed of Restrictions upon a majority of votes cast on any individual proposed amendment. ____Yes ____No

EFFECT OF “YES” VOTE:

A “yes” vote will allow each amendment to become effective upon a majority vote of the votes cast on each individual amendment.

Amended Article V, Section 4 will specifically read as follows: “Amendments to this instrument may be initiated by a Lot Owner, the Recreation District, or the Association. Any amendment shall become effective only upon approval by a majority ~~vote of the Lot Owners in Barefoot Bay~~ of votes cast on any individual proposed amendment, provided however that the amendment affecting any of the rights or responsibilities of either the Association or the Recreation District shall have the concurring vote of the Executive Board of the Association, and/or the concurring vote of the Board of Trustees of the Recreation District, as applicable. In voting with respect to any proposed amendment of this instrument, the Owners of each Lot shall be entitled to one vote, and multiple Owners of any given Lot shall designate which of the Owners shall be entitled to vote on any such proposal.”

Results of DOR Ballot

April 5, 2011

	Ballot Question #	*Pass or fail	Yes	no	Total	% yes (For information purposes only)
Authorization for ARCC Application fee	1	Fail	1387	1681	3068	45.21%
Garages or Carports	2	Pass	2857	291	3148	90.76%
Utility Rooms Required	3	Pass	2762	379	3141	87.93%
Reflection of installation Methods	4	Pass	2833	288	3121	90.77%
Lamp Post Illumination Requirement	5	Pass	2590	560	3150	82.22%
Vinyl Fencing	6	Pass	2685	450	3135	85.65%
Single Story Requirement	7	Pass	2825	323	3148	89.74%
Abandoned and/or Inoperable Vehicles	8	Pass	2903	256	3159	91.90%
Disposal of Animal Waste	9	Pass	3070	93	3163	97.06%
Dangerous Dogs	10	Pass	2882	269	3151	91.46%
Feral Cats	11	Pass	2864	275	3139	91.24%
Removal of Sign Location Restrictions	12	Pass	2521	604	3125	80.67%
Use of Clotheslines	13	Fail	1901	1224	3125	60.83%
Administrative Fines for Use of DOR Enforcement	14	Fail	2273	798	3071	74.01%
Clarification that Social Membership Fee is Non-Transferable	15	Fail	2348	749	3097	75.82%
Removal of Concurring Vote of HOA Executive Board	16	Fail	2228	828	3056	72.91%
Majority of Votes Cast for amendment	17	Pass	2448	637	3085	79.35%

*** 2,446 votes are needed to pass an amendment**

Barefoot Bay Recreation District

DOD Charter Revisions Guidelines
Committee/Task Force

Purpose: The committee/task force provides advice and recommendations regarding _____

Deed of Restrictions & Charter proposed changes
to be forwarded for resident approval

The Committee meets As Needed on the _____ of each _____ in _____.
Every month/quarter 1st, 2nd, etc. day month/quarter Building

However, a regular meeting may be cancelled for lack of agenda items or the committee may hold additional meetings or activities initiated by the committee itself. The duration of the Committee is as needed.

The Sunshine law applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. It applies to all advisory committees and requires, in part, that 1) meetings of boards or commissions must be open to the public; 2) reasonable notice of such meetings must be given, and 3) minutes of the meeting must be taken. All Committee members have a duty to be familiar with and shall be compliant with the Sunshine Laws of the State of Florida.

The Committee consists of:

Signature	Printed Name	Date
<u>Louise Crouse</u> Chairman	<u>Louise Crouse</u>	<u>2-27-14</u>

Committee Members

Signature	Printed Name	Date
<u>Jeanne M. Osborne</u>	<u>JEANNE M. OSBORNE</u>	<u>2-27-14</u>
<u>Lynne Kahl</u>	<u>Lynne Kahl</u>	<u>2-27-14</u>
<u>Nancy Eisele</u>	<u>NANCY EISELE</u>	<u>2-27-14</u>



BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Board of Trustees Regular Meeting

Friday, April 11, 2014

7 P.M. –Building D&E

The Barefoot Bay Recreation District held a Regular Meeting on Friday, April 11, 2014 in Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Guinther called the meeting to order at 7:00 P.M.

Thought for the Day

Mr. Guinther asked for a moment of silence to honor our service personnel both past and present who have helped protect our country.

Pledge of Allegiance

Mr. Guinther led the Pledge of Allegiance to the Flag.

Roll Call

Present: Mr. Guinther, Ms. Crouse, Mr. Klosky, Mr. Diana and Mr. Peet. Also present: Todd Woodraska, President SDS, Jason Pierman, District Manager SDS, John Coffey, Community Manager, Attorney Clifford Repperger and Dawn Myers, Recording Secretary.

Minutes

Mr. Klosky made a motion to approve the Minutes dated March 25, 2014. Second by Mr. Peet. Motion carried unanimously.

Treasurer's Report

Ms. Crouse presented the Treasurer's Report dated April 11, 2014.

Operating Account, Bank of America		\$1,125,098.32
	Interest & B	
	\$	
SBA Capital Improvement Fund	94.26	\$480,808.19
	Interest & B	
	\$	
SBA Emergency Reserve Fund	109.83	\$630,523.06
	Interest & B	
	\$	
SBA Debt Fund	225.32	\$372,629.04
SBA B Fund (restricted)		\$7,145.21
Bank of America Money Market		<u>\$347,107.54</u>
Total Designated and Reserve Funds		\$1,838,213.04
Total of all Accounts		\$2,963,311.36
Expenditures Over \$10,000 From 3/18/14 through 4/4/14		
Payroll	27-Mar	\$45,891.12
Payroll Taxes		\$14,152.30
Dockside Builders-Beach Pier		\$19,369.44
One Source Maintenance		\$37,493.00
Health First Health Insurance		<u>\$14,992.54</u>
Total Large Expenditures		\$131,898.40

Mr. Klosky made a motion to accept the Treasurer's Report as read. Second by Mr. Diana. Motion carried unanimously.



BAREFOOT BAY RECREATION DISTRICT

Mr. Guinther announced Agenda Item D, HR Consultant, has been tabled until the next meeting.

Audience Participation

Carole Kennedy inquired about fee structure for DOR Violations and why we are not fining after two or more violation notifications. Attorney Repperger informed Ms. Kennedy that the District Charter has granted full authority to the Board over the HOA and we are not authorized by Florida legislature to fine. A fining workshop to discuss establishing authority within the HOA has been scheduled for April 24th at 9AM in Building A.

Unfinished Business

None Brought Forward

New Business

DOR Violations

Mr. Klosky made a motion to vote via consent agenda for all powerwash cases. Second by Ms. Crouse. Motion carried unanimously.

Case # 1270-03-14 881 Hawthorn Circle, Case # 1271-03-14 314 Loquat, Case # 1272-03-14 358 Dolphin Circle, Case # 1273-03-14 962 Barefoot Blvd.

Violation of Article III, Section 2 Condition of Property (Power wash).

Ms. Crouse made a motion to powerwash cases 1270 - 1273 and lien the properties. Second by Mr. Diana. Motion carried unanimously.

Case 1275-03-14 1029 Oriole Circle

Violation of Article III, Section 2 Condition of Property (Landscape)

Ms. Cuddie will request the managing real estate company do the necessary trimming on the property as they are currently mowing the empty lot, before entering the property as curative action.

Ms. Crouse made a motion to enter the property at 1029 Oriole Circle and do the landscaping if necessary and lien the property. Second by Mr. Klosky. Motion carried unanimously.

Case 1276-03-14 1209 Gardenia Drive

Violation of Article III, Section 2 Condition of Property (Landscape)

Mr. Jack Keenan stated that he has attempted to maintain the landscape and trees as much as possible but he is not able to continue to trim the overhead limbs. He asked the Board for a resolution to the abandoned vehicle on the property.

Mr. Guinther stated the Board is aware of the vehicle. He has discussed the issue with Mr. Paul Ingardia and is working with the county to come to a resolution.

Ms. Crouse thanked Mr. Keenan for his initiative in helping maintain the property after seeing that it fell into disrepair. The community is very appreciative to Mr. Keenan and all the residents who are proactive in helping their neighbors.

Ms. Evelyn Murray suggested there are various options to find out the owners' names of abandoned properties. Mr. Guinther stated that we are aware who the owner is, he is believed to be deceased. We are trying to go through the proper channels to enter the property and remove the vehicle.

Ms. Crouse made a motion to trim and maintain the trees at 1209 Gardenia Drive and lien the property. Second by Mr. Klosky. Motion carried unanimously.



BAREFOOT BAY RECREATION DISTRICT

Accounting Temporary Employee

Mr. Coffey stated that the contract budget allotted for temporary employees has approached the threshold of \$5000 as stated in the Policy. He has requested approval from the Board to exceed this budget moving forward in order to retain temporary accounting personnel. Mr. Coffey communicated the length of staff time it takes to interview and maintain constant coverage in the finance department. The Finance manager has indicated a desire to seek a temporary employee through Accountemps for assistance in choosing a qualified part-time accounting associate.

Ms. Crouse made a motion to approve the request to continue seeking a qualified candidate for the Finance Department through an employment agency. Second by Mr. Klosky. Motion carried unanimously.

Moore Stephens Lovelace Audit Planning Communication

Mr. Guinther the announced the receipt of the transmittal letter from the auditing company notifying the District of the upcoming annual audit.

Mr. Diana requested the original contract for the audit company.

HR Consultant

Item moved to the next meeting.

DOR and Charter Review Amendments

Ms. Crouse discussed the topics from the recent DOR and Charter committee meetings. She brought forward questions on language changes from the discussion and ballot questions. She thanked her committee for their input and suggestions.

