



BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Regular Meeting
Tuesday, March 22, 2016
7 P.M. –Building D&E

The Barefoot Bay Recreation District held a Regular Meeting on March 22, 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 both past and present.

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, Amanda Smith, Acting General Counsel and Dawn Myers, District Clerk.

Minutes

Mr. Cavaliere made a motion to approve the minutes from March 11, 2016. Second by Mr. Diana. Motion carried unanimously.

Treasurer's Report

Mr. Cavaliere presented the Treasurer's Report for March 22, 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

Old Business

Appointment to Finance Committee

Mr. Cavaliere made a motion to appoint Mr. John Nyhan and Mr. Geier to the alternate seats on the Finance committee. Second by Mr. Diana for discussion. Mr. Diana withdrew his second.

Mr. Diana made a motion to appoint Wilma Weglein and Ed Geier to the alternate seats on the Finance committee. Second by Ms. Wright. Mr. Cavaliere and Mr. Klosky opposed. Motion carried 3-2.

Certificate of Deposit Investment Plan Update

On January 8, 2016 the Board of Trustees adopted the Finance Committee's recommendation to invest 25% of the reserve account in a privately managed CD plan with Edward Jones. Subsequently, due to General Counsel Repperger's research, he determined that Edward Jones is not a designated qualified public depository by the Chief Financial Officer of the state and, therefore, the managed CD plan recommended by the Finance Committee is non-compliant with Sec. 218.415 (16) (c) and (17) (c), F.S. Louise Crouse thanked General Counsel for his attention to detail. She recommended the Board choose Florida Community Bank with offices in Merritt Island as they are fully covered by FDIC insured. They currently offer a liquid money market at 1.03% for a 6-month term which then reverts back to .6% and a 10-month CD at 1.06% while a 13-month CD is 1.8%. She suggested the Board insert the language



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“Active Qualified Public Depository” in the Investment section of the BBRD Policy where it currently reads SBA for future clarification.

Mr. Diana suggested putting this out to RFP, however, Mr. Coffey clarified that this option was initially chosen based on interviews with various firms and was not sent out as a RFP. He stated that Ms. Crouse’s recommendation will not work for us due to a conflict with getting the deposits delivered. FCB offered to pick up the deposit only once a week. Mr. Coffey recommended the trustees send this topic back to the Finance Committee for re-evaluation.

Mr. Cavaliere made a motion to refer back to the Finance Committee. Second by Mr. Diana. Motion carried unanimously.

New Business

Electronic Devices

Ms. Wright suggested use of electronic devices to allow committee members access to the meetings if they are unable to attend. This practice is in keeping with the County public meetings as confirmed by Commissioner Trudie Infantini on her last visit to Barefoot Bay and by SDS District Manager, Jason Pierman.

Ms. Wright made a motion that advisory members may use electronic devices when a quorum is present to attend meetings if physically unable to join. Second by Mr. Lavier for discussion.

Acting General Counsel, Amanda Smith conveyed General Counsel Repperger’s opine concerning the requirement in the Florida Sunshine Manual stating that beyond having a quorum, there must be exigent circumstances for use of the electronic devices. She went on to clarify that the Manual also states that this determination must be made in the good judgment of the Board.

Mr. Lavier requested clarification that the electronic devices would be used for advisory committees only and not permissible for Board of Trustees meetings. Ms. Wright was in agreement that they would not be applicable to the District meetings. Mr. Lavier withdrew his second. Motion died for lack of second.

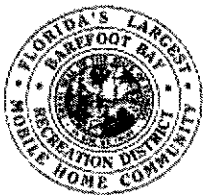
Discussion of BBRD Bulletin Board Limitations

Recent resident concerns about “room for rent” notices being placed on the Administrative bulletin boards are violating the terms of the Deed of Restrictions that allows only “...single-family homes” in Barefoot Bay. 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. Mr. Cavaliere suggested that staff develop a prerequisite form stating all proposed rentals will be submitted to the county as in keeping with the resort tax law. Acting Counsel Smith stated that General Counsel Repperger addressed this topic by stating that the inclusion of rentals in the DOR would have to be amended and First Amendment rights as related to the proposed restriction will have to be considered. She stated she would bring the question back to General Counsel for further consideration and response via email.

