

BAREFOOT BAY RECREATION DISTRICT

**Barefoot Bay Recreation District
Board of Trustees Regular Meeting
March 11, 2016
1 PM –Building D/E**

The Barefoot Bay Recreation District held a Regular Meeting on March 11, 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: Jason Pierman, SDS, John W. Coffey, Community Manager, General Counsel Cliff Repperger and Dawn Myers, District Clerk.

Minutes

Mr. Cavaliere made a motion to approve the minutes from February 23, 2016. Second by Ms. Wright. Mr. Diana abstained. Motion carried. 4-1

Mr. Diana made a motion to revise the minutes dated February 23, 2016 to reflect, after further review, that Mr. Lavier's comment was not clearly stated during the motion for Finance committee appointments and was subsequently misinterpreted on the recording as a Second. Second by Mr. Cavaliere. Motion carried unanimously.

Mr. Diana requested the Board take individual voice votes in accordance with Robert's Rules, in an effort to eliminate misunderstandings going forward. Board consensus was to use the voice votes.

Treasurer's Report

Mr. Cavaliere presented the Treasurer's Report for March 11, 2016.

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

Audience Participation (Agenda items only)

None brought forward

Advisory Committee Member Appointments

Appointment of Ballot Committee Members

Mr. Klosky recommended postponing the Ballot Committee appointments until the time comes when a ballot committee is needed. Ms. Wright suggested scheduling a future date for the appointments. Committee discussed keeping the date open until necessary.

Mr. Diana made a motion to postpone the appointments to the Ballot committee until the ballot committee is necessary Second by Mr. Lavier. Ms. Wright opposed. Motion carried 4-1.



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Appointment of Landscaping Committee Members

Mr. Klosky recommended abolishing this committee as Property Services already maintains the common areas of the community.

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

New Business

Case # 15-003658 453 EGRET CIRCLE

Violation of ARTICLE II, SECT. 3 (A) (15) ADIR (Lamp Post)

Mr. Diana made a motion to forward Case # 15-003658 453 EGRET CIRCLE to the attorney's office for equal and equitable action and lien the property for the fees. Second by Mr. Cavaliere. Motion carried unanimously.

Case # 16-000052 466 EGRET CIRCLE

Violation of ARTICLE II, SECT. (3) (A)(7) ADIR (Skirting)

Mr. Diana made a motion to forward Case # 16-000052 466 EGRET CIRCLE to the attorney's office for equal and equitable action and lien the property for the fees. Second by Mr. Lavier. Motion carried unanimously.

Case # 16-000217 748 CANARY DRIVE

Violation of ARTICLE III, SECT. 3 (A) (B) (C) (D) (E) Parking of Vehicles (Boats/Trailer/RV/Comm. Vehicles)

Mr. Diana made a motion to forward Case # 16-000217 748 CANARY DRIVE to the attorney's office for equal and equitable action and lien the property for the fees. Second by Mr. Lavier. Motion carried unanimously.

Mr. Diana recommended BBRD utilize the County code enforcement officer for assistance with repeated violations. Mr. Coffey stated that staff currently works with the County in serious, repeated violations.

Resignations and Appointments to Finance Committee

Susie White and Wilma Waglein submitted letters of resignation from appointed seats on the Finance committee and requested exchanging their appointed seat assignments.

Mr. Cavaliere made a motion to accept the resignations from Wilma Waglein and Susie White from the Finance Committee. Second by Mr. Diana. Motion carried unanimously.

Mr. Cavaliere stated that he received a resume for the Finance committee after the last meeting from Ed Geier, former, Mayor of Palm Bay. He pointed out that Mr. Geier brings a lot of experience to the table and Mr. Cavaliere was confident he would be a great attribute to the Finance committee.

Mr. Cavaliere made a motion to appoint Ed Geier to the alternate seat on the Finance Committee. Motion died for lack of a second.

Mr. Cavaliere made a motion to move Mr. Bob Peet to a one year term on the Finance committee from the alternate position. Second by Mr. Diana. Motion carried unanimously.

Mr. Klosky asked for a nomination for the remaining open alternate seat on the Finance Committee

Mr. Cavaliere made a motion to nominate Ed Geier for the alternate position. Second for discussion by Mr. Diana. Mr. Diana withdrew the second.