Language change recommendations were approved by consent agenda for review by Attorney Repperger.
Recommendation language change to Social Membership Fee:

Change the DOR to reflect sale of property, not recording of deed. "Each lot owner, at the time of the sale of the property to a new owner, shall pay to the Recreation District a social membership fee.

The Social Membership Fee shall be a one-time charge which is non- refundable and non-transferable from a Lot Owner to any other party.

The Lot Owner's obligation for the Social Membership Fee accrues upon the sale of the property in Barefoot Bay to such Owner, and the Recreation District shall have a lien upon such Lot for the Social Membership Fee until payment of the fee is made.

Change from A property owner shall pay the fee only once for each home site of which they are owner of record. (This fee is non-transferable between parties) to A property owner shall pay the fee only once for each home site. This fee is non-transferable to a new property owner upon the sale of the property

Change the definition of Resident to "Resident (residing on the property, not on deed)

DOR Ballot Question #1

Amend Article IV, Section 3, Social Membership to reflect that a Social Membership fee is due when a property is sold to a new owner. ___Yes ___No

Ms. Crouse made a motion to approve submission of the ballot question to Attorney Repperger for further consideration. Second by Mr. Klosky. Motion carried unanimously.

Recommendations regarding increasing pet regulations:

All pets shall be on a leash (maximum 6' in length) while being walked or exercised within Barefoot Bay outside the confines of the Owner's residence or completely enclosed fenced areas of a residential lot.



BAREFOOT BAY RECREATION DISTRICT

The Owner of any pet shall be responsible for the immediate removal and proper disposal in accordance with any local, state or federal law of any bodily waste deposited by a pet on any property within Barefoot Bay. Animals, livestock or poultry of any kind shall not be raised, bred or kept on any property except that two (2) dogs or two (2) cats or one (1) dog or one (1) cat or other small domesticated household pets which are kept inside the home provided they are not boarded, stabled, kenneled or bred for commercial purposes. Swine, fowl and livestock (cows, horses, sheep, goats, etc.) shall not be kept on any Barefoot Bay property. No person shall knowingly keep or harbor any animal which is known to attack or harm any person or pet while walking or riding on streets or lots within Barefoot Bay.

Mr. Ernest Loening opposed the language "knowingly" as some animals are not known to attack by the owner.

DOR Ballot Question #2 Article III, Section 4 Pets

Amend the DOR Article III, Section 4, Pets to increase regulations for maintaining control of pets outside of the home and defining approved pets in Barefoot Bay.

☐ Yes ☐ No

Approved by consent agenda

Recommendations kayaks and canoes.

Kayaks and canoes must be properly stored and secured at the rear of the residence.

DOR Ballot Question #3 Article III, Section 3, Parking of Vehicles.

Amend the DOR to allow storage of kayaks and canoes on resident property ☐ yes ☐ no

Approved by consent agenda.

Charter Ballot Question #1

Amend Article IV, Powers of the District, Section 13 to increasing the purchasing limit from \$25,000.00 to \$75,000.00 to reflect the inflation factor since the 1984 Charter was established. ☐ Yes ☐ No

Ms. Crouse made a motion to approve the concept of a charter change. Second by Mr. Diana. Motion carried unanimously.

Additional Golf R&M Projects

Mr. Jim Kormandy is requesting an additional \$16,498 to the Golf FY 14 budget for a total R&M budget of \$35,548.

Mr. Klosky made a motion to approve the additional \$16,498 to complete the necessary R&M items. Second by Mr. Peet. Motion carried unanimously.

Mr. Peet commented that the increase is long overdue. He communicated the importance of keeping the golf course maintained to standard. Mr. Klosky and Mr. Diana reflected Mr. Peet's comments. Ms. Crouse stated that we have to be more responsible going forward so the course does not fall into disrepair after the repairs have been addressed. Management must ensure the course is up to standard at all times.

Appoint Alternate Violations Committee Member

Mr. Peet presented the resumes for Earle Wright and G. Peter Dodge. He thanked both volunteers for their willingness to donate their time to the community. Mr. Guinther also thanked the volunteers. He encouraged all residents to investigate the committees they may have interest in to help the community in whatever facet they can.



BAREFOOT BAY RECREATION DISTRICT

Mr. Peet made a motion to approve Mr. G. Peter Dodge as alternate seat on the Violations Committee. Second by Mr. Diana. Motion carried unanimously.

Manager's Report

Mr. Coffey informed the Board of the resident request to close the pier for an hour for a wedding ceremony. Board is in consensus.

Mr. Coffey reported on the electrical pole installed at the BBRD beach. We are awaiting electrical contractors to finish up the project. The last phase will be the installation of a well. We will present the award for the pumphouse on the next meeting agenda. Mr. Diana requested separate portable bathrooms for males and females at the beach during the construction of the bathroom facility.

Trees have been trimmed around the lawn bowling area at the Building A complex. New sod will be brought in to fill in the bare spots.

Ms. Kathy Mendes, Food and Beverage manager is awaiting the fingerprinting process to complete the 19th Hole alcohol license process.

Attorney's Report

Nothing to report

Trustee Liaison Report

Mr. Guinther gave the date for the next course review meeting of May 2, 2014. The meetings will continue through the summer at 9AM on the first Friday of the month in Building D. The Golf Committee meetings will reconvene on October 3, 2014. The upgrades to Building A Veteran's Memorial Hallway are complete. The next phase in reviving the interior of Building A is working with the Art Guild to bring a presence of community art for public viewing and purchase. More details to follow. Facilities Planning committee discussions will be rolled into the Budget Workshop meetings.

Carole Kennedy requested waiving the fee for the resident requesting use of the pier for a wedding ceremony. Ms. Crouse explained her previous comment about the temporary social membership fee was to gather the facts before the event as the District has had comments and questions when reserving new locations such as this in the past. She is in favor of waiving the fee for the individual.

Mr. Diana made a motion to waive the fees for the upcoming wedding ceremony on the pier. Second by Mr. Klosky. Motion carried unanimously.

Ms. Crouse referenced the Helping Hands division of HOA and their project to apply house numbers to all the houses in the community. She encouraged residents to call Vicky Hay at 664-7679 to help with application of those numbers to the front of the carport. HOA will be sharing the office with the C.O.P.S. in the shopping center on afternoons. Grand opening in May. Residents can go to the office for any questions they may have regarding our community. The Recreation Committee will meet on Thursday, April 17th at 2PM in Building E. Full copy of the proposed budget can be viewed or picked up in Administration, Building F.

Mr. Klosky reported on the trimmed trees in the recreation area. RV and boat storage gate swipe access project will be completed by the end of April. The gate issue will be resolved at the Micco storage location. Entrance sign to Veteran's Way will be replaced. Painting project at the shopping center will be completed next week. We have had an increase in visitors here at the Bay. In March alone there were 4000 more visitors to the pools than last year.



BAREFOOT BAY RECREATION DISTRICT

Mr. Peet reported on the recent ARCC meeting on April 1st. They received 19 permits and 18 approved (1 submitted in the spirit of April Fool's Day). Next meeting on April 15th at 9AM in the Lounge. Violations cases received 27 and 13 complied. Mr. Peet recommended that we start thinking about how far to go with the violations. May 2nd next meeting at 10AM in Building D/E. Mr. Peet mentioned the passing of JR Smith's a former Trustee. Mr. Smith was instrumental in getting the bathroom project in Building A completed and cut the ribbon upon its grand opening. He went over some points from the last golf committee meeting. We will also be talking about the Club Championship and making some changes to improve how it is coordinated in upcoming meetings.

Mr. Diana announced a special event behind the Lounge musical entertainment by Dreamer. The Mother's Day Brunch is on Sunday, May 11th 1-4PM with Steve Cole. Tickets are necessary so the Food & Beverage Manager can gauge how much food to prepare.

Trustee Incidental Remarks

Mr. Klosky inquired about the incident at Building A last Saturday night. An attempt to view the incident after the fact revealed that the video camera was not operating at the time. Mr. Klosky inquired as to why the cameras are not operating. Mr. Coffey is aware of it and is investigating the issue. The Food and Beverage manager was able to view video from the Lounge. Ms. Myers, IT Manager and Ms. Cuddie, HR/Resident Relations Manager will be the only people with keys to the camera room going forward.

Ms. Crouse requested signs that read "No Dogs" at the playground. She also requested a "No Motorized Vehicles On The Pavers" sign at Building A. Mr. Diana noticed the sidewalk is broken and cautions residents to be careful walking from the parking lot to Building A. Attorney Robin Lemonidis is running for Circuit Court Judge she will be here on Saturday at 2PM to meet residents.

Audience Participation

Mr. Jim Rigg gave an update to the Beach project. He thanked Mr. Coffey for opening up the transparency of the project. Mr. Rigg and Mr. Al Notarincola have begun an investigation to acquire a variance from the Brevard County Office of Natural Resources. This would enable us to place two observation decks on the walk over so individuals that have difficulty walking can enjoy the beach under an arbor of shade.

Carole Kennedy commented on the reference to the outstanding liquor license in the previous meeting minutes. Attorney Repperger clarified that the reference was to the conversion application for the 19th Hole. She voiced her grievance that Ms. Crouse made a statement indicating her personal opinion regarding resident voting rights in in the Peek of the Week.

Mr. Al Notarincola voiced his concern regarding fertilizer going into the golf course which in turn runs off into the lakes and into the Indian River Lagoon. He urged residents to be careful not to speed in golf carts as the police have been giving out tickets. He gave his thanks to the Board for the help with funding for the Beach project. He gave full credit for the completion of the project to Mr. Coffey. Mr. Coffey scheduled weekly meetings all the way through the project with Mr. Notarincola and Mr. Rigg while explaining the process, being patient and always open to their ideas.

