



BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Regular Meeting
Tuesday, April 26, 2016
7 P.M. –Building D&E

The Barefoot Bay Recreation District held a Regular Meeting on April 26, 2016 in Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Klosky called the meeting to order at 7:00 P.M.

Thought for the Day

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

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

Roll Call

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

Minutes

Mr. Cavaliere made a motion to approve the minutes from April 8, 2016. Second by Mr. Diana. Motion carried unanimously.

Treasurer's Report

Mr. Cavaliere presented the Treasurer's Report for April 26, 2016.

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

Audience Participation (Agenda items only)

None brought forward

New Business

Review of Trustee Newspaper Articles by General Counsel

Ms. Wright explained her reasoning behind placing this item on the agenda. She based her decision on the recent article in The Barefoot Tattler by Mr. Cavaliere which seemed to present his personal views being represented under the guise of the District Seal. She read an excerpt from the article, which in her opinion, incorrectly stated that members of the Executive Board of the HOA were vying for control of the District. She read from the Florida Commission of Human Relations, Commission of Relations and Communications Protocol and Guidelines, Chapter 112.311.1, which stated that it is imperative that public officials stay 'independent and impartial'.

Mr. J.R. Lochmandy, Editor of The Barefoot Tattler newspaper, stated that the District Seal has been in use since February 1990 when the Tattler was granted permission to use it under his father's leadership. He distributed emailed replies to the question he posed to local and state officials (Commissioner Infantini and Councilman Posey) confirming that they do not submit their newspaper articles to council prior to posting. He voiced a concern that this agenda item is an attempt to control the press and stated that he will not discontinue use of the seal for trustee articles unless he was court ordered to do so.

Mr. Tom Guinther inquired about General Counsel's opinion on the legal use of the BBRD seal in the Tattler. General Counsel stated that the matter at hand is about editorializing under the banner of the seal. He is not in favor of limiting freedom of speech in any way or regulating article content. He stated that he is not 100% comfortable in reviewing the content as it borders on the lines of censorship. General



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Ms. Crouse commented on the fact that the current Board chose to run the meetings under Roberts's Rules of Order but now it is becoming cumbersome as this training will have to occur each year for the new trustees entering the Board. She recommended making a motion to remove the system and return to the way the Board was run before.

Ms. Carole Kennedy voiced her dissatisfaction about the hesitation on the Board's part to spend the funds to educate themselves.

Ms. Wright made a motion to approve the Parliamentary training. Second by Mr. Lavier for discussion. Mr. Lavier withdrew his second. Motion died for lack of second.

Resignation and Appointment to Security Committee

On Friday, April 8, 2016 Mr. Firlein submitted his resignation to the Committee Chair and the District Clerk thereby leaving an open voting seat on the committee. The Security Committee recommended approving Mr. Firlein's resignation and appointing current alternate on the committee, Mr. Peter Divergilio, to Mr. Firlein's remaining unexpired term of three years.

Mr. Diana made a motion to accept Mr. Ted Firlein's resignation from the Security Committee. Second by Mr. Cavaliere. Motion carried unanimously.

Ms. Wright made a motion to approve moving Mr. Divergilio to a voting seat and filling the unexpired term of three years on the Security Committee. Second by Mr. Diana. Motion carried unanimously.

D/E Ceiling Mounted Projector and Retractable Screen

Over the past few years, staff increased transparency of daily operations and of the meetings/workshops/agenda items by adding the information to BBRD's website, providing paper copies on the bulletin board by Pool #1 and using a portable projector to display items on the wall and/or on a projector in D/E. Recognizing the desire of homeowners for greater understanding of agenda items, Trustee Wright obtained Board consensus for staff to research the cost and funding options to procure a ceiling mounted projector and retractable screen to be displayed behind the dais. Staff requested direction on whether to proceed with procurement and which funding source to use if system is procured.

Mr. Diana made a motion to approve the purchase from Hoover Electronics and bring back as a budget amendment at a later meeting. Second by Ms. Wright. Motion carried unanimously.

Mr. Harold Wortman commented that this was a great purchase and advised the Board to compare the bulb life in the projectors as some bulbs last longer than others.

Mary Weller inquired about whether the projector will be secured to prevent theft. Mr. Coffey stated that indeed it would.

Mr. Ernest Loening suggested purchasing microphones for Building A and in this Building instead of spending additional funds on this purchase.

