

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

**Friday, July 13, 2018**

**1:00 PM**

1225 Barefoot Boulevard, Building D/E



# BAREFOOT BAY RECREATION DISTRICT

Barefoot Bay Recreation District Regular Meeting  
Friday, July 13, 2018  
1 P.M. Building D&E

## AGENDA

Please silence all electronic devices

1. Thought for the Day
2. Pledge of Allegiance to the Flag
3. Roll Call
4. Presentations and Proclamations
  - A. Employee Recognition and Incentive Program Awards
    - i. Charles (Charlie) Reiman
    - ii. Jason McGhee
  - B. FASD Conference Summary by Mr. Ed. Geier
5. Approval of Minutes
6. Treasurer's Report
7. Audience Participation
8. Unfinished Business
  - A. Financing Options Discussion
  - B. Draft Resolution Calling for Referendum RE: Financing Public Maintenance/Improvement Projects
  - C. Lounge Expansion Project Scope of Work
9. New Business
  - A. DOR Violations
    - i. 927 Cashew Circle, Case #18-001195
    - ii. 901 Waterway Circle, Case #18-000146
    - iii. 901 Waterway Circle, Case #18-000147
    - iv. 620 Dolphin Circle, Case #17-003632
    - v. 412 Eagle Drive, Case #17-003633
    - vi. 414 Barefoot Boulevard, Case #18-000763
    - vii. 414 Barefoot Boulevard, Case #18-000985
    - viii. 414 Barefoot Boulevard, Case #18-000952
  - B. Proposal for Use of Resident Relations Office by Walter Schmidt
  - C. ARCC Permit Appeal: 914 Pecan Circle
  - D. Violations Committee Re-Appointment: Al Grunow
  - E. Options for Increased Interest Income on Investments
  - F. Golf Course Membership Rate Revision
  - G. FY20 Budget Prep Calendar
10. Manager's Report
11. Attorney's Report
12. Incidental Trustee Remarks

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



# **BAREFOOT BAY RECREATION DISTRICT**

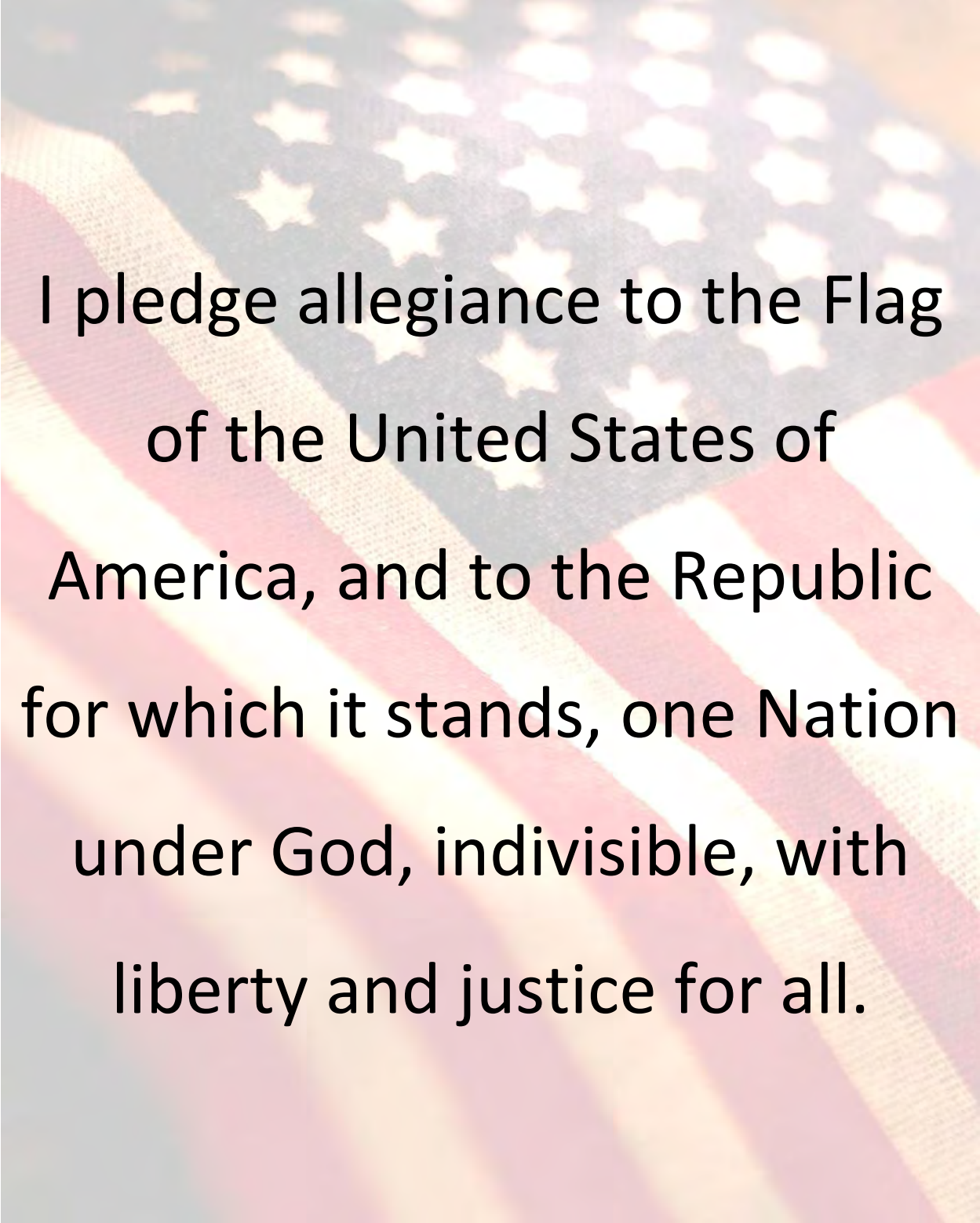
## **13. Adjournment**

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

# Thought of the Day







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

# Roll Call

## **Trustees**

Chairman - Mr. Lavier

1st Vice Chair - Mr. Diana

2nd Vice Chair – Mr. Wheaton

Secretary - Mr. Klosky

Treasurer - Mr. Cavaliere

## **Also Present**

General Counsel- Cliff Repperger, Jr., Esq.

Community Manager - John W. Coffey

District Clerk - Dawn Myers

# Presentations

## Board of Trustees Meeting Agenda Memo

Date: July 13, 2018  
Title: Employee Recognition and Incentive Award: Charles (Charlie) Reiman  
Section & Item: 4Ai  
Department: Property Services: Buildings  
Fiscal Impact: \$500.00  
Contact: Matt Goetz, Property Services Manager;  
or John W. Coffey, Community Manager  
Attachments: Employee Recognition and Incentive Program Guidelines  
Reviewed by  
General Counsel: N/A  
Approved by: John W. Coffey, Community Manager



### Requested Action by BOT

Publicly award and recognize Mr. Charles (Charlie) Reiman for receiving an Extraordinary Service Award

### Background and Summary Information

On Monday, June 18<sup>th</sup>, the BBRD Management Team (Community Manager and Department Managers) reviewed a recommended award for his extraordinary service related to his informing his supervisor and department manager of a better way to care for BBRD's flooring and his willingness to bring said surfaces up to the quality condition they are now (Lounge, Bldg. A, Bldg. C). The vote to award Mr. Reiman was 5-1 in favor of the award.

The following is the nomination made by John W. Coffey, Community Manager

*Employee's Name: Charles (Charlie) Reiman- Custodian  
Category: Extraordinary Service Award*

*Mr. Reiman has demonstrated extraordinary service in his short time working as a Custodian for BBRD. He single handedly improved the quality of the appearance of the flooring resulting in many residents believing BBRD had replaced the flooring in the Lounge. Additionally, he restored the Building A flooring to the ideal shine and appearance such flooring normally possesses. While BBRD spent money to have the terrazzo floor diamond ground a few years ago, the renewed look quickly faded and returned to the dull appearance people were accustomed to over the years. While other new hires are simply satisfied with learning organizational norms and routines, Mr. Reiman immediately brought a heightened level of service to the Property Services Department: Custodian Sub-Department and has garnered appreciation from all those who with him and from trustees and residents alike. I strongly recommend him for the one-time monetary award of \$500.00.*

## Board of Trustees Meeting Agenda Memo

Date: July 13, 2018  
Title: Employee Recognition and Incentive Award: Jason McGhee  
Section & Item: 4Aii  
Department: Property Services: Buildings  
Fiscal Impact: \$500.00  
Contact: Kathy Mendes, Food & Beverage Manager; Matt Goetz, Property Services Manager; or John W. Coffey, Community Manager  
Attachments: Employee Recognition and Incentive Program Guidelines  
Reviewed by  
General Counsel: N/A  
Approved by: John W. Coffey, Community Manager



### **Requested Action by BOT**

Publicly award and recognize Mr. Jason McGhee for receiving an Extraordinary Service Award

### **Background and Summary Information**

On Monday, June 25<sup>th</sup>, the BBRD Management Team (Community Manager and Department Managers) reviewed a recommended award for his extraordinary service related to abating a safety issue and his innovative idea to add a valued and aesthetically pleasing outdoor bar counter in lieu of installing a railing as instructed. The vote to award Mr. McGhee was 4-1 in favor of the award (Charles Henley, Finance Manager was absent from the meeting).

The following is the nomination made by Kathy Mendes, Food & Beverage Manager

*Employee's Name: Jason McGhee -Building Tech III*

*Category: Extraordinary Service Award*

*Jason McGhee has demonstrated performance that goes above and beyond the expectations for a project. He was asked to build a safety railing in the knee wall lakeside of the Lounge that posed a risk to resident safety. The end project not only satisfied the safety requirement but has created a functional bar with a tile top which uses the original short wall for a foot rest and is also a decorative focal point. Up to 15 people will be able to sit, set their drinks and socialize in the space. It was such a surprise to walk behind the Lounge to look at what I thought would be a railing, to see this unexpected new bar! It will be appreciated by the residents, and his efforts are way beyond my expectations. I highly recommend Jason to be recognized in the amount of \$500 for taking the initiative to build this special addition to our entertainment area.*

(The reader should note, once Mr. McGhee reviewed the worksite he then approached his Department Manager with the idea to build a bar counter rather than installing the railing as assigned. Once, his

Department Manager conferred with the Food & Beverage Manager, he was authorized to proceed with his project idea.)

## Board of Trustees Meeting Agenda Memo

Date: July 13, 2018  
Title: FASD 2018 Conference Report  
Section & Item: 4B  
Department: Administration: District Clerk  
Fiscal Impact: \$378.34 (excluding scholarships of \$1,050.00 for registration)  
  
Contact: Ed Geier, BBRD Representative to FASD; or John W. Coffey, Community Manager  
Attachments: Conference notes and applicable handouts  
  
Reviewed by  
General Counsel: N/A  
Approved by: John W. Coffey, Community Manager



### **Requested Action by BOT**

Review Mr. Geier's report and direction to staff

### **Background and Summary Information**

On February 9, 2018, the BOT voted to join FASD at the introductory cost of \$2,000.000 (2<sup>nd</sup> year membership cost is \$3,000 and annual membership cost thereafter is \$4,000.00 which is based on the size of BBRD's budget). On May 22, 2018, the BOT appointed Mr. Ed Geier the official BBRD representative to FASD. Mr. Geier and Community Manager. Coffey attended the statewide annual FASD Conference in June which was held in Orlando. BBRD received two state funded scholarship discounts on registration (due to this being the first year of attendance), resulting in the total cost of attendance of \$378.34. Mr. Geier's official report (notes and handouts) are attached of which the following summary is provided:

- Review of Florida Operational Requirements for Special District Managers and Governing Board Officials as related to Chapter 189, F.S.
- Ethics
- Social Media Deep Dive
- Review of some of the most influential people to shape the state of Florida by the Keynote Speak George LeMieux (former Chief of Staff to Governor Charlie Crist, former Deputy Florida Attorney General and former U.S. Senator)
- Florida Politics Session by Dr. Susan MacManus
- From Medical Marijuana to Workplace Scandals Session
- Review of Economic and Market Forces
- Leadership Focus: I know you are smart, but are you emotionally intelligent
- Employee Engagement: Why it is important, how to measure it and how to improve it

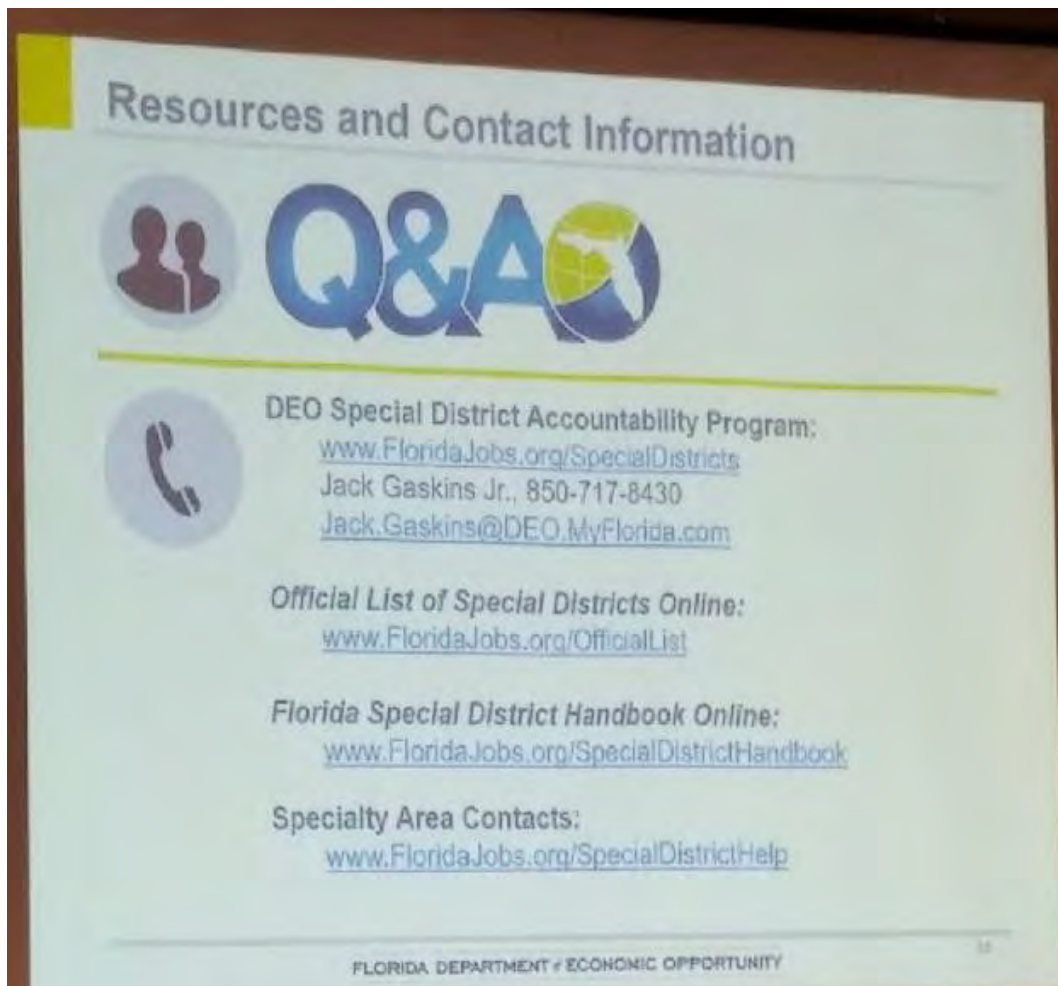


## Report to the BOT regarding information learned at the 2018 FASD Conference.

Submitted by Ed Geier, BBRD Representative to the Florida Association of Special Districts

### Florida Operational Requirements for Special District Managers and Governing Board Officials as related to Chapter 189, F.S. Session

- F.S. Chapter 189 provides definitions of and how special districts are created. Discussion of difference between dependent and independent districts (BBRD is an independent district).
- Discussion of how some special districts have taxing authority and others do not (BBRD does not have taxing authority and therefore relies upon the non-ad valorem assessment for the main revenue stream).
- As of May 2018, there were 1,696 special districts with 1,064 being independent like BBRD. This number changes as new districts are created, and some are dissolved.
- Special Districts are held to higher standards of accountability as compared to counties and municipalities.
- The Florida Special District Handbook Online was briefly reviewed and noted how to access it and other information (see below for details).



- Reviewed the deadline for the submittal of Annual Financial Report and Annual Financial Audit Report (June 30th of each year) and the 60-day extension that can be requested. Failure to provide either of said reports can lead to the district being referred to the state legislature



## **Report to the BOT regarding information learned at the 2018 FASD Conference.**

and/or a case being filed in court to dissolve the district (Charles said we have already filed both reports this year).

### Ethics Session

- Handout was provided. See Attachment.
- Nepotism was discussed in detail and although Florida's Ethics Code does not prohibit an elected official's family member from working for the organization (if the elected body and/or official does not directly supervise his/her family member) the speaker highly recommended districts to adopt a stricter policy to avoid the appearance of impropriety and/or the possible inappropriate influence of an elected official upon the family member's immediate supervisor. To paraphrase the speaker: "It is a really good idea to have a more restrictive policy prohibiting elected officials' family members from being employed by the district."
- Each district should have a "defense resolution" in place stating how and when the district will pay the legal defense of an elected official or employee who is sued individually when conducting district business.

### Social Media Deep Dive Session

- Social media is a generic term for a variety of platforms of personal interactive communications, as contrasted with the old one-way platforms of broadcast television, terrestrial radio, etc.
- A good definition of social media is the "collective of online communication channels dedicated to community-based input, interaction, content-sharing and collaboration."
- The following statistics were presented
  - In 2006 only 5% of internet users were on one or more social media platforms
  - In 2011 50% of internet users were on one or more social media platforms
  - In 2018 68% of internet users are on one or more social media platforms
  - In 2018 25% of internet users are on 3 or more social media platforms
  - Growth in social media use is occurring in all age, race, gender, region, socio-economic strata
  - Largest growth is occurring in the 50-64-year-old group
  - Social media use by activity on a global perspective:
    - 42% used to stay in touch with friends and family
    - 41% used to gain information (only significant area of growth)
  - 67% of Americans use the internet to obtain news in 2017
- Why are organizations using social media?
  - Virtual library of information
  - Transactional
  - Virtual helpdesk
  - Virtual inspector
  - Virtual townhall
- Social media posts (that are district business related) are public records that have to be retained per Florida public records law retention requirements
- Facebook posts and replies (by staff or elected/appointed officials) may be seen as violations of Government in the Sunshine Law as being seen as informal virtual gatherings of two or more board members.
- Districts can adopt reasonable rules and regulations to ensure orderly conduct of public meetings (i.e. limits on time and duration of public comments versus a free for all where everyone speaks when they want). The same principles apply to social media.

## **Report to the BOT regarding information learned at the 2018 FASD Conference.**

- Social media can be set as “limited public forums” designated for discussion of certain subjects only. Only some “moderation” is permissible and it must be content neutral. A district cannot block a person from participating in social media.
- Every district should have a board adopted social media policy and it should be consistently applied across departments (i.e. purpose is a virtual library and no vulgarities).
- Best Practices:
  - Publicize social media policy everywhere and on all platforms
  - Implement a clear archiving process. Vendors can provide easy format for recovery
  - Provide regular and on-going training
    - Posts that can be deleted but should be saved (always consult with district’s attorney for detailed opinions) include
      - Slander
      - Direct threats to employees
      - Comments meant to induce hysteria
    - Some archive vendors include “archival social” and “page freezer”
- Successful content planning is based on understanding how the algorithms work
  - Facebook: based on 4 categories of type, quality, trending and relevancy
  - Process typically involves:
    - Users posts something
    - Facebook computers analyze it and ranks it according to four categories. Priority given to video, then pictures, then links.
    - Facebook shows post to select audience of friends
    - 1<sup>st</sup> 4 hours: positive engagements result in more people seeing the post. Negative engagements result in fewer people seeing the post
- How to have good posts that get read:
  - Be authentic. Use “#” or “@” and pictures and faces increase views.
  - Be consistent.
    - Facebook posts should be at least one per day
    - Twitter posts should be 2-3 posts per day
  - Highlight relationships
  - Engage in conversations. Likely others will build audience and followers.
  - Do not auto post from Facebook to Twitter
  - Mix it up
  - Use trending hashtags
- Content rule
  - 70% should be original, relevant and fun
  - 20% should be shared content
  - 10% should be promotional content
- Time rule
  - 70% should be listening, responding and consuming (this should be first step)
  - 20% should be create
  - 10% should be planning
- Useful apps for social media
  - Snap seed (photo editor for smart phones)
  - Bit.ly (creates tiny URLs)

## Report to the BOT regarding information learned at the 2018 FASD Conference.

### Keynote Speaker (Wednesday)

- George LeMieux (former Chief of Staff to Governor Charlie Crist, former Deputy Florida Attorney General and former U.S. Senator) presentation of highlights of his book *Florida Made*:
- Florida is the 15<sup>th</sup> largest economy in the world, almost equal to Mexico.
- Partial list of most influential people to shape the state of Florida:
  1. Henry Flagler (1830-1913)
    - Florida's founding father
    - Co-founder of Standard Oil Company
    - Built resorts and railroads down the Florida east coast
  2. Walt Disney (1901-1966)
    - Disney World has resulted in development of Central Florida. Last year 73 million people visited Florida.
    - Single most important person responsible for Florida not having a state personal income tax
    - Pre Disney-World, Florida had 6.5 Million residents. Now over 21 million residents
  7. Dr. Joseph Porter (1847-1927)
    - First Florida health officer in early 20<sup>th</sup> Century
    - Conducted research into mosquito born illnesses and the prevention
    - Responsible for first modern mosquito control methods
    - Prior to his work, yellow fever was so bad in Florida that whole communities died in the 19<sup>th</sup> Century due to yellow fever (due to people then not understanding mosquito born diseases. Mosquito swarms in 19<sup>th</sup> Century were known to block out the sun during late afternoon hours.)
  13. Dr. Kurt Debus (1908-1983)
    - German scientist who came to the USA after WWII. He recommended Merritt Island as location to relocate rocket program from New Mexico after a failed rocket launch crashed into a Mexican cemetery (no survivors at the cemetery).
    - Melbourne area fastest growing area in Florida in the 1960's.
  15. Marjory Stoneman Douglas (1890-1998)
    - Leader in effort to preserve the Everglades and helped in securing the formation of the national park. Today there are 1.3 million alligators and water quality in the Everglades and South Florida vastly improved.
  24. Julius Frederick Stone, Jr (1901-1967)
    - Worked to save a dying Key West in the 1930's after industry had moved out and no trash had been picked up for 18 months (i.e. Key West was the 3<sup>rd</sup> most populous city in Florida in 1900). He lead a two-year turn-around during the depth of the Great Depression.
- Future of Florida
  - 100 high rise buildings have been constructed in South Florida in the last 10 years
  - Approximately 430,000 moved into Florida in 2017
  - "Orlampa" (area from Tampa to Orlando) is projected to have a population of 20 million people by 2025
  - South Florida is currently the 2<sup>nd</sup> largest financial hub in the USA after NYC area.