Mr. Ernest Loening requested a memorial to Ms. Barbara Pill. He also voiced his grievance regarding the signs at the four-way stop. Something needs to be done with the amount of signs in one area as it disrupts traffic while individuals try to read them.

The Board is in consensus to put an item on the agenda in regards to a memorial for Ms. Barbara Pill.



BAREFOOT BAY RECREATION DISTRICT

Susie White, president of the tennis club, gave a glowing review of Mr. Coffey. She is extremely satisfied with Mr. Coffey as he has helped not only the tennis clubs but several other clubs in the community complete long standing projects. Especially inspiring, was the completion of the long awaited tennis courts renovation. Ms. White was resolute in her defense of the Community Manager, she voiced her certainty that we have the right community manager now.

Carol Joseph thanked Ms. White for her comments and commented that she was sure she spoke for the whole community. Ms. Joseph inquired about where the setback on property lines from the road in Barefoot Bay. Attorney Repperger referred her to view the plat to be sure.

Neil Reardon also gave a positive review of Mr. Coffey. He asked the Board to let him run the community as he sees fit and not the way it's been run in the past 16 years. Mr. Reardon reminded the Board that keeping the residents satisfied is top priority and the residents are extremely pleased with Mr. Coffey's performance and follow through.

Joe Ziegler vice president of the softball club, commented on the help Mr. Coffey has extended in getting One Source to be accountable for their obligation at the softball fields. He realizes some people may not like the change a new administration brings, but he believes Mr. Coffey is doing a great job and should be commended for the positive results he has made since he has been our Community Manager.

Bob Kahl thanked the residents for coming out to the District Meeting and encouraged them to not only come due to issues but to keep up with everything going on around the Bay. Mr. Kahl stated that the HOA did donate to Deputy Pill's charity, Camp Chance shortly after she was killed in the line of duty. He believes it is a good idea to have a memorial/plaque made in her honor. He announced the Time to Be A Parent Again presentation held by Sheriff Ivey. He highly recommends everyone, not only parents, come out to hear the message meant to save our kids from the dangers in our society today. The meeting will be on April 30th at 6pm in Building A.

Nancy Eisele inquired about the fees waived for the wedding on the pier. Will this waiver apply for all family oriented events? Ms. Crouse stated that a one hour wedding on a pier is different than a full day in one of our facilities. Fees are easily waived if there are no custodial fees or fees for use of utilities.

John Atta suggested we place the yard sale/event signs in the grassy strip at Building A parking lot where residents can park and take their time to write down the information.

Emil Pizzulo stated he would donate \$500 to the plaque in memory of Deputy Pill.

Adjournment

Mr. Guinther announced the next District meeting on Friday, April 22, 2014 at 1pm in Building D/E.

Mr. Peet made a motion to adjourn. Second by Mr. Klosky Motion carried unanimously. Meeting adjourned at 8:45 p.m.


Robert Peet, Secretary


Dawn Myers, Recording Secretary

**Proposed Amendments to the Deed of Restrictions
DOR and Charter Review Committee 2015
DRAFT BALLOT SUMMARIES**

The following amendments are being proposed for word clarifications, new additions, content, and/or format changes. In addition, effort has been made to identify and clarify areas that have hindered enforcement due to wording, content, or interpretation issues.

With regard to the summary for each amendment, reference is first made to the existing language, proposal summary, proposed ballot question, and the effect of a “yes” vote.

Where proposed amended language is reflected, new language is reflected as underlined. Deleted language is reflected as a ~~striketrough~~.

The entire copy of the current Amended and Restated Deed of Restrictions for Barefoot Bay (DOR) is available online at www.bbrd.org or in hard copy form at the BBRD Administration Building located at 625 Barefoot Blvd., Barefoot Bay, FL 32976.

1. Article IV, Section 3: Social Membership Fee.

EXISTING LANGUAGE:

Each Lot Owner shall, at the time of closing or on the first day of the month following recording of such Owner's Deed to a Lot in Barefoot Bay, pay to the Recreation District a social membership fee. The membership fee at the time of recording of this Amended and Restated Deed of Restrictions is \$524.70 including sales tax per Lot, but such fee may be increased from time to time as may be determined by the Board of Trustees of the Recreation District.

The Social Membership Fee shall be a one time charge which is non-refundable and non-transferable from a Lot Owner to any other party. Such fee shall entitle the Lot Owner to use of the common facilities of the Recreation District, except the Golf Course, subject to the Rules and Regulations adopted by the Recreation District for the use of its facilities. No Lot Owner shall be excused from payment of the Social Membership Fee by reason of (I) non-use of the facilities, (II) non-residency in Barefoot Bay, or (III) by virtue of ownership of more than one Lot.

The Lot Owner's obligation for the Social Membership Fee accrues upon transfer of title to a Lot in Barefoot Bay to such Owner, and the Recreation District shall have a lien upon such Lot for the Social Membership Fee until payment of the fee is made. If the Social Membership Fee remains unpaid more than thirty (30) days next after an owner takes title to a Lot in Barefoot Bay, the Recreation District's lien shall be subject to foreclosure in a court of competent jurisdiction in Brevard County, Florida. In any such legal action, the Recreation District shall be entitled to the award of all court costs and reasonable Attorney's Fee.

Notwithstanding the above, a paid Social Membership Fee may be refunded upon the following conditions:

1. A Lot Owner furnishes evidence that a Social Membership Fee was paid on a previously owned Lot that formerly served as the primary residence of the Lot Owner; and

**Proposed Amendments to the Deed of Restrictions
DOR and Charter Review Committee 2015
DRAFT BALLOT SUMMARIES**

2. The previously owned Lot has been sold by the Lot Owner no greater than eighteen (18) months prior to the application for a refund.
3. A Social Membership fee was charged and paid on a newly purchased Lot; and
4. A newly purchased Lot has been established as the primary residence of the Lot Owner; and
5. Application for a refund of the newly charged Social Membership Fee is made within eighteen (18) months of the purchase of the new lot.

PROPOSAL SUMMARY:

Amends timing of payment of Social Membership Fee to become due after a genuine sale of the property to a new owner, not simply the recording of a Deed. Clarifies amount of Social Membership Fee given 2015 increase in Brevard County sales tax rate.

BALLOT QUESTION NO. 1:

Social Membership Fee

Shall DOR be amended to require the payment of a Social Membership Fee upon the genuine sale of the property to a new owner rather than at the time of closing or on the first day of the month following recording of an owner's deed? Yes No

EFFECT OF "YES" VOTE:

A "yes" vote would amend the DOR to require payment of the Social Membership Fee upon the genuine sale of the property to a new owner.

Amended Article III, Section 9 will specifically read:

"Each Lot Owner shall, upon the genuine sale of the property to a new owner ~~at the time of closing or on the first day of the month following recording of such Owner's Deed to a Lot in Barefoot Bay~~, pay to the Recreation District a social membership fee. The membership fee at the time of recording of this Amended and Restated Deed of Restrictions is ~~\$524.70 including sales~~ \$495.00 plus sales tax per Lot, but such fee may be increased from time to time as may be determined by the Board of Trustees of the Recreation District.

The Social Membership Fee shall be a one time charge, upon the genuine sale of the property to a new owner, which is non-refundable and non-transferable from a Lot Owner to any other party. Such fee shall entitle the Lot Owner to use of the common facilities of the Recreation District, except the Golf Course, subject to the Rules and Regulations adopted by the Recreation District for the use of its facilities. No Lot Owner shall be excused from payment of the Social Membership Fee by reason of (I) non-use of the facilities, (II) non-residency in Barefoot Bay, or (III) by virtue of ownership of more than one Lot.

**Proposed Amendments to the Deed of Restrictions
DOR and Charter Review Committee 2015
DRAFT BALLOT SUMMARIES**

The Lot Owner's obligation for the Social Membership Fee accrues upon ~~transfer of title to the~~ genuine sale of a Lot in Barefoot Bay to such Owner, and the Recreation District shall have a lien upon such Lot for the Social Membership Fee until payment of the fee is made. If the Social Membership Fee remains unpaid more than thirty (30) days next after an owner takes title to a Lot in Barefoot Bay, the Recreation District's lien shall be subject to foreclosure in a court of competent jurisdiction in Brevard County, Florida. In any such legal action, the Recreation District shall be entitled to the award of all court costs and reasonable Attorney's Fee.

Notwithstanding the above, a paid Social Membership Fee may be refunded upon the following conditions:

1. A Lot Owner furnishes evidence that a Social Membership Fee was paid on a previously owned Lot that formerly served as the primary residence of the Lot Owner; and
2. The previously owned Lot has been sold by the Lot Owner no greater than eighteen (18) months prior to the application for a refund.
3. A Social Membership fee was charged and paid on a newly purchased Lot; and
4. A newly purchased Lot has been established as the primary residence of the Lot Owner; and
5. Application for a refund of the newly charged Social Membership Fee is made within eighteen (18) months of the purchase of the new lot.

2. Article III, Section 4: Pets.

EXISTING LANGUAGE:

(A) Property Owners and their lessees, tenants, guests and invitees shall be responsible for the control of any pets owned by them while such pets are within Barefoot Bay. All pets shall be on a leash while being walked or exercised within Barefoot Bay outside the confines of the Owner's residence or completely enclosed fenced areas of a residential lot. The Owner of any pet shall be responsible for the immediate removal and proper disposal in accordance with any local, state or federal law of any bodily waste deposited by a pet on any property within Barefoot Bay.

