



# BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Regular Meeting  
Friday, May 13, 2016  
1 P.M. –Building D&E

The Barefoot Bay Recreation District held a Regular Meeting on May 13, 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, Mr. Jason Pierman, SDS, General Counsel Cliff Repperger and Dawn Myers, District Clerk.

## **Minutes**

*Mr. Diana made a motion to approve the minutes from April 25, 2016. Second by Mr. Cavaliere. Motion carried unanimously.*

## **Treasurer's Report**

Mr. Cavaliere presented the Treasurer's Report for May 13, 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

## **Old Business**

### **FPC Recommendations**

Mr. Len Pellegrino expounded on the Capital Improvement Plan Proposal that he is recommending on behalf of the Facilities Planning Committee. His proposal included the committee doing some of the initial research and pre-planning at the front of future projects. His ideas came out of several plans he researched which are currently in use by various municipalities.

Mr. Bill Sherwood spoke on behalf of the Finance Committee in support of the CIP proposal presented.

*Mr. Diana made a motion to accept the CIP Proposal for out year's projects only. Second by Ms. Wright for discussion. Ms. Wright rescinded her second.*

*Mr. Diana made a motion to accept the CIP proposal for out year's projects only. Second by Mr. Cavaliere. Motion carried unanimously.*

### **Stormwater Maintenance Equipment Procurement**

Mr. Coffey discussed the Board approved purchase of the equipment planned for the maintenance of the canal banks and lake banks around the common areas. He presented options to finance via use of the stormwater maintenance fund or to use county contracting to maintain the canal banks as we have done in the past. Under state contracting a skid steer (bobcat) would be approximately \$41,000. Staff prefers this piece of equipment as opposed to the County equipment which is larger and more cumbersome to maneuver. Leasing options are as follows: A 60-month lease is \$6300 annually and after 5 years a new lease can be written or we may accept the option to purchase at \$17,000. Mr. Cavaliere inquired about



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the possible requirement to go out to referendum due to the cost. General Counsel reiterated his position on this matter which, in his opinion, falls under the obligation listed in the charter to maintain existing common areas. He maintained that the Board, as always, has the option to send out as referendum. Discussion ensued about the whether the equipment should be sent out to referendum.

*Mr. Cavaliere made a motion to authorize staff to solicit financing options. Second by Mr. Dana. Motion carried unanimously.*

### **Attorney General Opinion**

Mr. Cavaliere stated that he brought this item to the agenda to further discuss the referendum requirement in question regarding the Replacement Building F project. Due to the recent claim against the District regarding Building F this item is no longer pertinent. He asked that this item be removed from the agenda. Board consensus was to remove the item from the agenda.

### **New Business**

#### **Budget Amendments**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT; APPROVING AND AMENDING COMMITTED FUND BALANCES FOR CAPITAL IMPROVEMENT PROJECTS AND RESERVE IN FISCAL YEAR 2015-2016; AND AUTHORIZING THE TRASFER OF ONE HUNDRED NINETY THOUSAND DOLLARS FROM THE DISTRICT'S OPERATING ACCOUNT TO SBA CAPITAL IMPROVEMENT ACCOUNT AND THE TRANSFER OF ONE HUNDRED THOUSAND DOLLARS FROM THE DISTRICT'S OPERATING ACCOUNT TO SBA RESERVE ACCOUNT; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

*Mr. Diana made a motion to approve the resolution. Second by Mr. Lavier. Motion carried unanimously.*

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT; AUTHORIZING THE TRANSFER OF FIVE HUNDRED SEVENTY THOUSAND DOLLARS (\$570,000.00) FROM THE DISTRICT'S GENERAL FUND OPERATING ACCOUNT TO THE DISTRICT'S DEBT SERVICE FUND STATE BOARD OF ADMINISTRATION DEBT ACCOUNT; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

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

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT; AUTHORIZING THE TRANSFER OF SEVEN HUNDRED EIGHTY FOUR THOUSAND NINETY THREE DOLLARS AND 47/100 CENTS (\$784,093.47) FROM THE DISTRICT'S DEBT SERVICE FUND STATE BOARD OF ADMINISTRATION DEBT ACCOUNT TO THE DISTRICT'S GENERAL FUND OPERATING ACCOUNT; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

*Mr. Lavier made a motion to approve the resolution. Second by Mr. Diana. Motion carried unanimously.*

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT AMENDING RESOLUTION 2015-12; AMENDING THE BUDGETS; AND AUTHORIZING THE TRANSFER OF THIRTY FIVE THOUSAND SIXTY TWO DOLLARS AND 88/100 CENTS (\$35,062.88) FROM THE DISTRICT'S SBA RESERVE ACCOUNT TO THE DISTRICT'S BOA OPERATING ACCOUNT; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.