## **Report to the BOT regarding information learned at the 2018 FASD Conference.**

### Florida Politics Session by Dr. Susan MacManus

- Diversity of Florida's population (Hispanics most diverse group)
  - Cubans largest
  - Puerto Rico second largest
  - Mexicans third largest
- Foreign born blacks
  - 36% from the Caribbean
  - 21% from Latin America
- Asians (fastest growing segment of Florida's population)
  - Most from India
  - 2<sup>nd</sup> most from Philippines
  - 3<sup>rd</sup> most from Red China
  - 4<sup>th</sup> most from Vietnam
- Age distribution (based on May 2018 survey of registered voters)
  - 28% 65+
  - 26% 50-64
  - 29% 30-49
  - 17% Under 30
  - Nationally 83 million people are 19-37 while 74 million people are 51-64
  - Self-described political perspective of Floridians
    - 35% conservative
    - 36% moderates
    - 22% liberals
- 59% of Americans feel deterred from running for political office due to the current contentious political environment
- Majority of Americans cannot name an objective source of news
- 62% of people who follow the news feel "news fatigue"
- Last Florida mid-term election primary had a 18% turnout
- Last Florida mid-term general election had a 51% turnout

### From Medical Marijuana to Workplace Scandals Session

- Medical Marijuana
  - Florida state law does not require an employer to accommodate medical marijuana use in the workplace or employees working under the influence of medical marijuana.
- #Me-too Movement
  - In general, there has been a slight increase in overall employee complaints since the scandal broke last October
  - Brief discussion of difference in hostile work environment (HWE) versus quid pro quo complaints
    - HWE is based on protected characteristics and that the complaint is sufficiently severe or pervasive to alter the terms and conditions of employment and create a discriminatory abusive working condition.
- EEOC Trends (based on FY2017 data which excludes Weinstein scandal and fallout)
  - Nationally, all categories of complaints have dropped from FY16
  - In Florida, the same trend occurred except for disability claims which remained the same
    - Disability claims have risen each year in Florida since the ADA revised definitions of a disability in 2009.
  - Sexual Harassment

## **Report to the BOT regarding information learned at the 2018 FASD Conference.**

- 2016 EEOC study found 70% of victims never reported the incidences to a supervisor or union representative (if one existed)
- 22% of front line employees were unsure if their employer had a sexual harassment prevention policy
- Policy Review and Update Suggestions
  - Need to incorporate current issues into the policy
  - Policy needs to be readable and understandable by non-lawyers
  - Procedures need to be up-to-date including a required investigation and a required final report
  - Employees and employers need to understand what “prompt remedial action” means
  - Management and employee training focused on avoiding legal liability is not sufficient
  - Training should include “bystander training (i.e. see something say something)
  - Civility training is highly recommended
  - Unconscious bias training is encouraged (i.e. Starbucks issue)
- Guns
  - FS 790.251 allows guns in a privately-owned employee vehicle if the employee has a concealed carry permit.
  - FS 790.25(3)(1) allows a person without a concealed carry permit to legally have a gun in a vehicle if it is “securely encased” (i.e. in holster, zip bag and in closed glove box or equivalent)
  - Brevard County has the highest percentage of concealed carry permits issued to citizens of any county with 500,000 or more population.
- How to avoid scandals
  - Only hire qualified people
  - Follow policy and procedures
  - Training
  - Research issues before responding
  - Avoid personal relationships in the workplace

### Economic and Market Review Session by David Jang of Water Walker Investments

- Rising oil prices
  - Important to understand difference of Brent Crude (Middle East benchmark) and West Texas Intermediary (WTI) Crude (American benchmark) prices
    - The U.S. Dollar has an inverse relationship to world oil prices....i.e.. the weaker the U.S. dollar the higher U.S. oil prices, although a weaker U.S. dollar helps US oil producers export their product
- Tax Revenues
  - 15-20% of GDP. This has remained relatively constant since 1946 regardless of tax rates
  - When tax rates go up people with higher incomes find ways to shelter their income
- 2018 Issues
  - Higher gas prices
  - Higher medical care costs
    - CPI for medial (inpatient and outpatient) is drastically outpacing inflation
  - Higher interest rates
  - September and December are expected dates of Federal Reserve increases in interest rates
    - Cost of borrowing money in 2019 will definitely be higher than now. We are in a rising interest rate environment for the foreseeable future.
    - In 10 years, overnight interest rates will start exceeding long-term interest rates

## **Report to the BOT regarding information learned at the 2018 FASD Conference.**

- Short-term (2-10 years) will continue to rise
- Last time long-term rates dropped below overnight rates was 2007 (great recession)
- Newly delinquent loans
  - Credit card delinquencies are ticking up in the last two years
- Sub-prime auto loans are increasing in numbers (a concern)
- Florida versus National
  - FLA GDP is above National average
  - Florida income growth is very strong, however it is slowing
  - FLA sales tax breakout
    - 64.3% residents
    - 22.7% Businesses
    - 13.0% Tourists
  - Median rental housing cost is higher in FLA than the U.S. average
- “If you are not increasing your district’s revenue 2-3% a year, you are falling behind”
- Participation in labor force in FLA by young people is declining but part-time employment by seniors is increasing
- Impact of economy on local governments
  - Budgets need to be rising
  - Wages need to increase to remain competition (with private sector and other governments)
  - Question is “Are taxpayers willing to pay more?”
  - The higher living expenses are off-setting the benefits of the Trump tax cuts.

### Leadership Focus: I know you are smart, but are you emotionally intelligent session (Jay Redman of Prism Consulting)

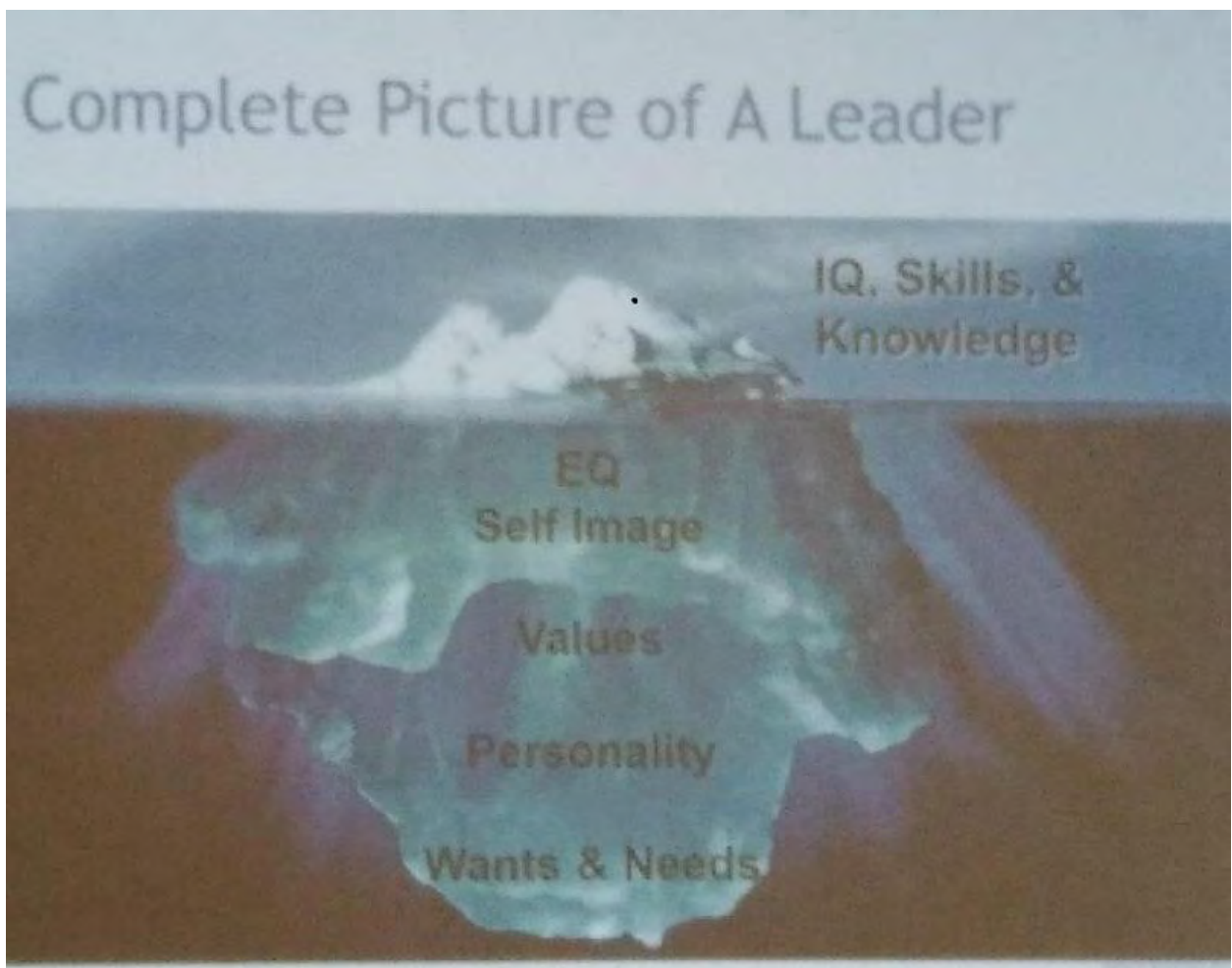
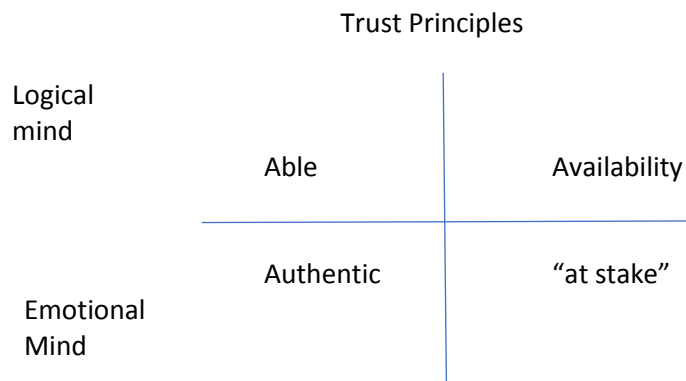
- It is ok to make mistakes of the head but not of the heart.
- 4 pillars of Emotional Intelligence (EI)
  - Self-awareness
  - Self-management
  - Social awareness
  - Relationship management
- People see things subjectively based on their life experiences. There is no such thing as viewing something in an objective manner
- EI: Is this real or just based on my prior experiences?
- EI: Is not same as “intuition.” It is a specific set of skills you can learn.
- Failure examples
  - Employees do not follow the rules
  - Dysfunctional behavior
  - Poor planning
  - High turnover rate
  - Negative attitude
  - Micro-management
  - Personal relationships in the workplace
  - Blaming others

## **Report to the BOT regarding information learned at the 2018 FASD Conference.**

- Success examples:
  - Will/drive/desire/initiative
  - Structure
  - Good communications
  - Problem solving skills
  - Teamwork/trust
  - Aligned with organizational values
- People lose their self-confidence when people who they work for violate their values (i.e. ask them to lie or misrepresent the facts)
- EI matter why:
  - Distinguishes the great performers from the good ones
  - Helps create higher performing organizational cultures
  - Is better predictor of success than experience of IQ (intelligence quotient)
- Self-awareness
  - Emotional awareness
  - Self-image
  - Self-development
  - Best Practices:
    - Ask others
    - Know your triggers and hot buttons
    - Lean into discomfort and explore your feelings
    - Do not evaluate or judge your own emotions
    - Stop and ask yourself why you do what you do
- Self-management
  - Emotional control
  - Objectivity
  - Resiliency
  - Best practices:
    - Take control of voices in your head
    - Add an emotional recharge to your daily schedule
- Social awareness
  - Understanding others
  - Help others
  - Best practices:
    - Listen to others (#1 way to demonstrate concern to others)
    - Be concerned with others
    - Know other people's names
    - Practice management by walking around (MWA)
    - Ask culture questions in the organizations
    - Ask people why they are doing what they do
- Relationship Management
  - Interpersonally savvy
  - Self-expression
  - Best Practices:
    - Be honest and candid about yourself with others
    - Tailor your communication style with others

## Report to the BOT regarding information learned at the 2018 FASD Conference.

- Acknowledge other's feelings especially during conflict
- Explain decisions, just do not announce





## Report to the BOT regarding information learned at the 2018 FASD Conference.

Employee Engagement: Why it is important, how to measure it and how to improve it session by Chief Tom Jamison, East Tarpon Special Fire Control District

- Employee engagement is not
  - Employee happiness (abstract touchy feely)
  - Employee Satisfaction (important but does not improve employee engagement)
- Employee engagement is
  - An emotional commitment the employee has to the organization and its goals (mission, vision, values)
- Average employee engagement in U.S.A. (Gallup 2016)
  - 33%, up only 3% from 2012
  - Of the remainder
    - 51% disengaged (going through the motions, “it’s a job”, etc.)
    - 16% actively disengaged (folks who are miserable in the workplace and destroys others; engagement. They are organizational terrorists.)
  - 20% of employees say they are managed in a motivational way that improves their performance
- Estimated \$483-\$650 Billion in costs of disengagement
- 13 traits of disengagement
  - Complain
  - Lack enthusiasm
  - Irresponsible
  - No question
  - No growth
  - Distracted
  - Gossip
  - Make excuses
  - Know it all
  - Does not help others
  - Liar
  - Independent
  - No initiative
- Why employees leave an organization
  - Career growth (especially in small organizations within limited promotional opportunities)
  - Pay and benefits
  - Immediate supervisor or management
  - Organizational culture
  - Job fit
- Why employees look elsewhere
  - For a better fit
  - Greater work-life balance
  - Greater stability and job security
  - Significant increase in income
  - Organization with a great brand or reputation

## Report to the BOT regarding information learned at the 2018 FASD Conference.

- Organizational cost of disengagement
  - Absenteeism
  - Lost productivity
  - OT
  - Turnover
  - Training
  - Team cohesiveness
  - Succession planning
  - Morale
- Traits of organizations in the top 25% of employee engagement
  - 17% more productive
  - Reduced absenteeism
  - Lower turnover
  - Less accidents
  - Better customer service
- How to measure the level of employee engagement in an organization?
  - Employee survey
    - Must be anonymous
    - Voluntary
    - Response over 75% is very good
- Once you have employee engagement now what do you do
  - Culture change
    - Switch from focus on employee satisfaction to culture of coaching
    - Switch from focus on paycheck to purpose
    - Coaching
      - Series of conversations between leaders and learners intended to produce positive change
      - Regular feedback (weekly, monthly)
      - Training
      - Opportunities for growth
    - Lead by Example
      - Servant leadership attitude
      - May need initial outside training
      - Start with leaders
        - Teach basic coaching
        - Listening
        - Asking questions
        - Encourage employees to give insight to what they need
    - Practice active listening
      - Work to understand message and perspective of speaker
      - Give verbal and non-verbal feedback
      - Suspend judgement until hearing complete message
      - Ask employees right questions
        - Empower them to find solutions

## Report to the BOT regarding information learned at the 2018 FASD Conference.

- How can I support you?
  - What would you do differently
  - Continuous improvement teams
- Practice it
  - Takes time
  - Build coaching into your training
  - Ask what works and what does not work
  - Practice makes perfect
  - Tolerate failure
  - Build coaching routine based on mission and values
- Ask more questions than you answer
  - Ask people how they would do it
  - Alternatives?
  - Empower employees
  - Ask employees how they reached their conclusions
  - People will bring you solutions if they are engaged
- 7 key active listening skills
  - Be attentive
  - Ask open-ended questions
  - Ask probing questions
  - Request clarification
  - Paraphrase
  - Be attuned to and reflect feelings
  - Summarize
- Foundation of a great organization is its core values when everyone shares and unifies around them. Create a culture of
  - Communication
  - Excellence
  - Integrity
  - Passion
  - Performance
  - Respect
  - Trust
  - Sharing
  - Teamwork
- Consistent actions create trust
  - Strong coaching is based on culture which builds strong employee engagement which builds strong performance

## Americans with Disabilities Act (ADA) – Website Compliance

June 2018

In the last several weeks, several Florida Insurance Alliance ('FIA') members have been served with lawsuits alleging that their websites failed to comply with the Americans with Disabilities Act ('ADA'), thereby preventing disabled individuals from fully accessing all of the District's website, or portions of the website's content. Egis Insurance and Risk Advisors has put together this Risk Management Bulletin to provide FIA's members with a summary of the current ADA caselaw on website accessibility, and to provide FIA's membership with recommendations on how to mitigate or limit their exposure to these types of claims.

In the last year, numerous lawsuits have been filed against various corporate entities, such as hotels, motels, grocery stores, colleges and universities under Title III of the ADA, which applies to private businesses and entities that are places of "public accommodation," alleging that those companies have failed to provide to disabled individuals access to websites equal to access enjoyed by non-disabled individuals.

Unlike Title III, Title II of the ADA covers, and is applicable to, State and local governmental entities. The ADA and, if the government entities receive Federal funding, Section 504 of the Rehabilitation Act of 1973, generally require that State and local governments provide qualified individuals with disabilities equal access to their programs, services, or activities, unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden. The Department of Justice, the federal entity charged with enactment and enforcement of the ADA, has long held the policy position that the ADA mandate of equal access applies to

websites through implementing software and design characteristics that ensure that government websites have accessible features for people with disabilities.

The ADA defines a "disability" as (A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment." With respect to an individual who is regarded as having an impairment, the individual must establish that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

The ADA defines "discrimination" to include a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations.

A governmental entity must provide "reasonable accommodations" for a disabled individual whenever doing so would provide that individual with an opportunity to participate in, make use of, or derive a benefit from a program, facility, or service that would otherwise not be equally accessible to disabled and non-disabled individuals."

A substantial number of recent lawsuits brought alleging inaccessible websites are being brought by disabled 'tester' clients of the law firms. Furthermore, a number of these lawsuits are alleging that the individual websites do not comply with international website standards published by the World Wide Web Consortium ("W3C") and which are known as or referred to as Version 2.0 of the Web Content Accessibility Guidelines ("WCAG 2.0"). (See link below)

The Attorney General, through the Department of Justice ('DOJ'), is mandated under the ADA to enact rules and regulations for the enforcement of the ADA, which would include any website accessibility component. This process of enacting regulations for ADA compliance is initially done through issuance of Advanced Notices of Proposed Rulemaking (ANPRM's). As it pertains to website accessibility, ANPRM's were first issued as early as 2003. Thereafter, despite additional ANPRM's being issued in 2010, and again in 2016, no formal regulation adopting minimum standards for website accessibility have ever been enacted by the DOJ. In late 2016, the DOJ issued a Supplemental Advanced Notice of Proposed Rulemaking (SANPRM) separating Title II and Title III proposed rules and seeking additional comments prior to any regulatory enactment. Despite this supplement, the current DOJ in the Trump administration has as of December, 2017 withdrawn the proposed rules and has placed all proposed website regulations on an 'inactive' list, resulting in no current efforts being expended by the DOJ to adopt a formal regulation. The status of the proposed rules is important as it means that the Web Content Accessibility Guidelines (WCAG) 2.0 is NOT yet specifically mandated by the DOJ as the minimum standards to be ADA compliant.

Despite the absence of any formal regulations governing the ADA and its applicability to websites, the Department of Justice and the

Department of Education have nevertheless repeatedly taken the position that the **WCAG 2.0 Guidelines are applicable to websites**, and have gone as far as both entering into a substantial number of enforcement actions, and settlement agreements, with a number of local governmental entities, and which require compliance with the WCAG 2.0 Guidelines as part of the settlement.

More importantly, as it pertains to current and future ADA lawsuits that may be filed against Special Taxing Districts, it must be noted that a majority of the Federal Courts throughout the United States are in fact holding that the ADA applies to websites, despite the DOJ's failure to enact regulations. The majority of the courts are further holding that the websites must be WCAG 2.0-compliant, finding that this standard is the 'most widely accepted' and universal standard currently available.

Based upon the recent numerosity of ADA website lawsuits, and judicial decisions in Title III lawsuits holding that the ADA does govern websites, **we are recommending all FIA Members to immediately evaluate and assess their websites and other electronic information services to determine if they are in fact compliant with the WCAG 2.0, Level AA Guidelines.** Due to the fact that the U.S. Attorney General, Department of Justice and Department of Education are all in support of, and recommending compliance with, the WCAG 2.0 Guideline standards, we do believe it will be only a short time until either the ADA is formally amended to incorporate and encompass website access, or alternatively, some binding legal precedent out of either the 11<sup>th</sup> Circuit and/or the U.S. Supreme Court will mandate ADA website compliance.

The need for full website accessibility is based upon the fact that most governmental entities are now not only providing general information and news items on their websites, but also

providing access to online service applications, online utility and other billing and/or payment services, and online requests for information, creates a substantial risk to FIA members that ADA lawsuits will be forthcoming in greater numbers in the near future. In addition, as it applies to Community Development Districts, or other special taxing districts, Florida Statutes mandate that a website be established containing certain formation documents, financial documents, contact information, etc. (See Fla. Stat. § 189.069).

## **RECOMMENDATIONS**

Upon enactment of the ADA in 1993, local governmental entities were required to perform a self-evaluation of all facilities, programs and services to ensure compliance with the ADA. Although websites were not originally contemplated during the drafting of the ADA, as new programs or services become available, a 'public entity' is charged with the continuing obligation to ensure that those services remain accessible, in whatever form they are provided. As such, each public entity should have a designated individual who is knowledgeable and trained on ADA requirements for 'public entities' under Title II. Moreover, each entity should perform a complete self-evaluation, either using its own employees or the services of an outside third-party vendor(s) to evaluate and identify any non-ADA compliant facilities and/or programs.

If any physical or other barrier to access is found, those barriers should be remediated immediately. If an identified barrier is identified which cannot be remediated immediately, either due to physical impossibility due to the historical nature of a building or practical impossibility due to cost, then the entity should prepare a ADA Action Plan which identifies each barrier found and which further addresses and provides a timeline for how and when the barrier will be remediated in the future.

## **Entities Already In Suit For ADA Website Violations**

For those entities who have already been served with, or notified of a pending lawsuit for ADA violations in connection with a Member's website, we recommend that the Member obtain a digital copy of the website, or archive the website as it existed, upon being notified of a lawsuit. The retention of an original or archived version, prior to any improvements to comply with issues of accessibility, is necessary to prevent any claims of 'spoliation of evidence' by a Plaintiff's attorney. This original version will be necessary to establish what, if any, design elements of the website are non-compliant/non-accessible, and can aid in defense of a lawsuit if it can be established that the website was 'substantially' accessible to a disabled individual, or that the entity provided "reasonable accommodations".

## **Entities Not Yet Notified Of A Violation**

For those entities who have not yet been sued, or for those already in suit who have archived their original version of the website, we recommend that the public entity expeditiously retain the services of a qualified I.T. technician or website designer who is familiar with WCAG 2.0, Level AA standards to evaluate the entities website and determine if it is accessible by disabled individuals. If the website is not currently accessible, or deemed to not be accessible through evaluation by a I.T. professional, **we recommend that the entity post as soon as possible a notice of the home page of the entity's website, which is fully accessible by all screen-readers or other assistive devices, including visually disabled people, which notifies any website guest that the website is currently under renovation to ensure accessibility by any**

disabled individual and to contact a specific, named contact person at that entity by telephone to advise what, if any, inaccessible feature the person encountered, or otherwise in order to provide the requested information in an alternative means, until such time as the website is made fully compliant with WCAG 2.0, Level AA standards.

For purposes of general reference, and which are not inclusive of common website issues, the following often act as an obstacle to website accessibility and prevent ease of access to a member's website and which should be remedied:

1. Any document should be available in both PDF and HTML in order to be accessed by certain assistive devices and/or screen-readers;
2. All photographs, logos or non-textual elements such as graphs, etc., should have an accompanying text field to advise a sight-disabled individual of a description of what the non-text element depicts;
3. Each individual website page should contain a text header which describes the content contained on that individual page;
4. Any audio or video recordings should contain close captioning.
5. Color schemes must ensure that the text color contrasts well with the background color;

Although it is not a substitute for a trained I.T. technician familiar with website coding and WCAG 2.0 guidelines, some online resources are available to provide a general idea of if an entity's website has any accessibility issues. We have included links to a few of those resources in the bottom of this Bulletin.

In conclusion, although no formal website accessibility standard has been formally adopted, both Federal and many state laws require website accessibility. Moreover, several hundred Plaintiffs and the DOJ are increasing their efforts to bring about lawsuits or DOJ actions against private, and now public, website owners who have not yet made their websites accessible to the visually impaired or disabled.

In light of the potential exposure to Florida's Special Taxing Districts, we recommend that all entities initiate plans to evaluate and redesign websites in compliance with WCAG 2.0, Level AA at their earliest opportunity.