(B) No animals other than a dog or a cat shall be permitted to be kept as pets on any residential lot. No person shall keep more than two dogs and/or cats in any combination on any Lot; provided, however, that newborn litters of puppies or kittens may be kept for a maximum of three months. No feral cat colony shall be maintained on any lot in Barefoot Bay.

(C) No dog houses, kennels or animal cages of any kind shall be allowed outside of any home on any Lot within Barefoot Bay.

**Proposed Amendments to the Deed of Restrictions
DOR and Charter Review Committee 2015
DRAFT BALLOT SUMMARIES**

(D) No Dangerous Dogs, as classified by the Brevard County Animal Services and Enforcement, pursuant to Sec. 14-49, Code of Ordinances of Brevard County, Florida, or as such section may be amended, shall be allowed to be maintained on any lot in Barefoot Bay.

PROPOSAL SUMMARY:

Amends DOR to define leash size, clarify allowable pets, and implement additional restrictions on animals known to attack or harm persons or pets within Barefoot Bay.

BALLOT QUESTION NO. 2:

Pets

Shall the DOR be amended to define leash size, clarify allowable pets, and implement additional restrictions of animals known to attack or harm persons or pets within Barefoot Bay? Yes No

EFFECT OF “YES” VOTE:

A “yes” vote will implement the following amendments.

Amended Article III, Section 4 will specifically read as follows:

(A) Property Owners and their lessees, tenants, guests and invitees shall be responsible for the control of any pets owned by them while such pets are within Barefoot Bay. All pets shall be on a leash (maximum of six inches in length) while being walked or exercised within Barefoot Bay outside the confines of the Owner's residence or completely enclosed fenced areas of a residential lot. The Owner of any pet shall be responsible for the immediate removal and proper disposal in accordance with any local, state or federal law of any bodily waste deposited by a pet on any property within Barefoot Bay.

(B) ~~No animals other than a dog or a cat shall be permitted to be kept as pets on any residential lot. No person shall keep more than two dogs and/or cats in any combination on any Lot; provided, however, that newborn litters of puppies or kittens may be kept for a maximum of three months.~~ Animals, livestock, or poultry of any kind shall not be raised, bred, or kept on any lot, except that two (2) dogs or two (2) cats or one (1) dog or one (1) cat or other small domesticated household pets which are kept inside the home provided they are not boarded, stabled, kenneled, or bred for commercial purposes. Swine, fowl, and livestock (cows, horses, sheep, goats, etc.) shall not be kept on any lot in Barefoot Bay. No feral cat colony shall be maintained on any lot in Barefoot Bay.

(C) No dog houses, kennels or animal cages of any kind shall be allowed outside of any home on any Lot within Barefoot Bay.

(D) No Dangerous Dogs, as classified by the Brevard County Animal Services and Enforcement, pursuant to Sec. 14-49, Code of Ordinances of Brevard County, Florida, or as such section may be amended, shall be allowed to be maintained on any lot in Barefoot Bay.

**Proposed Amendments to the Deed of Restrictions
DOR and Charter Review Committee 2015
DRAFT BALLOT SUMMARIES**

(E) No person shall knowingly keep or harbor any animal which is known to attack or harm any person or pet while walking or riding on streets or lots within Barefoot Bay.

3. Article III, Section 3: Parking of Vehicles .

EXISTING LANGUAGE:

(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, pick-up 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 (1) 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) Notwithstanding any of the foregoing subparagraphs of this section, a recreation vehicle or a boat mounted upon a boat trailer may be parked in the driveway on a lot for a period not to exceed 48 continuous hours for purposes of cleaning, loading, unloading and preventive maintenance. The Recreation District shall be notified in advance if the owner of a recreation vehicle or boat desires to park such vehicle or boat in his driveway for such purposes.

(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.

PROPOSAL SUMMARY:

Creates a new section that permits the storage of kayaks and canoes on residential lots.

BALLOT QUESTION NO. 3:

Kayaks and Canoes

Shall a new section permitting storage of kayaks and canoes be added to Section III, Section 3? ___Yes ___No

EFFECT OF “YES” VOTE:

A “yes” vote will create new language authorizing the storage of kayaks and canoes on lots in Barefoot Bay.

A fifth paragraph of Article III, Section 3 will be created as follows:

**Proposed Amendments to the Deed of Restrictions
DOR and Charter Review Committee 2015
DRAFT BALLOT SUMMARIES**

“(E) Kayaks and canoes may be properly stored and secured at the rear of any residence.”

(2016) Rules of the DOR/Charter Review Committee

Purpose

Review the Barefoot Bay Recreation District Deed of Restrictions and Charter. Proposed changes will be forwarded to the Board of Trustees for their consideration.

Duties/Responsibilities

- Review the Deed of Restrictions and Charter.
- Openly discuss and suggest possible changes to the documents to facilitate the needs of the Barefoot Bay Community.
- Compose and adopt language for suggested revisions to the DOR and/or Charter.
- Present the language adopted by the Committee to the Board of Trustees.

Number of Members

Five regular voting members

Two alternate members may be appointed who can vote in meetings where a regular member is not in attendance

Quorum and Conduct of Meetings

1. The Committee will convene at the direction of the Board of Trustees. Committee's task is formulation of a comprehensive recommendation for presentation back to the Board and will dissolve upon their final decision at a Regular Meeting of the Board of Trustees.
2. Three members shall constitute a quorum for the purposes of holding a meeting.
3. All meetings shall be run by Robert's Rules of Order and any other rules proffered by the BOT and/or the majority of the committee.
4. The Committee is an Ad Hoc Committee. It will convene at the direction of the Board of Trustees.
5. At its initial meeting, the Committee will elect a Chairman and a Secretary, who will be responsible for recording of notes and drafting of minutes.

The Committee Terms of Appointment

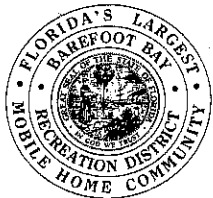
1. After the adoption of the revised Rules of Trustees on February 12, 2016, the Board of Trustees shall appoint the following members:
3 members for 3 year terms
2 members for 2 year terms
2. Upon the expiration of the initial term, the Board of Trustees shall make all subsequent appointments for a term of 3 years.
3. If a member resigns before the expiration of his/her term, the Board of Trustees shall appoint a new member to fill the open seat and serve the balance of the unexpired term.

Staff Support

1. The Community Manager shall assign a BBRD employee to serve as support staff.
2. The District Clerk shall retain original copies of all minutes and handouts from the meetings and shall work with the Chair and support staff to publish an agenda 7 days prior to each meeting.

Committees needing rules developed

- Ballot Committee (Dawn/John)
- Finance (Valeria)
- Landscaping (Matt)
- Facility Planning (Matt/John)
- Security (Dawn)
- Golf (Ernie)
- DOR and Charter Review (Sue/Dawn)
- Recreation Committee (Matt/John)



BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Regular Meeting Tuesday, February 23, 2016 7 P.M. –Building D&E

The Barefoot Bay Recreation District held a Regular Meeting on February 23, 2016 in Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Klosky called the meeting to order at 7:00 P.M.

Thought for the Day

Mr. Klosky 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.

Mr. Lavier led the Pledge of Allegiance to the Flag.

Roll Call

Present: Mr. Klosky, Ms. Wright, Mr. Lavier, Mr. Diana and Mr. Cavaliere. Also present: John W. Coffey, Community Manager, General Counsel Cliff Repperger and Dawn Myers, District Clerk.

Minutes

Mr. Cavaliere made a motion to approve the minutes from February 12, 2016. Second by Mr. Diana. Motion carried unanimously.

Treasurer's Report

Mr. Cavaliere presented the Treasurer's Report for February 23, 2016.

Mr. Diana made a motion to accept the Treasurer's Report. Second by Mr. Lavier. Motion carried unanimously.

Audience Participation (Agenda items only)

None brought forward

Old Business

None brought forward

New Business

710 Barefoot Blvd

Mr. Klosky asked to move agenda item 7C - 710 Barefoot Blvd. to the beginning of the agenda due to the urgency of this topic. Mr. Coffey gave the background information on this case and explained that during the last year the property owner has received over 20 DOR violations that are usually resolved at the last minute only to incur subsequent violations in an ongoing pattern of violation and resolution under duress.

Greg Deslandes addressed the Trustees' recent vote to deny assistance from the HOA to establish fining authority. He stated that it would be a great advantage in this case and other similar violation cases in Barefoot Bay. He encouraged the Board to focus on the benefits of working together as it pertains to the community as a whole. Bob Kahl commented on the county code officer visiting the home to let the homeowner know he will be fined if does not clean up the property. He stated that this visit has inspired the property owner to begin to clean up the current violations. Mr. Kahl stated that the HOA could have this same authority if the Board would decide to work with them.

Mr. Diana made a motion to take action on the property located at 710 Barefoot Blvd. and address the case at the Special Meeting scheduled for Friday, February 26, 2016. Second by Mr. Lavier. Motion carried unanimously.



BAREFOOT BAY RECREATION DISTRICT

Steve Diana recommended that we address cases like these more aggressively than in the past and utilize the County for assistance in an effort to expedite resolution.

Advisory Committee Adoption of Rules

The revised Rules of Trustees require the Board to adopt rules and responsibilities for each advisory committee and then appoint residents to specific terms on each committee.

ARCC

This is not a Board appointed committee. Members are elected and are subject to the ARCC committee guidelines as stated in the DOR. Committee consist of 5 members with 2 alternates.

