



# BAREFOOT BAY RECREATION DISTRICT

## Board of Trustees Regular Meeting

March 28, 2017

7 P.M. –Building D&E

### Called to Order

The Barefoot Bay Recreation District held a Regular Meeting on March 28, 2017 in Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Diana called the meeting to order at 7:00 P.M.

### Thought for the Day

Mr. Diana 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.

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

### Roll Call

Present: Mr. Diana, Mr. Lavier, Mr. Cavaliere, Mr. Geier and Mr. Klosky. 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 dated February 28, 2017. Second by Mr. Geier. Motion carried unanimously.*

*Mr. Cavaliere made a motion to approve the minutes dated March 10, 2017. Second by Mr. Geier. Motion carried unanimously.*

Mr. Diana asked for a motion to recess due to technical problems with the audio/visual recording equipment.

*Mr. Lavier made a motion to recess the meeting at 7:07pm. Second by Mr. Cavaliere. Motion carried unanimously.*

Mr. Diana called the meeting to order at 7:11pm.

### Treasurer's Report

Mr. Geier presented the Treasurer's Report for March 28, 2017.

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

### Audience comment on Agenda Items

None Brought Forward

Mr. Diana asked for a motion to move agenda item 9B Moratorium on Outside Vendors using Barefoot Bay Facilities up to the beginning of the agenda.



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*Mr. Klosky made a motion to move agenda item 9B Moratorium on Outside Vendors using Barefoot Bay Facilities to the beginning of the agenda. Second by Mr. Cavaliere. Motion carried unanimously.*

## **Moratorium on Outside Vendors using Barefoot Bay Facilities**

Mr. Cavaliere summarized the reason for this agenda item was due to the discussion at the last BOT Workshop on Policy. At the meeting, a recent incident was discussed where a vendor rented BBRD facilities with the sole intention of serving food to residents who purchased a ticket to the food event. The rental brought up questions of legality and food safety. Mr. Cavaliere proposed a temporary moratorium in effect against all commercial vendors serving food in BBRD facilities until we were able to discuss the subject further with General Counsel Repperger.

Mr. Cavaliere has since discussed the item in great detail with General Counsel in an effort to find a resolution. He clarified that at no time was his intent to prohibit outside catering in Barefoot Bay. He maintained that the residents can have whoever they want cater their events. The moratorium was aimed at outside commercial vendors renting District facilities until the Board had completed their review of the Policy language.

*Mr. Cavaliere made a motion to impose a temporary moratorium on any non-resident commercial entity hosted for profit revenue based food service special event excluding outside commercial entity catering and or food delivery for resident or club hosted meetings or special events from being held on any District owned property. Second by Mr. Geier. Motion carried unanimously.*

## **Stormwater Project on Tamarind & Cherokee Award of Contract**

Mr. Coffey updated the Board on the status of the stormwater project. Since the originally selected vendor for the project opted out of the contract due to negotiation differences, Mr. Coffey instructed B.S.E., our engineering subcontractor to solicit new vendors per Board direction. They subsequently provided 5 new bids ranging from approximately \$175,000 to \$354,000. Mr. Coffey suggested the Board accept the competitive proposal from JoBear Construction at \$175,098. JoBear Construction comes highly recommended by B.S.E. who has worked on several projects with them over the past 20 years. He recommended using the money from the Finance Contingency and R&M Capital Contingency and a budget amendment at a future meeting to cover the \$45,000 shortfall for the new bid.

*Mr. Klosky made a motion to approve the proposal from JoBear Construction for \$175,098 and the use of Finance Contingency and R&M Capital Contingency for the approximate \$45,000 shortfall. Second by Mr. Lavier. Motion carried unanimously.*

\*Mr. Klosky made a motion to address Agenda Item 9M 453 Egret Circle after the DOR Violations discussion. Second by Mr. Lavier. Motion carried unanimously.

## **DOR Violations**

DOR Violation

526 PERSIMMON DRIVE 16-003693, 16-000254, 16-000355



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Ms. Sue Cuddie presented the consistent violation to the Board and requested referring the item to the attorney's office

*Mr. Cavaliere made a motion to send 526 Persimmon Cases 16-003693, 16-000254, 16-000355 to the attorney office for equal and equitable action. Second by Mr. Geier. Motion carried unanimously.*

## **DOR Legal Fee Waiver Request 453 Egret Circle**

The homeowner at 453 Egret Circle spoke on her own accord. She stated that the violations are now all in compliance.