Mr. Diana made a motion to table this item until the next meeting and have Ed Geier's resume forwarded to the trustees for review. Second by Mr. Lavier. Motion carried unanimously.



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Resignations and Appointments to Facilities Planning Committee

Richard Keller submitted a letter of resignation from his appointed seat on the Facilities Planning Committee.

Mr. Diana made a motion to accept Richard Keller's resignation from the Facilities Planning Committee. Second by Mr. Lavier. Motion carried unanimously.

Ms. Wright made a motion to appoint Bob Kahl as alternate for a term of three years to the Facilities Planning Committee. Second by Mr. Cavaliere. Motion carried unanimously.

Resignations and Appointments to the Security Committee

Richard Keller submitted a letter of resignation from his appointed seat on the Security Committee.

Mr. Lavier made a motion to accept Richard Keller's resignation from the Security Committee. Second by Mr. Diana. Motion carried unanimously.

Ms. Wright made a motion to move Greg Deslandes to a one year term on the Security Committee from the alternate position. Second by Mr. Cavaliere. Motion carried unanimously.

Mr. Klosky asked for a nomination for the remaining open alternate seat on the Security Committee.

Ms. Wright made a motion to table the appointment to alternate seat on the Security committee until the subsequent District meeting on April 8, 2016 to give time to receive additional resumes. Second by Mr. Lavier. Motion carried unanimously.

Mr. Klosky asked for a motion to accept the resignation from Forrest Banta on the Recreation Committee. Mr. Diana suggested this item be brought back to the next meeting since it was not on the agenda provided to the Board.

Ms. Wright made a motion to add this item to the next agenda for consideration. Second by Mr. Diana. Motion carried unanimously.

Authorization to hire 1.25 FTE Paid Courtesy Golf Cart Drivers

Mr. Coffey explained that the Board of Trustees approved the procurement of a six-seat courtesy golf cart and directed staff to recruit volunteers for a Courtesy Shuttle Service to and from Building A and the parking lot. BBRD has advertised the volunteer position to include discounted meals at the 19th Hole with lackluster results. Two out of six volunteer applicants have successfully completed the pre-screening process. The service will require additional staff drivers in order to maintain the level of use at peak times. Staff recommends authorization to hire 1.25 FTE (2 part-time) paid Courtesy Golf Cart Drivers with the use of fund balance. Ms. Wright inquired about where and how long the volunteer position has been advertised. Perhaps it can be advertised in the Tattler for a wider audience. Mr. Diana commented on possibly offering more incentive to the volunteers. Mr. Lavier stated that the courtesy rides are necessary and is in agreement that Mr. Coffey should hire part-time drivers.

Mr. Diana made a motion to advertise the job for courtesy golf cart driver as a permanent position to include the current volunteers. Second by Mr. Lavier. Motion withdrawn. Mr. Diana clarified that current volunteers should be offered the paid position.



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Ms. Wright made a motion to authorize Staff to hire 1.25 FTE Paid Courtesy Golf Cart Drivers and bring back the budget amendment for use of fund balance. Mr. Cavaliere opposed. Second by Mr. Lavier. Motion carried 4-1

Ernest Loening stated that he would file a claim against the District regarding the decision to continue with the replacement of Building F without a referendum and charge the District for the fees. General Counsel Repperger addressed Mr. Loening's comment stating that it is not encouraged, but he is within his right to file the claim. Regarding the fees, he advised him to consult his attorney about this decision.

Manager's Notes

Due to unforeseen circumstances the meeting to review the Conceptual Building F Replacement Floor Plan and Renderings scheduled for Tuesday, March 15th at Building D/E at 10am has been postponed. The meeting will be rescheduled at the earliest date and time convenient for Trustees and Facilities Planning Committee members. As of the date of this report, \$2,966,568.90 (or 84%) of gross receipts were received by BBRD. Mr. Coffey gave the DOR violations update, 401 new cases were processed in February bringing 2016 YTD violations to 783.

Comparisons to prior years:

- 40.6% of 2015 total violations
- 78.2% of 2014 total violations
- 102.8% of 2013 total violations

The fire alarm installation hardware is complete in the Building D/E and the remaining electrical work is currently scheduled for next week.