#### **Risk Management Team**

#### **ADA COMPLIANCE – Useful Links**

##### **Web Content Accessibility Guidelines (WCAG) 2.0**

<https://www.w3.org/standards/webdesign/accessibility>

##### **ADA Best Practices Tool Kit for Local Governments :**

<https://www.ada.gov/pcatoolkit/chap5chklist.htm>

##### **Tenon - online that can scan your website and suggest fixes**

<https://tenon.io>

##### **Wave - Web Accesibility Eval Tool**

<https://wave.webaim.org/>

##### **Questions:**

**Andy Jimenez AIC AIS**  
**Sr. Manager, Claims and Loss Prevention**  
[ajimenez@egisadvisors.com](mailto:ajimenez@egisadvisors.com)



**PERSSON & COHEN, P.A.**  
ATTORNEYS AND COUNSELORS AT LAW

David P. Persson  
Andrew H. Cohen  
Kelly M. Fernandez\*  
Maggie D. Mooney-Portale\*  
R. David Jackson  
Regina A. Kardash\*

\* Board Certified City, County and Local Government Law

Telephone (941) 306-4730  
Facsimile (941) 306-4832  
Email: mmooney@swflgovlaw.com

Reply to: Lakewood Ranch

**ETHICS LAW EXAM**  
**Florida Association of Special Districts Conference**  
**June 12, 2018**

**Presented by Maggie D. Mooney-Portale, Esq.**

**Circle the correct answer:**

1. The Flatland Community Development District ("CDD") is governed by a five member Board of Supervisors and Peter Parker is the Chairman of the Board. The CDD owns various community infrastructure including the community clubhouse and pool. The CDD employs a Clubhouse Manager. The Clubhouse Manager is a salaried employee who is responsible for handling certain administrative duties relative to the use of the community clubhouse and pool (i.e., answer resident questions, coordinate the rental of District facilities, handle administrative tasks, answer phone calls, etc.) Recently, the person previously employed as the Clubhouse Manager abruptly quit and the CDD Board of Supervisors is desperately looking to hire someone to fill this position. The Clubhouse Manager is hired by the Board of Supervisors, but traditionally has reported primarily to the Chairman who is known as the "liaison" to the Clubhouse. Chairman Parker's wife recently retired and she is interested in the Clubhouse Manager position. It would be so convenient for her to fill the position since she would literally be working right down the block from her home.

Lakewood Ranch  
6853 Energy Court  
Lakewood Ranch, Florida 34240

St. Petersburg  
111 Second Avenue NE, Suite 536  
St. Petersburg, Florida 33701

Venice  
217 Nassau Street S.  
Venice, Florida 34285



Which of the following is the most accurate statement relating to Florida's Ethics laws:

- a. The CDD can hire Chairman Parker's wife as long as Chairman Parker abstains from the vote to hire her.
  - b. The CDD can hire Chairman Parker's wife as long as the Chairman is not involved in the interview process, the Chairman abstains from the hiring vote, and the Chairman completes and submits the necessary disclosure forms to the CDD's secretary.
  - ☒ c. The CDD cannot hire Chairman Parker's wife unless Chairman Parker resigns from office.
  - d. The CDD cannot hire Chairman Parker's wife until the Chairman gives up is position as the Chairman and becomes a regular voting Supervisor that does not have direct oversight over the Clubhouse Manager position.
  - e. The CDD can hire Chairman Parker's wife so long as her salary is paid out through a check issued by a private District Management company.
2. Joni Jones is an elected Supervisor on the ABC Community Development District ("District"). Joni was elected to the District's board three years ago. The law firm of Dewey, Cheatum and Howe ("DCH") was competitively selected to be the District's legal counsel over seven years ago. The District's Board and Manager have all been happy with the legal services they receive from the law firm and they are not looking to switch counsel anytime in the near future. Joni's boyfriend Sylvester Slickster is a probate lawyer and partner with DCH law firm. Sylvester only handles wills, trusts and other estate matters for the law firm; he does not practice in special district or government law. Sylvester's law firm is having a 4-day firm retreat at an all inclusive resort in the Bahamas next month and Sylvester invited Joni to accompany him. Sylvester told Joni his firm would pay for her travel, meals, lodging and entertainment as each member of the law firm is allowed to bring a spouse or a guest. Joni really wants to accompany Sylvester on the trip. She's never been to the Bahamas and it sounds like such a fun vacation.

Which of the following is the most accurate statement relating to Florida's Ethics law:

- a. Since there has been no official action or decision by the current Board of the District relating to the legal services contract with the law firm there is nothing improper with Joni attending the law firm's retreat with her boyfriend as his guest.
- b. Since Sylvester does not perform the legal work for the District, there is nothing improper with Joni attending the law firm's retreat with her boyfriend as his guest.

C. If Joni pays her own way for the costs of travel, meals, lodging and her entertainment during the law firm's retreat, Joni will not have received a prohibited gift from her boyfriend or the law firm.

- d. As long as Sylvester and his law firm do not expect any special favors or privileges from the District arising out of Joni's attendance at the law firm's retreat, there is nothing improper with Joni attending the retreat with her boyfriend.
- e. Joni can accept the all expenses paid vacation with her boyfriend, because Sylvester is not a lobbyist and the laws prohibiting elected officials from accepting gifts only applies to lobbyists.

3. Paulina Principle is an employee of the Padre Municipal Improvement District ("PMID"). Paulina rents an apartment and is a registered voter within the PMID. Paulina is displeased with the recent policy decisions of the PMID's Commission relating to infrastructure funding priorities. Paulina and her neighbors are concerned about safety and want more sidewalks and street lights installed by PMID. Rather than listening to Paulina and her neighborhood group, the Commission has decided it is in the best interest of PMID's residents to fund a large scale road maintenance project. Paulina is outraged by this decision. The Chairman of the Commission is up for re-election this year. Paulina believes it is her duty to run against him and unseat him to effectuate the much needed change on the Commission. Which of the following is the most accurate statement about Florida's Ethics laws:

- a. Since Paulina is a legal resident within the PMID, there is no issue with Paulina simultaneously serving as an employee and Commissioner at the PMID.
  - ☒ b. Paulina can serve as an employee of PMID and as an elected official but only if she is serving as an elected official at a special district other than PMID.
  - c. Paulina can only run for the Commission if she owns real property within the PMID.
  - d. Paulina can remain employed by PMID as long as she makes sure that she gets all of her work done before the Commission meetings.
  - e. Paulina can remain employed by PMID and serve as a Commissioner as long as she adjusts her priorities to recognize that road maintenance is more important than sidewalks and street lighting improvements.
4. Andy Activist is currently an employee of the South County Fire District ("SCFD"). Andy resides and is a registered voter in the North County Fire District ("NCFD"). Andy runs for and wins a seat on the NCFD Fire Commission. Andy is sworn into office. At his first NCFD Fire Commission meeting, Andy hears the NCFD's Fire Chief announce that the NCFD will be hiring three firefighters and an administrative assistant. All of these positions and salaries were budgeted for last year before Andy was on the Fire Commission. After the Fire Commission meeting, Andy calls his buddies at SCFD to tell them about the firefighter position openings at NCFD. Everyone knows that the NCFD pays firefighters the highest salaries in the County. Andy also calls his sister (who was recently fired) to tell her about the administrative assistant position that is available. Which of the following is the most accurate statement:
- a. There is a prohibited conflict of interest in Andy serving as a firefighter for SCFD, and a Fire Commissioner at NCFD.
  - b. Andy's communication with his sister about the available positions within the NCFD clearly violates the anti-nepotism prohibition within Florida's Ethics laws.

c. Andy has misused his public position and violated the anti-nepotism prohibition in Florida's Ethics law, by contacting his friends and relatives about the available positions at the NCFD.

d. As long as Andy does not attempt to influence the Fire Chief's hiring decision and persuade the Fire Chief to hire his buddies and sister for the available NCFD positions, there is no violation of the anti-nepotism prohibition in Florida's Ethics law.

e. Andy has misused his public position and violated a duty of loyalty to the NCFD by notifying his buddies at the SCFD of the employment opportunities at the NCFD.

f. None of the above.

5. Bill has been a licensed realtor in Florida for 15 years. Bill was recently appointed to the Channelside Drainage District ("District") Board. Bill accepts the appointment to the Board and immediately meets with the District Manager who tells Bill about the District's difficulty over the past few years finding the right sized property at a reasonable cost to accommodate a large retention area. Bill asks the District Manager how much the District is willing to spend on the property, and the District Manager replies "we have budgeted \$1,000,000, but if we had to we could dip into reserve funds and spend an additional \$125,000." After talking to the District Manager, Bill contacts one of his former clients who owns the perfect site for the District's retention needs, and Bill asks him if the property is for sale. The former client asks Bill, "how much is being offered?" Bill does not reveal that the District is the potential purchaser. He does, however, tell his former client that the potential purchaser can spend up to \$1,125,000.

Which of the following is the most accurate statement about Florida's Ethics laws:

- a. As long as Bill does not accept a commission on the real estate transaction, Bill will not be violating Florida's Ethics law.
- b. Bill has not violated Florida's Ethics laws and should be thanked by the Board for finally securing a property that has been needed for sometime for the District's new retention area.
- c. As long as Bill does not reveal that the District is the purchaser, Bill has not violated Florida's Ethics law.
- ☒ d. Bill has potentially violated Florida's Ethics law and misused his position by using confidential information to benefit his former client.
- e. None of the above.

6. Luke Skywalker is a licensed realtor who owns Skywalker Real Estate Group. Luke was recently elected to the Stormtrooper Improvement District ("District"). After winning his seat, Luke meets with the District's Director who shares with Luke the struggles the District has had locating a property large enough to store the District's fleet of trucks, tractors and mowers. After the meeting with the Director, Luke recalls that a long time ago he sold a large piece of unimproved property on Galaxy Road to Han Soloman. Luke approaches Han and inquires whether that large piece of property is for sale. Han tells Luke that "everything is for sale." Luke recalls a wise advisor counseling him on Florida's Ethics laws immediately after he was elected to office and he knows he cannot ethically handle the transaction. So Luke asks one of the associate real estate agents at his real estate firm to take over all further negotiations between the District and Han. Luke stays out of all further involvement on the negotiations and transaction with Han. Luke's real estate associate fills out the standard Florida Realtor Association's Purchase and Sales Contract form and includes a purchase price of \$500,000 in the contract because that is what Zillow and the County Property Appraiser list as the fair market value of the property. Luke's associate keeps the standard 6% realtor commission fee provision in the contract (3% payable from seller, 3% payable from buyer/ District) since he handled the transaction for both parties. The

entire District Board considers the real estate contract prepared by the agent at Luke's firm and votes to approve it unanimously.

Which of the following is the most accurate statement about Florida's Ethics laws:

- a. Luke has not violated Florida's Ethics law because he "gave up" his personal commission, and the only commission that will be received will be to his associate and perhaps a fractional share of the commission to the real estate firm.
- b. Luke has not violated Florida's Ethics law because he stayed out of the negotiations and everyone on the Board knew that he did not participate in the real estate negotiations or the preparation of the purchase and sales contract.
- c. Luke violated Florida's Ethics law because he is the owner of the real estate firm and Luke is prohibited from doing business with the District on which he serves.
- d. Luke violated Florida's Ethics laws by participating in the vote on the real estate transaction.

☒ e. Both C and D.

7. Daniel Storm was recently elected to the Board of Supervisors for the Greenacres Community Development District ("CDD"). The CDD has gone out to bid for a new landscaping contractor. At the publicly noticed meeting, the District Manager distributes to the Board of Supervisors ("Board") all of the bid submittals received from landscaping vendors and instructs the Board to review the submittals so the Board can select the landscaping vendor at next month's Board meeting. The lowest bid among the vendors was from a landscaping business named "Lush Landscapes". After the Board meeting, Daniel happens to see the owner of Lush Landscapes at the grocery store. Daniel knows that Lush Landscapes employs between 75-100 teenagers each summer to assist them with lawn care during the summer growing season. Daniel's son is in high school and needs a part-time job during the summer months while school is out. Daniel immediately approaches the owner of Lush Landscapes and asks him whether he will hire Daniel's son for the summer. The owner says he would be happy to employ Daniel's son if Daniel can make sure that the landscaping bid is awarded to Lush Landscapes.

Which of the following is the most accurate statement about Florida's Ethics laws:

- a. The owner of Lush Landscapes has clearly tried to bribe Daniel at the grocery store and criminal charges under Florida's Ethics laws should be filed against him by the State Attorney.
- b. Daniel may vote on the landscaping award because any special benefit Daniel's son may receive from the part-time job is remote at best, and his son is just one of a large number of high school kids employed by Lush Landscapes over the summer.
- c. If Daniel discloses his son's anticipated employment with Lush Landscapes, votes on contract award to Lush Landscapes, and files a memorandum of voting conflict with the CDD's secretary, Daniel has fully complied with Florida's Ethics laws.
- d. Daniel may vote to award the lawn care bid and award to Lush Landscapes regardless of the exchange that occurred at the grocery store because Lush Landscapes was the lowest bidder amongst all of the landscaping vendors.

e. None of the above.

8. Ernie is an engineer and partner with Ringling Engineering Firm ("Firm"), the largest engineering firm in the state. Ernie is considering slowing down his practice but he doesn't want to fully retire from the Firm for at least another two years. Ernie and his Firm are independent contractors that serve as the District Engineers for the Crystal Clear Water Control District ("District"). Ernie was the primary author of the District's water control plan. Everyone acknowledges that Ernie is the most knowledgeable person about the District's history and water flow. Recently, one of the District's Board members died. Ernie submitted his name for appointment to fill the vacant seat and was appointed unanimously by the other Board members. Ernie will be able to serve in that Board position for the next two years before having to run for re-election the seat.

Which is the most accurate statement relating to Florida's Ethics laws?

a. Ernie cannot accept the appointment to the Board seat because he would not have known about the vacant position had it not been for his existing business relationship with the District.

b. Ernie cannot accept the appointment to the Board seat and have his Firm remain the District Engineer because Ernie's appointment bars his Firm from doing business with the District.

☒ c. Ernie can accept the appointment to the Board seat and the Firm may continue to serve as the District Engineer until such time as Ernie is re-elected to the Board.

d. Ernie can accept the appointment, but his Firm must immediately discontinue serving as the District's Engineer.

e. None of the above.

9. After a day-long administrative hearing before the Florida Ethics Commission in Tallahassee, the Ethics Commission found that the Director of the Palms Water Control District committed several violations of Florida's Ethics laws. Which of the following penalties is he subject to under Florida's Ethics laws:

☒ a. Suspension.

b. Reassignment and transfer of employment to another water control district.

c. A civil penalty of \$100,000.

d. Up to one year in jail and negative press.

e. A and C.

10. Many residents within the Active Community Development District ("CDD") have been outspoken at the last five public meetings about the need for the CDD's Board of Supervisors to provide additional recreational facilities within the community. After hours of public comment on the subject, the Board is convinced that six pickleball courts will fulfill the community's needs.



The Board has directed their District Engineer to conduct a feasibility analysis relating to land acquisition and construction costs so the Board can develop a budget for the construction of six pickleball courts. Lenny Landowner owns an acre of vacant property near the CDD's clubhouse. The Chairman of the CDD calls Lenny and asks him whether he would sell the property to the CDD and what his asking price would be. Based upon the facts presented, which of the following is the most accurate statement relating to Florida's Ethics Code?

- a. The Supervisors of the CDD have violated Florida's Ethics Code by seeking to purchase real property from a private landowner for a public project.
- b. The Chairman of the CDD has misused his position by asking Lenny whether he would sell the property to the CDD without formal Board authorization.

☒ c. There is nothing in this scenario that violates Florida's Ethics Code.

d. A and B.

11. Assume all of the same facts in #10, above. Except, also assume that Lenny Landowner is a member of the Board of Supervisors for the CDD and that his one-acre parcel is the only unimproved real property within the District of a sufficient size to meet the CDD's needs for the construction of six pickleball courts. Based upon the facts presented, which of the following is the most accurate statement relating to Florida's Ethics Code?

- a. Lenny may be able to sell the property to the CDD if he first obtains a written legal opinion from the CDD's lawyer that the sale is permissible under Florida's Ethics Code.
- b. Lenny is absolutely prohibited from selling his property to the CDD while he is a public official; and the construction of pickleball recreational facilities will need to wait until Lenny is out of office because Florida's Ethics laws prohibit these sorts of transactions.

c. Complaints against Lenny and the Chairman should be filed immediately with the Ethics Commission since the two Supervisors engaged in unethical conduct by having a phone conversation about the sale of the property outside of the Sunshine.

d. Lenny may be able to sell the property to the CDD if the property is the only source available, the sale price for the property is based upon an appraisal, there is a full disclosure of Lenny's interest to the entire CDD, and Lenny obtains an opinion from Florida's Ethics Commission that the sale is not a violation of Florida's Ethics Code.



## PERSSON & COHEN, P.A.

ATTORNEYS AND COUNSELORS AT LAW

David P. Persson  
Andrew H. Cohen  
Kelly M. Fernandez\*  
Maggie D. Mooney-Portale\*  
R. David Jackson  
Regina A. Kardash\*

Telephone (941) 306-4730

Facsimile (941) 306-4832

Email: [mmooney@swflgovlaw.com](mailto:mmooney@swflgovlaw.com)

\* Board Certified City, County and Local Government Law

Reply to: Lakewood Ranch

### FLORIDA'S ETHICS CODE FOR SPECIAL DISTRICTS

Presented by Maggie D. Mooney-Portale, Esq.

June 12, 2018

**A. Florida's Ethics Code is found in Part III of Chapter 112, Florida Constitution and Article II, Sec. 8 of the Florida Constitution.**

- Florida's Ethics Code applies to all public officers and employees of the state, regional and local levels, including Special District Public Officials.
- Premised upon maintaining public trust and prohibits public officials from using their office for "private gain". Private gain almost always references a public official's *financial interest* that is directly enhanced as a result of the vote, where the gain is direct and immediate.

**B. The Ethics Code reads like a list of prohibited acts and includes prohibitions on:**

- (1) Bribes: Special District officials are prohibited from soliciting or accepting anything of value if they know, or with the exercise of reasonable care, should know that it was given to influence their official actions. Fla. Stat. § 112.313 (2), (4).
- (2) Soliciting Gifts: Except for gifts from relatives, Special District officials are prohibited from soliciting a personal gift of any size from a political committee or from a lobbyist. [i.e., vendors, contractors, etc.] Fla. Stat. § 112.313.(2)

- (3) Accepting Gifts: Except for gifts from relatives, Special District officials also must comply with following regarding acceptance of personal gifts:
- a) Gifts under \$25.00 – May be accepted from anyone and need not be reported.
  - b) Gifts between \$25.00 and \$100.00 – May be accepted from anyone, but lobbyists, vendors doing business with agency. If a gift is received, must report giving the gift. See, Commission on Ethics Form 30.
  - c) Gifts above \$100.00 – Must be reported by all Special District officials and may not be accepted from political committees, lobbyist or vendor. See, Fla. Stat. § 112.3148.
- (4) Misuse of Public Position: Special District officials are prohibited from wrongfully using or attempting to use their official position or confidential information to secure a special privilege, benefit, or exemption for themselves or others. Fla. Stat. § 112.313(8).
- (5) Employees: Public officials of a Special District (elected/appointed) may not be an employee of the Special District over which they govern. Fla. Stat. § 112.313(10).
- (6) Doing Business with Ones Agency. Special District public officials are prohibited from purchasing or leasing any items or services on behalf of their Special District from any business in which they (or certain family members) are an officer, partner, director, or proprietor, or in which they (or certain family members) have a material interest. Subject to certain limited exceptions, Special District public officials (acting in their public capacity) are prohibited from renting, leasing, or selling items or services to their Special District. Fla. Stat. § 112.313(3).
- (7) Conflicting Contractual or Employment or Employment Arrangement. Subject to certain exceptions, Special District public officials are prohibited from having any employment or contractual relationships with an entity that does business with their Special District, or that creates a continuing or frequently recurring conflict between their private interests or duties. Fla. Stat. § 112.313(7).

(8) **Anti-Nepotism:** Generally, Special Districts are prohibited from appointing, employing, or promoting (or advocating for such actions) any of their relatives to a position over which they exercise jurisdiction or control. Fla. Stat. § 112.3135(2). There is an exception for volunteer emergency medical or firefighting service providers.

(9) **Voting Restrictions:** Special District public officials must abstain from voting and refrain from participating in discussion on any measure that specifically benefits themselves, their employers or principals, or their relatives. Fla. Stat. § 112.3143.

a) If conflict is known by a Special District public official, he/she must publicly state to the assembly the nature of the conflict and abstain from voting.

b) Memorandum of Voting Conflict must be filed with board secretary within 15 days.

**C. Disclosure Requirements:** There are multiple forms that are available on the Commission of Ethics website for financial interest disclosures and voting conflicts. All of these forms are subject to Florida's public records laws.

**D. Complaints/Civil Penalties.**

- Removal/suspension from office
- Impeachment
- Public censure, reprimand, demotion or salary reduction
- Restitution of any pecuniary benefits received due to the violation
- Civil penalty of up to \$10,000.00

**E. Advisory Opinions from Florida Commission on Ethics.**

- Ethics Commission opinions (formal and informal) are binding on the conduct of the person who is the subject of the opinion.

- Once issued and followed the Ethics Commission opinion provides a type of immunity from ethics complaints for the requesting individual seeking direction.
- Informal ethics opinions take approximately 2 weeks to 30 days, and potentially several months for formal opinions.

## ETHICS EXAM ANSWERS:

1. C.

The CDD cannot hire Chairman Parker's wife unless Chairman Parker resigns from office. Fla. Stat. § 112.3135 (2) prohibits a public official from appointing, employing, promoting, or advancing a relative in a position in the agency in which the official exercises jurisdiction or control.

2. C.

If Joni accompanies her boyfriend on the firm retreat and her travel expense are paid by the law firm, she will have received a prohibited gift if the expenses are valued at more than \$100. As a provider of legal services to the District, Sylvester and his law firm are vendors doing business with the District. Although Sylvester does not actually perform any work for the District, at least one of his partners does. Florida Stat. 112.3148(3) prohibits the solicitation of any gift from a vendor doing business with the agency. Florida Stat. 112.3148(4) prohibits gifts valued in excess of \$100 from vendors doing business with the agency. If, however, Joni wants to attend the weekend getaway at the law firm's retreat with her boyfriend, Joni must pay her own way and pay for the cost of travel, meals, lodging, and other entertainment equally. If she pays her own way, she has provided adequate consideration and has not received a gift. See, Commission on Ethics Opinion 16-01 (School Board member asked question about exchanging gifts and traveling with boyfriend whose law firm provide legal services to the School District).

3. B.

Paulina can serve as an employee of a special district and an elected official simultaneously but only if she is serving as an elected official at a different special district than where she is employed.

Per Fla. Stat. 112.313(10), a public employee is prohibited from being a member of the governing body which serves as his or her employer.

4. D.

The anti-nepotism prohibition under Florida's Ethics laws is not implicated when there is an intervening decision maker (usually a Chief, District Manager, Administrator, Executive Director) making the employment decisions. Under the facts presented, the Fire Commission's role appears limited to budgeting for the positions, and the budget decisions relating to the employee salaries, benefits, etc. appear to have been made before Andy took office. Accordingly, the Fire Chief can employ a relative of the Fire Commissioner, as long as the hiring and firing decisions relating to that employee are exclusively held by the Fire Chief. There are Ethics Opinions that suggest that if the relative employee is not being given a special privilege (salary, bonus, etc.) unique to the relative, there is no issue with the elected official also participating in budgeting and salary discussions relating to the employee/relative. In these circumstances, the number of similarly situated employees in that same class matters. Fla. Stat. § 112.3135(2).

Elected officials are prohibited from misusing their position. Fla. Stat. 112.313(8). Elected officials cannot seek to use their position to get a special privilege or benefit for themselves or another person. Fla. Stat. 112.313(8). As long as Andy does nothing more than notify his friends about the position, and does not try to influence the Fire Chief in any way, he has not violated this provision of the Florida's Ethics Code.

5. D.

Bill has potentially violated Florida's Ethics law and misused his position by using confidential information to benefit his former client. A Board Member is prohibited from wrongfully using their official position or confidential information to secure a special privilege or benefit for others. Fla. Stat. § 112.313(8). Here, the confidential information provided to Bill's former client about the District's highest monetary offer for the property will help Bill's former client in its negotiations with the District about a purchase price.

6. E.

Luke violated Florida's Ethics law because he is the owner of the real estate firm that handled the real estate transaction with the special district that he serves. Luke and his employees are prohibited from doing business with his District. Special district public officials (acting in their public capacity) are prohibited from selling items or services to their special district. Fla. Stat. § 112.313(3). Also, Luke violated Florida's Ethics law by ultimately voting on the real estate transaction that was negotiated by his real estate associate/employee, as his real estate firm and employee received a financial benefit from the real estate transaction. Pursuant to Fla. Stat. 112.3143, as a public official, Luke is prohibited from voting on any measure that inures to the individual's own special private gain or inures to the special private gain of an employer. Fla. Stat. § 112.3143

7. E.

Based upon the facts provided, a "quid pro quo" type of exchange between an elected official and vendor that promises something of value in exchange for a vote is a bribe. Daniel is prohibited from soliciting or accepting anything of value if he knows or should know that the item given was given to influence official action. Fla. Stat. § 112.313 (2), (4). Special District officials are also prohibited from wrongfully using their position to secure a special privilege for others. Fla. Stat. § 112.313 (8). Based upon the facts provided, Daniel appears to be misusing his position on the District Board to get his son a summer job. Finally, special district public officials cannot vote on any measure that specially benefits their relatives. Fla. Stat. § 112.3143. To the extent a vote for the vendor, benefits the elected official's son, it may be a prohibited conflict that requires the elected official to abstain from voting on the measure. Fla. Stat. § 112.3143. Vendors are not subject to Florida's Ethics laws.