Manager's Report

Mr. Coffey updated the Board on the removal of the 635 Hyacinth structure removed in the week of April 11th. Ms. Sue Cuddie, Resident Relations Manager will work with General Counsel Repperger to resolve outstanding liens and taxes before staff lists the property for sale. Staff received the project designs for the Tamarind Circle and Cherokee Stormwater Projects as of the week of April 18, 2016. After verifying site conditions, staff will hold a conference call with TLC and the civil engineering sub-contractor to determine the next step. Property Services staff obtained a leasing and purchase quote for the stormwater maintenance equipment (based on state contract pricing) and is seeking clarification of information obtained from Brevard County of mowing services. Specifics will be available at the next three budget workshops. Staff will process checks and paperwork necessary for BSE (TLC civil



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schedule to tour the Lounge, Building A and the 19th Hole with her and Facilities Planning Committee Chair, E.J. Wright, as they discussed how to meet the future needs of the Food and Beverage Department in the most fiscally responsible manner.

Mr. Diana has been working with the District Clerk, Dawn Myers, to develop the final report for the Attorney evaluation.

Mr. Lavier had no report at this time.

Mr. Cavaliere had no report at this time.

Mr. Harold Wortman discussed the April 21st Special HOA meeting which, per the HOA by-laws, would allow the homeowners to vote on the Executive Board's request that Ms. Nancy Eisele resign from the Board. Ms. Eisele was given an opportunity to respond to the request to leave the Board and chose to deny the request. The homeowners had an opportunity to respond and voted 84-47 in favor of allowing Ms. Eisele to remain on the Board.

Trustee's Incident Remarks

Mr. Klosky announced the next BOT Budget Workshop on May 3, 2016 at 9AM in Building A.

Ms. Wright addressed recent concerns brought to her attention that she is strictly for the "HOA". She clarified that she surrounds herself with intelligent, dedicated, motivated, people who are interested in improving the community. She maintained that she is here to support all the residents, which a majority are homeowners, therefore, are all part of the HOA. She is happy to be on a progressive non-exclusive Board now and reiterated that she is the "People's Trustee" she stated the only one she owes is "You".

Mr. Klosky read a definition of the word "Liasion" as a reminder to Trustees and committees of what is expected of them. He presented this information due to the recent confusion on the correct meaning of this term and to avoid the micromanaging of staff.

Audience Participation

Mr. Don Gremillion discussed his concerns about the dilapidated property next door to him which has multiple violations. He inquired if the District would address this issue. General Counsel informed him that he presently has this case in his office and after the meeting he will update him on the current status.

Mr. E.J. Wright addressed Mr. Cavaliere and asked for clarification regarding his vision for the future of Barefoot Bay. He voiced concern at Mr. Cavaliere's change from the platform he ran on such as repairing the current infrastructure compared to his current stance of replacing buildings and borrowing money. Mr. Cavaliere clarified that his position thus far is merely to provide information about investments and options for the residents and for the future plans for the buildings. He is not advocating anything but is simply responding to the concerns of the residents. Mr. Cavaliere stated that he has tried to work with the HOA about these issues but in his opinion the HOA are opposed to what he has to say simply because he did not support the recent fining authority issue. He stated that we should start working together rather than remain a divisive community.

Ms. Loretta Dorn inquired about the revenue from Pasta Night and asked if this is the only profit making event at the 19th Hole. She continued to inquire about the operations of the Food and beverage department. Mr. Coffey informed Ms. Dorn that there is a document called Principles of Operations which outlines the operations for Food and Beverage. He stated that she can stop by Building F to pick it up anytime and this should answer all her questions.



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Board of Trustees Regular Meeting Friday, April 8, 2016 1 P.M. –Building D&E

The Barefoot Bay Recreation District held a Regular Meeting on April 8, 2016 in Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Klosky called the meeting to order at 1:00 P.M.

Thought for the Day

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

Ms. Wright led the Pledge of Allegiance to the Flag.

Roll Call

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

Minutes

Mr. Lavier made a motion to approve the minutes from March 22, 2016 with one correction. Second by Mr. Cavaliere. Motion carried unanimously.

Treasurer's Report

Mr. Cavaliere presented the Treasurer's Report for April 8, 2016.

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

Audience Participation (Agenda items only)

Mr. John Nyhan gave a critique of the current Board approved 5yr Plan. He commended Mr. Coffey on his work creating the plan but stated that it is presented as little more than a 'wish list' and a plan for facilities. He asked that the Board consider working together and establish a Planning committee so the community would have a true vision to work towards.

Old Business

Appointment to Security Committee

Mr. Greg Deslandes recommended Mr. Jeff Dunham to the Security Committee based on his extensive background in law enforcement.