Mr. Roger Compton spoke on the homeowner's behalf as the property has greatly improved and he stated that he can vouch for the improved condition of the house. Mr. Cavaliere voiced dissatisfaction with the length of time that passed between the notice of violation and the resolution. The homeowner stated she did not have the finances to fix all the violations at once.

Mr. Cavaliere recommended a penalty for drawn out violations instead of just waiving fees such as community service with the HOA.

Mr. Cavaliere made a motion to waive fee of \$2,602.50, charge the homeowner for the costs of \$496 and mandate 100 community service hours with the HOA. Second by Mr. Geier. General Counsel Repperger advised against applying a mandatory penalty but suggested offering community service as an option to the owner.

Mr. Randy Loveland, President of the HOA stated that he is very open to volunteers but was not in favor of the HOA being viewed as a restitution service.

Mr. Geier withdrew his second and motion died for lack of second.

*Mr. Geier made a motion to waive the fee of \$2,602.50 and charge the homeowner for the costs of \$496 at a monthly rate. Second by Mr. Lavier. Motion carried unanimously.*

## **Moratorium on Formation of New Clubs and Organizations**

Mr. Diana recommended tabling this topic until the next BOT Policy Workshop.

Mr. Cavaliere suggested addressing this topic since there may be a chance we will run out of room to place the clubs if we continue to approve them.

*Mr. Cavaliere made a motion to put the moratorium on new clubs and organizations in place until the topic can be discussed further at the next BOT Workshop. Second by Mr. Lavier. Mr. Geier and Mr. Diana opposed. Motion carried 3-2*

## **Banking RFP award**

On March 2, 2017, The Banking Services RFP Committee opened one sealed proposal from Marine Bank & Trust. The Committee consented to present the bid from Marine Bank & Trust to the Board. Bill Penney and Georgia Irish presented on behalf of Marine Bank & Trust. They stated that they are a local bank, easy to talk to with absolutely no 800 numbers. Ms. Irish, Account Manager, encouraged the residents to call her if anyone had any questions.

*Mr. Geier made a motion to accept Marine Bank and Trust for the management of BBRD banking services. Second by Mr. Lavier. Motion carried unanimously.*



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## **Kitchen Design Award of Contract**

Per Board direction, Mr. Coffey, staff and TLC toured Building A and the 19<sup>th</sup> Hole to discuss new designs for the kitchen expansion.

*Mr. Cavaliere made a motion to accept staff recommendation and approve \$25,875 for the design of Building A kitchen expansion from TLC. Second by Mr. Geier. Motion carried unanimously.*

*Mr. Cavaliere made a motion to accept staff recommendation and approve \$20,010 for the design of the 19<sup>th</sup> Hole kitchen from TLC. Second by Mr. Klosky. Motion carried unanimously.*

Mr. Klosky recommended soliciting a RFP and requested not doing these projects at the same time due to the interruption of entertainment and food service if both facilities are under construction at the same time. Mr. Geier was against the RFP as he believes it is not warranted at this time. Board discussed the pros and cons of soliciting RFP as opposed to seeking bids on our own.

*Mr. Cavaliere made a motion for staff to draft an RFP. Second by Mr. Klosky. Mr. Geier and Mr. Lavier opposed. Motion carried 3-2*

*Mr. Cavaliere made a motion to have the projects done sequentially and have the Food and Beverage Manager choose which kitchen she would like to have done first and when. Second by Mr. Lavier. Motion carried unanimously.*

Mr. Diana thanked Ms. Mendes and her staff for a great job on the golf championship and musical entertainment events this past weekend.

## **Beach Grant Project, Phase I Award of Contract**

Staff recommended the BOT award contract of \$37,120 to Team Waterbury LLC for Beach Grant Project, Phase I for removal of exotics, privacy berm, landscaping and irrigation systems.

*Mr. Klosky made a motion to approve \$37,120 to Team Waterbury LLC for work on the Beach Grant Project. Second by Mr. Lavier. Motion carried unanimously.*

## **Pool #1 Walkway Roof Replacement Award of Contract**

The Pool 1 covered walkway has begun to develop leaks that are beyond staff's ability to repair.

Staff recommended the BOT award the contract for roof replacement of the Pool 1 walkway to Hough Roofing & Screens Rooms, Inc. for \$10,395 and authorize staff to transfer the same amount from the contingency line-item to fund the project.

*Mr. Geier made a motion to accept the contract for Pool 1 walkway to Hough Roofing & Screens Rooms, Inc. for \$10,395 and authorize staff to transfer the same amount from the contingency line-item to fund the project. Second by Mr. Lavier. Motion carried unanimously.*

## **19th Hole A/C Replacement Award of Contract**

As a result of a study of the consistent condensation problem off the AC at the 19<sup>th</sup> Hole, staff found that the AC needs to be replaced. Mr. Coffey presented two quotes, Florida Breeze for \$6,970 and Palm Bay Air & Heat, Inc. for \$6,095.00. Staff recommended awarding the contract to Florida Breeze.