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*Ms. Wright made a motion approve the resolution. Second by Mr. Diana. Motion carried unanimously.*  
A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT AMENDING RESOLUTION 2015-12; AMENDING THE BUDGETS; PROVIDING AN EFFECTIVE DATE.

*Mr. Lavier made a motion to approve the resolution. Second by Mr. Diana. Motion carried unanimously.*

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT; AUTHORIZING THE TRANSFER OF EIGHTY EIGHT THOUSAND FOUR HUNDRED NINETY SIX DOLLARS AND 68/100 CENTS (\$88,496.68) FROM THE DISTRICT'S STATE BOARD OF ADMINISTRATION CAPITAL IMPROVEMENT ACCOUNT TO THE DISTRICT'S OPERATING ACCOUNT; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

*Ms. Wright made a motion to approve the resolution. Second by Mr. Diana. Motion carried unanimously.*

### **Award of Contract: Restoration of Bunkers, Phase 1**

Mr. Coffey explained that the bunkers have collapsed over the years and the drainage system is inoperative. It is Golf Operations Manager Ernie Cruz, PGA professional opinion that the bunkers require removal of old sand (which can be also be used to top dress other affected areas such as tees and fairways), add drainage and spacing at proper grade for positive flow out of bunker, install a liner to prevent erosion, then add 4 inches of USGA approved sand. This project is planned to continue until all bunkers are restored with the estimated completion date slated for FY20. Staff presented quotes for the restoration of the golf course bunkers.

Double Eagle Golf Works \$24,336.16

ABM \$29,271.36

Staff recommended consideration of award of contract to Double Eagle Golf Works to perform Phase 1 of the golf course restoration bunker project. Additionally, once the contract is signed staff will request a change order to use the balance of the FY16 budget for repair of the additional bunker and bring back to the Board for approval.

*Mr. Cavaliere made a motion to approve the quote from Double Eagle Golf and approve the additional bunker work. Second by Mr. Lavier. Motion carried unanimously.*

### **Cabinet in D/E for American Legion**

Staff received a letter from Commander Bourgault requesting that BBRD purchase and provide the American Legion exclusive use of a cabinet in Building D/E tall enough to store flags and banners without having to disassemble them. Property Services personnel discussed the specific need with Commander Bourgault last week and believe a suitable unit can be procured for a reasonable price.

*Mr. Cavaliere made a motion to authorize the purchase of a cabinet in Building D/E for the American Legion. Second by Mr. Diana. Motion carried unanimously.*

### **Security Committee Recommendations**

#### Use of Electronic Devices

*Mr. Diana made a motion not to accept use of electronic devices in the Security Committee. Second by Mr. Cavaliere. Ms. Wright opposed. Motion carried 4-1*

#### Forward Lampost Requirement to DOR Committee

Ms. Crouse stated that this rule is difficult to enforce as many homes are in foreclosure and already without power.



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Mr. Rich Schwatlow stated that there are some issues to consider when amending the DOR but it's more important to enhance security to the Bay by changing the requirement.

*Mr. Cavaliere made a motion to forward the recommendation to keep lampposts on to the DOR Committee for amendment. Second by Ms. Wright. Motion carried unanimously.*

Forward the item vehicles on the grass to the DOR Committee

*Mr. Cavaliere made a motion to forward the recommendation to bring the topic of Vehicles on the Grass to the DOR Committee for amendment. Second by Ms. Wright. Motion carried unanimously.*

### **General Counsel Evaluation**

Mr. Diana submitted the trustee's evaluation of General Counsel Repperger and read the report.

*Mr. Cavaliere made a motion to accept the report. Second by Ms. Wright. Motion carried unanimously.*

General Counsel Repperger thanked the Board for the feedback and vowed to make strides to improve in his role as General Counsel to the District.

### **DOR Violation**

Case # 16-000959 , Case # 16-000989 , Case # 16-000497 - 879 HAWTHORN CIRCLE

- Violation ARTICLE III, SECT. 11 Exterior Maintenance. The respondent was given until 4/22/2016 to bring the property into compliance. The side of the home needs to be painted.
- Violation ARTICLE II, SECT. (3) (A)(7) ADIR (Skirting). The respondent has was given until 4/22/2016 to bring the property into compliance.
- Violation ARTICLE II, SECT. 3 (A)(15) ADIR (Lamp Post). The respondent was given until 4/22/2016 to bring the property into compliance.

