

# BAREFOOT BAY RECREATION DISTRICT

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

The Barefoot Bay Recreation District held a Regular Meeting on Tuesday, July 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**

As we do before every Board Meeting, the Board of Trustees would like to take a moment of silence to remember all our service men and women, who have or are currently helping to protect this great country of ours. We would also like to remember all our residents of Barefoot Bay both past and present and a special remembrance for our fellow man and woman all over the world in these troubled times. Mr. Diana led the Pledge of Allegiance to the Flag.

## **Roll Call**

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

## **Minutes**

June 28, 2016

*Mr. Cavaliere made a motion to approve the minutes from June 28, 2016. Second by Mr. Diana. Motion carried unanimously.*

July 8, 2016

*Mr. Lavier made a motion to approve the minutes from July 8, 2016. Second by Mr. Cavaliere. Motion carried unanimously.*

Harold Wortman requested clarification in the minutes regarding the HOA's involvement in the legal charges to the District.

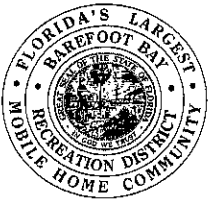
## **Treasurer's Report**

Mr. Cavaliere presented the Treasurer's Report for July 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)**

Mr. Ernest Loening commented on his point raised at the previous meeting regarding the unnecessary presence of a sheriff's deputy at the meeting. He stated that he wrote a letter to Mr. Coffey's employer asking for his resignation since he could not name who asked for the deputy and announced the cost was \$93 per meeting for the District to employ the deputy. Mr. Loening voiced his opposition to this expenditure as, in his opinion, it is excessive spending. He stated that he will also file a complaint about two Trustees breaking the Sunshine Law since he has learned that Mr. Klosky and Ms. Wright asked about implementing the deputy presence. Mr. Klosky stated that he has not broken the Sunshine law in 9 years of service on the Board of Trustees. His request was presented to Mr. Coffey in a one on one discussion and he stands by it. He cannot speak for Ms. Wright as he can only speak for his actions. Ms. Louise Crouse thanked the officer present for his service and stated that she would not like to consider



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the possibility of an incident similar to what has happened in the news recently occurring here in Barefoot Bay. She stated that if the Board felt this was a necessary expenditure then she supports and applauds them for it.

## **Old Business**

### **Financing Options for Stormwater Projects and Equipment**

At the last Board of Trustee Meeting the Board directed staff to apply for financing with Capital Bank and bring back the final loan agreement to the Board for final review and approval. General Counsel read the resolution:

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT WITH CAPITAL BANK CORPORATION IN THE AMOUNT OF \$165,000 FOR THE PURPOSE OF STORMWATER IMPROVEMENT PROJECTS AND EQUIPMENT; PROVIDING FOR APPROVAL OF THE GOVERNMENTAL CERTIFICATE, LOAN AGREEMENT AND PROMISSORY NOTE WITH CAPITAL BANK CORPORATION; PROVIDING AN EFFECTIVE DATE.

*Mr. Diana made a motion to authorize Chairman Klosky to sign the Capital Bank Loan Agreement. Second by Ms. Wright. Motion carried unanimously.*

### **Stormwater Maintenance Equipment Award of Contracts**

On May 17, 2016, the Board authorized staff to solicit financing options for the stormwater projects and the previously discussed stormwater maintenance equipment.

*Mr. Diana made a motion to award a contract to Bobcat of Orlando in the amount of \$40,535.96 for procurement of a S650-T4 Bobcat Skid Steer Loader via state contract price while using exception to Competition #8. Second by Mr. Lavier. Motion carried unanimously.*

*Ms. Wright made a motion to award a contract to skidsteersolutions.com in the amount of \$26,290 for procurement of a Raptor Boom Mower and Side-work Attachment System and Cyclone 48" Rotary Brush Cutter – Eterra CY-48. Second by Mr. Cavaliere. Motion carried unanimously.*

### **Stormwater Projects Award of Contract**

On May 17, 2016, the BOT authorized staff to solicit financing options for the stormwater projects and the previously discussed stormwater maintenance equipment.