Mr. Cavaliere made a motion to accept the rules for ARCC. Second by Mr. Diana. Motion carried unanimously.

Golf

This is not a Board appointed committee. Members are elected and are subject to the Golf by-laws as written. Committee consists of 5 members.

Mr. Cavaliere made a motion to accept the rules for the Golf Committee. Second by Mr. Diana. Motion carried unanimously.

Recreation

Ms. Wright made a motion to add some recommendations to add to the rules. 1.) Alternate replaces a member should they leave the committee 2.) Regular voting members shall be required to attend all meetings, two or more absences will be replaced by an alternate. Second by Mr. Diana for discussion. Discussion ensued regarding Ms. Wright's recommendations. Mr. Diana withdrew his second. Committee consists of 7 members and two alternates.

Mr. Lavier made a motion to accept the rules for Recreation Committee as written. Second by Mr. Diana. Motion carried unanimously.

DOR and Charter Review

Board consensus to remove the requirement that legal counsel be present at all meetings. Committee consists of 7 members and two alternates

Mr. Diana made a motion to accept the rules for DOR and Charter Committee without the requirement that legal counsel is present at all meetings. Second by Mr. Lavier. Motion carried unanimously

Security

Committee consists of 7 members and 2 alternates.

Mr. Diana made a motion to accept the rules for the Security Committee. Second by Mr. Cavaliere. Motion carried unanimously.

Facilities Planning

Committee consists of 7 members and 2 alternates.

Mr. Cavaliere made a motion to accept the rules for the Facilities Planning Committee. Second by Mr. Diana. Motion carried unanimously.

Ballot

Committee consists of 7 members and 3 alternates.

Mr. Cavaliere made a motion to accept the rules for the Ballot Committee. Second by Mr. Lavier. Motion carried unanimously.

Finance

Committee consists of 5 members and 2 alternates. Jack Reddy requested clarification on the purpose of the Finance committee and the Security committee. Mr. Klosky stated the Security will consist of residents whose purpose is to focus on the safety needs of the community. Mr. Coffey drew attention to



BAREFOOT BAY RECREATION DISTRICT

the purpose stated in the rules for finance: The Finance Committee reviews and provides recommendations to the Board of Trustees regarding use of finances throughout Barefoot Bay Recreation District (BBRD).

Mr. Cavaliere made a motion to accept the Finance Committee. Second by Mr. Lavier. Motion carried unanimously.

Landscaping

Committee consists of 5 members and 2 alternates.

Mr. Cavaliere made a motion to accept the rules for the Landscaping Committee. Second by Mr. Diana. Motion carried unanimously.

Advisory Committee Appointment of Members

Recreation

Committee consists of 7 members and 2 alternates. Ms. Wright presented her nominations.

Three year term

Donna Bond

Ann Manzo

Grace Peet

Forrest Banta-Alt

Nancy Eisele-Alt

Two year term

Bob Estok

Rich Schwatlow

One year term

Louise Crouse

Susie White

Ms. Wright made a motion to accept her nominations and terms for the Recreation Committee. Second by Mr. Diana. Motion carried unanimously.

DOR and Charter Review

Committee consists of 7 members and 2 alternates. Ms. Wright presented her nominations.

Three year term

Greg Deslandes

Elizabeth Taylor

Harold Wortman

Wilma Weglein-Alt

Albert Grunow-Alt

Two year term

Bob Peet

Carole Kennedy

One year term

Lynne Kahl

Susie White

Ms. Wright made a motion to accept her nominations and terms for the DOR and Charter Committee. Second by Mr. Lavier. Motion carried unanimously.

Security

Committee consists of 7 members and 2 alternates. Mr. Klosky presented his nominations.

Three year term

Richard Schwatlow

Ted Firlein

E.J. Wright

Peter Divergilio-Alt

Greg Delandes-Alt

Two year term

Tom Nelson

Jeff Grant

One year term

Wilma Wegelin

Richard Keller

Mr. Klosky made a motion to accept his nominations and terms for the Security Committee. Second by Mr. Diana. Motion carried unanimously.



BAREFOOT BAY RECREATION DISTRICT

Facilities Planning

Committee consists of 7 members and 2 alternates. Mr. Diana presented his nominations.

Three year term

Jeanne Osborne
Hurrol Brinker
Lenny Pellegrino
Will English-Alt
Rich Keller-Alt

Two year term

Forrest Banta
Greg Deslandes

One year term

E.J. Wright
Albert Grunow

Mr. Diana made a motion to accept his nominations and terms for the Facilities Planning Committee. Second by Mr. Lavier. Motion carried unanimously.

Ballot and Landscaping

Committee consists of 7 members and 3 alternates.

Due to the lack of submissions to fill this committee Board consensus was to defer the item to the next meeting.

Mr. Diana made a motion to defer appointments to the Ballot Committee to the next meeting. Second by Mr. Lavier. Motion carried unanimously.

Finance

Committee consists of 5 members and 2 alternates. Carol Joseph gave summaries of the finance resumes received. She was pleased to announce the collective wealth of financial experience in the resumes submitted. Mr. Cavaliere presented his nominations.

Three year term

Linda Pellegrino
Hurrol Brinker
Bob Peet-Alt
Louise Crouse-Alt

Two year term

Bill Sherwood
John Nyhan

One year term

Tom Guinther

Mr. Cavaliere made a motion to accept his nominations and terms for the Finance Committee. Motion died for lack of second. Mr. Cavalier requested the Board choose the nominations.

Ms. Wright presented her nominations for the Finance Committee.

Three year term

Linda Pellegrino
Hurrol Brinker
Bob Peet-Alt
Wilma Weglein-Alt

Two year term

Bill Sherwood
Jeanne Osborne

One year term

Susie White

Ms. Wright made a motion to accept her nominations and terms for the Finance Committee. Second by Mr. Diana. Motion carried unanimously.

Manager's Report

As of the date of this report, \$2,804,818.28 (or 80%) of gross receipts were received by BBRD. The shed for Christmas decorations and a replacement for a wind damaged shed for lawn bowling were scheduled for delivery on Feb. 17, 2016. Mr. Morris, a 10 year employee will retire from full-time service to BBRD on 6Mar16. After a brief respite, Mr. Morris will return to work at BBRD as a part - time Building Tech. Matt Goetz, currently Transitional Property Services Crew Leader, will be appointed as Acting Property Services Manager effective March 7, 2016. Mr. Goetz will have a six month probationary period in which I will evaluate his ability to permanently serve in the position. On



BAREFOOT BAY RECREATION DISTRICT

behalf of the Board Mr. Diana and Mr. Klosky thanked Mr. Morris for his service to the Bay for the last 10 years.

Trustee Liaison Report

Mr. Klosky read the ARCC report. He announced that the ARCC meetings will now be held in the Lounge. ARCC meets on the 2nd and 4th Tuesday of each month.

Mr. Lavier reported on the upcoming Club Championship on March 18, 19, & 20 sign up in the Pro Shop. Easels have arrived which will now display the Veteran's Wall outside more securely. The second shed purchase by the District has been ordered and the lawn bowling shed has been replaced.

Mr. Cavaliere will update on the Finance committee at the next meeting. He asked to be replaced as liaison to the HOA.

Ms. Wright announced the St Patrick's Day event tickets are currently on sale. The event begins with a parade at 10AM. Activities include the Brevard County Bag Pipers, songs from the Irish Club, a Barefoot Bay blessing from Deacon John Dunlap and music by Steve Cole and Jim Moy. Corn beef sandwiches are \$8 and buffet is \$12.

Trustee's Incident Remarks

Mr. Cavaliere conveyed some feedback he received regarding a possible planning committee for future amenities. Ms. Wright and Mr. Klosky were not in agreement that this was needed as the Facilities Planning committee addresses these issues.

Audience Participation

On behalf of the golf members Mr. Phil Thiebeau voiced his dissatisfaction regarding staff's decision to temporary transition long time Golf employee Sandy Lobello to another department. Mr. Coffey referred to the Board approved Employee Handbook and the SDS contract which permits him to make these staff decisions. Due to the nature of this item as a personnel issue, Mr. Coffey stated that he will not comment on this topic at this meeting. He invited Mr. Thiebeau to speak to him personally in his office if he would like to discuss this further.

Carol Mecanko commented on the recent incident at the 19th Hole where she and another golfer was asked to sit outside during Wednesday Pasta Night. Ms. Mecanko stated the 19th Hole was designated for the golfers first, in her opinion, this event should be held in Building D/E. She asked that the Board address this issue.

Nancy Eisele invited all residents to the New Homeowners Orientation on Sunday at 1PM in D/E.

Bob Kahl announced that the HOA is allowing him to use their van to offer rides at no charge, to any interested residents who wish to attend the upcoming Little Theatre Production in Building A on March 3, 4, & 5.

Louise Crouse announced Little Theater tickets are still available. Call her at 663.0314 to purchase. Thanks to the committees for allowing the Little Theater the use of Building A while they practiced in the last couple of months and to Property Services for their help with production.

Rich Schwatlow stated that the Neighborhood Watch meetings are having resurgence in interest again in Barefoot Bay. He asked that residents please volunteer for the C.O.P program. Only 21 volunteers would be needed to have 12 hours of marked car coverage in the Bay. He commented on over 218 families that have moved in to Barefoot Bay recently. The community is not the same as it once was 10-20 years ago and the residents need to be aware of the changes.



BAREFOOT BAY RECREATION DISTRICT

Jeanne Osborne stated that the Indian neighborhood watch has been meeting for 30 years.