8. C.

Generally speaking, public officials are prohibited from doing business with their Special District. Fla. Stat. § 112.313(3). One is considered to be "doing business" when there is a direct or indirect purchase, rent or lease of a good or service from a business entity in which the official is an officer, partner, director or proprietor. If Ernie accepted the appointment to the Board and his Firm continued to serve as District Engineer it would appear that he would be improperly conducting business with his own agency. However, there is a limited exception to the prohibition on doing business with one's



agency that permits individuals with an existing contractual relationship to continue to do business with their special district when they are appointed to public office. Fla. Stat. § 112.313(3).

Public officials are also prohibited from having conflicting employment or contractual relationships that create a continuing or frequently recurring conflict between their private interests or duties. Fla. Stat. § 112.313 (7). Whether Ernie or his Firm will have ongoing conflicting contractual relationship is beyond the scope of the facts provided, but this could be another potential issue for Ernie under Florida's Ethics laws.

9. A.

Penalties for violations of Florida's Ethics laws may include: impeachment, removal from office or employment, or suspension; public censure or public reprimand; demotion; reduction in salary level or forfeiture of no more than 1/3 salary per month for a period of no more than twelve months; a civil penalty not to exceed \$10,000; and/or restitution of any pecuniary benefits received because of the violations committed. See, Fla. Stat. 112.317

10. C.

There is nothing in this question that violates Florida's Ethics Code. Not everything is an ethics violation! Don't get carried away!

11. D.

Lenny may be able to sell the property to the CDD if the property is the only source available, the sale price is for fair market value, there is a full disclosure of Lenny's interest to entire CDD, and Lenny obtains an opinion from Florida's Ethics Commission that the sale is not a violation of Florida's Ethics Code.

Per Fla. Stat. 112.313(3), a public officer or employee, acting in a private capacity, is prohibited from renting, leasing, or selling any realty, goods or services to his or her own political subdivision. Public officers are also prohibited from doing business with their own agency. However, there are exemptions against the prohibition against doing business with one's agency that may apply when the business entity is the only source of a supply within the political subdivision and there is full disclosure of the official interest, and an appropriate Form 4A is filed. See, Fla. Stat. 112.313(12).

Here it appears that Lenny's property may be the only property available to accommodate the District's needs. While the two Supervisors conversation was a violation of the Sunshine law, Sunshine law violations are not enforced by the Commission on Ethics.

# Approval of Minutes



# BAREFOOT BAY RECREATION DISTRICT

**Board of Trustees Regular Meeting  
June 26, 2018  
7 P.M. –Building D&E**

## **Meeting Called to Order**

The Barefoot Bay Recreation District held a Regular Meeting on June 26, 2018 in Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Lavier called the meeting to order at 7:00 P.M.

## **Thought for the Day**

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

## **Pledge of Allegiance to the Flag**

Led by Mr. Wheaton.

## **Roll Call**

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

## **Presentations**

Mr. Cavaliere accepted two donations, one from the HOA presented by Mr. Peter Carey and a resident fundraiser presented by Ms. Denise Lavier towards the fireworks display scheduled for July 1, 2018. The resident fundraiser was collective effort between the HOA, Ms. Lavier, Betsy Davis, Elaine Van Berschot and the community. Total raised by the joint effort was \$4,220 and an additional \$1000 was donated by the HOA. Mr. Cavaliere commended the HOA and Ms. Lavier, stating that this is a wonderful example of the residents seeing a need then coming together to make it happen.

## **Minutes**

*Mr. Cavaliere made a motion to approve the Minutes for June 8, 2018 as written. Second by Mr. Diana. Motion carried unanimously.*

## **Treasurer's Report**

Mr. Cavaliere read the Treasurer's Report for June 26, 2018.

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

## **Audience comment On Agenda Items**

Ms. Fran Solecki voiced concern regarding the cost for the fireworks and other costs she believes are excessive and unnecessary. She was also dissatisfied for the authorized waiver of the guest pass during the fireworks show and other events. She recommended drug screening of incoming homeowners into the Bay and questioned the costs of the proposed Lounge expansion.



# BAREFOOT BAY RECREATION DISTRICT

Mr. Rich Schwatlow recommended a 3% increase in the fees per year as is widely accepted in other communities so the residents are aware of the future costs of living in the Bay. He commented on his apprehension about the 30-year bond included in the resident budget that was recently sent to the homeowners.

Ms. Barbara Applegate inquired about whether the general fund is going to pay for the projects as she learned through resident articles in the Tattler that there are many unfinished projects that have been transferred to each new budget. She asked about the bond issue and whether the Board will be asked if we are going to borrow the money.

Mr. Rick Bunsen commented on the projects proposed for financing from the bond. He voiced his agreement regarding splitting up the projects so not all projects are being designated for financing. He offered some suggestions on saving money by reducing the amount financed to a lower figure thereby keeping the Bay from taking on a 30-year bond.

Ms. Lois Giltner inquired about fans in the meeting rooms and in the card room. She also recommended replacing the water fountains in Building D/E.

Mr. commented on his dissatisfaction with the cost on Building D/E and the Bond issue.

Ms. Lisa Drake stated that in the minutes she read Mr. Cavaliere advised the pool hosts call 911 if the residents are unresponsive to the rules about smoking. *\*Note: The minutes from May 22nd were corrected to state Mr. Cavaliere's actual statement which recommended the pool hosts call the sheriff department if the residents continuously fail to follow the smoking rule at Pool 1.*

Mr. Ed Keely voiced his opinion on the money that will be spent on the proposed D/E complex. He commented on various costs from the budget mailout recently sent out to the resident homes. He advised raising assessment fees to \$70 per month.

Ms. Jeanne Osborne recommended the Board take the advice of a former trustee Louise Crouse and use the fund money we already have in order to finance the projects. She cautioned the Board not to put the residents in debt.

## **Unfinished Business**

### **Reconsideration of Micco RV Lot CCTV Repairs and Upgrade**

Mr. Klosky stated that this item was brought back to the agenda due to the resident concern he received about removing the CCTV system from the Micco RV Lot.

Mr. Rich Schwatlow questioned whether the trustees had knowledge regarding the quality of the CCTV system that they are proposing for the upgrades.

Ms. Janet Christen stated that her vehicles are in the RV Lot due to the CCTV system she requested the Board keep the cameras as they give the residents a peace of mind.

Mr. Rick Burns agreed with maintaining the CCTV system in the RV lots.

Ms. Lisa Drake requested the Board keep the CCTV system and upgrade them. She asked that the Board not put new asphalt as it will heat up in the summer sun and rubber tires will dry rot faster.

Mr. Gene Tippet was in agreement with the other speakers and requested the Board not remove the CCTV system in the RV Lots.

Mr. Diana stated that removing the cameras is not a good idea and the Board decision in his opinion was not well thought out. He stated that if he was in attendance at that meeting he would have voted against the motion to remove the system.



# BAREFOOT BAY RECREATION DISTRICT

Mr. Cavaliere stated that he is against the system as historically they have not proven to be a crime deterrent. He questioned our classification of the storage lots and whether they are considered an amenity, revenue generating or income producing. He maintained that if it is income producing the lot should be generating a profit. Mr. Cavaliere reiterated that signs are already posted stating they are parking at their own risk and recommended that all vehicles should already be insured. Further, he stated all residents should not be responsible for the funding of the camera system for usage by just a small fraction of the community.

Mr. Wheaton stated that he was also against paving the RV Lots and recommended researching a better system as the existing system does not consist of quality cameras. Mr. Lavier agreed that at some point in the future we may research better cameras but does not recommend upgrading the system at this time.

*Mr. Klosky made a motion to award contract to ADS for an upgrade to the Micco RV CCTV system and direct staff to seek an additional quote for a zoom camera for license plates. Second by Mr. Diana. Mr. Cavaliere and Mr. Lavier opposed. Motion carried 3-2.*

## **New Business**

### **Adoption of the FY19 Budget**

Mr. Bill Robinson commented on his recently received resident budget mailout and voiced dissatisfaction with various topics in the budget and the overall budget itself.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT ESTABLISHING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

*Mr. Cavaliere made a motion to approve the resolution accepting the Budget. Second by Mr. Diana. Mr. Klosky and Mr. Wheaton opposed. Motion passed 3-2.*

### **FY19 Assessment Rate**

Mr. Lavier opened the Public Hearing Establishing an Assessment. General Counsel Repperger read the resolution.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT ESTABLISHING AN ASSESSMENT OF \$760.44 FOR EACH IMPROVED RESIDENTIAL LOT WITHIN THE SAID DISTRICT TO FUND THE 2018/19 FISCAL YEAR OPERATING BUDGET OF THE DISTRICT; PROVIDING FOR THE COLLECTION OF SAID ASSESSMENT IN THE MANNER PROVIDED FOR AD VALOREM TAXES PURSUANT TO SECTION 197.363, FLORIDA STATUTES; PROVIDING THAT SAID ASSESSMENT SHALL BE A VALID LIEN UPON EACH IMPROVED RESIDENTIAL LOT SO ASSESSED UNTIL SUCH ASSESSMENT HAS BEEN PAID IN FULL; PROVIDING THAT SAID ASSESSMENT SHALL BE CONSIDERED PART OF THE COUNTY TAX SUBJECT TO THE SAME PENALTIES, CHARGES, FEES, AND REMEDIES PROVIDED FOR THE ENFORCEMENT AND COLLECTION OF COUNTY TAXES; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Mr. Earl Medlin commented on his frustration with any increased costs in the yearly assessment fee since, as the Board is aware, many residents have only their social security checks to depend on.



# BAREFOOT BAY RECREATION DISTRICT

Ms. Jeanne Osborne voiced dissatisfaction with the Board's decision to adopt the budget today despite the public objection to the adoption.

*Mr. Cavaliere made a motion to approve the resolution establishing the assessment. Second by Mr. Diana. Mr. Klosky and Mr. Wheaton opposed. Motion passed 3-2.*

## **Sail Shade Structure**

The approved FY18 Budget contains \$10,000 within the R&M/Capital Department for a sail shade structure lakeside of the Lounge to provide relief from the heat of the summer sun during F&B events. Staff solicited two quotes: \$11,425.00 from Creative Shade Solutions, Inc. and \$22,408.25 from Creative Playthings. Staff recommended the BOT award contract for procurement and installation of a sail shade structure for lakeside of the Lounge in the amount of \$11,425.00 to Creative Shade Solutions, Inc. and transfer the required balance from contingency to fund the project.

*Mr. Cavaliere made a motion to award the contract to Creative Shade Solutions, Inc. for \$11,425.00 and have staff transfer the balance from contingency to fund the project. Second by Mr. Diana. Motion carried unanimously.*

## **Cart Path Repair/Replacement**

The approved FY18 Budget contains \$20,000 within the R&M/Capital Department for Phase (3) of the golf course cart path replacement project. Mr. Coffey highlighted that per the BBRD Policy Manual's Exception to Competition #7, Capital or R&M projects proposed by a vendor responsible for long-term maintenance when recommended by responsible department manager and approved by the Community Manager (page 7), a second bid is not required. Staff solicited a bid in the amount of \$19,739.76 from BBRD golf course maintenance company, ABM and recommended the BOT award contract for the golf course cart repairs/replacement in the amount of \$19,739.76 to ABM.

*Mr. Cavaliere made a motion to award the contract to ABM in the amount of \$19,739.76. Second by Mr. Diana. Motion carried unanimously.*

## **Neighborhood Revitalization Program (NRP) Purchase Confirmation**

On Jun15, 2018, NRP Chairman Wheaton authorized the purchase of 637 Hyacinth Circle for \$7,380.20. Staff is in the process of obtaining an asbestos study of the home and a demolition. Once a clean title is secured, the property will be listed for sale. Subsequently, the proceeds will go back into the NRP project line-item for future use to improve the community via the removal of derelict homes and the sale of the vacant property. Staff recommended confirmation of the purchase of 637 Hyacinth Circle via the Neighborhood Revitalization Program.

*Mr. Klosky made a motion to confirm the purchase 637 Hyacinth for \$7,380.00 via the Neighborhood Revitalization Program. Second by Mr. Cavaliere. Motion carried unanimously.*

Mr. Diana inquired about the status on the sale of 635 Hyacinth which he authorized when he was Chairman. General Counsel stated that there were some complications with marketable title and the deal ultimately fell through. He will provide and update at the next meeting.



# BAREFOOT BAY RECREATION DISTRICT

## Manager's Report

### Finance

- FY18 Assessment Collection Update – \$3,580,038.00 (gross) or 99.4%% of the FY18 Budget has been received as of June 15th. Please see attached for details.

### Resident Relations

#### ARCC Updates

- Meeting on June 12th had 28 permits of which all were approved with two having stipulations.
- The next meeting will be on June 26th at 9 am in the HOA office. There are 16 cases on the agenda.

#### Violations Committee Updates

- Meeting on June 8th had 28 cases on the agenda with 15 cases coming into compliance prior to the meeting and 13 being found in violation.
- The next meeting will be on June 22nd at 10 am at Bldg. D&E with 16 cases on the agenda.

### Food & Beverage

- “A Barefoot Kind of Night”, our annual Luau, will be held on Saturday, July 21 at pool #1 with a tropical themed buffet and cocktail menu. Tickets for this highly anticipated event are on sale in the Lounge, the 19th Hole and Resident Relations.
- A Special Independence Day Street Dance will be held on Sunday, July 1st at Pool #1 from 5-9pm and ending with fireworks at 9pm. The day's entertainment includes Southern Sisters DJ from 1-4pm poolside, a hands-free pie eating contest at 2:30pm. and the night's entertainment is the Hatley Band from Sarasota who played at the Barefoot by the Lake festival. The grill will be open from noon until 8pm.
- As we have in the past, on **July 4th, Independence Day**, Dougie's D.J. services will entertain pool side from 2-6pm. An all American hot dog menu will be available at the grill from noon.  
Event flyers with all the details are posted.



### Golf-Pro Shop

- Weed Control will cause yellowing for next few weeks
- Project Updates
  - Bunker restoration phase 3
    - Completed 3 bunker's drainage
    - Started 4th bunker
    - Sod will be done all at once at completion of drainage phase of all bunkers
  - #13 area behind green being prepared for sod removal and replacement





# BAREFOOT BAY RECREATION DISTRICT

- #3 drainage completed (see picture to the right)
- Restroom projects (grant funded):
  - Roofs on 6 and 16 (waiting on shingle installation)
  - Renovations on #6 women's restroom complete
  - Renovations on #6 men's restroom will begin 28Jun18
- Scoreboard/picnic area (grant funded):
  - Obtained 1st quote for scoreboard removal and replacement (seeking second quote)
  - Obtained 1st quote for picnic canopy tent area (ABC Awnings will be out Wed to look at area for second quote)
- Jr. Camp Update – session 1 ends 28Jun18 and 2nd session begins 10Jul18



## Property Services

- Constructed bar top in place of fencing behind the Lounge (location identified as a trip hazard)
- Continued pressure washing around the Building A complex
- Waxed and buffed the floors in building A and the Lounge
- Solicited bids for concrete approach from the west on the Gunther Bypass
- Conducted interviews for the open custodial and building tech positions
- Addressed all current DOR violations
- Removed dead pygmy date palm at the main entrance. Replacement will be installed soon.
- Set up for the Flag Day ceremony and tore it down.
- Received new D/E chairs. Swap out is scheduled for later this week. Old one will be sold via an online auction.

## General Information

- Weir Structure/Pipe Issue Update – General Counsel Repperger, Community Manager Coffey, and Matt Goetz, Property Services Manager will meet with Brevard County staff on Friday June 29<sup>th</sup> to discuss a way forward concerning the needed repairs and to verify jurisdictional boundaries for stormwater maintenance.
- Community Center \$50,000 Grant Program Update – Staff received a check from the State of Florida on Monday June 18<sup>th</sup> in the full amount of \$50,000.00 which successfully closes out the program.
- Financing of Projects Process Update – Mr. Clark Bennett is available to discuss options with the BOT at the July 13th BOT meeting. Please remember any estimated debt service payment amounts he may identify will be based on a rough estimate of anticipated interest rates and non-RoM estimated numbers for two of the projects and therefore not binding. Board consensus for Mr. Bennett to come to the meeting.



# BAREFOOT BAY RECREATION DISTRICT

- FASD Conference Update – BBRD Representative Mr. Ed Geier will submit his notes from the conference (as part of the July 13<sup>th</sup> agenda packet) and be at the July 13<sup>th</sup> BOT meeting to answer any questions the BOT or public may have of him.
- New Administration Building Update – The forms and support structures are in place for the slab to be poured. Vertical construction will begin shortly after the slab is poured. Additionally, staff is beginning to solicit bids for the following project elements that will be executed once the building is completed in the fall.
  - Telephone/data lines and system
  - Security system
  - Furniture (all suitable existing items will be used in the new building as opposed to purchasing all new office furniture)

## Attorney's Report

General Counsel Repperger clarified that 635 Hyacinth has potential however the buyer was not willing to do that. He ensured that he will obtain marketable title and will update the Board at the next meeting. He requested guidance on the language for the referendum. He stated that he will bring the language back to the Board for input prior to submitting the referendum to the County.

## Incidental Trustee Remarks

Mr. Diana requested staff contact the county about replacing the Barefoot Blvd and US1 and the Micco Road Barefoot Bay sign. Additionally, he asked about what it would take to get plans going for the expansion of the Lounge. He has recently been informed that some homeowners are listing their Barefoot Bay homes on Airbnb and allowing the renters to use the amenities. He suggested we find a way to do something about this. General Counsel Repperger stated that he will look into it and report back to the board on his findings.

Mr. Wheaton recommended reducing the golf course membership fee and charging per round fees in order to break even rather than raising the assessment fees.

Mr. Klosky no remarks.

Mr. Cavaliere discussed the vision he and the Board has for Barefoot Bay and encouraged the residents to understand that he makes decisions based on the greater good of the community and not for a small vocal group.

Mr. Lavier. He echoed Mr. Diana's concern regarding the per night rentals and hoped we could find a resolution. He wished everyone a Happy Fourth of July.

## Adjournment

Mr. Cavaliere made a motion to adjourn.

The next meeting will be on Friday, July 13, 2018 at 1PM in Building D/E.



# BAREFOOT BAY RECREATION DISTRICT

Meeting adjourned 2:47 PM.

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Joseph Klosky, Secretary

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Dawn Myers, District Clerk

DRAFT

# Treasurer's Report

# Barefoot Bay Recreation District

## Treasurer's Report

July 13, 2018

### Cash Balances in General Fund as of 7/05/18

Petty Cash

**Total Petty Cash:** \$ 2,000.00

### Operating Cash in Banks

MB&T Operating Account

2,533,002.30

**Total Operating Accounts:** 2,533,002.30

### Interest Bearing Accounts

BOA Money Market Account

105,653.01

SBA Reserve Account

563,405.57

**Total Interest Bearing Accounts** 669,058.58

**Total Cash Balances in General Fund:**

**\$ 3,204,060.88**

### Total Daily Deposits and Assessments Rec'd for 6/19 - 7/05/2018:

Daily deposits: \$ 85,538.01

Assessments received (from County only): -

**Total Deposits Received** **\$ 85,538.01**

### Expenditures over \$5,000 for 6/19 - 7/05/2018:

Check Number	Vendor	Description	Check Amount
50595	ABM Landscape & Turf Services	Golf Course Maintenance June 2018	38,691.16
50625	Special District Services, Inc	Management Fee June 2018	12,808.33
50661	Florida Power & Light Co	Electric June 2018	6,152.73
50689	TLC Engineering for Architecture Inc	Engineering - Bldg F and Dottie Ln Weir	11,715.89
50694	Zambelli Fireworks	Fireworks for 1st July - Final Payment	5,000.00
50695	Creative Shade Solutions Inc	Lounge Shade Deposit	5,712.50
	US Treasury	Payroll Tax - 6/28/18	15,158.27
	Paychex	Payroll - 6/28	53,338.29

**Total Expenditures over \$5,000 for 6/19 - 7/05/2018: \$ 148,577.17**

# Audience Participation

# Unfinished Business

## Board of Trustees Meeting Agenda Memo

Date: July 13, 2018

Title: Financing Options Discussion

Section & Item: 8A

Department: R&M/Capital

Fiscal Impact: TBD

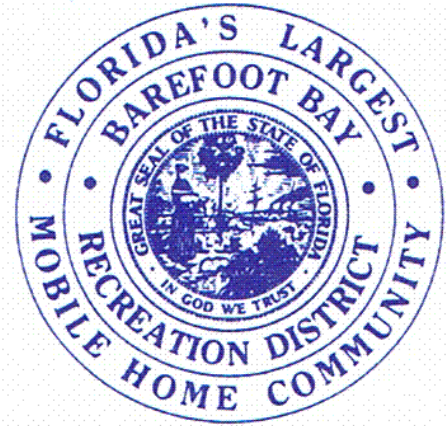
Contact: Clark Bennett, Spectrum Municipal Services, Inc. (BBRD's Financial Advisor); Charles Henley, Finance Manager; or John W. Coffey, Community Manager

Attachments: N/A

Reviewed by

General Counsel: N/A

Approved by: John W. Coffey, Community Manager



### Requested Action by BOT

Review financing options with Mr. Bennett and direct to staff.

### Background and Summary Information

The BOT has discussed for the past year the issue of long-term financing for specific R&M/Capital projects. At the June 19<sup>th</sup> workshop, the BOT revised the list (shown as "original" below) into two lists and revised the cost estimates of specific projects.

		Original	Maint	Bldg
1	Repave West RV lot	132,565	132,565	
2	Repave Micco RV lot	285,632	285,632	
3	Repave shopping center parking lot	168,431	168,431	
4	Replacement Admin. Bldg.	935,748		250,000
5	Replace D-E/ 19th Hole/Pro Shop complex	4,998,644		1,500,000
6	Upgrade elect. infrastr. in Bldg. A	159,500	159,500	
7	Bldg. A HVAC Replace/Upgrade	110,000		110,000
8	Bldg. A kitchen expansion	206,323		206,323
9	Lounge Enlargement	350,000		350,000
10	Replace electrical infrastructure in Shopping Center	80,000	80,000	
11	Beach Projects, Ph. 3 (Restrooms)	93,870		93,870
12	Beach Projects, Ph. 4 (Pavilion)	53,270		53,270
13	Beach gate access card system	28,272		28,272
14	Lake bank restoration, Ph. 6 (left of 11 tee box, right of 16 green)	87,000	87,000	
15	Lake bank restoration, Ph. 7 (between holes 10 & 12)	87,000	87,000	
16	Lake bank restoration, Ph. 8 (right of 6, right of 2, right of 3 & behind 5)	87,000	87,000	
17	Lake bank restoration, Ph. 9 (right of 15, right of 14 & right of 14 green)	87,000	87,000	
18	Irrigation System Repairs	500,000		500,000
19	ABM Worksite upgrade Ph. 1 (canal fill)	265,267		265,267
20	ABM Worksite upgrade Ph. 2 (consolidated new building)	454,230		454,230
	Subtotal	9,169,751	1,174,128	3,811,232
21	Building behind the Shopping Center	2,131,672		2,500,000
	<b>Total</b>	<b>11,301,423</b>	<b>1,174,128</b>	<b>6,311,232</b>

Yellow shaded numbers indicate budget based on a Trustee's estimate and not a RoM.



At the end of the workshop, the BOT instructed staff to ask Mr. Bennett to come to the next available BOT meeting to discuss financing options and possible terms. Prior to the meeting, Mr. Bennett provided, via e-mail, various estimated terms for 15-year bank loans and 30-year bonds.

Staff requests direction from the BOT regarding this matter.