*Mr. Cavaliere made a motion to award a contract for Tamarind Circle and Cherokee Court Stormwater projects to Brevard Excavating and Landscaping, Inc. for \$129,690.35 while waiving the RFP and bid/performance bond requirements. Second by Mr. Diana. Motion carried unanimously.*

### **Facilities Planning Committee Recommended Capital Improvement Program**

The Board recently deferred the Facility Planning Committee recommendation for the proposed Capital Improvement Program until its advocate, Mr. Len Pellegrino, could be present. After formal review by the Board, staff was authorized to work with Mr. Pellegrino to customize the forms to meet the needs of the District. Staff recommended the Board approve the Facility Planning Committee's CIP proposal as presented.

*Mr. Cavaliere made a motion to approve the Capital Improvement Program Proposal as presented. Second by Mr. Lavier. Motion carried unanimously.*



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## **Appointment to Recreation Committee**

On July 8, 2016, Ms. Nancy Eisele resigned from a 3-year alternate seat. The Board reviewed the submitted resumes from Rich Moran and Maryjo Fagereng. Ms. Wright thanked all the applicants and acknowledged Mr. Moran's help to the committee thus far but nominated Maryjo Fagereng for the open seat on the committee due to her vast experience and knowledge in the Recreational Education industry. Mr. Cavaliere and Mr. Lavier supported Mr. Moran for the open committee seat due to his track record and commitment he has already exemplified working with the youth swim on behalf of the committee. *Mr. Lavier made a motion to appoint Mr. Richard Moran as alternate on the Recreation Committee for a term of 3 years. Second by Mr. Diana. Ms. Wright opposed. Motion carried 4-1.*

## **Appointment to Security Committee**

On April 26, 2016, The Board appointed Mr. Peter Divergilio, to Mr. Ted Firlein's remaining unexpired term thereby leaving an available alternate seat. The Board reviewed the submitted resume from Mr. Jim Gallagher.

*Ms. Wright made a motion to appoint Mr. Jim Gallagher as alternate on the Security Committee for a term of 3 years. Second by Mr. Cavaliere. Motion carried unanimously.*

## **Request to Form a Club (Support Group for People Diagnosed with Multiple Sclerosis)**

Ms. Linda Scholefield submitted a request to form the club "Support Group for People Diagnosed with Multiple Sclerosis." Per the Revised Policy Manual, the Board of Trustees shall approve or deny all applications after review by the Community Manager.

*Mr. Diana made a motion to approve the request by Ms. Linda Scholefield to form the "Support Group for People Diagnosed with Multiple Sclerosis" and waive the associated room rental fees. Second by Mr. Lavier. Motion carried unanimously.*

## **Tennis Court Restroom Trailer Options**

Mr. Klosky previously requested estimates on portable restroom trailers for the area near the tennis courts. Staff provided quotes on new and used male and female bathrooms trailers. Mr. Cavaliere discussed the possibility of a referendum on this year's ballot for a permanent structure.

Louise Crouse commented on the past discussions regarding building a permanent restroom structure which was ultimately not approved and funding shifted to the Building F Replacement project. She thanked the Board for discussing future plans for expansion in the designated area.

*Mr. Cavaliere made a motion to explore the option of placing the question of a permanent restroom facility in the tennis court specific area to be determined under \$70,000 on this November's referendum. Second by Mr. Lavier. Motion carried unanimously.*

General Counsel Repperger will bring specific language back to the next meeting for approval to submit to the Supervisor of Election's Office.

## **Amendment to Over 60 Softball Association Agreement with BBRD**

*Mr. Diana made a motion to table the agenda item until the General Counsel has had time to review and revise the amended contract with payments effective in July. Second by Mr. Lavier. Motion carried unanimously.*

## **New Business**



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## **DOR Violations**

Case #16-002191 852 Waterway Drive

Condition of Property-unauthorized items.

The property owner's daughter represented the property. Sue made a request on her behalf for a 10-day extension to get the property violations resolved.

*Mr. Cavaliere made a motion to grant Case #16-002191 852 Waterway Drive a 10-day extension to clear the property. Second by Mr. Diana. Motion carried unanimously.*

## **Public Hearing and Adoption of FY17 Proposed Assessment Rate**

Mr. Klosky opened the public hearing to hear public commentary on the assessment.

Mr. Joe Barden requested clarification on why the Lounge and the 19<sup>th</sup> Hole Restaurant is losing money according to the FY17 Budget. Mr. Coffey explained that these facilities have been deemed "amenities" which was approved by the Board. This philosophy is represented in the Food and Beverage guiding document Principles of Operations. A public workshop to review and revise the document will take place on August 4, 2016 at 10am in Building D/E.