Mr. Diana made a motion to table the topic until the next meeting. Second by Mr. Lavier. Motion carried unanimously.

Procurement of Stormwater Maintenance Equipment

Staff recommends procurement of a used skid steer and a boom mower designed to attach to skid steer. Additionally, a supplementary use of this equipment would be to mow the lake banks where the turf meets the water. Due to the cost of the equipment (used skid steer \$55,000-\$60,000 and new boom arm approximately \$28,000) the Board will need to address whether the purchases meets the requirement of the referendum clause in the Charter. General Counsel Repperger has opined that the procurement of



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this equipment is for maintenance purposes and therefore does not require a referendum Mr. Coffey gave some options for the Board regarding the purchase of the equipment.

1. Instruct staff to proceed with applying for financing of the equipment and bring the award of contracts for purchase and approval of financing back to the next applicable Board meeting.
2. Instruct General Counsel Repperger to work with staff to develop a referendum question for the November 2016 ballot.
3. Instruct staff to continue current practice of not maintaining canal banks until nuisance vegetation needs to be cut down.

Louise Crouse requested staff provide costs for the County to maintain the canal as was the practice in past years.

Mr. Diana made a motion to table this item. Second by Mr. Cavaliere. Motion carried unanimously.

Resignation and Appointment to Recreation Committee

Ms. Wright made a motion to appoint Kathryn Lesh to the alternate seat on the Recreation Committee. Second by Mr. Diana. Motion carried unanimously.

Resignation and Appointment to Facilities Planning Committee

Mr. Diana made a motion to accept the resignation from Bob Kahl from the Facilities Planning Committee. Second by Mr. Lavier. Motion carried unanimously.

Mr. Diana made a motion to table the item until he can get feedback from the Facilities Planning Committee and bring back to the Board. Mr. Cavaliere opposed. Second by Mr. Lavier. Motion carried 4-1.

John Nyhan recommended starting a 10 year planning committee. He volunteered his experience to the Board in establishing the committee.

Discussion Regarding Waiving Visitor/Guest Passes & Badges for the Ethnic Festival at Pool #1

Recently a resident questioned the long time tradition of waiving the requirement for badges and visitor/guest passes at Pool #1 for the Ethnic Festival. The Board discussed waiving the passes not just for the Ethnic Festival but for other annual events as well such as on St. Patrick's Day. Ms. Wright recommended not waiving the passes for the Ethnic Festival or any of the events at Pool 1.

Ms. Carol Joseph recommended that we waive the pass to enter the pool but designate the area behind Building A for use by the visitors.

Mr. Schwatlow voiced his support of waiving the fee once a year at the Ethnic festival.

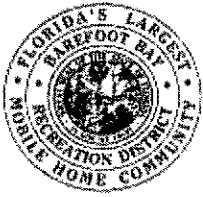
Ms. Crouse stated her opinion about the loss of funds for the District if the Board waives the fees during heavy visitor presence.

Mr. Greg Deslandes suggested lowering the fee for this day alone to \$3 as well as creating a system which would determine the residents from the guests.

Mr. Cavaliere made a motion to forward the item to the Facilities Planning committee for consideration. Second by Mr. Lavier. Mr. Klosky opposed. Motion carried 4-1.

Manager's report

District Clerk communicated with the County Mosquito Control Program and spoke with the inspector for this area. He stated that he is in our area almost daily and plans to drop of literature which is available at Building F illustrating ways to reduce mosquito breeding. Please contact the County Program at 321.952.4523 for more information. Mr. Coffey thanked Food and Beverage, Golf and Property Services Department for working together this past weekend to make the Club Championship the best championship that Barefoot Bay has ever held.



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Attorney's Report

General Counsel will have a report upon his return at the next District meeting. Mr. Klosky inquired about the status on the Entrance Wall. Acting Counsel Smith stated that General Counsel Repperger did mention that the Insurance adjuster had recently contacted him to ask for a formal write up on the incident which he is currently working on.