## Board of Trustees Meeting Agenda Memo

Date: July 13, 2018

Title: Draft Resolution Calling for Referendum RE: Financing Public Maintenance/Improvement Projects

Section & Item: 8B

Department: BBRD General Counsel/Administration

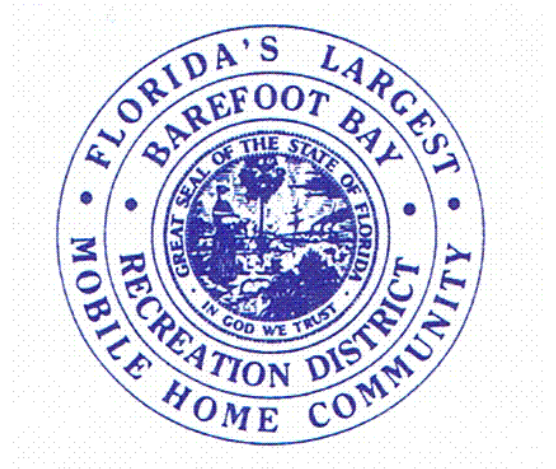
Fiscal Impact: Costs Associated with Referendum Election/Undetermined

Contact: General Counsel Cliff Repperger  
(321) 984-2700

Attachments: Draft Resolution

Reviewed by  
General Counsel: Y

Approved by: John W. Coffey, Community Manager



### **Requested Action by BOT**

Consideration of Draft Resolution calling for Referendum Election.

### **Background and Summary Information**

On April 30, 2018, the Board of Trustees of Barefoot Bay Recreation District considered and approved a list of twenty (20) public maintenance/improvement projects to be completed in accordance with the District's five (5) year Financial Model and Capital Improvement Plan. On April 30, 2018, the Board of Trustees also approved the financing of the approved list of twenty (20) public maintenance/improvement projects through the issuance of thirty (30) year tax exempt bonds. Since April 30, 2018, Board of Trustees has considered adding an additional project and altering the scope of the initial public maintenance/improvement project list to reduce the amount of required financing and has evaluated alternate financing options.

On June 8, 2018, the Board of Trustees authorized Attorney Repperger to draft a Resolution calling for a Referendum Election so that the registered electors of the District could indicate their desired method of financing.

**RESOLUTION 2018-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF BAREFOOT BAY RECREATION DISTRICT CALLING A REFERENDUM ELECTION ON NOVEMBER 6, 2018 ON THE QUESTION OF WHICH TYPE OF FINANCING OF THE COSTS VARIOUS PUBLIC MAINTENANCE/IMPROVEMENT PROJECTS IS PREFERRED BY THE REGISTERED ELECTORS OF THE DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF BAREFOOT BAY RECREATION DISTRICT:**

**SECTION 1. AUTHORITY FOR RESOLUTION.** This resolution is adopted pursuant to the authority of the Board of Trustees to provide for the method of financing of the improvement of real or person property of the District pursuant to Section 418.306, Florida Statutes and the authority to call a referendum pursuant to Section 100.211, Florida Statutes.

**SECTION 2. FINDINGS.** It is hereby found and determined as follows:

A. On April 30, 2018, the Board of Trustees of Barefoot Bay Recreation District considered and approved a list of twenty (20) public maintenance/improvement projects to be completed in accordance with the District's five (5) year Financial Model and Capital Improvement Plan;" and,

B. On April 30, 2018, the Board of Trustees also approved the financing of the approved list of twenty (20) public maintenance/improvement projects through the issuance of thirty (30) year tax exempt bonds; and,

C. Since April 30, 2018, Board of Trustees has considered adding an additional project and altering the scope of the initial public maintenance/improvement project list to reduce the amount of required financing and has evaluated alternate financing options; and,

D. At the time of the adoption of this Resolution, the total amount of financed funds necessary to complete the planned public maintenance/improvement projects is estimated to be \$\_\_\_\_\_; and,

E. The Board of Trustees desires to have input from the registered electors of Barefoot Bay Recreation District as to the preferred method of financing the costs of the public maintenance/improvement projects; and,

F. The Board of Trustees hereby expresses its intent to follow the will of the registered electors of the Barefoot Bay in choosing a financing option for the financing of the costs of the public maintenance/improvement projects; and,

G. The general election to be held on November 6, 2018, is an appropriate and desirable date for the conduct of a concurrent referendum election; and,

H. All things required to be done prior to the calling of a referendum election have been done and it is now desirable to call the referendum election.

**SECTION 3. REFERENDUM ELECTION.** A referendum election is hereby called and ordered to be held concurrently with the general election to be held on November 6, 2018, to determine the method of financing of the costs of public maintenance/improvement projects preferred by the registered electors of Barefoot Bay Recreation District.

**SECTION 4. NOTICE OF REFERENDUM ELECTION.** This resolution shall be published twice in full as part of the Notice of Referendum Election, together with a notice in substantially the form attached hereto as Exhibit "A," in *Florida Today*, a newspaper of general circulation in the Barefoot Bay Recreation District. The publication shall be made by the Clerk to the Barefoot Bay Recreation District Board of Trustees at least thirty (30) days prior to the election; once in the fifth week and once in the third week prior to the week in which the election is to be held.

**SECTION 5. PLACES OF VOTING, INSPECTORS, CLERKS.** The polls will be open at the voting places on the date of such referendum election during the hours prescribed by law. All qualified electors shall be entitled and permitted to vote at such referendum election on the proposition provided below. The places of voting and the inspectors and clerk for the referendum election shall be those designated by the Supervisor of Elections of Brevard County, Florida.

**SECTION 6. OFFICIAL BALLOT.** The ballots to be used in the referendum election shall contain one question and shall be in substantially the following form:

**BALLOT**  
**Barefoot Bay Recreation District, Brevard County, Florida**

**REFERENDUM QUESTION NO. 1**

**Method of Financing Costs of Public Maintenance/Improvement Projects**

Which of the following financing options do you prefer to finance the costs of public maintenance/improvement projects approved by the Board of Trustees in accordance with the District's five (5) year Financial Model and Capital Improvement Plan?

\_\_\_\_\_ Fifteen (15) year Tax Exempt Loan

\_\_\_\_\_ Thirty (30) year Tax Exempt Bonds

**SECTION 7. PAYMENT OF REFERENDUM ELECTION EXPENSES.** The Barefoot Bay Recreation District shall pay all lawful expenses associated with conducting the referendum election.

**SECTION 8. VOTER REGISTRATION BOOKS.** The Supervisor of Elections for Brevard County is hereby authorized and requested to furnish to the inspectors and clerks at each place where the votes are to be cast in such referendum election, applicable portions of the registration books or certified copies thereof showing the names of the qualified electors.

**SECTION 9. ELECTION ADMINISTRATION.** The referendum election shall be held and conducted in the manner prescribed by law and shall be as soon as practicable, be returned and canvassed in the manner prescribed by law. The result shall show the number of qualified electors who voted at such referendum election and the number of votes cast respectively for and against the question.

**SECTION 10. ELECTION RESULTS.** The financing option receiving the majority of the votes cast at the referendum election shall be deemed to be the method of financing the costs of public maintenance/improvement projects preferred by the registered electors of the Barefoot Bay Recreation District.

**SECTION 11. SEVERABILITY.** In the event that any work, phrase, clause, sentence or paragraph hereof shall be held invalid by any court or competent jurisdiction, such holding shall not affect any other word, clause, sentence or paragraph hereof.

**SECTION 12. REPEALING CLAUSE.** All resolutions or other actions of Barefoot Bay Recreation District which are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency.

**SECTION 13. EFFECTIVE DATE.** This resolution shall take effect immediately upon adoption.

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

Chairman, Brian Lavier  
Trustee, Frank Cavaliere  
Trustee, Steven Diana  
Trustee, Joseph Klosky  
Trustee, David Wheaton

The Chairman thereupon declared this Resolution Done, Ordered, and Adopted this 13<sup>th</sup> day of July 2018.

Barefoot Bay Recreation District

By: \_\_\_\_\_  
Brian Lavier, Chairman

By: \_\_\_\_\_  
Joseph Klosky, Secretary

**EXHIBIT “A”**

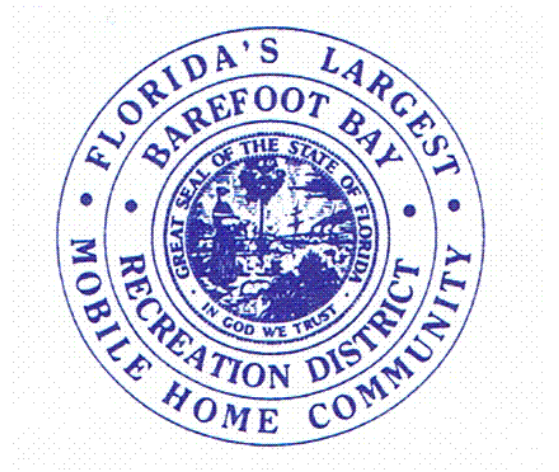
**NOTICE OF REFERENDUM ELECTION  
BAREFOOT BAY RECREATION DISTRICT**

Notice is hereby given that a referendum election shall be held on November 6, 2018, at which the question described in the following resolution number 2018-\_\_\_\_\_ adopted by the Board of Trustees of Barefoot Bay Recreation District, on the 13th day of July shall be submitted to the registered electors of the District:

[RECITE RESOLUTION]

## Board of Trustees Meeting Agenda Memo

Date: July 13, 2018  
Title: Lounge Expansion Project  
Scope of Work  
Section & Item: 8C  
Department: R&M/Capital  
Fiscal Impact: TBD  
Contact: Steve Diana, Trustee; or John W. Coffey, Community Manager  
Attachments: Lounge Expansion Rough Order of Magnitude (RoM) cost estimate  
Reviewed by  
General Counsel: N/A  
Approved by: John W. Coffey, Community Manager



### **Requested Action by BOT**

Review project RoM and direction to staff regarding seeking a design/construction plans proposal from BBRD's engineering firm of record.

### **Background and Summary Information**

The BOT has discussed for the past year the issue of long-term financing for specific R&M/Capital projects. On Jun26th, under Trustee Incidental Comments, Trustee Diana recommended starting the design of the Lounge expansion project now to be able to execute the project in the summer of 2019. Based on prior projects and conceptual design efforts, BBRD can expect the following timeline:

- 3-5 months design/construction drawings (including two BOT workshops for conceptual design review and direction to engineers and architects)
- 2-3 months RFP process
- 1-3 months contracting
- 1-2 months permitting

Due to previous comments from individuals regarding the scope of the planned expansion (50% of 1,300 square feet), staff requests the BOT confirm the size of the expansion prior to seeking a design proposal which will be placed on the next available agenda for consideration.



### BUILDING A KITCHEN EXPANSION

Barefoot Bay Recreation District has proposed to renovate the existing kitchen in Building A to provide increased capacity with the intent to facilitate catering events for up to 300 guests. The renovation requires reconfiguration of the existing partitions, replacement of existing kitchen equipment, installation of new HVAC systems to service the hoods and walk in freezer, and new openings in the exterior walls to facilitate access to the new exterior walk in cooler/freezer. The RoM estimate assumes the existing grease trap and grease interceptor are code compliant and sized to accommodate the revised kitchen load. Existing building drawings showing the existing grease trap and grease interceptor were not available. The estimate further assumes the existing utility and power service to the building are sufficient for the additional loads. RoM cost estimates for equipment assumes that the equipment is owner furnished and contractor installed. The unit price for each piece of equipment as shown in the kitchen equipment designers specifications represents the average market value of the equipment and does not account for the owner's purchasing power, taxes, shipping, or available discounts that may be offered to the Barefoot Bay Recreation District.

### LOUNGE ENLARGEMENT

A proposal has been put forth to enlarge the existing 2,600 square foot lounge adjacent to Building A by 50 percent with an approximately 1,300 square foot addition. The new lounge would be conditioned. The RoM estimate assumes that the lounge enlargement would classify as a Class II renovation in accordance with the Florida Existing Building Code, exempting the requirement that the existing building structure, mechanical, electrical, fire protection, plumbing, and/or architectural life safety elements of the existing building be brought up to standards outlined in the current edition of the Florida Building Code. Moderate landscaping and demo costs of portion of the existing exterior canopy on the North side of the lounge building, and relocation of the existing exterior walk-in cooler are included in the RoM cost estimate. New mechanical equipment will be provided to service the lounge addition. Scope and RoM is based on components of a master planning study developed by BBRD in conjunction with BSE, DNA, and TLC in 2016.

### BEACH PROJECTS, PHASE 3 (RESTROOM)

The project consists of construction of a new modular pre-engineered pre-manufactured restroom and changing facility at the beach parcel owned by the Barefoot Bay Recreation District. The RoM includes the construction of new septic system, and demolition of the existing structure. Scope and RoM is based on components of a master planning study developed by BBRD in conjunction with BSE, DNA, and TLC in 2016.

### BEACH PROJECTS, PHASE 4 (PAVILION)

The project consists of construction of a new wood framed 20 foot x 40 foot covered pavilion with concrete slab on grade and adjacent fixed charcoal grills on the beach parcel owned by the Barefoot Bay Recreation District. Scope and RoM is based on components of a master planning study developed by BBRD in conjunction with BSE, DNA, and TLC in 2016.

### BEACH GATE ACCESS CARD SYSETM

The project scope includes removal of the existing gate at the Barefoot Bay Recreation District beachside parcel and construction of a new mechanical security gate. The new security gate would provide access to Barefoot Bay residents with a card system and/or punch code. The RoM estimate includes removal of the existing gate and construction of the new gate (including foundations and electrical). Long term maintenance and operational costs of the system are excluded from the RoM estimate.

### LAKE BANK RESTORATION, PHASE 6

The scope of work is limited to installing approximately 2,700 linear feet of geo-filter tube erosion barriers along the banks of the lake left of the 11<sup>th</sup> tee box and right of the 16<sup>th</sup> green. The full report provided by Treasure Coast Turf and Landscape Services has been included as an exhibit to this report. The recommendations contained within the report include, but are not limited to, additional sprinkler heads to



COCOA DIVISION  
874 Dixon Blvd  
Cocoa FL 32922-5809  
321-636-0274 • Fax 321-639-8986

Project	Barefoot Bay FY18 RoM Cost Estimates
TLC #	517098
By	CGD
Date	9-Oct-17
Subject:	Building A Lounge Enlargement
Description:	Rough order of magnitude cost estimate for a 50% increase in the square footage of the existing Building A lounge area.

Location: Barefoot Bay, Florida  
Location Factor: 90% {Melbourne, FL}  
Historical Cost Index: 112% {2016}  
Construction: Commercial  
Area 3600 SF

Rough Order Magnitude Cost						
Code	Description	Unit Cost	Adj. Unit	Unit	Qty	Total
-	General Interiors	\$ 22.16	\$ 22.34	SF	3600	\$ 80,414.21
-	Structural	\$ 11.63	\$ 11.73	SF	3600	\$ 42,215.16
-	Mechanical	\$ 11.15	\$ 11.24	SF	3600	\$ 40,461.12
-	Electrical	\$ 14.25	\$ 14.36	SF	3600	\$ 51,710.40
-	Plumbing	\$ 9.70	\$ 9.78	SF	3600	\$ 35,199.36
<b>Subtotal</b>						<b>\$ 250,000.25</b>
Contractor Fees (General Requirements: 10%; Overhead 5%; Profit: 10%) <i>per RSMeans</i>					25%	\$ 62,500.06
Contingency					15%	\$ 37,500.04
<b>Total</b>						<b>\$ 350,000.35</b>

Notes	
1	RoM cost estimate does not include soft costs associated with permitting, review, restricted working hours, hauling/fill costs, site work, additional services from the design team, and other mitigating factors
2	RoM cost includes interior fitout of expanded lounge including, but not limited to: decorations, furniture, and concessions.
3	Expansion of the lounge square footage classifies as a Class II renovation and does not require that the existing building structure be brought up to the standards of the current Florida Building Code. This will need to be evaluated through a life safety analysis of the existing space through conceptual design of the addition. changes to this assumption may have significant impact to the assumed cost of renovation.

# New Business

# Board of Trustees Meeting Agenda Memo

Date: July 13 2018  
Title: DOR Violation 18-001195  
927 Cashew Circle

Section & Item: 9Ai  
Department: Resident Relations: DOR Enforcement  
Fiscal Impact: N/A  
Contact: Rich Armington, Resident Relations  
Manager  
Attachments: **Notices and Pictures**

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



## **Requested action by the Board of Trustees**

**Review violation and referral to General Counsel Repperger.**

## Background and Summary Information

First Violation occurred on 3/12/2018., seven follow ups and pictures have been done since first Violation. Staff has signed Affidavit of Notices, signed Suspension notices and attached five pictures. Respondent has been notified by First Class Mail and Certified Mail.

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

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 18-001195

#0348/ 18-001195

FITZGERALD, JAMES K

927 CASHEW CIR

BAREFOOT BAY, FL 32976

Respondent(s),

**STATEMENT OF VIOLATION**

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

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

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

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

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

**LOCATION/ADDRESS WHERE VIOLATION EXISTS**

Block # 114 Lot # 51

927 CASHEW CIRCLE

BAREFOOT BAY, FL 32976

**DESCRIPTION OF VIOLATION(s):** unapproved items

**DATE OF VIOLATION FIRST OBSERVED:** Mar 12, 2018

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

March 14, 2018 via First Class

June 25, 2018 via Certified return receipt requested.

**DATE ON/BY WHICH VIOLATION TO BE CORRECTED:** July 09, 2018



Stephane Fecteau, DOR Inspector

772-664-4722

June 25, 2018



927 Cashew back  
Stephane Fecteau  
Jun 25, 2018

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

**Notice** is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **01:00 PM** on **July 13, 2018** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

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

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

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

**THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 771-664-4722.**

**June 25, 2018**

Deed of Restrictions STAFF

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 18-001195

#0348 / 18-001195

FITZGERALD, JAMES K,

927 CASHEW CIR

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 927 CASHEW CIRCLE**  
Barefoot Bay, FL 32976

**AFFIDAVIT OF NOTICES**

STATE OF FLORIDA  
COUNTY OF BREVARD

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

1. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.



Stephane Fecteau, DOR Inspector

The Foregoing instrument was acknowledged before me on \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by Stephane Fecteau, who is personally known to me and did take an oath.

\_\_\_\_\_  
Notary Public  
State of Florida at Large



Jul 2, 2018 8:44:41 AM  
Sebastian



Jul 2, 2018 8:44:53 AM  
Sebastian









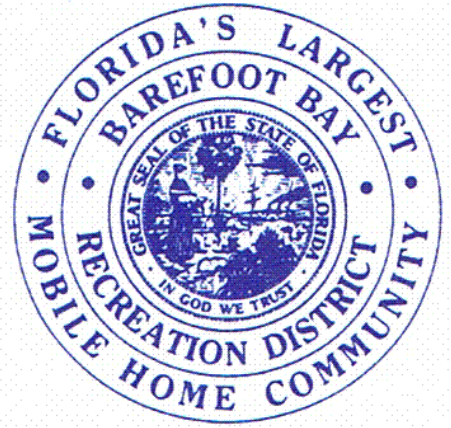
Jul 2, 2018 8:45:44 AM  
Micco



# Board of Trustees Meeting Agenda Memo

Date: July 13 2018  
Title: DOR Violation 18-000146  
901 Waterway Circle  
Section & Item: 9Aii  
Department: Resident Relations: DOR Enforcement  
Fiscal Impact: N/A  
Contact: Rich Armington, Resident Relations  
Manager  
Attachments: **Notices and Pictures**

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



Requested action by the Board of Trustees  
Review violation and referral to General Counsel Repperger.

## Background and Summary Information

First Violation occurred on 1/9/2018., six follow ups and 9 pictures have been done since first Violation. Case was found in violation by the Violations Committee on 3/23/2018. Staff has signed Affidavit of Notices, signed Suspension notices and attached five pictures. Respondent has been notified by First Class Mail and Certified Mail.

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

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 18-000146

#2111/ 18-000146

GRIFFIN, DONNA L

901 WATERWAY DR

BAREFOOT BAY, FL 32976

Respondent(s),

**STATEMENT OF VIOLATION**

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

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

• **ARTICLE III, SECT.10 and SECT. 2(D) Condition of Skirting**

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

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

**LOCATION/ADDRESS WHERE VIOLATION EXISTS**

Block # 124 Lot # 3

901 WATERWAY DRIVE

BAREFOOT BAY, FL 32976

**DESCRIPTION OF VIOLATION(s):** Condition of skirting; skirting damaged, vent covers missing/damaged

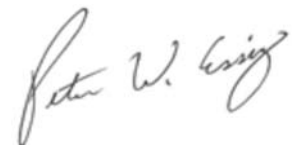
**DATE OF VIOLATION FIRST OBSERVED:** Jan 09, 2018

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

January 09, 2018 via First Class

June 26, 2018 via Certified return receipt requested.

**DATE ON/BY WHICH VIOLATION TO BE CORRECTED:** July 8, 2018



Peter Essig, DOR Inspector

772-664-4839

June 25, 2018



901 Waterway. Post V.C. re-inspection. Skirting still damaged.

Peter Essig

May 03, 2018

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

**Notice** is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **1:00 PM** on **July 13, 2018** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

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

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

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

**THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 771-664-4722.**

**June 25, 2018**

Deed of Restrictions STAFF

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 18-000146

#2111 / 18-000146

GRIFFIN, DONNA L,

901 WATERWAY DR

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 901 WATERWAY DRIVE**  
Barefoot Bay, FL 32976

**AFFIDAVIT OF NOTICES**

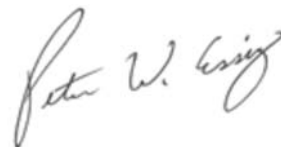
STATE OF FLORIDA  
COUNTY OF BREVARD

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

1. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.



\_\_\_\_\_  
Peter Essig, DOR Inspector

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

\_\_\_\_\_  
Notary Public  
State of Florida at Large



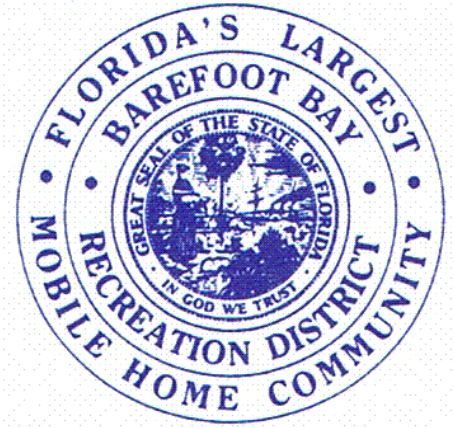


# Board of Trustees Meeting Agenda Memo

Date: July 13 2018  
Title: DOR Violation 18-000147  
901 Waterway Circle

Section & Item: 9Aiii  
Department: Resident Relations: DOR Enforcement  
Fiscal Impact: N/A  
Contact: Rich Armington, Resident Relations  
Manager  
Attachments: **Notices and Pictures**

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



Requested action by the Board of Trustees  
Review violation and referral to General Counsel Repperger.

## Background and Summary Information

First Violation occurred on 1/9/2018., seven follow ups and 14 pictures have been done since first Violation. Case was found in violation by the Violations Committee on 2/23/2018. Staff has signed Affidavit of Notices, signed Suspension notices and attached five pictures. Respondent has been notified by First Class Mail and Certified Mail.

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

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 18-000147

#2111/ 18-000147

GRIFFIN, DONNA L

901 WATERWAY DR

BAREFOOT BAY, FL 32976

Respondent(s),

**STATEMENT OF VIOLATION**

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

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

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

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

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

**LOCATION/ADDRESS WHERE VIOLATION EXISTS**

Block # 124 Lot # 3

901 WATERWAY DRIVE

BAREFOOT BAY, FL 32976

**DESCRIPTION OF VIOLATION(s):** Unauthorized debris (siding)/trash in yard.

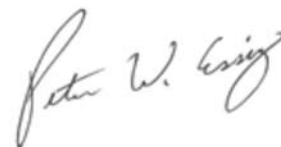
**DATE OF VIOLATION FIRST OBSERVED:** Jan 09, 2018

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

January 09, 2018 via First Class

June 26, 2018 via Certified return receipt requested.