Mr. Hurrol Brinker commented on the loss at the 19<sup>th</sup> Hole. He stated he did not have to see the 19<sup>th</sup> Hole make money but does want to see this loss slow down.

Ms. Loretta Dorn shared her dissatisfaction with the loss in the Food and Beverage Department and questioned how long the residents will have to support them.

Ms. Jeanne Osborne stated that she was in favor of the assessment and commended the Board on keeping the assessment at the same rate as last year. She encouraged the Board to approve hear their.

Mr. Klosky closed the public hearing to hear commentary on the assessment.

General Counsel read the resolution:

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT ESTABLISHING AN ASSESSMENT OF \$720.00 FOR EACH IMPROVED RESIDENTIAL LOT WITHIN THE SAID DISTRICT TO FUND THE 2016/17 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. Diana made a motion to accept the resolution approving the FY17 Proposed Assessment Rate. Second by Mr. Lavier. Motion carried unanimously.*

## **Finance Advisory Committee (FAC) Recommendation: Research New Banking Options**

On July 7, 2016 the Finance committee recommended investigation of banking options which will better serve future needs of BBRD to the Board for consideration. Mr. Cavaliere asked why the options are being requested and also requested clarification regarding who would research the options, he stated that he hoped the committee would not put an extra burden on staff by asking them to do the legwork on this request. Mr. Coffey stated that searching for other options could lead to a better plan or find that we are currently in the best plan for Barefoot Bay now.



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*Mr. Cavaliere made a motion to authorize the Finance Committee to research banking options under staff outlines and bring back to the Board. Second by Mr. Diana. Motion carried unanimously.*

## **Recreation Advisory Committee Recommendation: End of Summer Youth Swim**

Ann Manzo reported on the Wednesday night youth swim in the month of July. In the last three weeks each Wednesday afternoon brought more kids and families out than the last, to participate in the event. Ms. Manzo thanked all who had a part in making the event a success. Only six families did not have badges out of over a hundred participants. Their fees will be paid for by donations. She thanked Richard Moran and Nikita Pina for their help coordinating the event. She also shared her gratitude to the BOT and HOA members and officers for monetary and food or drink donations. Ms. Manzo thanked the Pool hosts Becky and Jan for an outstanding job making the event even more fun for the kids. The Recreation Committee proposed an end of summer youth swim event at Pool 1 for approval by the Board.

*Mr. Cavaliere made a motion to approve the summer splash event. Second by Mr. Diana. Motion carried unanimously.*

## **Manager's Report**

Mr. Coffey announced that homeowners and residents are encouraged to attend and provide input regarding the development of the BBRD Beach property on Tuesday, August 16, 2016 in Building A beginning at 2 PM. He gave dates and times for the upcoming Policy and Employee Handbook, the Food and Beverage Principles of Operations and the DOR Procedures Workshop. Mr. Cavaliere stated that due to the improvement in the DOR Enforcement office he would like to retract his request to hold the workshop as it is no longer necessary. Mr. Coffey thanked staff for their diligence during the budget preparation season. He also thanked the Finance and Facilities Planning Committees for their part in reviewing the budget. Mr. Coffey requested that the Board reschedule the first Trustee meeting publically noticed on Friday, November 11th to Thursday, November 10th due to Veteran's Day falling on the 11th this year. He also requested the Board cancel the second meeting in November and December as is customary for the Board to do so during the holidays but in advance so the meeting calendars reflect the change.

*Mr. Cavaliere made a motion to reschedule the November 11th meeting to November 10th and cancel the second meeting in November and December. Second by Mr. Diana. Motion carried unanimously.*

## **Attorney's Report**

General Counsel Repperger announced that the entrance way wall reimbursement has been received. He updated the Board on the 635 Hyacinth case. The County commission did not agree to waive the DOR enforcement costs of \$1,126 on their code enforcement case and \$2,212.35 in taxes are still outstanding. Assessed value is \$7,500 He provided options such as, pay the taxes and fees and market the property, pay the fees and hold on to the property or do nothing as it will eventually go to tax sale. Mr. Diana asked to bring this back to a future BOT meeting. General Counsel discussed the Board requested letter to the HOA. He received communication from HOA Attorney Klemm, requesting that all future correspondence go through him and that there would be no response at this time. He also asked why this question is being posed in the first place. General Counsel asked for direction, if any, as far as a response to Attorney Klemm. He also stated for the record, that he did receive two responses that were not in favor of abolishment. Discussion ensued regarding General Counsel's charges to the District on



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the abolishment topic. He clarified that the charges stemmed from a subtopic concerning the true nature of the District between him and the Assistant County Attorney.