Harold Wortman spoke to Mr. Cavaliere's earlier request that the Board replace him as liaison to the HOA. He stated that the HOA will provide their own liaison and report at the District meetings going forward. This Saturday is the HOA card party at 7PM. Over 80 people are scheduled to come and there are over 70 items for the Chinese Auction. Call 321.327.9116 for tickets.

Greg Deslandes commented on the rights of the Board of Trustees as an elected body to request assistance from County code enforcement officers. These officers carry the authority to issue fines and enter onto private property under lawful investigation of violations of county ordinances. He suggested our DOR officers compile reports on the repeated offenders in an effort to assist the code enforcement officers. Mr. Deslandes reviewed some of the county code regulations that can be referenced to the rules in the District's Deed of Restrictions and can be addressed by county code enforcement.

Lea Levesque spoke about violation notices from the DOR being sent to her Barefoot Bay address instead of her northern address. She stated that she was unable to reach the Violations department when she tried to find more information. She was not happy about the way she was contacted and stated that a neighbor had the same issue she received a letter for yet they did not receive a violation letter. Ms. Cuddie asked that residents to forward their Barefoot Bay address when they return home or her department will not have the means to contact them correctly.

Gary Goetz asked the Board to put a reason for their rules in the DOR.

The next meeting is scheduled for Friday, March 11, 2016 in Building D/E at 1PM.

Ms. Wright made a motion to adjourn. Second by Mr. Diana. Meeting adjourned 8:36 p.m.

Steve Diana, Secretary

Dawn Myers, District Clerk



BAREFOOT BAY RECREATION DISTRICT

**Board of Trustees Regular Meeting
February 28, 2017
7 P.M. –Building D&E**

Called to Order

The Barefoot Bay Recreation District held a Regular Meeting on February 28, 2017 in Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Diana called the meeting to order at 7:00 P.M.

Thought for the Day

Mr. Diana 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.

Mr. Lavier led the Pledge of Allegiance to the Flag.

Roll Call

Present: Mr. Diana, Mr. Lavier, Mr. Cavaliere, Mr. Geier and Mr. Klosky. Also present: John W. Coffey, Community Manager, General Counsel Cliff Repperger, and Dawn Myers, District Clerk.

Reorganization of the Board

Mr. Diana requested a formal nomination for the vacated seat on the Board of 2nd Vice Chair since the Board was officially a complete 5-member Board again.

Mr. Lavier made a motion to nominate Mr. Cavaliere for 2nd Vice Chair. Second by Mr. Geier. Motion carried unanimously.

Mr. Cavaliere made a motion to nominate Mr. Geier for Treasurer. Second by Mr. Lavier. Motion carried unanimously.

Presentations

Mr. Diana recognized and thanked Mr. Lavier for his presentation of the Canada Day Proclamation at the recent Canada Day Event over the weekend. Mr. Klosky thanked Ms. Myers for writing the proclamations for the Bay over the past few years.

Mr. Klosky made a motion to approve the Canada Day proclamation. Second by Mr. Geier. Motion carried unanimously.

Minutes

Mr. Cavaliere made a motion to approve the minutes February 10, 2017. Second by Mr. Lavier. Motion carried unanimously.

Treasurer's Report

Mr. Cavaliere presented the Treasurer's Report for February 28, 2017.

Mr. Cavaliere made a motion to accept the Treasurer's Report. Second by Mr. Lavier. Motion unanimously.



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Mr. Diana made a statement in gratitude of staff's team effort in notifying residents of the emergency boil alert over the weekend for some areas of Barefoot Bay. He received a message via text while he was at work from Mr. Coffey informing him of the boil alert. Staff promptly sent an email blast to the residents alerting them of the emergency and buildings in the affected area were immediately closed down. Mr. Diana asked that the residents recognize Property Services Staff, Matt Goetz, Manager, Pat Diamond, Lead Technician and Leslie Kadlec, Pools Supervisor, for their quick response in procuring ice and helping to reopen the buildings in time for Saturday evening's scheduled events. He also thanked and acknowledged Mr. Lavier for quickly sending out notice to the residents via social media.

Audience comment on Agenda Items

None Brought Forward

DOR Ballot Amendments

General Counsel informed the Board that the Supervisor of Elections Office has requested editing the questions on the Ballot in an effort to streamline the printing process. The questions in the agenda package contain the language edited to a degree without taking away the necessary effect of the yes/no vote language. General Counsel has tried to leave this intact as much as possible as he believes this an important factor in t

Mr. Lavier made a motion to move forward with sending the edited ballot questions as presented and adjust the turnaround time to 45 days. Second by Mr. Geier. Motion carried unanimously.

Stormwater Projects Update

Mr. Coffey informed the Board that the previously selected vendors backed out of negotiations. He stated that he has asked BBRD engineering firm to select additional bids.

Mr. Klosky made a motion to table the discussion until the bids for the projects are received. Second by Mr. Geier. Motion carried unanimously.

DOR Violation 16-003759 831 THRUSH CIRCLE

Ms. Sue Cuddie requested consideration of the Board in resolving the safety concern caused by storm damage to 831 Thrush Circle.

Mr. Cavaliere made a motion to allow Property Services to secure the debris on the home and lien the property for the cost. Second by Mr. Geier. Motion carried unanimously.

Discussion of Master Plan for Future Projects

Mr. Diana stated that he wanted to put this on the Board to ensure the departments have the equipment they need. Board discussed what the direction in which the residents will want to go for the future of the Bay.

Mr. Roger Compton suggested that the homeowners are likely to approve developments to their clubs and amenities without considering those amenities that they either are not aware of or have no interest in, the master plan would combine all the proposed improvements so we can review them as a whole by



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the community. Board consensus to put this item on an agenda in July to discuss forming an ad hoc committee to address the results of the HOA Survey and census as it pertains to the Master Plan.

Request for Larger Office Space by Barefoot Bay Homeowners' Association

Mr. Randy Loveland, President of the BFBHOA asked the Board for permission to acquire the vacant office space located at 935 Barefoot Blvd., Suite 5 and part of Suite 4 in the Barefoot Bay shopping center. He explained that the space the HOA currently holds makes it difficult to address more than two homeowners at any given time. He maintained that the BFBHOA is committed to assisting the BOT and the BBRD homeowners by educating and informing them about their amenities. The BFBHOA will also now form and oversee the committees in Barefoot Bay.

As such, they would free up space in District meeting rooms by having the space to hold committee meetings in their own office. Board discussed the options presented. Mr. Klosky was in favor of providing the space to the BFBHOA, but since the District will be giving up any income if approved he recommends some amount of reimbursement for the use of the offices. Mr. Loveland maintained that BFBHOA will assist the BOT by promoting District events and not competing with them during their profit making events.

Mr. Cavaliere made a motion to give the HOA a space for 2 years and pay all utilities. Second by Mr. Geier. Mr. Klosky opposed. Motion passed 4-1.

Manager's Report

District Clerk

- Board of Trustees Policy Manual Workshop tentatively scheduled for Thursday, March 16, 2017 in Bldg. D/E at 2:30pm. Golf Course Membership Rates and tee time procedures Board of Trustees Workshop tentatively scheduled for Thursday, March 30, 2017 in Bldg. D/E at 2:30pm. *Board consensus of these dates and times.*
- Due to the short turn around (3 days) until the next Board agenda must be published, minutes from today's meeting will not be on the March 10, 2017 BOT agenda. They will be on the March 28, 2017 agenda.

Finance

- Banking RFP Evaluation meetings reminder: Thursday, March 2, 2017 at 11am for opening of RFPs.
- Wednesday, March 15, 2017, Bldg. D at noon (reserved for oral presentations if needed). Award of services by the Board is scheduled to be heard at the Tuesday, March 28, 2017, Board of Trustees meeting in Bldg. D/E at 7pm.

Resident Relations

- ARCC Committee reports (20 permits were reviewed and 18 approved at the 21Feb17 ARCC meeting. 3 permits were put on hold pending additional information. The next ARCC meeting is Tuesday 7Mar17 at 9am in the Lounge.
- Violation Committee Update – The 24Feb17 meeting is canceled since only one case remains open as of 21Feb17. The next meeting is Friday 10Mar17 at 10am in D/E.
- DOR Enforcement Transparency Update – Staff is working on putting the DOR software database on www.bbrd.org. "Citizenserve" will be a searchable product where residents can



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look up specific properties to see the status of DOR enforcement cases. Staff will provide a short demonstration of the web-based search engine at a future BOT meeting.

Food & Beverage

- St. Paddy's Day – Tickets for the party on the Lakeside of the Lounge are still on sale at the 19th Hole and the Lounge. A full day is planned and flyers with all the details will be posted. Corned Beef sandwich tickets are \$8 and are served at noon and a buffet for \$12 is served at 2:30pm.
- Lounge Update – A new point of sale (POS) system is being installed. There will be 2 stations which will help bartenders and servers to order and close out checks out in a timely fashion.
- Lakeside of Lounge Lighting Upgrade Update – LED Edison lights have been received for stringing around the palm trees lakeside of the Lounge. LED “running” lights will also be hung under the awnings. These upgrades will be installed in the next few weeks.

Golf-Pro Shop

- Golf Course Tournaments Updates:
 - Member/Member - 25Feb17
 - New York Group – 7Mar17
 - Canada Club – 11Mar17
 - Ladies 18 Hole Invitational – 21Mar17
 - Barefoot Bay Club Championship- 23-25Mar17Call or stop by the Pro Shop for more information about any of the tournaments.
- R&M Project Update – Staff is currently planning the summertime projects including the \$50,000 no match grant program.