**DATE ON/BY WHICH VIOLATION TO BE CORRECTED:** July 08, 2018



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Peter Essig, DOR Inspector  
772-664-4839

June 25, 2018



901 Debris  
Richard Armington  
Jun 25, 2018



901 Waterway. Unauthorized debris  
Peter Essig  
Apr 10, 2018



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

**Notice** is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **01:00 PM** on **July 13, 2018** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

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

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

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

**THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 771-664-4722.**

**June 25, 2018**

Deed of Restrictions STAFF

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 18-000147

#2111 / 18-000147

GRIFFIN, DONNA L,

901 WATERWAY DR

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 901 WATERWAY DRIVE**

Barefoot Bay, FL 32976

**AFFIDAVIT OF NOTICES**

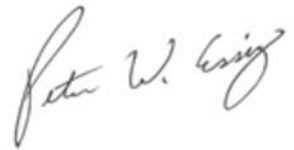
STATE OF FLORIDA  
COUNTY OF BREVARD

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

1. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.



\_\_\_\_\_  
Peter Essig, DOR Inspector

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

\_\_\_\_\_  
Notary Public  
State of Florida at Large



# Board of Trustees Meeting Agenda Memo

Date: July 13 2018  
Title: DOR Violation 17-003632  
620 Dolphin Circle

Section & Item: 9Aiv  
Department: Resident Relations: DOR Enforcement  
Fiscal Impact: N/A  
Contact: Rich Armington, Resident Relations  
Manager  
Attachments: **Notices and Pictures**

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



Requested action by the Board of Trustees  
Review violation and referral to General Counsel Repperger.

## Background and Summary Information

First Violation occurred on 9/19/2017., seven follow ups and 10 pictures have been done since first Violation. Case was found in violation by the Violations Committee on 5/11/2018. Staff has signed Affidavit of Notices, signed Suspension notices and attached five pictures. Respondent has been notified by First Class Mail and Certified Mail.

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



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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 17-003632

#1933/ 17-003632

BRIGUGLIO ANGELA MARIE

620 DOLPHIN CIR

SEBASTIAN, FL 32976

Respondent(s),

**STATEMENT OF VIOLATION**

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

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

- **ARTICLE II, SECT. 3 (A) (2) ADIR (garage or carport roof)**

Section 3) A manufactured or modular home installed on any lot in Barefoot Bay shall meet the following design and installation requirements and shall be continuously maintained in compliance with such requirements. (A)(2) A garage or carport roof, including posts and fascia, fabricated of aluminum or other approved material.

**LOCATION/ADDRESS WHERE VIOLATION EXISTS**

Block # 12 Lot # 19

620 DOLPHIN CIRCLE

BAREFOOT BAY, FL 32976

**DESCRIPTION OF VIOLATION(s):** Carport, roof and door window Damage

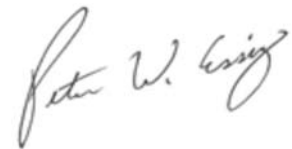
**DATE OF VIOLATION FIRST OBSERVED:** Sep 14, 2017

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

April 20, 2017 via First Class

June 26, 2018 via Certified return receipt requested.

**DATE ON/BY WHICH VIOLATION TO BE CORRECTED:** July 8, 2018



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Peter Essig, DOR Inspector  
772-664-4839

June 25, 2018



620 Dolphin. Carport damage.  
Peter Essig  
Jun 20, 2018

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

**Notice** is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at 1:00 Pm on July 13, 2018 at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

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

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

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

**THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 771-664-4722.**

**June 25, 2018**

Deed of Restrictions STAFF

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 17-003632

#1933 / 17-003632

BRIGUGLIO ANGELA MARIE,

620 DOLPHIN CIR

SEBASTIAN, FL 32976

Respondent(s),

**RE: 620 DOLPHIN CIRCLE**

Barefoot Bay, FL 32976

**AFFIDAVIT OF NOTICES**

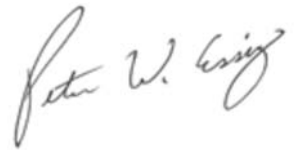
STATE OF FLORIDA  
COUNTY OF BREVARD

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

1. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.



\_\_\_\_\_  
Peter Essig, DOR Inspector

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

\_\_\_\_\_  
Notary Public  
State of Florida at Large

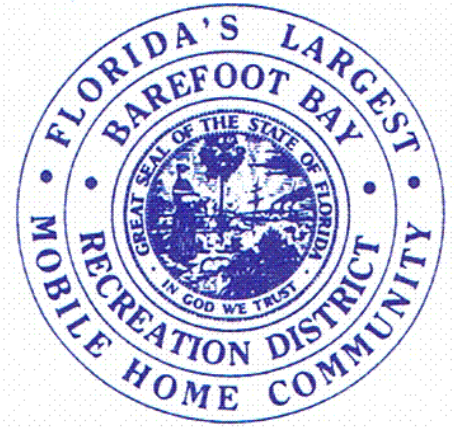


# Board of Trustees Meeting Agenda Memo

Date: July 13 2018  
Title: DOR Violation 17-003633  
412 Eagle Drive

Section & Item: 9Av  
Department: Resident Relations: DOR Enforcement  
Fiscal Impact: N/A  
Contact: Rich Armington, Resident Relations  
Manager  
Attachments: **Notices and Pictures**

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



Requested action by the Board of Trustees  
Review violation and referral to General Counsel Repperger.

## Background and Summary Information

First Violation occurred on 9/21/2018., eight follow ups and 7 pictures have been done since first Violation. Case was found in violation by the Violations Committee on 5/25/2018. Staff has signed Affidavit of Notices, signed Suspension notices and attached five pictures. Respondent has been notified by First Class Mail and Certified Mail.

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

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 17-003633

#0220/ 17-003633

SASLAW, GERALD

412 EAGLE DR

BAREFOOT BAY, FL 32976

Respondent(s),

**STATEMENT OF VIOLATION**

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

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

- **ARTICLE II, SECT. 3 (A) (2) ADIR (garage or carport roof)**

Section 3) A manufactured or modular home installed on any lot in Barefoot Bay shall meet the following design and installation requirements and shall be continuously maintained in compliance with such requirements. (A)(2) A garage or carport roof, including posts and fascia, fabricated of aluminum or other approved material.

**LOCATION/ADDRESS WHERE VIOLATION EXISTS**

Block # 85.A Lot # 13

412 EAGLE DRIVE

BAREFOOT BAY, FL 32976

**DESCRIPTION OF VIOLATION(s):** Carport Damage/Carport must be at least 18' x 11'

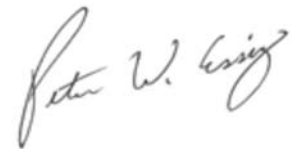
**DATE OF VIOLATION FIRST OBSERVED:** Sep 14, 2017

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

April 23, 2018 via First Class

June 26, 2018 via Certified return receipt requested.

**DATE ON/BY WHICH VIOLATION TO BE CORRECTED:** July 8, 2018



---

Peter Essig, DOR Inspector  
772-664-4839

June 25, 2018



412 Eagle. Carport still damaged.  
Peter Essig  
Jun 02, 2018



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

**Notice** is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **1:00 PM** on **July 13, 2018** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

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

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

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**THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 771-664-4722.**

**June 25, 2018**

Deed of Restrictions STAFF

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 17-003633

#0220 / 17-003633

SASLAW, GERALD,

412 EAGLE DR

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 412 EAGLE DRIVE**  
Barefoot Bay, FL 32976

**AFFIDAVIT OF NOTICES**

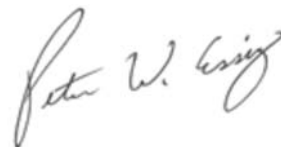
STATE OF FLORIDA  
COUNTY OF BREVARD

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

1. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
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FURTHER AFFIANT SAYETH NOT.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.



\_\_\_\_\_  
Peter Essig, DOR Inspector

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

\_\_\_\_\_  
Notary Public  
State of Florida at Large



# Board of Trustees Meeting Agenda Memo

Date: July 13 2018  
Title: DOR Violation 18-000763  
414 Barefoot Blvd.

Section & Item: 9Avi  
Department: Resident Relations: DOR Enforcement  
Fiscal Impact: N/A  
Contact: Rich Armington, Resident Relations  
Manager  
Attachments: **Notices and Pictures**

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



Requested action by the Board of Trustees  
Review violation and referral to General Counsel Repperger.

## Background and Summary Information

First Violation occurred on 2/14/2018, eight follow ups and pictures have been done since first Violation. Case was found in violation on 4/13/2018 by the Violations Committee. Staff has signed Affidavit of Notices, signed Suspension notices and attached five pictures. Respondent has been notified by First Class Mail and Certified Mail.

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

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 18-000763

#0155/ 18-000763

NICOLO, MARIO JOHN

414 BAREFOOT BLVD

BAREFOOT BAY, FL 32976

Respondent(s),

**STATEMENT OF VIOLATION**

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

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

- **ARTICLE II, SECT. 5 (A) (B) ADIR (Unapproved Fence)**

Section 3) A manufactured or modular home installed on any lot in Barefoot Bay shall meet the following design and installation requirements and shall be continuously maintained in compliance with such requirements. (A) 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, permitted fencing shall be limited to chain link, powder coated or steel, vinyl picket fencing, or other ARCC approved materials not exceeding four (4) feet in height.

**LOCATION/ADDRESS WHERE VIOLATION EXISTS**

Block # 84.B Lot # 19

414 BAREFOOT BOULEVARD

BAREFOOT BAY, FL 32976

**DESCRIPTION OF VIOLATION(s):** Illegal covering on fence

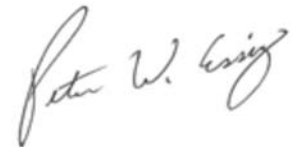
**DATE OF VIOLATION FIRST OBSERVED:** Feb 14, 2018

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

February 14, 2018 via First Class

June 26, 2018 via Certified return receipt requested.

**DATE ON/BY WHICH VIOLATION TO BE CORRECTED:** July 8, 2018



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Peter Essig, DOR Inspector  
772-664-4839

June 25, 2018



414 Barefoot Boulevard. Post-V.C. re-inspection. Unauthorized covering still on fence.  
Peter Essig  
May 26, 2018

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

**Notice** is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **1:00 PM** on July 13, 2108 at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

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

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

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

**THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 771-664-4722.**

**June 25, 2018**

Deed of Restrictions STAFF

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 18-000763

#0155 / 18-000763

NICOLO, MARIO JOHN,

414 BAREFOOT BLVD

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 414 BAREFOOT BOULEVARD**

Barefoot Bay, FL 32976

**AFFIDAVIT OF NOTICES**

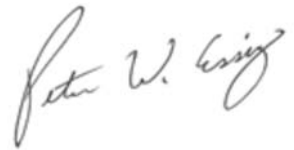
STATE OF FLORIDA  
COUNTY OF BREVARD

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

1. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.



\_\_\_\_\_  
Peter Essig, DOR Inspector

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

\_\_\_\_\_  
Notary Public  
State of Florida at Large



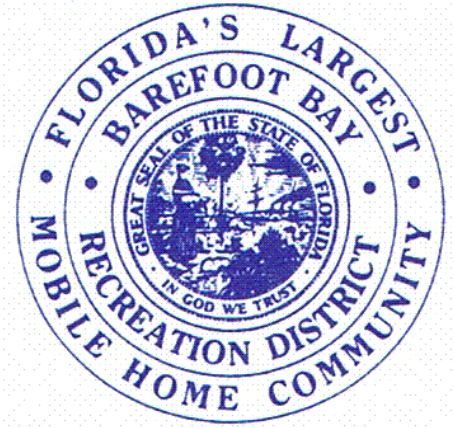


# Board of Trustees Meeting Agenda Memo

Date: July 13 2018  
Title: DOR Violation 18-000985  
414 Barefoot Blvd.

Section & Item: 9avii  
Department: Resident Relations: DOR Enforcement  
Fiscal Impact: N/A  
Contact: Rich Armington, Resident Relations  
Manager  
Attachments: **Notices and Pictures**

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



Requested action by the Board of Trustees  
Review violation and referral to General Counsel Repperger.

## Background and Summary Information

First Violation occurred on 2/28/2018., nine follow ups and pictures have been done since first Violation. Case was found in violation on 4/13/2018 by the Violations Committee. Staff has signed Affidavit of Notices, signed Suspension notices and attached five pictures. Respondent has been notified by First Class Mail and Certified Mail.

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

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 18-000985

#0155/ 18-000985

NICOLO, MARIO JOHN

414 BAREFOOT BLVD

BAREFOOT BAY, FL 32976

Respondent(s),

**STATEMENT OF VIOLATION**

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

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

• **ARTICLE III, SECT.10 and SECT. 2(D) Condition of Skirting**

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

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

**LOCATION/ADDRESS WHERE VIOLATION EXISTS**

Block # 84.B Lot # 19

414 BAREFOOT BOULEVARD

BAREFOOT BAY, FL 32976

**DESCRIPTION OF VIOLATION(s):** Skirting needs repair(all skirting must match)

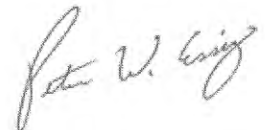
**DATE OF VIOLATION FIRST OBSERVED:** Feb 28, 2018

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

February 28, 2018 via First Class

June 26, 2018 via Certified return receipt requested.

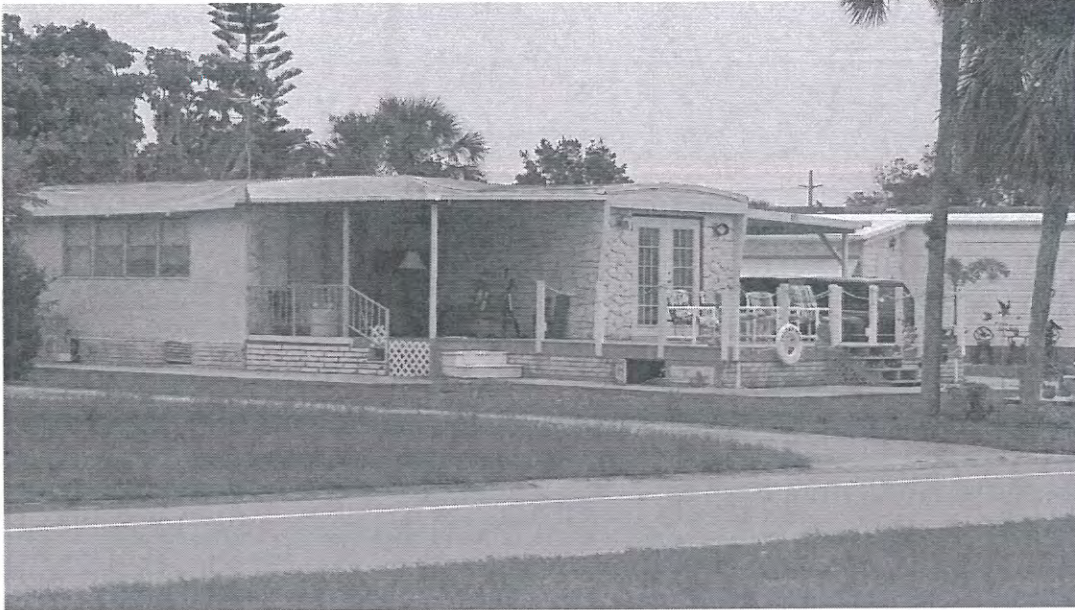
**DATE ON/BY WHICH VIOLATION TO BE CORRECTED:** July 8, 2018



Peter Essig, DOR Inspector  
772-664-4839

June 25, 2018





414 Barefoot Boulevard. Post V.C. re-inspection. Skirting still doesn't match, vent covers open  
Peter Essig  
May 26, 2018

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 18-000985

#0155 / 18-000985

NICOLO, MARIO JOHN,

414 BAREFOOT BLVD

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 414 BAREFOOT BOULEVARD**

Barefoot Bay, FL 32976

**AFFIDAVIT OF NOTICES**

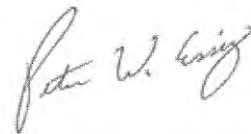
STATE OF FLORIDA  
COUNTY OF BREVARD

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

1. That on or about the 26 day of June 2018, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the 26 day of June 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

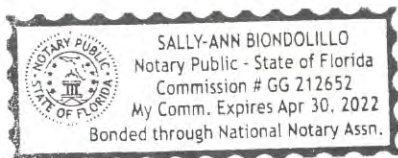
FURTHER AFFIANT SAYETH NOT.

Dated this 26<sup>th</sup> day of June 2018



Peter Essig, DOR Inspector

The Foregoing instrument was acknowledged before me on 26<sup>th</sup> day of June 2018 by Peter Essig, who is personally known to me and did take an oath.



Notary Public  
State of Florida at Large

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

**Notice** is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **1:00 PM on July 13, 2018 at 1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

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

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

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

**THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 771-664-4722.**

**June 25, 2018**

Deed of Restrictions STAFF



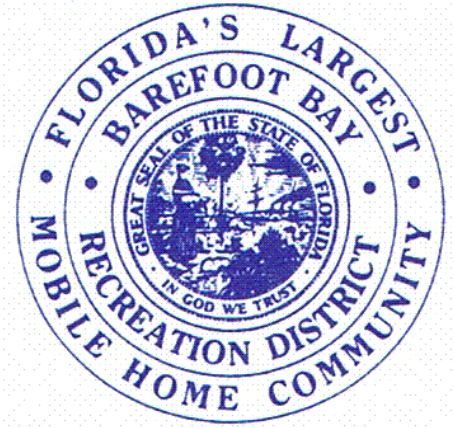


# Board of Trustees Meeting Agenda Memo

Date: July 13 2018  
Title: DOR Violation 18-000952  
414 Barefoot Blvd.

Section & Item: 9aviii  
Department: Resident Relations: DOR Enforcement  
Fiscal Impact: N/A  
Contact: Rich Armington, Resident Relations  
Manager  
Attachments: **Notice's and Pictures**

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



Requested action by the Board of Trustees  
Review violation and referral to General Counsel Repperger.

## Background and Summary Information

First Violation occurred on 2/27/2018. ,seven follow ups and pictures have been done since first Violation. Case was found in violation on 4/13/2018 by the Violations Committee. Staff has signed Affidavit of Notices, signed Suspension notices and attached five pictures. Respondent has been notified by First Class Mail and Certified Mail.

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



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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 18-000952

#0155/ 18-000952

NICOLO, MARIO JOHN

414 BAREFOOT BLVD

BAREFOOT BAY, FL 32976

Respondent(s),

**STATEMENT OF VIOLATION**

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

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

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

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

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

**LOCATION/ADDRESS WHERE VIOLATION EXISTS**

Block # 84.B Lot # 19

414 BAREFOOT BOULEVARD

BAREFOOT BAY, FL 32976

**DESCRIPTION OF VIOLATION(s):** Porch must be screened to have indoor furniture

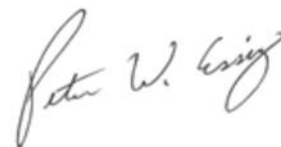
**DATE OF VIOLATION FIRST OBSERVED:** Feb 27, 2018

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

February 27, 2018 via First Class

June 26, 2018 via Certified return receipt requested.

**DATE ON/BY WHICH VIOLATION TO BE CORRECTED:** July 8, 2018



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Peter Essig, DOR Inspector  
772-664-4839

June 25, 2018



414 Barefoot Boulevard. Post- V.C. inspection. Porch still has indoor furniture, TV, w/no screens.

Peter Essig

May 26, 2018

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

**Notice** is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **1:00 PM** on **July 13, 2018** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

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**THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 771-664-4722.**

**June 25, 2018**

Deed of Restrictions STAFF

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

**BAREFOOT BAY RECREATION DISTRICT**

Petitioner

Vs

Case no. 18-000952

#0155 / 18-000952

NICOLO, MARIO JOHN,

414 BAREFOOT BLVD

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 414 BAREFOOT BOULEVARD**  
Barefoot Bay, FL 32976

**AFFIDAVIT OF NOTICES**

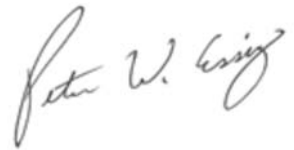
STATE OF FLORIDA  
COUNTY OF BREVARD

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

1. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
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4. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.



\_\_\_\_\_  
Peter Essig, DOR Inspector

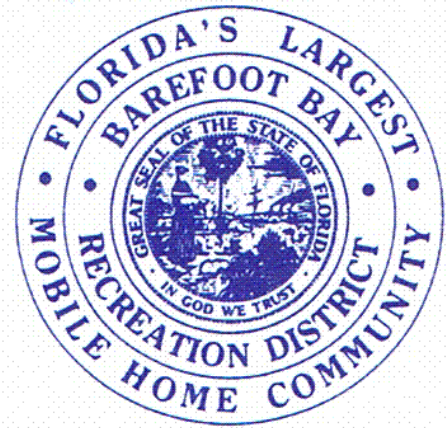
The Foregoing instrument was acknowledged before me on \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by Peter Essig, who is personally known to me and did take an oath.

\_\_\_\_\_  
Notary Public  
State of Florida at Large



## Board of Trustees Meeting Agenda Memo

Date: July 13, 2018  
Title: Proposal for Use of Resident Relations Office  
Section & Item: 9B  
Department: R&M/Capital  
Fiscal Impact: TBD  
Contact: David Wheaton, Trustee  
Attachments: Proposal from Walter Schmidt, Owner/operator of Barefoot Bay Beauty Salon and Barber Shop  
  
Reviewed by  
General Counsel: N/A  
Approved by: John W. Coffey, Community Manager



### Requested Action by BOT

Provide direction to staff.

### Background and Summary Information

Mr. Walter Schmidt submitted a request to the five Trustees and Community Manager (see attached) requesting the ability to move into the office currently occupied by Resident Relations staff after they move into the New Administration Building later this year. His intent is to open a training academy that would become a veterans' employment opportunity program school in addition to continuing to operate a beauty salon and barber shop. The interior square footage of Mr. Schmidt's current and proposed spaces area:

Current Space	913
<u>Resident Relations Office</u>	<u>1,102</u>
Difference	189

In late December a proposal was submitted by Veterans Council Interim Chairman, Ray Bourgault and American Legion Commander, James Willie. Said proposal assumes BBRD will procure a temporary D/E building for use during the construction of a new D&E/19th Hole/Pro Shop and Cart Barn complex. Very rough cost estimate for the procurement of a 3,500 sq. ft. building, water/sewer hook ups, parking and water retention is approximately \$800,000.00 to \$1,200,000.00 depending upon type of building construction.

The BOT discussed this issue at a BOT meeting on January 12th, at a workshop on February 6th and made the following decision at the February 27<sup>th</sup> BOT meeting.

### ***Veterans Building***

*Mr. Cavaliere explained that the Veterans have submitted a proposal for the District to build a new facility for them in the area where Building D/E is currently located. However, the proposal for a new facility to house a remodeled 19<sup>th</sup> Hole/Pro Shop/D/E will take up much of the area as an expanded parking lot and retention pond will also be placed in the same vicinity. The Board agreed that the Veterans are a valued group in the community and merit a larger space to hold their meetings and functions, however the space required to construct a new Veteran's building will not be available. Mr. Coffey reiterated that there is funding for the remodel and upgrade of the Resident Relations office in the FY19 budget as previously discussed.*

*Mr. Cavaliere made a motion that the Board support the transition of the current Residents Relations office to a meeting facility for the Veterans once vacated. Second by Mr. Diana. Motion carried unanimously*

Of note to the reader, the FY19 Approved Budget contains \$15,000.00 to convert the current Resident Relations Office into a Veterans' Meeting space once staff vacates the office later this calendar year.

Staff requests direction regarding this matter.

## John Coffey

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**From:** David Wheaton  
**Sent:** Wednesday, June 06, 2018 5:04 PM  
**To:** John Coffey; Frank Cavaliere; Joe Klosky; Steve Diana; Brian Lavier  
**Subject:** Fwd: salon and barber

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

From: **walter** <[walter3412267@hotmail.com](mailto:walter3412267@hotmail.com)>  
Date: Tue, Jun 5, 2018 at 9:30 PM  
Subject: salon and barber  
To: "[davidwheaton@bbrd.org](mailto:davidwheaton@bbrd.org)" <[davidwheaton@bbrd.org](mailto:davidwheaton@bbrd.org)>

Hi David,

As per our conversation earlier today here is my proposal for relocating Barefoot Bay Salon & Barber from it's current location in the plaza to the former BBRD office space. I previously had spoken to and emailed my interest in the space to Sue Cuddie prior to her leaving and she said she would forward my inquiry to the appropriate persons.