Harold Wortman stated that HOA is not responsible for the attorney charges. A resident asked the county to provide information regarding what would happen if the District were abolished. The County commissioner took it upon herself to bring the question to the County attorney. What occurred between General Counsel and the county attorney had nothing to do with the original inquiry. He also reiterated that the HOA has no power to dissolve the District. Mr. Cavaliere stated that he has never expected the HOA to pay General Counsel's fees on the subject. He clarified that he wants to lay the topic to rest which was his initial motivation for posing the question.

## **Trustee Liaison Report**

The Violation Committee met on July 22<sup>nd</sup> at 10 PM in Building D/E to hear 32 cases on the agenda. Ultimately, 16 cases came into compliance prior to the meeting and 16 cases were presented and found to be in Violation. The next Violation Committee will meet on August 12<sup>th</sup> at 10 PM in Building D/E.

The ARCC Committee met on July 12<sup>th</sup> to review 11 applications, all were approved. The ARCC Committee met this morning, July 26<sup>th</sup> to review 10 permits, all were approved. The Committee approved final revisions to the ARCC guidelines regarding privacy landscape material and skirting on modular homes, and discussed guidelines for handicap ramps which will be brought back to the next meeting for discussion. The next ARCC committee meeting will meet on August 9<sup>th</sup> at 9 AM in the Lounge.

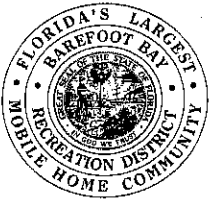
Mr. Lavier gave the Property Services report. Painting projects completed: benches around BBRD, wall at the bridge, Resident Relations golf cart storage unit and various parking lot signs, basketball courts, Building A and 2002 Restaurant handicap parking curbs, walk up window at the Lounge and posts at the shopping center. New fencing at Pool 1 golf cart parking area and six new neighborhood watch signs were also installed. Mr. Lavier reported on the Golf department, new sod replaced in the area of washout on tees 8 and 15 and also at tee 12 which is scheduled for use in the next 12 weeks. The second session of Junior Golf is underway. The Jr. Golf Awards Dinner will take place on August 4<sup>th</sup> at 6 PM in Building D/E. August 6<sup>th</sup> is the Jr. Golf Tournament sign up by July 31<sup>st</sup>. Bunker replacement is scheduled to begin soon and due to be completed by August.

Ms. Wright has been meeting with the DOR and Charter Review consistently and they are making progress. She thanked the Recreation Committee for their help in making the Wednesday afternoon youth swim possible and a great success. She also thanked the rest of the Board for allowing the youth swim to take place. Ms. Wright gave the Food and Beverage report. Mark the date of Saturday, August 27<sup>th</sup> for our Chili Cook off and Summer Games event with prizes, food, music and fun. It all kicks off with the Chili Cook off at 1 PM. Sign up with Lynn Tummolo in the F&B office. Flyers will be posted with all the details addressed. Ms. Wright shared her appreciation of the Hawaiian Luau last weekend. Fantastic job from Kathy Mendes and her staff with the drinks, food and music.

Mr. Cavaliere announced the Joint Finance and Facilities Planning meeting scheduled on Aug 9<sup>th</sup> and 11<sup>th</sup> in Building D/E at 10AM.

Mr. Diana discussed the proposed kitchen expansion in Building A. The topic will be discussed at the aforementioned joint Finance and Facilities Planning Meeting.

Mr. Harold Wortman discussed the recent special meeting of the Executive Board on Monday, July 25<sup>th</sup>. He reminded the residents of the Candidate Forum scheduled on August 21<sup>st</sup> from 2-4 PM in Building A. The proposed startup of movies in Building A is on hold until further information can be gathered.



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He clarified that the HOA did, in fact, donate \$15,300 for the BBRD Christmas decorations as erroneously stated to the opposite in the Tattler. Mr. Diana thanked Mr. Wortman and the HOA for stepping forward to help the District with the donation.