Trustee Liaison Report

The ARCC Committee meeting held this morning at 9 AM in the lounge had 24 permits presented to the Committee. All permits were approved. The Violation Committee meeting scheduled to be held this Friday, March 25, 2016 has been cancelled. There are currently no cases to be presented. The majority of cases have voluntarily complied. The owners of all other cases originally scheduled for the meeting have reported their intentions to comply within the next two weeks. Those cases will be inspected for compliance after the two week period for further action.

Ms. Wright thanked Ms. Mendes for an excellent St. Patrick's Day celebration. She announced the Easter hours in the Lounge until 3pm and until 11am in the 19th Hole. Saturday, Dreamer will perform in Building A rather than the Lounge. Last Chance BBQ tickets are on sale and the Last Chance band will be performing at the Barbeque.

Mr. Cavaliere stated that the Finance Committee will meet on Thursday, March 24, 2016 at 2:30PM in Building E.

Mr. Lavier reported 96 people at the Club Championship dinner last Sunday. Doug McGrath was the repeat Men's champion and Pat Lefebvre the new women's champion. Congratulations to both. He reported on the spring cleaning at the BBRD beach. New sod and rocks were laid down to prevent parking on the grass. A new fire alarm installed in Building D/E. The lock on the pier has been replaced due to repeated vandalism. He thanked Matt Goetz for his work at the beach.

Trustee's Incident Remarks

Mr. Klosky requested Mr. Diana compile an evaluation for General Counsel Repperger by April 5th with a due date of April 30th.

Ms. Wright commented on the success of the recent neighborhood watch groups and thanked Donna Bond for a great job with them. The Fish and Fruit section are setting up a new group and the Egret and Pine section have one already established. She encouraged all residents to attend. Ms. Wright commented on the resident concern brought up at a previous District meeting regarding the harsh tone contained in the initial DOR violation letter. The basis for this letter should be a friendly reminder from staff and in response Sue Cuddie, Resident Relations Manager, modified the letter to reflect this idea. Ms. Wright thanked Ms. Cuddie for her responsiveness to the needs of the homeowners and for revising the letter.

Audience Participation

Mr. Harold Wortman thanked everyone for coming out to the Ladies Style Show. He reported on the HOA Executive Meeting on the 1st Tuesday of the month in Building D/E at 7PM and the HOA General meeting on the 2nd Tuesday of the month in Building A at 7PM.

Mr. Jack Reddy commented on tonight's agenda item which proposed sending out the stormwater equipment purchase to referendum. He questioned why Building F did not require the same option for



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referendum. Mr. Reddy stated that, though he believes the building is needed, proceeding with the construction without a vote from the community is seen as disrespectful to the residents.

Mr. Richard Schwatlow discussed lighting in the Bay as there are many areas where the lighting is insufficient. He asked that residents speak out about getting the DOR changed to require the lamppost lights remain turned on while the snowbirds are away.

Mr. Gary Johnson commented on not being allowed to use the pool while wearing a colored t-shirt. He stated the rule about colors running in the water is obsolete as t-shirts are now made with anti-stain dyes. He asked for the Board to amend this rule for individuals like him that are sun sensitive. Mr. Coffey commented about the risk in amending the rules if there is contamination in the pool. Visible discoloration in the pool will shut it down for the rest of the day. The Board will acquire that risk if the rules are amended.

Mr. Harold Wortman stated that the Board is sending the wrong message when voting down the electronic device use at advisory meetings. He urged the Board to reconsider.

Ms. Carol Joseph asked that the Board reconsider using the electronic device at advisory meetings item as well. She reiterated that many other public agencies use this format such as SDS and Brevard County.

Mr. Bill Sherwood recommended sending the item to the individual committees for consideration.

Adjournment

The next meeting is scheduled for Friday, April 8, 2016 in Building D/E at 1PM.

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

Meeting adjourned 9:16 p.m.

Steve Diana, Secretary

Dawn Myers, District Clerk