At this time the only way to enter the salon and barber fields is through formal schooling. This training is made up of 1200 hours across 9 months and is conducted in a classroom and shop setting. The quality of training being provided varies dramatically and is rarely conducted in a "live shop" atmosphere. Which is the type of learning environment I wish to establish in the proposed new business.

### Proposed use of space

To overcome some of the weaknesses described above it is the intention going forward to incorporate a functioning salon and barbershop and training academy.

It is intended to offer the current full spectrum of barber and beauty services to our current clientele while at the same time offering "pay for" barber and cosmetology students both an academic training and live shop experience. I also plan to become a Veterans Employment Opportunity Program school with vets receiving funding through the VA system. The veteran training portion of the school would be administered and taught by retired US Marine Robert Mathews a licensed FL barber.

It is intended to begin with 5 full time students and add up to an additional 5 students per quarter to a maximum of 15 students on an ongoing basis.

### Local benefits

Increased staff and student population will enhance a professional appearance and bring added business to other merchants in the bay. i.e. restaurant, jiffy store, banks and surrounding businesses. Increased rental income to the bay.

Increased services for existing clients and new clients moving to the area. Some of which can be had for drastically reduced pricing due to the fact that a client can elect to have the services provided by a supervised



student in lieu of a master technician. These services would include all traditional barbering and cosmetology services.

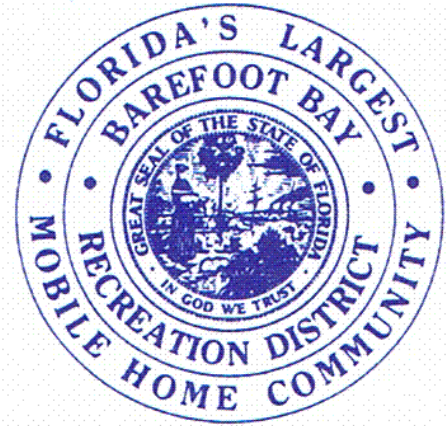
Properly built out the facility would offer an enhanced opportunity for socialization of clients which is consistent with other old style salons and shops. Management would be encouraged to offer monthly activities to support this effort. i.e. coffee hour, ice cream social etc.. All of which can be coordinated with local merchants and recreation committees.

In summary the benefits of the above proposal would seem to work well within Bay's feeling of community and lifestyle.

Sincerely,  
Walter Schmidt

## Board of Trustees Meeting Agenda Memo

Date: July 13, 2018  
Title: ARCC Appeal: 914 Pecan Circle  
Section & Item: 9C  
Department: Resident Relations: DOR Enforcement  
Fiscal Impact: TBD  
Contact: Rich Armington, Resident Relations Manager/H.R. Coordinator; or John W. Coffey, Community Manager  
Attachments: Appeal request letter from Mr. Latray, ARCC permit package, ARCC meeting minutes, Excerpt from DOR  
Reviewed by  
General Counsel: N/A  
Approved by: John W. Coffey, Community Manager



### **Requested Action by BOT**

Review the decision by the ARCC and render a decision regarding Mr. Latray's appeal request.

### **Background and Summary Information**

At the May 25<sup>th</sup> ARCC meeting a permit application from Mr. Randy Latray of 914 Pecan Circle for "adding cosmetic stepping stones next to driveway" was reviewed and ultimately denied (Motion to disapprove by Hurrol Brinker, per the ARCC Guidelines [page 11] referring to pavers being set in concrete. Second by Gary Gresko, motion carried unanimously.). Within the "remarks" section of the application the following was listed as reason for denial: "set in concrete see page 7 ARCC."

The DOR permits appeals to the BOT under Section 2 (page 5) per the following language:

*In the event that a dispute arises in the interpretation by the ARCC of any requirement of this Article or of the regulations provided for herein above, such dispute shall be resolved by a majority vote of the Recreation District, whose decision shall be final and binding.*

The homeowner, Mr. Latray, submitted a request for an appeal by the BOT on June 8<sup>th</sup>. Subsequently, a member of the ARCC notified staff that he would be bringing the permit back up for discussion at the July 10, 2018 ARCC meeting for reconsideration.

Staff requests the BOT reviews the decision by the ARCC and renders a decision regarding Mr. Latray's appeal request.

(Transcribed hand-written letter from the property owner)

June 8, 2018

Attention: Board Members

I was informed my decorative lawn tiles to enhance look of driveway whose permit was turned down and requested t have them set in concrete. These decorative tiles are used all over Barefoot Bay to encase flowerbeds, put on perimeter of AC units, walkways, etc. My tiles will NEVER be driven on, parked on, never! Please BOT Board, reconsider your stand and allow tiles remain as is. I also put reflector stems in front of driveway.

Regards  
Randy Latray  
914 Pecan Circle

6/8/18

ATTN Bot Members

I was informed my decorative  
Lawn Tiles To Enhance Look OF  
driveway whereas Permit was  
Turned down and Requested To  
Have them set in concrete.

These decorative tiles are  
used all over Barefoot Bay To  
~~Protect~~ Encase Flower beds,  
Patio Perimeter OF AC Units,  
Walkways, ETC.. My Tiles  
will NEVER Be Driven on  
Parked on, never!

Please Bot Board Reconsider  
your stand and Allow Tiles  
Remain as is. I also Put Reflecton  
STEMS in Front OF Driveway

Respectfully  
Randy Lintoy  
914 Pecan Cr.

914 Pecan Circle



**DENIED**



**THE BAREFOOT BAY RECREATION DISTRICT**

ARCC PERMIT TO ERECT, PLACE OR ALTER HOME OR STRUCTURE

**ARCHITECTURAL CONTROL COMMITTEE PERMIT**

This is to certify that: LATRAY, RANDY FRANCIS

Acct#: 851

Address: 914 PECAN CIRCLE

Block: 117 Lot: 19

Has permission to construct/alter or place: Adding cosmetic stepping stones next to driveway.

Contractor/Builder: LATRAY, RANDY FRANCIS

Signature of ARCC Member

Signature of ARCC Member

**Architectural Review Control Committee**  
**(A.R.C.C.) INSPECTION REPORT**

DATE:

COMMENTS:

DATE:

COMMENTS:

NOTE: CONSTRUCTION SHOULD BE COMPLETE WITHIN 120 DAYS.  
NORMALLY FIVE ROUTINE INSPECTIONS SHOULD BE MADE DURING THAT PERIOD.

DATE ISSUED: 05/29/2018

INSPECTOR: Stephane Fecteau

DATE EXPIRED: 09/28/2018

SIGNATURE: \_\_\_\_\_

COMPLETED/PASSED: \_\_\_\_\_

PERMIT: #ARC18-000411  
FILE: #18-002460

The person accepting this permit shall conform to the terms of the application on file in the office of the Architectural Control Committee permitting office. This card must be displayed on the street side of the property in a PERMANENT, SUBSTANTIAL MANNER, and in a CONSPICUOUS, SHELTERED LOCATION, ACCESSIBLE to the COMMITTEE MEMBER. This permit is issued to satisfy the Deed of Restrictions requirements. Additional county, state or federal permits may be required.





**BAREFOOT BAY RECREATION DISTRICT  
ARCHITECTURAL REVIEW & CONTROL COMMITTEE**

**RECEIVED**  
5/21/18

**APPLICATION TO ERECT, PLACE OR ALTER HOME OR STRUCTURE  
IN BAREFOOT BAY MOBILE HOME SUBDIVISION**

PROPERTY OWNER: Name Randy Latney BBRD Acct #: \_\_\_\_\_  
Address 914 Pecan Cr.  
Phone(s) 303 596 4549 E-mail \_\_\_\_\_  
Construction location in Barefoot Bay: Block No. \_\_\_\_\_ Lot No. \_\_\_\_\_

The proposed construction will be completed as detailed in items 1 through 7 of this application and supporting documents. The requirements of *Guidelines for Use by the Architectural Review & Control Committee dated April 2017*, and the *Deed of Restrictions of Barefoot Bay Recreation District, Amended and Restated as of October 13, 2017* are known and are accepted as a part of this application. Initial (\_\_\_\_)

1. Explain in detail what construction is proposed.

no construction per SAJ Just cosmetic  
cosmetic STOP STOPS

2. What materials are to be used, and where?

cosmetic garden steps to fill in space  
of pool and driveway to look more finished  
never to be used as driveway

3. Who is to perform the work? (If owner, so state: if contractor or sub-contractor(s), List name(s) and type of work each will perform, and their license number)

Name	License#	Type of Work	Phone #
<u>owner</u>			

4. Locate proposed construction or addition on a copy of a Final Engineering Survey for the home and lot. Show shape, dimensions, location and identity of area(s) where construction will take place. Use same scale as that shown on Survey. If the proposed construction cannot be clearly shown on a Final Engineering Survey, include a scale drawing as previously described.

5. Work will commence \_\_\_\_\_  
(date)

6. Work will be completed \_\_\_\_\_  
(Approximate date)

7. Construction, erection, placement or alteration(s) proposed in this application is for:

- ☒ An existing mobile home/home site \_\_\_\_\_  
☐ A new mobile home/home site \_\_\_\_\_  
☐ A used mobile home placed on any lot within the subdivision \_\_\_\_\_

Additional comments \_\_\_\_\_

BAREFOOT BAY RECREATION DISTRICT  
ARCHITECTURAL REVIEW & CONTROL COMMITTEE

The undersigned property owner agrees to allow the members of the Architectural Review Control Committee, their agents and employees to enter upon the subject property, as needed, in order to conduct reasonable inspections to assure that the construction is in compliance with the *Guidelines for Use by the Architectural Review & Control Committee*, the Amended Deed of Restrictions, and the provisions of this application.

THE INSTRUCTIONS, WHICH ARE MADE A PART OF THIS APPLICATION, ARE UNDERSTOOD BY THE UNDERSIGNED.

"The undersigned hereby agrees to supply the ARCC with any additional information and/or documentation which may be requested by the ARCC."

THE UNDERSIGNED CONTRACTOR/BUILDER AGREES TO REMOVE ALL DEBRIS FROM THE SUBJECT CONSTRUCTION LOCATION AND TO LEAVE THE PREMISES IN A NEAT AND ORDERLY CONDITION WITHIN FIVE (5) DAYS OF COMPLETION OF THE CONSTRUCTION, ADDITION OR ALTERATION OR WITHIN FIVE (5) DAYS OF THE EXPIRATION OR TERMINATION OF THE ARCC APPROVAL, WHICHEVER OCCURS FIRST. IN THE EVENT THAT ARCC DETERMINES THAT THE SUBJECT CONSTRUCTION LOCATION HAS NOT BEEN LEFT IN SUCH A NEAT AND ORDERLY CONDITION, THEN WRITTEN NOTICE THEREOF WILL BE PROVIDED TO THE UNDERSIGNED CONTRACTOR/BUILDER ADVISING YOU TO PROPERLY CLEAN UP THE PREMISES WITHIN FIVE (5) DAYS OF RECEIPT OF THE NOTICE. IF YOU FAIL TO SO ACT WITHIN THIS PERIOD REQUIRING ACTION TO BE TAKEN AT LAW OR EQUITY EITHER FOR INJUNCTIVE RELIEF OR TO RECOVER DAMAGES, THE UNDERSIGNED AGREES TO PAY ALL COURT COSTS AND DISBURSEMENTS ALLOWED BY LAW, INCLUDING REASONABLE ATTORNEY'S FEES AT BOTH TRIAL AND APPELLATE LEVELS.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Signature of Contractor and/or Builder Responsible for drawing Brevard County Building Permit

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**For office use only**

REQUEST FOR PERMIT:

DATE \_\_\_\_\_, 20\_\_\_\_

- ☐ Approved  
☐ Disapproved

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

REQUEST FOR EXTENSION:

DATE 05/29/18, 20\_\_\_\_

- ☐ Approved  
☒ Disapproved

Shirley B. B...  
(Member)

Shirley B. B...  
(Member)

REQUEST FOR CHANGE:

DATE \_\_\_\_\_, 20\_\_\_\_

- ☐ Approved  
☐ Disapproved

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

Remarks

SET IN CONCRETE SEE PAGE 7 ARCC



**BAREFOOT BAY RECREATION DISTRICT**  
**ARCHITECTURAL REVIEW & CONTROL COMMITTEE**

**INSTRUCTIONS FOR PREPARING**  
**"APPLICATION TO ERECT, PLACE OR ALTER MOBILE HOME IN BAREFOOT BAY"**

**COMPLETING APPLICATION FORM:**

Applicant will prepare or have prepared an application form and furnish the following information thereon. When necessary, additional sheets may be used.

- a. Reason for addition or change.
- b. Floor plan delineating shape, size, height, identify of area(s) for the proposed construction.
- c. Location of proposed construction or change, imposed on a Final Survey copy of the mobile home and lot, giving placement and dimensions. Use same scale as the Final Survey.
- d. Where owner is contractor and is absent from Barefoot Bay, a responsible agent must be designated and empowered to act for applicant.
- e. Complete all items numbered 1 through 7.
- f. Applicant's name and signature of property owner on Pages 1 and 2 of this application must be that of the owner holding recorded title to property on which construction is to take place.

**ALL APPLICANTS ARE RESPONSIBLE FOR:**

- a. Furnishing the Brevard County Building Department a copy of the approved ARCC application to support application for Building Permits.
- b. Obtaining or having obtained all required Building Permits from Brevard County Building Department and posting same at time construction or set-up commences.
- c. Calling or having contractor call for required inspections by the Brevard County Building Department.
- d. Filing a supplemental application with the ARCC for approval of any deviation from the approved application.
- e. Assuring the construction is completed as specified in application drawings, specification or supplemental application approved by ARCC.
- f. Contacting the State One Call System (811) prior to digging.
- g. When fences are installed:
  1. The owner/applicant shall assume responsibility for any damage to existing utilities which may occur during the installation of the fence.
  2. The owner/applicant agrees that if, for any reason, a utility work crew finds it necessary to remove the fence to repair or maintain their installations, replacement of the fence will be made at the expense of the owner/applicant.
- h. Applicants are responsible for complying with all Federal, State and Local Laws and Ordinances. *Initials* (A)

**APPLICANTS FOR NEW OR USED MOBILE HOME INSTALLATION:**

The following ADDITIONAL DATA is required of applicants proposing to install a new or used mobile home on a lot in the Barefoot Bay Subdivision.

- a. Year, make and model of mobile home.
- b. Copy of Manufacturer's specifications and floor plan.
- c. Location of proposed installation imposed on a Preliminary Engineering Survey of the site.
- d. An enlarged scale drawing of the proposed construction MAY be submitted to more clearly define the position and dimension. This will not eliminate the need for a scale drawing on a preliminary engineering survey of the site.
- e. Approximate cost of the total construction.
- f. Copy of recorded title (warranty deed or similar recorded document) for the lot in applicant's name.
- g. Applications for installation of USED mobile home shall provide:
  1. A copy of Motor Vehicle Certificate of Title, State of Florida, in applicant's name. A double-wide requires (2) certificates.
  2. Close-up photographs, in color, of end and full side views (4 pictures) of the home at present site. (Minimum size of photos – 3" X 4")

**This application will be acted on at a regularly scheduled ARCC Committee Meeting. The meetings are held bi-weekly on Tuesday morning. The reviewed application will be made available to the applicant at 931 Barefoot Blvd, Unit 1 the Thursday following the meeting. Phone 772-664-4722, Fax 772-664-7552, Email: [ThelmaGruseck@bbrd.org](mailto:ThelmaGruseck@bbrd.org)**



## COUNTY PERMIT INFORMATION

A county permit is required when any exterior work impacts the footprint of the building, depending on the type of construction.

Including but not limited to the following:

- Garages
- Carports
- Room additions
- Screen enclosures, Florida rooms
- Utility buildings
- Fences & Privacy panels
- Re-roof on carport and/or utility room (not the home itself)
- Driveways that extend into the ROW (Right of Way) – require a Right of Way Permit. They are handled by the Public Works Engineering Department and the office number is 321-637-5437.

If work is being completed by a contractor the permit should be submitted via BASS on the county website. If work is being completed by the homeowner then the homeowner MUST appear in person as a walk-in customer.

- Notice of Commencement (NOC) required if the job value exceeds \$2,500.00

\*NOTE: NOC must be recorded with the Clerk of courts, and then approved by Planning & Development, prior to scheduling inspections.

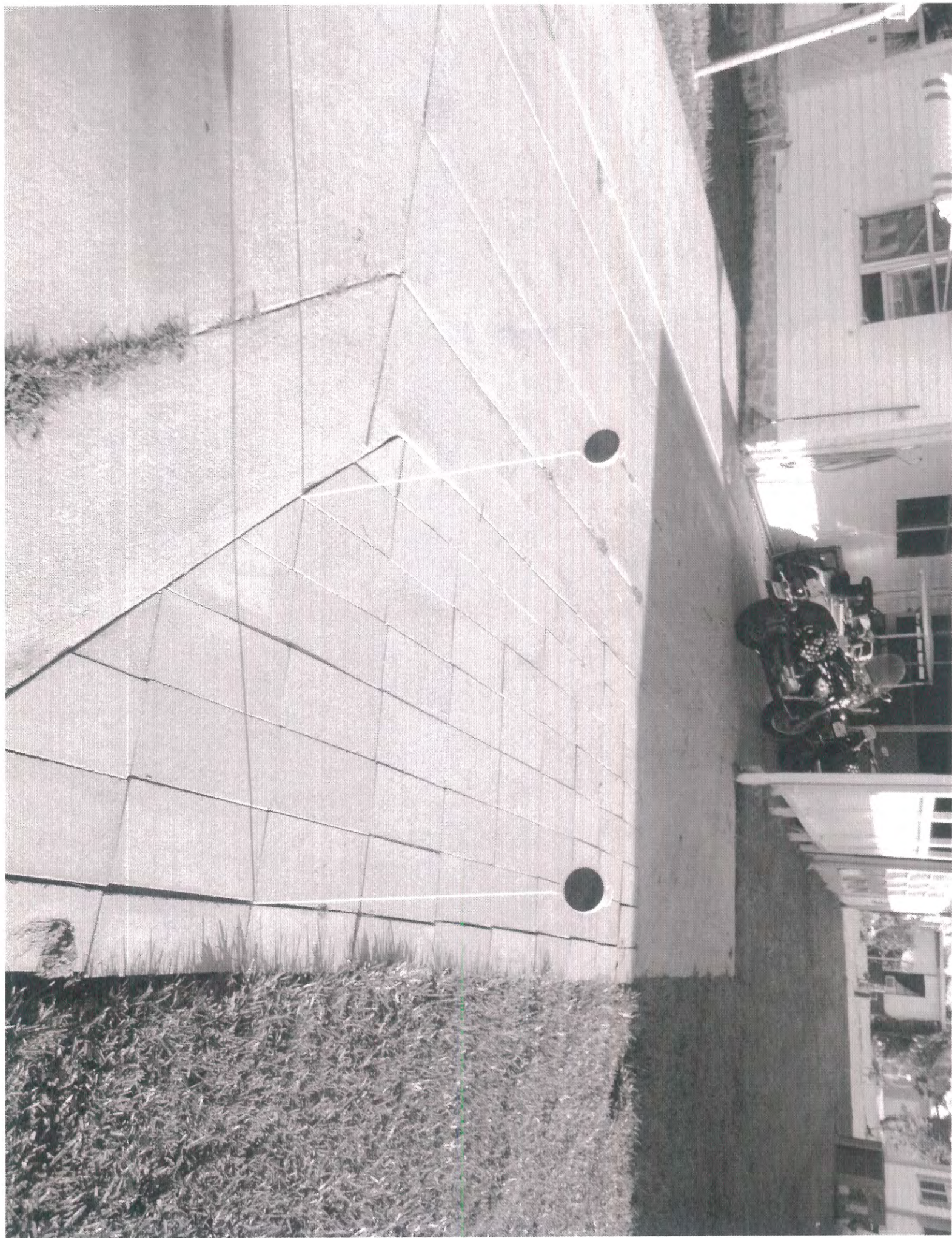
For more information, call the Building Code department at Brevard County Government Center: 321-633-2072 or [brevardfl.gov](http://brevardfl.gov)

Physical address: 2725 Judge Fran Jamison Way, Viera, FL 32940



914 Pecan  
Stephane Fecteau  
May 08, 2018













**BAREFOOT BAY RECREATION DISTRICT  
BREVARD COUNTY, FLORIDA  
ARCC COMMITTEE MEETING  
935 Barefoot Blvd, Suite #5  
05/25/2018  
Minutes**



Permit	Address	Renovation/Repair	Contractor/Builder
ARC18-000389	1119 WREN CIRCLE	Install 96' double door garage opening. Swing inward	SABELLA, LOUIS P III
Motion to approve by Hurrol Brinker, Second by Gary Gresko, Motion carried unanimously.			
ARC18-000390	449 EGRET CIRCLE	Driveway Extension	Ruben Jacob
Motion to approve by Hurrol Brinker, Second by Al Grunow, Motion carried unanimously.			
ARC18-000391	1067 MANILA DRIVE	4' chain link fence with 3' gate	Professional Grade Fence
Motion to approve by Hurrol Brinker, Second by Gary Gresko, Motion carried unanimously.			
ARC18-000392	690 PINWOOD BOULEVARD	Replace Storm Damaged Carport	Endeavor Construction, Inc.
Motion to approve by Gary Gresko, Second by Al Grunow, Motion carried unanimously.			
ARC18-000398	1454 BAREFOOT CIRCLE	20' X 10' Screen room under carport w/3' door	MALONE, JAMES L
Motion to approve by Al Grunow, Second by Hurrol Brinker, Motion carried unanimously.			
ARC18-000399	1113 WREN CIRCLE	Replace damaged carport on side of home - new gutter, fascia & down spouts	Endeavor Construction, Inc.
Motion to approve by Gary Gresko, Second by Hurrol Brinker, Motion carried unanimously.			
ARC18-000400	921 VIREO DRIVE	Install trellis fence & shed Addition	Previous Owner per Applicant
Motion to disapprove by Al Grunow, per the ARCC Guidelines (Page 11) referring to the fence covering. Second by Gary Gresko, Motion carried unanimously.			
ARC18-000402	333 KIWI DRIVE	Install Storage Shed 16' x 10'	Tuff Sheds
Motion to disapprove by Gary Gresko, per the ARCC Guidelines (Page 11) referring to the roof line matching the home. Second by Hurrol Brinker, Motion carried unanimously.			
ARC18-000403	916 PECAN CIRCLE	Repair of carport from hurricane Damage	FOCUS PROPERTY SOLUTIONS
Motion to approve by Hurrol Brinker, Second by Gary Gresko, Motion carried unanimously.			
ARC18-000405	1224 CHIPEWA DRIVE	Access Ramp to be removed when not used	Aging Matters in Brevard
Motion to approve by Gary Gresko, Second by Hurrol Brinker, Motion carried unanimously.			
ARC18-000407	333 KIWI DRIVE	10' x 16' x 4" concrete pad for prefab shed	HOMEN'S CONSTRUCTION, INC
Motion to approve by Hurrol Brinker, Second by Gary Gresko, Motion carried unanimously.			
ARC18-000409	604 ROYAL TERN DRIVE	Replace storm damaged carport	Endeavor Construction
Motion to approve by Gary Gresko, Second by Al Grunow, Motion carried unanimously.			
ARC18-000410	923 YEW STREET	Remove existing wooden patio and replace with concrete 12' x 18'	Douglas Frasier
Motion to approve by Gary Gresko, Second by Hurrol Brinker, Motion carried unanimously.			
ARC18-000411	914 PECAN CIRCLE	Adding cosmetic stepping stones next to driveway	LATRAY, RANDY FRANCIS
Motion to disapprove by Hurrol Brinker, per the ARCC Guidelines (Page 11) referring to pavers being set in concrete. Second by Gary Gresko, Motion carried unanimously.			