*Mr. Lavier made a motion to award contract for the 19th Hole A/C replacement to Florida Breeze for \$6,970. Second by Mr. Cavaliere. Motion carried unanimously.*

## **Revised Rules for BOT**

Staff recommended the BOT approve the a resolution adopting the revised Rules for the BOT.



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General Counsel read the resolution:

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT; PROVIDING FOR THE ADOPTION OF VARIOUS REVISIONS TO THE RULES OF THE BOARD OF TRUSTEES; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

*Mr. Lavier made a motion to accept the BOT Rules amendments. Second by Mr. Geier. Motion carried unanimously.*

## **Revised Policy Manual**

Staff recommended the Board review the revised Policy Manual and adopt the resolution.

General Counsel read the resolution:

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT; PROVIDING FOR THE ADOPTION OF VARIOUS COMPREHENSIVE REVISIONS TO THE POLICY MANUAL ADOPTED MAY 8, 2009, AS SUBSEQUENTLY AMENDED THROUGH SEPTEMBER 9, 2016; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

*Mr. Klosky made a motion to accept the Policy Manual amendments. Second by Mr. Geier. Mr. Diana opposed. Motion carried 4-1. \*Mr. Diana opposed the added language to 3.0 General, Identification Badges and Dress (p. 3-6) to permit the use of images of resident badges on cell/mobile phones in lieu of showing the physical badge under certain circumstances (as requested by Property Services).*

## **Bldg. A Roof Replacement RFP Evaluation Committee Selection/Announcement**

The Building A Roof Replacement RFP will be released Monday April 3<sup>rd</sup>. Mr. Coffey requested the formation of a committee to evaluate all bid submitted.

Mr. Cavaliere volunteered for the trustee position on the Building A Roof Replacement RFP committee. Mr. Coffey announced Mr. Matt Goetz, Property Services Manager will hold the voting staff position, Mr. Brian Belanger will hold the voting resident position and he will hold the non-voting position along with Mr. Diana.

## **SDS Contract Extension Discussion**

General Counsel Repperger presented the figures from the proposed SDS contract renewal. He stated that they are proposing eliminating the table from the previous contract which breaks down all the SDS fees. They are requesting replacing the table for a flat fee (\$157,500) which is a modest 1.8% increase from the last fiscal year. SDS is proposing a 2.5% increase each year going forward.

*Mr. Klosky made a motion to move forward with the contract without the table. Second by Mr. Cavaliere. Motion carried unanimously.*

Mr. Cavaliere directed General Counsel to discuss a 5-year contract with SDS.

## **Manager's Report**

### **District Clerk**

- Upcoming BOT Workshops:
- BOT Workshop (Golf Rates and Tee Times Procedures) 30Mar17, Bldg. D/E at 2:30pm



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- BOT Workshop (Oversight of Clubs/Organizations and commercial rental of facilities): Wed., 12Apr17, Bldg. D/E, 2:30pm
- BOT Workshop (FY18 WDPB Review): Mon., 17Apr17, Bldg. D/E, 7pm
- BOT Workshop (FY18 WDPB Review): Tues., 18Apr17, Bldg. D/E, 2pm

## Resident Relations

- ARCC Update:
- 21Mar17 meeting – 27 permits were reviewed and approved. The committee also reviewed and promulgated rules to the ARCC Guidelines (See attached). These changes will be incorporated into the Guidelines and presented as a Revision to the guidelines at the 25Apr17 BOT meeting.
- The next ARCC Committee meeting is on 4Apr17 in the new BFBHOA office.
- Violations Committee Update:
- 24Mar17 – There are 10 properties on the agenda. As of 21Mar17 only six remain in violation.
- The next meeting is scheduled for Fri., 28Apr17 at 10am in D/E.
- Badge Renewal Update – Resident Relations staff are updating badges with a red 04/2018 Sticker for all residents who have paid their 2016 Brevard County taxes in full. Office hours are Monday thru Friday 8:30am to 4:30pm.

## Food & Beverage

- Recap of St. Paddy's Day – Over 1,100 people came through the Pool #1 area for the pipers, music & food. Over 300 people were served corned beef, burgers and hotdogs.
- Mother's Day Brunch Update – Tickets for Mother's Day brunch on 14May17 at Pool #1 will go on sale Monday, 10Apr17 at the Lounge, the 19th Hole and Resident Relations.