Mr. Cavaliere made a motion to appoint Mr. Jeff Dunham to the Security Committee's alternate seat for a term of three years. Second by Mr. Diana. Motion carried unanimously.

Appointment to Facilities Planning Committee

Mr. Diana stated he was in receipt of a letter of interest from Mr. Brian Belanger recommended by the Facilities Planning Committee. He requested the Board approve the recommendation from the Facilities Planning Committee.

Mr. Diana made a motion to appoint Mr. Brian Belanger to the Facilities Planning Committee alternate seat for a term of three years. Second by Mr. Lavier. Motion carried unanimously.



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Discussion of BBRD Bulletin Board Limitations

Upon the Board's request, General Counsel Repperger discussed the legalities of limiting the option to place ads to rent single rooms on the District Bulletin Boards and, furthermore, at the Board's request, to discuss the topic of rentals in Barefoot Bay. General Counsel clarified that renting of rooms or units are illegal if the rental is under 90 days. He discussed the state tourist tax in effect now.

Florida Statute 212.11 requires Tourist Tax Dealers to file tax returns and pay tax electronically in order to receive a collection allowance. Tourist Development Tax (Resort Tax) is a 5% tax on the total rental amount collected from every person or other party who rents, leases, or lets for consideration living quarters or accommodation in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, mobile home park, recreational vehicle park, or condominiums for a period of 6 months or less. This tax is collected by the Brevard County Tax Collector pursuant to Brevard County Code, Chapter 102, "Taxation," Article III, as authorized by Florida Statute 125.0104. The local Tourist Development Tax is in addition to the 6.5% State of Florida Sales and Use Tax remitted to the Florida Department of Revenue.

He recommended two options to the Board; 1.) Restrict the placing of rental ads on the District bulletin boards to those seeking to rent rooms less than 90 days or 2.) Enforce the requirement that those residents looking to rent their homes for less than 6 months must fill out an affidavit stating that they have a registered resort tax account with the County Tax Collector as required by law. Mr. Diana withdrew his motion from the previous meeting. *(Mr. Diana made a motion to remove the room for rent submissions to the bulletin board and only allow homes for rent submissions. Second by Ms. Wright.)* Ms. Wright withdrew her second.

Mr. Diana made a motion to require all potential landlords renting under 6 months who wish to post rental ads to the BBRD bulletin boards must provide a signed affidavit stating the term of lease and confirming that they have a registered Tourist Tax account with the County Tax Collector. Second by Mr. Cavaliere. Motion passed unanimously.

New Business

Community Manager and Special District Services Evaluation

Mr. Diana read the results of the SDS Performance Evaluation. Scoring sheet results attached to these minutes.

Mr. Cavaliere made a motion to accept the SDS Performance Evaluation as presented. Second by Mr. Lavier. Motion carried unanimously.

Mr. Diana read the Community Manager Performance Evaluation. Scoring sheet results attached to these minutes.

Mr. Cavaliere made a motion to accept the Community Manager Performance Evaluation. Second by Mr. Lavier. Motion carried unanimously.

Capital Department Project for Reshaping #12 Tee Box on Golf Course

Mr. Coffey discussed Ernie Cruz's recommendation to reshape the #12 tee box on the golf course in an effort to make allowance for those golfers who play from the middle tees a shorter distance when aiming across the lake without penalizing the golfers playing from the back tees.

Mr. Diana made a motion to award the contract to ABM for Reshaping #12 Tee Box on Golf Course for \$8,769. Second by Mr. Lavier. Motion carried unanimously.

Facilities Planning Committee (FPC) Recommendations

- FPC to investigate implementation of a Capital Improvement Program (not including Replacement Building F)



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Mr. Diana made a motion that FPC investigates implementation of a Capital Improvement Program. Second by Ms. Wright. Motion carried unanimously.

- FPC Vice-Chairman Pellegrino to customize the attached capital improvement documentation to Barefoot Bay standards for submission to the Board.

Mr. Diana made a motion to table this item as Mr. Len Pellegrino could not be present at this meeting and would like to discuss his plan in detail with the Board. Second by Mr. Lavier. Motion passed unanimously.

- Appointment of Dawn Myers, E.J. Wright, Tom Nelson & Harold Wortman to a subcommittee to review CCTV video when needed and to report findings to the Community Manager. Purchase of a new laptop is required to allow for this full recommendation.

Mr. Diana made a motion to approve. Second by Ms. Wright. Motion passed unanimously.

- FPC to investigate implementation of a Capital Improvement Program Recommendation to use electronic devices in future FPC meetings

Ms. Wright made a motion to accept the recommendation to use electronic devices in future FPC meetings. Motion died for lack of second.