Unless Governor Scott vetoes the entire budget or specific funding lines, BBRD is scheduled to be awarded the \$50,000 (no match) Golf Course grant but will not be awarded the \$150,000 (25% match) Community Center grant.

A quote for demolition of the home at 635 Hyacinth Circle was signed this week and work will commence in a few weeks once permitting is secured and adjacent home owners have been notified.

Selected sections (Transmittal Letter and Budget Detail) of the FY17 WDPB will be available to home owners free of charge starting March 21, 2016 in advance of the BOT Budget workshops beginning on April 4, 2016.

Special thanks to Pat Diamond, Acting P.S. Crew Leader and Dawn Myers, District Clerk for volunteering to drive the courtesy golf cart for the Little Theater performances.

District Clerk Myers reports the following research and information to the cell tower research at the BBRD beach requested by Trustee Diana:

Submissions were sent to Sprint, Verizon, T-Mobile and American Tower with the following information:

- Contact name, number, address or email address
- Property address, city, state, county
- Property size acres or square feet

See the disclaimer below from a tower leasing management site:

We are sorry to disappoint, but you only have about a 1 in 1,000 chance of having your site selected by a carrier. However, submitting your property information TO THEM (not us) can improve your chances slightly.

Remember, you need to be patient if you want to get a cell tower on your property, and unfortunately, chances are that the carriers and tower companies don't need your site. BUT... by submitting your



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location you are increasing your chances that your location will be passed along to an RF Engineer, Construction Manager or Real Estate Site Acquisition Manager. It's kind of like buying a lottery ticket.

Attorney's Report

General Counsel updated the Board on the property on 710 Barefoot Blvd. Property owner was served the lawsuit yesterday and will have 20 days to respond. The response will determine subsequent legal action. The violation case at 837 Lychee Drive referred in January is now in compliance. He stated that Amanda Smith will appear at the next District meeting in his place, as he will not be able to attend that meeting. Mr. Klosky inquired about the delay in the filing for the property at 710 Barefoot Blvd. General Counsel Repperger stated that the signed verification page was returned to his office on March 4th, the complaint was filed on March 8th the following Tuesday and the owner was served yesterday, which in legal terms is a very prompt schedule of proceedings. Mr. Harold Wortman inquired about the degree of assistance from the County in this case. He hoped we are working with County code enforcement officer so everyone is on the same page.

Ms. Wright commented on the possibility that anyone can call General Counsel Repperger for legal advice which can become quite costly for the District.

Ms. Wright made a motion that General Counsel Repperger accept calls only from the sitting Trustees, Community Manager and District Clerk for billing purposes and any other calls are to be received as pro bono or bill the caller directly. Second by Mr. Diana. Motion carried unanimously.

Ms. Wright discussed the subject of advisory committee members using electronic devices to allow for participation at the meetings in the event of schedule conflicts. She referenced her conversation with County Commissioner, Trudie Infantini, during her last appearance at the HOA meeting who confirmed at that time, that the Commissioners currently use this mode of participation in the event there are schedule conflicts. General Counsel Repperger advised that this is typically not used at Board meetings however, can be used at advisory meeting in extenuating circumstances, such as medical emergencies or other similarly unplanned events.

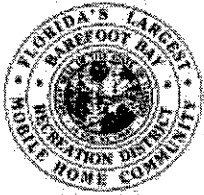
Ms. Wright made a motion to add to the committee rules, in the presence of a quorum, that we allow committee members who cannot attend advisory meetings to use electronic devices to attend the meetings remotely. Mr. Lavier reminded the Board that this topic should be discussed under incidental remarks. Ms. Carole Kennedy and Ms. Carol Joseph commented on the benefits of this method of participation for members who may be away for a short while but would still like to participate in the meetings. Ms. Kennedy restated that many public entities already utilize this option.

The subject will be discussed under Trustee Liaison reports.

Trustee Liaison Report

Mr. Klosky stated the Violations Meeting scheduled for today was canceled as all cases scheduled for the meeting had been closed, due to compliance or change in property ownership. The ARCC met on Tuesday March 8. There were thirty-one permits approved and one denied. Included in the approved permits was one permit for a new home. There have been four new home permits so far in 2016.