## Golf-Pro Shop

- Congratulations to the 2017 Club Champions: Emil Pizzullo & Judy Farrell.



- April Tournament Updates:
- Martini League 9 –hole: April 8th @ 1:00 pm Shotgun
- Ace Wright Ryder Cup Tournament: April 21 and 22nd
- Fundraiser Golf and merchandise for HOA: April 29 @ 8:30 am shotgun

Call or stop by the Pro Shop for more information about any of the tournaments.

## Special Projects

- Obtaining quotes for golf course projects



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- Prepared BOT Workshop presentation
- Training: Golf Operations Manager Cruz attended a training event conducted by the PGA HOPE ORLANDO. This training is to deal with Military Veterans Learning skills and approaches in coaching Veterans with disabilities
- April 18th: Attending GHIN training for recertification of our handicap software program
- Submitted Grant Request for Junior Golf Camp

## Property Services

- Routine Work Update:
- Built and installed new sign at the softball field
- Installed new chair rail in Building C and repainted
- Continued stormwater maintenance work on the canals
- Rototilled the softball field
- Installed a larger diameter hose for watering the field
- Repaired the pitcher pump on the pier
- Edged Barefoot Blvd.
- Repaired broken shuffle board poles
- Repaired broken shuffle board scoreboards
- Painted no parking lane in front of putting green
- Replaced vacuum pump on pool 1
- Replaced the stolen lock on the pier
- Installed more lighting around the lounge
- Installed scoreboards for the golf tournament

## Special Projects Update

- Continued to solicit bids for Pool#2 pit replacement
- Finalized Bldg. A Roof Replacement RFP

## Attorneys Report

General Counsel Repperger updated the Board on the Guinther vs BBRD case. The case has been assigned a 3-week trial docket for June 12<sup>th</sup> but his office is working on getting it resolved before this date. No word from the Supervisor of Elections office yet regarding the insert. The ballot may go out in the 2<sup>nd</sup> week of April. The HB on term limits was last seen on the Government Accountability Committee on March 15<sup>th</sup>. This does not necessarily indicate a problem, General Counsel Repperger will keep the trustees updated as he receives new information.

## Incidental Trustee Remarks

Mr. Geier requested staff send a certificate of appreciation to all past committee members. Consensus of the Board. He congratulated the City of Palm Bay for getting the resolution passed which mandates that all businesses entering a home must notify the homeowners if they employ a sexual offender. He



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requested the Board consider placing a similar agenda item on a future agenda. Board consensus that the item should be place on an upcoming BOT agenda.

Mr. Lavier commended the Food and Beverage staff for the excellent service over the weekend with the golf championship and with the St. Patrick's Day celebration. He congratulated the two new Club Champions, Emil Pizzulo and Judy Farrell on their win.

Mr. Diana requested staff send two congratulatory letters to the new champions.

## **Audience Participation**

Ms. Sue Reddy thanked the Board for voting against the moratorium on outside caterers coming into the community.

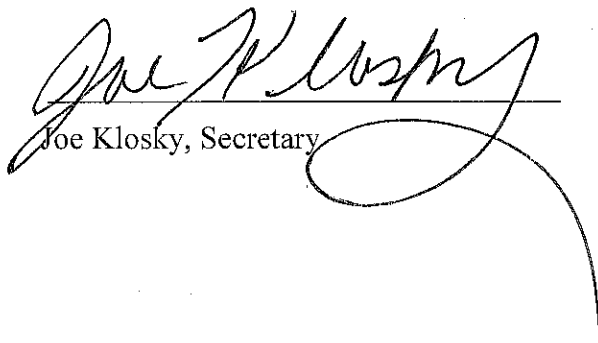
Mr. Richard Schwatlow requested residents call the BCSO to address any concerns about HOA members stating that C.O.P.S. officers are dishonest. Ms. Sue Reddy questioned what C.O.P.S officers are being accused as she had not heard of this before. Mr. Schwatlow stated it was he that was accused on a social media site. Mr. Cavaliere stated this is not a topic of business for a Board of Trustee meeting.

## **Adjournment**

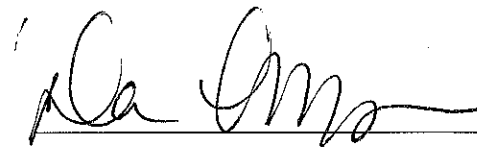
The next meeting will be on April 25, 2017 at 7PM in Building D/E.

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

Meeting adjourned 9:03 PM.



Joe Klosky, Secretary



Dawn Myers, District Clerk