**BAREFOOT BAY RECREATION DISTRICT  
BREVARD COUNTY, FLORIDA  
ARCC COMMITTEE MEETING  
935 Barefoot Blvd, Suite #5  
05/25/2018  
Minutes**



Permit	Address	Renovation/Repair	Contractor/Builder
ARC18-000412	1229 CALUSA DRIVE	Childs moveable 4' diameter trampoline w/safety net in yard. Moved from spot to spot in yard/carport to keep from damaging grass	BROTT, JAMES R
Motion to approve with stipulation that it must be anchored & in the back yard per ARCC Guidelines (Page 11) by Al Gary Gresko, Second by Hurrol Brinker, Motion carried unanimously.			
ARC18-000413	602 WEDELIA DRIVE	Install Sun Setter type awning over deck 12' x 10' motorized retractable style	HENSON, DANIEL E
Motion to approve by Al Grunow, Second by Hurrol Brinker, Motion carried unanimously.			
ARC18-000418	1028 THRUSH CIRCLE	New Home Package	Endeavor Construction
Motion to approve by Hurrol Brinker, Second by Al Grunow, Motion carried unanimously.			
ARC18-000419	923 VIREO DRIVE	New Home Package	Endeavor Construction
Motion to approve by Gary Gresko, Second by Hurrol Brinker, Motion carried unanimously.			
ARC18-000420	703 HYACINTH CIRCLE	Install 36' of 4' chain link fence	Palm Bay Fence
Motion to approve by Al Grunow, Second by Hurrol Brinker, Motion carried unanimously.			
ARC18-000421	832 VIREO DRIVE	Install 22' of 4' PVC Picket Fence with on 4' gate	Palm Bay Fence
Motion to approve by Gary Gresko, Second by Al Grunow, Motion carried unanimously.			
ARC18-000422	741 HYACINTH CIRCLE	New Home Package	Endeavor Construction
Motion to approve by Hurrol Brinker, Second by Gary Gresko, Motion carried unanimously.			

**Closing Remarks:** None

**Discussion:** None

**Adjournment:** Motion to adjourn by Tom Nelson, Second by Hurrol Brinker at 10:18 a.m. The next scheduled meeting is Tuesday, June 12, 2018 at 9:00 a.m. - 935 Barefoot Blvd. Suite #5 HOA Office.

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Sally-Ann Biondolillo  
Temporary Acting ARCC/DOR Administration Assistant

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.

In the event that a dispute arises in the interpretation by the ARCC of any requirement of this Article or of the regulations provided for herein above, such dispute shall be resolved by a majority vote of the Recreation District, whose decision shall be final and binding.

### **Section 3. Architectural Design and Installation Requirements.**

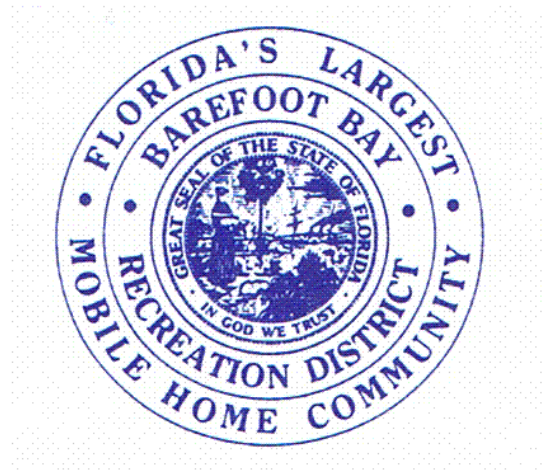
A manufactured or modular home installed on any lot in Barefoot Bay shall meet the following design and installation requirements and shall be continuously maintained in compliance with such requirements.

(A) All such homes shall be installed at the Lot Owners expense, and such installation shall have the following features and conform to the following requirements:

1. A patio roof, including posts and fascia, fabricated of aluminum or other approved material.
2. A garage or a carport roof, including posts and fascia, fabricated of aluminum or other approved material.
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.
4. A patio slab made of poured concrete, brick pavers, or other approved material.
5. A covered concrete carport slab having a minimum unobstructed area (except for steps) of eleven (11) feet by eighteen (18) feet.
6. A concrete driveway extending from the carport slab to the curb of the adjacent street which driveway shall include a widened or flared area as it approaches the street. All driveways and parking areas shall be of poured and reinforced concrete material.

## Board of Trustees Meeting Agenda Memo

Date: July 13, 2018  
Title: Violations Committee Re-Appointment: Al Grunow  
Section & Item: 9D  
Department: Resident Relations: DOR Enforcement  
Fiscal Impact: N/A  
Contact: Rich Armington, Resident Relations Manager/H.R. Coordinator; or John W. Coffey, Community Manager  
Attachments: N/A  
Reviewed by  
General Counsel: N/A  
Approved by: John W. Coffey, Community Manager



### **Requested Action by BOT**

Re-appoint Mr. Albert "Al" Grunow to a 3-year term on the Violations Committee.

### **Background and Summary Information**

Section #3 of Resolution 2008-01 states "The Board shall appoint the members of the Violations Committee and the appointments shall be made for a term of three years."

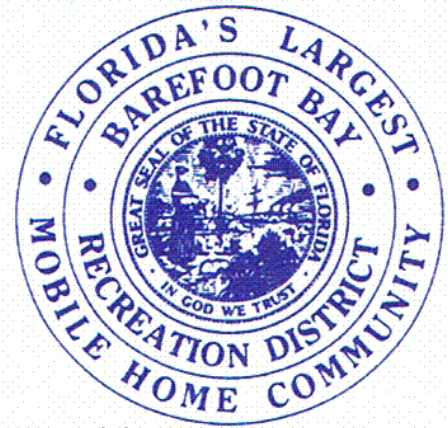
Mr. Grunow was appointed to the Violations Committee on June 23, 2015 and is willing to serve another term.

Staff recommends the BOT appoint Mr. Albert Grunow to the Violations Committee for a term of 3-years immediately.



## Board of Trustees Meeting Agenda Memo

Date: Jul 13, 2018  
Title: Options for Increased Interest Income on Investments  
Section & Item: 9E  
Department: Administration: Finance Office  
Fiscal Impact: TBD  
Contact: Charles Henley, Finance Manager  
John Coffey, Community Manager  
Attachments: Investment Options Presentation (attached separately)  
Reviewed by  
General Counsel: Yes  
Approved by: John W. Coffey, Community Manager



### **Requested Action by BOT**

Review by the BOT and direction to staff.

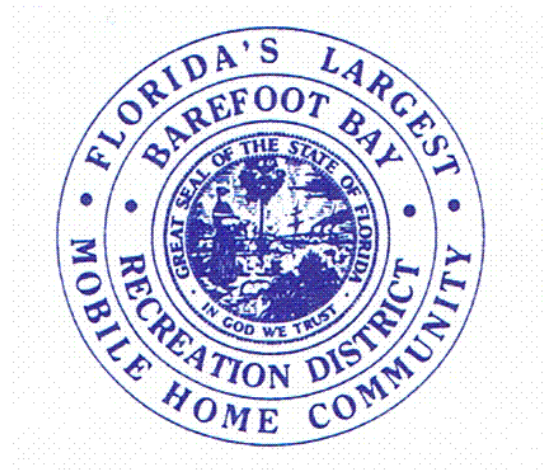
### **Background and Summary Information**

The BOT requested information regarding investment options during the June 8<sup>th</sup>, 2018 meeting, with the objective of determining how to increase the rate of return on BBRD cash investments. Finance Manager Charles Henley has attached a brief presentation summarizing his findings which has been reviewed by General Counsel Repperger and Community Manager Coffey.

Staff requests direction regarding this matter.

## Board of Trustees Meeting Agenda Memo

Date: July 13, 2018  
Title: Golf Membership Rate Revision  
Section & Item: 9F  
Department: Golf-Pro Shop  
Fiscal Impact: TBD  
Contact: David Wheaton, Trustee; Ernie Cruz, Certified PGA Professional, Golf Operations Manager; or John W. Coffey, Community Manager  
Attachments: Current membership structure and number of memberships  
Reviewed by  
General Counsel: N/A  
Approved by: John W. Coffey, Community Manager



### **Requested Action by BOT**

Review Trustee Wheaton's proposal and direction to staff.

### **Background and Summary Information**

At the June 26<sup>th</sup> BOT meeting, Trustee Wheaton (under Trustee Incidental Remarks) proposed revising the current flat golf membership rates (i.e. one annual cost, based on multiple variables, and then unlimited play without additional cost) to a hybrid system. The current FY18 Golf membership fee structure and number of each type of membership are attached.

Trustee Wheaton proposed a hybrid system where the current rates would be reduced with a per round fee being collected from members and will expound upon his idea at the meeting.

Staff requests direction from the BOT regarding this matter.

# Membership Type and Rate

TYPE of Membership	COST
Single Annual New	662.81
Single Annual Renewal	631.08
Family Annual New	1,041.65
Family Annual Renewal	976.91
Non Resident Annual Single New	894.35
Non Resident Annual Single Renewal	791.35
Non Resident Annual Family New	1,345.10
Non Resident Annual Family Renewal	1,238.10

Trail Fee Single Member	612.70
Trail Fee Family	835.00

PEAK SEASON RATE STRUCTURE	
Green Fee Resident 18-Holes	20.00
Green Fee Non Resident 18-Holes	26.00
Green Fee Resident 9-Holes	14.00
Green Fee Non Resident 9-Holes	20.00

Green Fee Resident Card 18-Hole	85.00
Green Fee Non-Resident Card 18-Hole	115.00
Green Fee Resident Card 9-Hole	55.00
Green Fee Non-Resident Card 9-Hole	85.00

Green Fee Resident-Combo Card 18-Holes	143.00
Green Fee Non Resident Combo Card 18-H	165.00
Green Fee Resident Combo Card 9-Hole	83.00
Green Fee Non Resident Combo Card 9-H	105.00

Cart Fee 18-Holes	12.00
Cart Fee 9-Holes	7.00

## Golf Memberships 7/1/18

### Paid in Full

Family Renewal	95
Family New	11
Non-Res. Family Renewal	2
Non-Res. Family New	1
Single Renewal	107
Single New	20
Non-Res. Single Renewal	5

### Installment Pd. Oct, Nov, Dec

Family Renewal	4
Single Renewal	11
Single New	1
Non-Res. Single Renewal	1

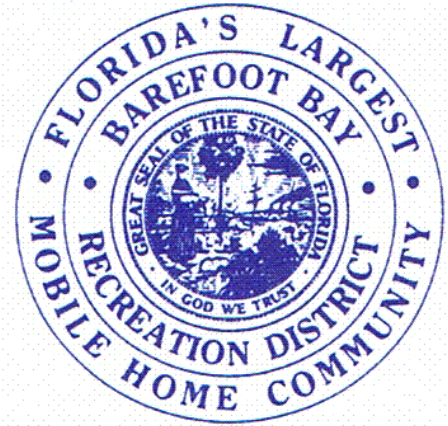
### 12-Month

Family Renewal	10
Single Renewal	11
Single New	2

Total Number Memberships 281

## Board of Trustees Meeting Agenda Memo

Date: July 13, 2018  
Title: FY20 Budget Preparation Calendar  
Section & Item: 9G  
Department: Administration: District Clerk  
Fiscal Impact: N/A  
Contact: John W. Coffey, Community Manager  
Attachments: Proposed FY20 Budget Preparation Calendar  
Reviewed by  
General Counsel: N/A  
Approved by: John W. Coffey, Community Manager



### **Requested Action by BOT**

Review proposed calendar, consensus for workshop dates and approval of the calendar.

### **Background and Summary Information**

In recent years, the BOT has formally adopted the upcoming budget preparation calendar for transparency purposes and to encourage greater participation in the process prior to the final BOT meeting (adoption of the assessment rate and budget) when most homeowners proffer their ideas complaints and comments. Last year, a Budget kick-off townhall meeting was held in late November with approximately 50 homeowners in attendance. While all dates and times can be changed by the BOT, staff requests the BOT pick from the many possible openings for the townhall meeting and various workshops and then adopt the FY20 Budget Preparation Calendar. Said choices include:

#### Townhall Meeting

9am & 7pm Tuesday, November 27<sup>th</sup> (pick one time)

#### FY20-24 5yrFM&CIP Workshop

9am & 7pm Thursday January 31<sup>st</sup> (pick one time)

#### FY19 WDPB Workshops (pick 4 dates and times)

7pm Thursday April 11<sup>th</sup>

7pm Tuesday April 16<sup>th</sup>

9am & 2pm & 7pm Tuesday April 23<sup>rd</sup>

9am & 2pm & 7pm Thursday April 25<sup>th</sup>

9am & 2pm & 7pm Tuesday April 30<sup>th</sup>

9am & 2pm & 7pm Wednesday May 1<sup>st</sup>

7pm Tuesday May 7<sup>th</sup>

2pm & 7pm Thursday May 9<sup>th</sup>

9am Tuesday May 14<sup>th</sup>

9am & 2pm Wednesday May 15<sup>th</sup>

## FY20 Budget Prep Calendar

Task #	Description	Due Date
1	BOT approves FY20 Budget Prep. Calendar	13-Jul
2	Budget prep. Forms developed by Comm. Mgr.	Oct-Nov
3	FY20-24 FM&CIP Townhall Meeting	27-Nov
4	Management Team Budget Preparation Kick-off Meeting (staff only)	10-Dec
5	Trustees, HOA, residents & Department Managers individually develop and submit list of CIP (Capital Improvement Plan) ideas for FY20-24 to the Comm. Mgr.	27Nov- 14Dec
6	BBRD staff develops cost proposals for non-staff CIP ideas	15Dec-5Jan
7	FY20-24 Five Year Financial Model and CIP (5yrFM&CIP) finalized by Comm. Mgr. and Finance Mgr. and distributed to BOT and made available to the public.	18-Jan
8	Department Managers' FY20 narrative information (dept. description, goals, objectives and perf. measures) due to Community Manager	10Dec-18Jan
9	Dept. Mgrs. prepare FY19 year-end est.'s, FY20 projected revenues, and FY20 requested expenditures	21Jan-15Feb
10	BOT FY20-24 5yrFM&CIP workshop	31-Jan
11	Dept. Mgrs.' FY19 year-end est.'s, FY20 projected revenues, and FY20 requested expenditures reviewed by Comm. Mgr. and Fin. Mgr.	25Feb-01Mar
12	Additional meetings between Dept. Mgrs. and Comm. Mgr. (and Fin. Mgr.), if needed.	04-13Mar
13	Comm. Mgr. balances FY20 revenues and expenditures	14-Mar
14	Final drafting of FY20 Working Draft Proposed Budget (WDPB).	11-22Mar
15	Final editing, printing and assembly of FY20 WDPB.	23-29Mar
16	Prior fiscal year Financial Statement and FY20 WDPB submitted to Trustees. Public inspection copies placed in BBRD offices and electronic copy placed on www.BBRD.org	29-Mar
17	Electronic copy of FY20 WDPB and Homeowner's Version placed on www.bbrd.org	2-Apr
18	BOT Budget workshops as established by BOT	Apr-May
19	Publish prior fiscal year Financial Statement in generally circulated newspaper within Brevard County.	22-26Apr
20	BOT adopt proposed draft (line-item budget) for mail out to property owner of record and set Public Hearing date (must be 21 days after notice is published).	28-May
21	Publish notice of Public Hearing in newspaper of general circulation (must be 21 days prior to hearing). Mail proposed budget (line-items), proposed assessment rate, and prior year financial statements to all property owners of record.	4-Jun
22	Public Hearing, for community input, on proposed budget and proposed assessment. BOT will consider two resolutions: one to adopt the FY19 Budget and one to set the assessment rate.	25-Jun
23	BOT certifies the Non-Ad Valorem Assessment Roll to Brevard County Tax Collector.	27-Aug
24	Deadline for staff to transmit the certification of the Non-Ad Valorem Assessment Roll to Brevard County Tax Collector.	15-Sep
25	FY19 ends.	30-Sep
26	FY20 begins.	1-Oct
Shaded rows indicate public meetings or workshops		

# Manager's Report



## **Barefoot Bay Recreation District**

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

Phone 772-664-3141

Fax 772-664-1928

**Memo To:** Board of Trustees

**From:** John W. Coffey, Community Manager

**Date:** July 13, 2018

**Subject:** Manager's Report -revised

### Finance

- **Surplus property Disposition Update** – \$404.99 was the winning bid for the on-line auction of the 120 surplus chairs from D/E. Please see attached for details.

### Resident Relations

#### **ARCC Updates**

- Meeting on July 10th has 26 permits on the agenda: 1 old, 15 consent (not changing the footprint of the home) and 10 non-consent (i.e. anything requiring a survey).
- The next meeting will be on July 24th at 9 am in the HOA office.

#### **Violations Committee Updates**

- Meeting on July 13th has 62 cases on the agenda.
- The next meeting will be on July 27th at 10 am at Bldg. D&E.

#### **Other Interesting facts (from June)**

- 14 applications processed with 6 new hires ( in addition to the 119 applications received in May)
- 248 new DOR cases started
- 1 citizen ride along with DOR Inspector (call Resident Relations to sign up)
- 65 ARCC inspections

### Food & Beverage

- **"A Barefoot Kind of Night"**, our annual Luau, will be held on Saturday, July 21 at pool #1 with a tropical themed buffet and cocktail menu. Tickets for this highly anticipated event are on sale in the Lounge, the 19th Hole and Resident Relations.

Event flyers with all the details are posted.

- Food & Beverage is now text blasting daily specials and upcoming events announcements. They also email coupons for special discounts. Residents can fill out a form with their cell number and email address at the Lounge or 19th Hole to receive these notices.
- Check out the new bar area Lakeside of the Lounge for extra seating courtesy of Jason McGhee in Property Services. A new large sun sail will be installed in this area late summer providing needed shade in this great space.

### Golf-Pro Shop

- Tournaments
  - Jr. Golf: July 28<sup>th</sup>, 8:30am shotgun start (sign up at the Pro Shop or call 664.3174 for details)
- **Project updates**
  - Bunker restoration phase 3
    - Completed 3 bunker's drainage
    - #13 area behind green will begin July 9th
    - Sod will be done all at once at completion of drainage phase of all bunkers
  - Restroom projects (grant funded):
    - Hole 6 completed renovation of roof and interior
    - Hole 16 (Contract awarded to Melbourne roofing; awaiting shingle installation; interior remodeling will begin August
  - Chemical Building Roof – completed
  - Cart Path Repairs/Replacement project will commence July 26<sup>th</sup>.
  - Water stations ordered (waiting on delivery & will install as time permits)
  - Jr. Golf Camp Update –2nd session July 10<sup>th</sup> through July 31st
  - Please don't drive your dune buggy through our parking lot netting (Net ordered and will be installed upon receipt)

### Property Services

- Set up and tore down for the Fireworks display
- Addressed all current DOR violations
- Unpackaged and swapped out all chairs in D/E
- Replaced broken light at the tennis courts
- Re-enforced weir bank with old broken concrete
- Finished the "McGhee" bar behind the lounge
- Removed broken items on the exercise trail
- Continued scrubbing and waxing floors



### General Information

- **Weir Structure/Pipe Issue Update** – General Counsel Repperger, Community Manager Coffey, and Matt Goetz, Property Services Manager attended a meeting with Brevard County staff on Friday June 29<sup>th</sup> to discuss a way forward concerning the needed repairs and to verify jurisdictional boundaries for stormwater maintenance.
  - All parties agreed that it was in the best interest to separate the metal structure (actually a redundant second weir after the concrete weir upstream) from the pipe under Dottie Lane.
  - The County is planning on slip lining the pipes and we agreed to pursue moving the metal structure upstream to be co-located with the concrete weir. We agreed it would be best to do both projects at about the same time and Scott Glanbitz from BSE subsequently had a preliminary discussion with St. John's Water Management District which seems promising regarding permitting of the project.
  - Drainage issues along Cherokee, Pocatella and Chipewa were discussed.
  - The County agreed to work with us toward developing a map that can be memorialized regarding specific canal, ditch and swale maintenance responsibilities in and around BBRD.

## John Coffey

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**From:** Charles Henley  
**Sent:** Thursday, July 05, 2018 7:56 AM  
**To:** John Coffey; Matt Goetz  
**Subject:** FW: GovDeals Seller's Certificate: 13-0704181557-6971

**From:** ClientServices@GovDeals.com <ClientServices@GovDeals.com>


**Sent:** Wednesday, July 04, 2018 3:59 PM

**To:** [bbrdfinance@bbrd.org](mailto:bbrdfinance@bbrd.org)

**Subject:** GovDeals Seller's Certificate: 13-0704181557-6971

Congratulations, Barefoot Bay Recreation District, FL has sold another item on the GovDeals Auction Server.

BUYER (#986556)		SELLER (#6971)	
Name:	BIL SPAUDE	Agency:	Barefoot Bay Recreation District, FL
Company:	SGPA I, LLC	Contact:	BBRD Finance
Title To:	BIL SPAUDE	Phone:	772-664-3141
Phone:	352-303-0747	Fax:	772-664-1928
Email:	<a href="mailto:BILSBUS@GMAIL.COM">BILSBUS@GMAIL.COM</a>	Email:	<a href="mailto:bbrdfinance@bbrd.org">bbrdfinance@bbrd.org</a>
Address:	616 S Roland St Bushnell, FL 33513-6914	Address:	625 Barefoot Blvd Barefoot Bay, FL 32976-7305

ITEM INFORMATION FOR ASSET ID: 13			
Item:	<a href="#">Stacking Banquet Chairs</a>		
Pick Up Location:	<a href="#">625 Barefoot Blvd, Barefoot Bay, FL 32976-7305</a>		
Inventory ID:	13	Account ID:	6971
Condition:	See Description	Quantity:	1 Lot
Make/Brand:	Not Provided	Model:	Not Provided
VIN/Serial:	Not Provided	Model Year:	Not Provided
Meter:	0 (Accurate?: )	Title Restrictions:	Not Applicable

Date	Item		Amount
07/04/2018 3:57 PM	Stacking Banquet Chairs		\$404.99
	Tax	None	\$0.00
	Buyer's Premium	12.50%	\$50.62
		Total	\$455.61

#### Payment Instructions:

Payment methods for this item are Wire Transfer, PayPal, or credit cards (Visa, Mastercard, American Express\*, Discover) only. \* American Express is not available for buyers on probation. PayPal and credit card purchases are limited to below \$5,000.00 and Bidders residing in the United States, Canada and Mexico Only. If the winning bid plus applicable taxes, if any indicated, plus the buyer's premium equals to \$5,000.00 or more, Wire Transfer must be used. If Wire Transfer is chosen, a Wire Transfer Transaction Summary page will provide payment and account information. The Wire Transfer must be completed within 5 days.

**PAYMENT MUST BE MADE ONLINE** - To make an online payment, log into your GovDeals account and select [My Bids](#). Please follow the instructions there. Payment in full is due not later than five (5) business days from the time and date of the Buyers Certificate. Payment must be made electronically through the GovDeals Website. **NO CASH, CHECKS, OR MONEY ORDER WILL BE ACCEPTED!**

**PAYMENT MUST BE MADE ONLINE --** To make online payment, log into your GovDeals account and select 'My Bids'. Please follow the instructions there.

Payment in full is due not later than five (5) business days from the time and date of the Buyer's Certificate. Payment must be made electronically through the GovDeals Website. Payment Methods are listed above.

**TAX EXEMPTION: Where taxes are applicable (see the Buyer's Certificate), Tax Exempt documents must be provided to this seller within 24 hours of the auctions close and before payment is made. Please see the contact below for any questions.**

#### Removal Instructions:

All items must be removed within ten (10) business days from the time and date of issuance of the Buyer's Certificate. Property may be removed by appointment only and appointments must be made at least 24 hours in advance. The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. No Assistance will be provided. A daily storage fee of \$10.00 may be charged for

any item not removed within the 10 business days allowed and stated on the Buyer's Certificate.

**Special Instructions:**

**NOTICE:** If you are the winning bidder and default by failing to adhere to this seller's terms and conditions your account with GovDeals WILL BE LOCKED.

**Guaranty Waiver.** All property is offered for sale 'AS IS, WHERE IS.' Barefoot Bay Recreation District, FL makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. Please note that upon removal of the property, all sales are final.

**Description Warranty.** Seller warrants to the Buyer that the property offered for sale will conform to its description. Any claim for misdescription must be made prior to removal of the property. If Seller confirms that the property does not conform to the description, Seller will keep the property and refund any money paid. The liability of the seller shall not exceed the actual purchase price of the property.

**Description:**

Approximately 120 chairs for auction, all in fair condition, some rips and pulled seams.

# Attorney's Report

# Incidental Remarks from Trustees



# Adjournment