Property Services

- Project Update:
 - The pier is open and final payment will be made once final punch list items are completed.
 - (Grant funded) Shuffle board resurfacing project was completed last week.
 - (Grant funded) Beach Projects Update:
 - FDEP permitting for non-vertical work is approved.
 - Brevard County site permit is in the review process.
 - Staff has one bid for exotic clearing, berm construction, irrigation installation landscaping and sodding. Staff anticipates receiving a 2nd quote within the next week with the award of contract being on one of the next two BOT agendas for consideration.
 - Building A roof replacement project is currently in the RFP drafting phase and staff anticipates release of the RFP on 03Apr17.
- Routine Work Update:
 - Installed poles for the soccer field
 - Repaired poles at the tennis courts
 - Reinstalled new windscreen at pool 2
 - Installed new curb stops in front of screens in the golf course parking lot



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- Finished air conditioning enclosure in D&E
- Repainted white rope fence poles throughout BFB
- Continued canal bank brush removal for stormwater maintenance
- Installed hot water heaters in the 6th and 16th restrooms on the golf course
- Repaired handrail on handicap ramp in front of Bldg. A
- Rototilled the softball field

General

- Building A and the 19th Hole Kitchen Projects Update – Staff will meet with TLC engineer and subs on Thursday to walk through the kitchens and explain the scope of work of each project. Staff anticipates the design proposals will be on the 28Mar17 BOT agenda for consideration.
- Request to Form a Club – Staff received a request to form a Bocce Ball Club today. With the BOT's intention of turning oversight of clubs and organizations to the BFBHOA (projected changes to be adopted by the BOT on 28Mar17), staff seeks direction whether to place the request on the 10Mar17 agenda for consideration (current Policy Manual rules) or inform the residents the request will be forwarded to the BFBHOA.

Mr. Cavaliere stated that the authorization to form the clubs should remain with the Board but clubs scheduling transfer to the HOA. Mr. Coffey requested further clarification and stated the further discussion can take place at the March 16th Workshop

Mr. Diana requested an expedited response to the Bocce Ball Club by HOA in the interim.

- Ethnic Festival and St. Patrick's Day Guest and/or Visitor Pass Reminder – Per changes made to the Policy Manual last year, the guest and/or visitor passes for the upcoming events will not be required as these events are open to the public. All other pool and building use regulations will be enforced.

Attorneys Report

General Counsel reported that 606 Tarpon has come into compliance. He stated that the Lender agreed to pay legal fees and asked for dismissal of the case.

Mr. Geier made a motion to dismiss the suit at 606 Tarpon, due to the lender paying for legal fees and costs of \$1600. Second by Mr. Lavier. Motion carried unanimously.

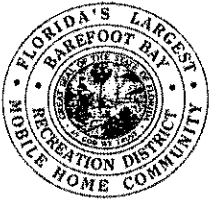
He updated the Board on 580 Marlin Circle which was a foreclosure in August and subsequently transferred to a lender. This case has come in to compliance and now his office will close the case.

Incidental Trustee Remarks

Mr. Lavier congratulated Betsy Davis on the success of raising \$945 for the community fund this past weekend.

Mr. Cavaliere encouraged the residents to fill out the census/survey. He clarified that the information is needed to help the Trustees plan the future of Barefoot Bay

Mr. Diana requested a cost of entertainment from the Food and Beverage department including musical events from March 1, 2016 - February 28, 2017.



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Audience Participation



Ms. Crouse requested installation of an informational kiosk for prospective Barefoot Bay buyers. While selling Little Theatre in the patio area of Building A as she noticed a fair amount of people looking for information in this area,

Adjournment

The next meeting will be on March 10, 2017 at 1PM in Building D/E.

Mr. Cavaliere made a motion to adjourn. Second by Mr. Lavier. Motion carried unanimously.

Meeting adjourned 8:54PM.


Joe Klosky, Secretary
Dawn Myers, District Clerk

DRAFT AMENDED AND RESTATED DEED OF RESTRICTIONS (DOR)
AMENDMENT BALLOT
POST 2/10/17 BOT MEETING APPROVAL EDITS

BALLOT QUESTION NO. 1:

Statement of Purpose.

EFFECT OF A YES VOTE:

A new “Whereas” will be added to the DOR to read as follows:

“WHEREAS, the purpose of the Amended and Restated Deed of Restrictions of the Barefoot Bay Recreation District (BBRD) is twofold: 1. To ensure proper use and appropriate development and/or improvements of each residential Lot of Barefoot Bay and the community as a whole; and 2. To ensure that any such use, development or improvement is aesthetically compatible with other homes, protecting the value and desirability of all property in Barefoot Bay.

_____YES

_____NO

BALLOT QUESTION NO. 2:

Definitions.

EFFECT OF A YES VOTE

Three new definitions will be added to Article I of the DOR to read as follows:

Section 1. “Architectural Review and Control Committee” (ARCC) shall mean and refer to the Committee established to promulgate regulations and enforce Article II of the Amended and Restated Deed of Restrictions of the Barefoot Bay Recreation District as established in Article II.

Section 3. “Board of Trustees” shall mean and refer to the governing body of the Recreation District as defined in Brevard County Ordinance No. 84-05 and Section 418.302, Florida Statutes.

Section 4. “Guidelines for Use by the Architectural Review and Control Committee” (ARCC Guidelines) shall mean and refer to the document used by ARCC in reviewing and approving applications for construction of homes and structures or alterations to the exterior of

homes and structures in Barefoot Bay. Said Guidelines shall be amended and updated to ensure compatibility with this Amended and Restated Deed of Restrictions.

_____ YES

_____ NO

BALLOT QUESTION NO. 3;

Reorganization of the ARCC, Voting Members, Term Limits, and Conduct of Business.

EFFECT OF A YES VOTE

Article II, Section 1 of the DOR will be amended to read as follows:

Section 1. Architectural Review & Control Committee.

An Architectural Review & Control Committee (ARCC) shall be established to enforce the provisions of this article. The ARCC shall consist of five (5) members, who shall be appointed as follows:

(A) The Board of Trustees of the Recreation District shall appoint a Member of the Board of Trustees to serve as Liaison to ~~Chairman of~~ the ARCC.

(B) ~~Three additional~~ Five voting members of the ARCC shall be appointed as follows: ~~One (1) two (2)~~ by the Board of Trustees and ~~Two (2) three (3)~~ by the Association, all of whom shall be Lot owners.

~~(C) The fifth member shall be a management employee of the Recreation District and shall serve as Secretary to the ARCC.~~

(C) (D) Two (2) alternates shall be appointed, each to a three (3) year term as follows: One (1) by the Board of Trustees and one (1) by the Association, who shall both be Lot owners. Alternates shall only be permitted to vote when needed to establish a quorum as provided in the ARCC rules and procedures. If needed, the Chairman of the ARCC shall designate which alternate shall vote on any item.

(D) The Community Manager shall assign a Recreation District employee to serve as support staff responsible for the recording of notes and drafting of minutes. The Resident Relations Department shall retain original copies of all minutes and handouts from the meetings and shall publish an agenda seven (7) days prior to each meeting.

(E) ARCC members will be appointed by the Board of Trustees as follows: one (1) member appointed by the Association for a one (1) year term; one (1) member appointed by the Board of Trustees and one (1) member appointed by the Association, each for a two (2) term; and one (1) member appointed by the Board of Trustees and one (1) member appointed by the Association, each for a three (3) term. At the expiration of the initial terms, new members will be appointed for terms of three (3) years each. If a member resigns or otherwise vacates his/her seat before the expiration of his/her term, a new member will be appointed to fill the open seat and serve the balance of the unexpired term.

(F) Quorum and Conduct of Business

1. In order to conduct the business of the committee, a quorum must be present. A quorum will exist when a simple majority of three (3) voting members are present. A simple majority of those present is needed to take action on any item.

2. The ARCC shall hold an organizational meeting each year as soon after January 1 as is practicable. The ARCC shall select a Chairman and a Vice-Chairman from among its membership at the organizational meeting. The Vice-Chairman will chair the meeting when the Chairman is absent.

3. Each member of the Committee shall have one (1) vote on each permit application.

4. The ARCC may also adopt such rules and procedures as it may deem to be appropriate for the conduct of its business; provided, however, that such rules may not be inconsistent with the provisions of this article.

~~The term of the members of the ARCC shall be for an indefinite period. Each member shall serve at the pleasure of the authority which made his or her appointment, and each member shall serve on the ARCC until he or she is replaced, resigns or otherwise leaves office. The ARCC shall hold an organizational meeting each year as soon after January 1 as is practicable. The ARCC shall select a Vice-Chairman from among its membership at the organizational meeting. The ARCC shall also adopt such rules and procedures as it may deem to be appropriate; provided, however, that such rules may not be inconsistent with the provisions of this Article.~~

_____YES

_____NO

BALLOT QUESTION NO. 4:

ARCC Guidelines.

EFFECT OF A YES VOTE

Article II, Section 2 of the DOR will be amended to read as follows:

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 Guidelines for Use by the Architectural Review and Control Committee (ARCC Guidelines), any such amendment, modification, alteration or change to such a regulation shall be maintained online at the official Recreation District website as well as 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.

_____YES

_____NO

BALLOT QUESTION NO. 5:

Lamp Post Illumination Requirement.

EFFECT OF A YES VOTE

Article II, Section 3 (A)15 of the DOR will be amended to read as follows:

15. A Lamp Post approved by the ARCC shall be installed in front of all Residences and maintained in operational condition. Said Lamp post shall be illuminated from dusk to dawn during any time that the residence is occupied in accordance with ARCC Guidelines.

_____YES

_____NO

BALLOT QUESTION NO. 6

Fencing.