Recreation Committee Recommendations

- Change Community Center amenities hours of activities from 9am-10pm to 7am-10pm.

Mr. Chuck Sabol of the Horseshoe Club requested the hours remain open earlier than later.

Mr. Rich Schwatlow voiced his concern about all amenities at the community center having to start and end at a specific time. He stated that he was present in the horseshoes area and did not hear any noise from the horseshoe players.

Ms. Louise Crouse also voiced a concern of altering the hours for all activities if the time is adjusted.

Mr. Diana made a motion to change community center amenities hours of activities from 9am-10pm to 7am-10pm. Second by Mr. Lavier. Motion carried unanimously.

- Resurface (4) shuffleboard courts now at an estimated cost of \$800 in lieu of waiting for FY17 Budgeted \$13,000. Ms. Wright stated that the recommendation is just for repainting the surface. Mr. Diana was opposed to doing "patchwork" repair and strongly recommended waiting until the FY17 budget year as planned. Mr. E.J. Wright voiced his support of repairing the (4) courts. He mentioned the lawn bowling project that was also moved up from FY17 to FY16 and requested a similar consideration for the shuffle boarders. Mr. Coffey offered that the shuffleboard resurfacing project planned in FY17 is scheduled for early October, the beginning of the fiscal year and would make sure it is top priority with the Property Services department.

Mr. Cavaliere made a motion that the Board not approve resurfacing the shuffleboard. Second by Mr. Diana. Motion carried unanimously.

- BBRD to host a children's swim event at Pool#2

Louise Crouse clarified that the Recreation Committee's intention, as a first step into this event, was to inquire if the Board would consider waiving the passes for non-resident children for the day so they could participate in the swim party along with other details still to be researched.

Mr. Cavaliere made a motion to authorize the Recreation Committee to work out the details of this event and bring back to the Board for approval. Second by Mr. Diana. Motion carried unanimously.



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Manager's Reports

The structure on 635 Hyacinth was scheduled for demolition and removal on April 6th but has now been pushed back to next week. Adjacent property owners have been notified via mail and the property has been posted.

To reduce the number of "returned undeliverable" items when District Communications are mailed to the homeowners, Resident Relations staff will be using the attached form to update our database and to increase the accuracy of homeowner information. Additionally, homeowners and residents will have the opportunity to add their e-mail addresses to specific distribution lists to receive blind-copy notices related to their topics selected. Copies of the blank forms can be picked up at the pools, Bldg. F and/or Resident Relations. Homeowners and residents are encouraged to complete the form prior to visiting the Resident Relations Office to decrease wait times when renewing badges.

Mr. Coffey thanked the Board for their vote of confidence and for the suggestions on improvement. He stated that it was an honor to work for the Board. Mr. Diana thanked Mr. Coffey as well and also for the move to improve the communications in the Bay. Mr. Klosky thanked Mr. Coffey on his work and also thanked management company SDS for a great job.

Attorney's Report

General Counsel gave an update on the entrance wall. He recently provided the insurance company with detailed invoice information and will wait to hear back from them to update the Board. Regarding 710 Barefoot Blvd., General Counsel reported that his office has moved for a Clerks Default and is waiting on a response within the next day or so. A Summary Judgment is being prepared and as soon as we get a response to the Clerk's Default we can schedule a court date hearing. He anticipated a resolution will occur in the next couple of weeks.

Trustee Liaison Report

Mr. Klosky presented the ARCC committee report. They received twenty permit applications, nineteen were approved and one extended for three months. The Violations Committee saw seventeen cases all deemed in violation.

Ms. Wright gave the Food and Beverage Report. Monday is Music Bingo, Tuesday, Karaoke and \$1 Taco until sold out. Mothers Day's Brunch tickets go on sale on April 11th tickets are \$10 available at Resident Relations.

Mr. Cavaliere reported on the Finance Committee. They recently met and are reviewing the FY17 Budget Decision Points. The committee has tentatively scheduled another Finance meeting in the next two weeks.

Mr. Diana reported on his work with the District Clerk to complete the evaluations for the Community Manager and General Counsel. Facilities Planning Committee offered their report earlier in tonight's meeting.

Mr. Lavier gave the Property Services report. Two new lights were installed in the center island outside of the Building A courtyard. Two more security cameras are to be installed and additional lights in the playground as well. The racquetball courts have been repainted.