## **Trustee's Incidental Remarks**

Mr. Diana thanked the Property Service department for all their hard work in maintaining Barefoot Bay. He shared his appreciation of the wonderful landscaping job around the community and expedited repairs and projects. Great job to the Property Services Department.

Ms. Wright addressed Mr. Loening's concern regarding the deputy presence at the meetings. She clarified her reasoning behind this request, as she would prefer to have their presence in the event an unwanted situation arises. She corrected Mr. Loening's statement about costs, as the amount is actually \$2,046 a year. She asserted that it is worth the peace of mind in her opinion knowing that the residents and staff are protected. She also made it clear that she by no means had a private meeting with another Trustee in the presence of Mr. Coffey. She thanked Mr. Diana for his article in the Tattler regarding the benefits of being a part of the Barefoot Bay Community and being appreciative to live here.

Mr. Klosky reiterated that in response to Mr. Loening's claim, he has not broken the tenets of the Sunshine law in his nine years of service on the Board.

## **Audience Participation**

Ms. Mary Weller voiced her gratitude for the support by the Board and to the HOA for helping fund the Christmas Decorations Project. The Friendship Golf Tournament was a great support as well as donations from clubs and residents. The HOA also made a significant donation and on behalf of the entire Deck the Halls committee she is very thankful. She asked to please continue to support the project as they have come a long way but they still have not yet met their goal.

Ms. Carol Joseph thanked Mr. Diana for his past two articles in the Tattler and in his effort to unify the community. She discussed taking the youth activity to another direction and asked for support with youth activities in the winter as well. Particularly water volleyball and even expand on this for our adult residents as well.

Mr. Rich Schwatlow asked the Board to consider holding some time before the BOT meetings to answer resident questions so there are no miscommunication during the 3 minutes slotted for audience participation during the meetings.

Wilma Weglein addressed Mr. Cavaliere and to J.R. Lochmandy regarding articles in the Tattler and the scheduled meeting Mr. Cavaliere missed between her and Harold Wortman. She stated that Mr. Cavaliere has never addressed that this meeting was set up to discuss ideas for the District and HOA to work together but he never showed up. In her opinion this was the beginning of the issues between HOA and Mr. Cavaliere. She stated that the HOA intentions have been misconstrued they have never stated that they were unwilling to work with the District. She clarified the issue regarding donating to Christmas decorations fund and the erroneous information in the Tattler stating that they did not donate. She stated that they did indeed donate to the fund. She remarked on the sensibility and diligence in which Bob Kahl has used concerning the HOA funds and thanked him for his thoroughness with the account. Mr. Cavaliere stated that he wanted to clarify that he did try to contact Ms. Weglein that evening of the meeting but was unable to and did call as soon as he could. He addressed the meeting that was missed and stated that he wanted to publically apologize for missing that initial meeting and



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anything else he may have said that affected anyone in the HOA negatively. Mr. Cavaliere maintained that he would still like to meet with Ms. Weglein and Mr. Wortman to discuss working together as this was his intention all along. He stated he will gladly schedule something with them after the meeting today if she is interested.

Mr. Mohammed Barghouti asked for clarification on the commercial vehicle situation as he uses a commercial vehicle for work and has to park the vehicle overnight. Ms. Sue Cuddie stated that the DOR is written clearly and there is nothing she can do to change the language at this time. Mr. Cavaliere asked that Mr. Barghouti try to see what he can do to work with our DOR enforcement office rather than asking us to change our rules to suit his situation. Ms. Wright explained that we will have a meeting about this soon and will address this topic.

Mr. EJ Wright addressed topics from a recent article from Mr. Cavaliere in the Tattler regarding the HOA doing more in the community and regarding the facilities. He stated that he didn't think the DOR can do what he is asking. According to the survey from early in 2015 stated that a majority of the residents wanted the existing buildings upgraded rather than spending on new ones. He addressed Mr. Cavaliere's statement about having guts to be an effective Trustee and stated that in his opinion it takes dedication to the homeowners. Mr. Cavaliere clarified that his whole statement was, 'It takes guts to make hard decisions' and lightheartedly reminded Mr. Wright that he's trying to bury the hatchet.

### Adjournment

The next Board of Trustees meeting will be on August 4, 2016 at 1PM in Building D/E.

*Mr. Cavaliere made a motion to adjourn. Second by Ms. Wright.*

Meeting adjourned 9:42 p.m.

Steve Diana, Secretary

Dawn Myers, District Clerk