EFFECT OF A YES VOTE

Article II, Section 5 (B.) of the DOR will be amended to read as follows:

(B.) Where no drainage canals or swales exist along a lot line, permitted fencing shall be limited to chain link, powder coated aluminum or steel, or vinyl picket fencing, or other ARCC approved materials not exceeding four (4) feet in height.

_____ YES

_____ NO

BALLOT QUESTION NO. 7

Enforcement of Architectural Control Requirements.

THE EFFECT OF A YES VOTE

Article II, Section 7 of the DOR will be amended to read as follows:

(A) The ARCC is to assist in the enforcement of the provisions of Article II of this Instrument. The ARCC shall advise and consult with a designated representative of the Recreation District with respect to apparent or alleged violations of the terms or conditions of Article II of this Instrument and as to the appropriate means to correct or remedy such violations. This subsection shall not be deemed to limit the right of the Recreation District to determine for itself whether such a violation exists and the appropriate remedy for any such violation.

~~(A) In the event that the ARCC determines that there is a violation of the provisions of this Article on any lot in Barefoot Bay, the ARCC shall give written notice to the Owner of such Lot specifying the nature of such violation and giving the Lot Owner a reasonable time of not less than 21 days to cure or correct such violation. Such written notice shall be either: delivered personally to one of the record owners of the Lot in question as shown on the Brevard County tax rolls, or mailed by certified U.S. Mail, return receipt requested, to the address of such Owner as shown on the Brevard County tax rolls.~~

(B) In the event that the Recreation District determines that there is a violation of the provisions of Article II of this Instrument on any Lot in Barefoot Bay, the Recreation District shall give written notice to the Owner and/or Occupant of such Lot in accordance with the process outlined in Article III, Section 13 of this instrument.

~~(B) In the event that the ARCC determines that the Owner to whom such a notice of violation has been given has not corrected the violation within the time set forth in the notice, the ARCC may, in its discretion, elect to forward the issue of such violation to the Board of Trustees of the Recreation District for further action. If the Board of Trustees of the Recreation District concurs that legal action is necessary to cause the alleged violation to be corrected, the Recreation District shall thereafter have the authority to bring an action for injunctive and other appropriate relief in a court of competent jurisdiction in Brevard County, Florida. If the Recreation District brings such legal action to enforce the provisions of this Article, the Recreation District shall be entitled to an award of attorney's fees and court costs incident to such action.~~

_____YES

_____NO

BALLOT QUESTION NO. 8

Lawn and Landscape.

EFFECT OF A YES VOTE

Article III, Section 2 (A) of the DOR will be amended to read as follows:

(A) The lawn and landscaped areas (including all trees, shrubs, and other vegetation) of each lot shall not be neglected and shall be regularly pruned and maintained at the expense of the Owner or Resident of such lot. The lawn and landscaped areas shall be maintained free from all underbrush, excessive overgrowth, all rubbish, and weeds and grass in excess of six inches in height. "Excessive overgrowth" shall mean any vegetation that is not regularly pruned in accordance with common care for such vegetation, or presents an inherent danger in either height, placement or as restricted in ARCC Guidelines. Dead vegetation on any lot is required to be promptly removed.

_____YES

_____NO

BALLOT QUESTION NO. 9

Curative Action.

EFFECT OF A YES VOTE

Article III, Section 2 (D) of the DOR will be amended to read as follows:

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 requirements of subsections (A), (B), and (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 be and 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 or 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.

_____ YES

_____ NO

BALLOT QUESTON NO. 10

Recreation Vehicle, Boats, Trailers, Parking.

EFFECT OF A YES VOTE

Article III, Section 3 (C) of the DOR will be amended to read as follows:

~~(C) Notwithstanding any of the foregoing subparagraphs of this section, a recreation vehicle or a boat mounted upon a boat trailer may be parked in the driveway on a lot for a period not to exceed 48 continuous hours for purposes of cleaning, loading, unloading and preventive maintenance. The Recreation District shall be notified in advance if the owner of a recreation vehicle or boat desires to park such vehicle or boat in his driveway for such purposes.~~

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 timeframe 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 timeframe provide herein without obtaining approval from Recreation District Resident Relations in advance.

_____ YES

_____ NO

BALLOT QUESTION NO. 11

Commercial Vehicle Parking.

EFFECT OF A YES VOTE

Creates Article III, Section 3 (C) 2 of the DOR to read as follows:

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 the 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.

_____ YES

_____ NO

BALLOT QUESTION NO. 12

Allowance of Contractor Signs and Removal Date of All Signs.

EFFECT OF A YES VOTE

Article III, Section 6 (A) of the DOR will be amended to read as follows:

(A) Not more than one sign having a maximum area of 6 square feet may be used to advertise a Lot "for sale" or "for rent," to advertise a contractor working on the property, or to express political views or support. Any such sign shall be made of wood, plastic, or metal and shall be maintained in good repair, free of faded or peeling paint or other material. Such signs shall be removed within two (2) weeks after the event.

_____YES

_____NO

BALLOT QUESTION NO. 13

Authorization of Permanent Signs Indicating Security Inspection or Security System.

EFFECT OF A YES VOTE

Creates Article III, Section 6 (C) and amends Article III, Section 6 (D) to read as follows:

(C) Signs displayed in front of or attached to the home having a maximum area of one (1) square foot indicating Brevard County Security Inspection and/or signs provided by the vendor of a home security system shall be allowed. Such signs shall not fall within the limitation set forth in Article III, Section 6 (A).

~~(D)~~ (D) Except as provided in subsections (A), (B), and (C) of this section, no sign of any kind shall be displayed on any residential Lot in Barefoot Bay.

_____YES

_____NO

BALLOT QUESTION NO. 14

Temporary Portable or Free-standing Structures.

EFFECT OF A YES VOTE

Creates Article III, Section 13 of the DOR to read as follows:

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 ARCC.

_____ YES

_____ NO

BALLOT QUESTION NO. 15

DOR Statement of Violation and Notice of Hearing.

EFFECT OF A YES VOTE

Article III, Section 13 (B) of the DOR will be amended to read as follows:

(B) Statement of Violation and Notice of Hearing. In the event that the Recreation District determines that there is a violation of the provisions of this Instrument on any Lot in Barefoot Bay, the Recreation District shall give ~~written notice~~ a Statement of Violation and a Notice of Hearing to the Owner or Occupant of such Lot specifying the nature of such violation and giving the Lot Owner or Occupant a reasonable time, as determined by Recreation District management and pursuant to current written Recreation District policy, to cure or correct such violation. ~~Such written notice~~ Statement of Violation and Notice of Hearing shall be deemed to be sufficient if it is ~~(1)~~ (1) delivered personally to the occupant of the Lot or the record Owner of the Lot as shown on the Brevard County Tax Rolls, ~~(2)~~ (2) mailed by certified U.S. Mail, return receipt requested, to the Occupant of the Lot at the address on which the violation exists, or ~~(3)~~ (3) mailed by certified U.S. Mail, return receipt requested, to the address of the Owner as shown on the Brevard County Tax Rolls.

_____ YES

_____ NO

BALLOT QUESTION NO. 16

Availability of Documents.

EFFECT OF A YES VOTE

Creates Article V, Section 5 of the DOR to read as follows:

All documents referenced in the Amended and Restated Deed of Restrictions are available online at the official website of the Barefoot Bay Recreation District or at District Administrative offices upon payment of a reasonable copying fee consistent with the Recreation Districts's Public Record Request Policy.

_____YES

_____NO

BALLOT QUESTION NO. 17

Correction of Spelling/Grammatical Errors.

EFFECT OF A YES VOTE

A "yes" vote will allow for the correction of spelling/grammatical errors in the Amended and Restated Deed of Restrictions be made without requiring a vote of Lot owners.

_____YES

_____NO

Question 1: Statement of Purpose

Yes (for approval): 1,286

No (for rejection): 258

Question 2: Definitions

Yes (for approval): 1,213

No (for rejection): 327

Questions 3: Reorganization of the ARCC, Voting Members, Term Limits, and Conduct of Business

Yes (for approval): 1,304

No (for rejection): 230

Question 4: ARCC Guidelines

Yes (for approval): 1,120

No (for rejection): 392

Question 5: Lamp Post Illumination Requirement

Yes (for approval): 1,195

No (for rejection): 341

Question 6: Fencing

Yes (for approval): 1,297

No (for rejection): 260

Question 7: Enforcement of Architectural Control Requirements

Yes (for approval): 1,151

No (for rejection): 372

Question 8: Lawn and Landscape

Yes (for approval): 1,292

No (for rejection): 259

Question 9: Curative Action

Yes (for approval): 1,113

No (for rejection): 414

Question 10: Recreation Vehicle, Boats, Trailers, Parking

Yes (for approval): 1,095

No (for rejection): 460

Question 11: Commercial Vehicle Parking

Yes (for approval): 1,107

No (for rejection): 444

Question 12: Allowance of Contractor Signs and Removal Date of All Signs

Yes (for approval): 1,357

No (for rejection): 195

Question 13: Authorization of Permanent Signs Indicating Security Inspections or Security System

Yes (for approval): 1,337

No (for rejection): 212

Question 14: Temporary Portable or Free-standing Structures

Yes (for approval): 1,190

No (for rejection): 353

Question 15: DOR Statement of Violation and Notice of Hearing

Yes (for approval): 1,300

No (for rejection): 234

Question 16: Availability of Documents

Yes (for approval): 1,374

No (for rejection): 157

Question 17: Correction of Spelling/Grammatical Errors

Yes (for approval): 1,298

No (for rejection): 250