Trustee's Incidental Remarks

Mr. Cavaliere addressed Mr. Jack Reddy's statement from the previous meeting regarding the District's position on referendums. He read from Article IV - Powers of the District:



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As provided in Section 36 of Chapter 83-204, Laws of Florida, the Barefoot Bay Recreation District shall have the following powers... To acquire, purchase, construct, improve, equip and maintain streets and lights, recreation facilities and other common areas of all types, including real and personal property within the area set forth in Article III above, whether such acquisition is by purchase, lease, gift or otherwise...

...enter into contracts involving the purchase, lease, conveyance or other manner of acquisition of common real or tangible personal property. In any instance when the cost, price or consideration for such acquisition exceeds Twenty-five Thousand Dollars (\$25,000.00), including all obligations proposed to be assumed in connection with such acquisition, such purchase, lease, conveyance or acquisition shall not be approved unless and until:

(a) The trustees, by two-thirds (2/3) vote, have approved the terms and conditions of such acquisition by written resolution;

(b) Within not less than thirty (30) nor more than sixty (60) days after the date of the resolution, the trustees certify the resolution to the Supervisor of Elections of Brevard County for a referendum election;

(c) A majority of the qualified electors of the district approve the resolution by referendum election.

He asked that the Board to take a formal position for the record, stating that they will continue to abide by the opinion of the District Attorney and the *Mulhearn Case*. He asked that this position should be sent to the HOA asking for their support on the Board's position and to request an answer and their position if they do not.

He stated his position on restoration of the District buildings and does not advocate demolishing any buildings. He reiterated that his platform while running for trustee was only to repair the existing infrastructure before building anything new. Ultimately, he will respond to the final decision which should come from the homeowners.

Ms. Wright thanked Greg Deslandes for all his help as they worked to get a vicious dog in Barefoot Bay labeled as such. Mr. Deslandes accompanied her on several trips to the county offices in Viera and with letters sent as well. She explained that their work with the officials had an unfortunate twist as the letter that should have deemed the dog as vicious was sent out as only a warning letter instead. The dog will now have to attack another dog or be seen running without a leash to move forward with the citing. Ms. Wright will visit the homes and appeal to the neighbors in the vicinity to please watch out for the dog should it be seen running loose illegally and try to get a picture if possible.

Mr. Diana thanked staff for a great job this weekend at the Sunday pool party, the event was well attended. He thanked Ms. Donna Bond for raising the interest with her work on the neighborhood watches.

Harold Wortman delivered the HOA report. The next meeting will be on Tuesday April 12th. After discussion HOA will hold their annual ice cream social one month early with ice cream provided by Flip Flop ice cream shop.

Audience Participation

Ms. Jeanne Osborne thanked Property Services for installing the additional lighting in the Building A courtyard. She cautioned the Board not to consider themselves as advisors but elected policy makers on behalf of the homeowners and residents of Barefoot Bay.

Mr. Ken Reed commented on when the extended hours will begin and if this applies to the pool as well.



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Ms. Kathryn Lesh asked Frank Cavaliere about his comment in the evaluations stating he would like to abolish the HOA. He stated that he misspoke when he wrote the word "abolish" however the HOA has recently made it clear that they are not working with the BOT. He informed Ms. Lesh that he will speak in detail with her after the meeting if she is inclined to do so.

Mr. Greg Deslandes gave his opinion regarding the recent article in the Barefoot Tattler written by Mr. Cavaliere regarding the ownership of Barefoot Bay. He maintained that the information in the article stating that the County would acquire Barefoot Bay should the District be dissolved was false, as he called the County Property Appraisers Office to confirm and was told that the homeowners have ownership of Barefoot Bay. He voiced his concern with any trustee who would state their position as facts in the Trustee column without verifying the accuracy of those statements. Mr. Deslandes requested the remaining Trustees encourage Mr. Cavaliere to print a retraction in the Tattler and stated that he will address the topic further at the next HOA meeting.

Ms. Mary Weller distributed information to the Board regarding training on Robert's Rules of Order. She asked that the Board approve an investment of \$1000 into this company for training on parliamentary procedure. Board consensus was made to put this item on the next agenda for consideration. She announced a Panel Discussion scheduled for Thursday, May 5th 7-9Pm in Bldg E. The panel will consist of experienced residents knowledgeable in the procedure for running for trustee; a former campaign manager, yard sign and door to door coordinator, the Barefoot Tattler and representation from the Supervisor of Elections. Everyone is invited.

Adjournment

Mr. Klosky announced the next meeting scheduled for Tuesday, April 26, 2016 in Building D/E at 7PM. *Mr. Diana made a motion to adjourn. Second by Mr. Cavaliere. Meeting adjourned 2:50 p.m.*

Steve Diana, Secretary

Dawn Myers, District Clerk