Mr. Lavier announced the Club Championship tournament coming up on March 19th and 20th at \$35 a person. Cutoff for signup is Monday, March 14th. Property Service projects completed include, signs



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installed at the beach, lights at the Bocci ball courts, repair of a vandalized fence at the playground and No Loitering signs were placed in front of Building A.

Mr. Diana announced E.J. Wright as the new Chair of the Facilities Planning Committee and they will be discussing the FY 17 Draft Budget at the next scheduled meeting.

Mr. Cavaliere reported that Bill Sherwood was elected as Chair at the last Finance meeting. Committee discussed the purpose and rules of the advisory board.

Ms. Wright announced a few tickets still left for the upcoming St Patrick's Day buffet. Last Chance barbeque tickets for March 26th are now on sale. The club championship special will be at the 19th Hole all week. The "McGrath Pitcher" and the "Gagnon" will be served all day in honor of last year's club champions.

Trustee's Incident Remarks

Mr. Klosky announced that Steve Diana will be distributing the Community Manager and SDS evaluations this week and will be returned by March 31st. He thanked the volunteers and the property services staff for helping with the Little Theater production.

Harold Wortman suggested the Board implement the evaluation of any vendors with one, two and three year contracts.

General Counsel Repperger read the excerpt from the Florida Sunshine Manual regarding stipulations surrounding the use of electronic devices as only permissible with a quorum and in extraordinary circumstances. Mr. Cavaliere stated that we can't vote on this due to the item not being placed on the agenda. Mr. Jason Pierman stated that, as a matter of practice, the Special Districts do implement this rule as long as a quorum is present, members can call in via electronic devices. Ms. Wright will bring the item back as an agenda item at the next meeting.

Ms. Wright discussed a recent District meeting where some residents voiced their concern at the vicious dog attacks in the community and showed pictures of their injured pets after the attacks. Following the meeting a resident approached Ms. Wright and Mr. Klosky about the Trustees not doing enough about this problem. On March 4th Ms. Wright and Mr. Greg Deslandes, homeowner and retired state police officer, met with County animal services and enforcement officials in Viera. They learned that there were (2) reports for dog bites at 710 Barefoot Blvd. and other complaints filed on Puffin and Thrush. Ms. Wright stressed the importance of filing official complaints to the county regarding animal attacks so that action can be taken. Please call 321.633.2024 if you have a vicious dog attack to report. She also stated that she will work with the Community Manager to install a projection screen in Building D/E so the residents can follow along with the same agenda from their seat in the audience that is referenced by the Trustees. She mentioned Liz Ann Taylor was in the audience selling poppies on behalf of the veteran's for any interested residents.

Audience Participation

Jeanne Osborne informed the Board that the water utility company increased their water bill in the middle of the month sixteen days before the new rate was officially implemented. This happened to many BBRD residents and when questioned about it residents were told they cannot be reimbursed. She asked that the Board send a letter to the County Manager, the Chairman of the County Commissioners and the Utilities Manager requesting a reason why they will not reimburse the citizens of Barefoot Bay.



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Donna Bond asked about residents advertising rooms for rent on the community bulletin board. Mr. Cavaliere suggested adding the item for discussion to the next agenda.

Kathryn Lesh requested information on mosquito spraying in the community as it seems to have stopped. Mr. Coffey stated that staff will look into this.

On behalf of Ann Manzo, Mary Weller thanked the employees from Property Services and the custodial department that helped with the set up and breakdown of the Little Theater production and to the residents who attended for helping with the success of this year's Little Theater. She also thanked the drivers of the courtesy golf cart on the nights of the performance.

Nancy Eisele thanked all those who attended the recent New Homeowner's Orientation.

Ernest Loening questioned the ARCC permit needed to make improvements to his home. Mr. Coffey stated that Mr. Loening can call Ms. Cuddie in Resident Relations as she heads this department.

Harold Wortman stated that tickets to the Women's Style Show are still available. Please call 321.327.9116 to purchase.

The next meeting is scheduled for Tuesday, March 22, 2016 in Building D/E at 7PM.

Meeting adjourned 3:20 p.m.

Steve Diana, Secretary

Dawn Myers, District Clerk