*Mr. Diana made a motion to accept the violation committee recommendation to forward item Case # 16-000959, Case # 16-000989 and Case # 16-000497 to the attorney's office for equal and equitable action and lien the property for all charges. Second by Mr. Cavaliere. Motion carried unanimously.*

Case # 16-001116 - 580 MARLIN CIRCLE

Violation ARTICLE III, SECT. 2 (C) Condition of Prop. (C) Unauthorized items. The respondent was given until 4/15/2016 to bring the property into compliance. Property came into compliance by the date of this meeting.

Case # 16-001244 - 1015 THRUSH CIRCLE

Violation ARTICLE III, SECT. 2 (C) Condition of Prop. (C) Unauthorized items. The respondent was given until 4/15/2016 to bring the property into compliance.

*Mr. Diana made a motion to forward item to the attorney's office for equal and equitable action and lien the property for all charges. Second by Mr. Cavaliere. Motion carried unanimously.*

### **Finance Committee Recommendation**

Mr. Bill Sherwood stated that he submitted these recommendations so he could get some direction from the Board and the Community Manager. He discussed the Finance committee's role in the recent FY17 Proposed Draft Budget workshop meetings where over \$255,000 in projects and expenses were reviewed and voted in committee. He asked that this amount be put into contingency.

*Mr. Cavaliere made a motion to accept staff recommendations and approve the recommended items E-F. Second by Mr. Lavier. Motion carried unanimously.*

### **Golf Committee Recommendations**

At the May 6, 2016 Golf Committee Meeting, recommendations were approved and forwarded to the Board for consideration regarding revision of the Golf Committee rules:

- Change number of members from 7 to 5



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- Change number required for a quorum from 5 to 3.
- Change election of members from Golf leagues/associations to golf members

Mr. Lavier made a motion to accept the recommendation from the Golf Committee. Second by Mr. Cavaliere. Motion carried unanimously.

### **Brevard County Property Appraiser 2016 Agreement**

Per the Sr. Director of Administration & Finance at the Brevard County Property Appraiser Office:

The Brevard County Property Appraiser is modifying the handling of contracts for performing work in support of processing and distributing non-ad valorem assessment information. This is a change in our practice of contracting for the services provided to your agency and how costs are allocated to provide the services rendered.

Section 197.3632(2), Florida Statutes, requires that we "enter into a written agreement" for the provision of said services. To meet that requirement, an agreement is attached for your review. Section 197.3632(2) of the Florida Statutes also provides for reimbursement of necessary administrative costs incurred by the Property Appraiser. In prior years, no allocation of costs among the numerous agencies within Brevard County utilizing the uniform method of non-ad valorem assessments was considered.

The attached agreement includes a reimbursement rate of \$0.50/parcel per year, with the calculation based upon the prior year's parcel counts. Reimbursements will be billed on October 1st of the applicable fiscal year. Based upon prior year data, your non-ad valorem assessment program covers 4872 parcels, resulting in a reimbursement to this Office of \$2,436.00. For future year planning, we anticipate the fee to remain at or below \$0.50/parcel.

Since 2013, our billing for reimbursement has decreased by 30% and we anticipate expenses and reimbursements will remain level or decrease as we continue to enjoy the benefits of improved technology and process that began in 2013 and continue to mature. This change does not materially impact the finances of the Property Appraiser, due to it largely being a reallocation of existing reimbursements.

The attached agreement is required by statute for the provision of services.

Mr. Cavaliere made a motion to authorize signing the document from Brevard County Appraiser's office. Second by Mr. Diana. Motion carried unanimously.

### **Manager's reports**

Neighborhood meetings are scheduled with the B.S.E. engineers and the Board of Trustees at 10am and 11am in Building A. The design team will be present to explain the project and answer any questions.

Staff met with the architect and interior design professional on May 6, 2016 and will have a follow-up meeting to select interior color and materials for the 75% plans review (expected in 3-4 weeks).

The Audit RFP will be released to the public on May 16, 2016 and will remain open for 30 days. The audit committee meeting schedule is as follows:

- Fri., 17Jun16, Bldg. E, 11am RFP opening and review
- Wed., 29Jun16, Bldg. E, 9am Finalists' presentation/interviews

The BOT will consider award of contract at their regularly scheduled meeting on Fri., July 8, 2016 in Bldg. D/E at 1pm.

Per the BBRD Policy Manual, staff will present the FY17 Proposed Budget at the May 24, 2016 Board meeting for consideration of authorization for mail out to property owners. Updated line-items, decision



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point summary and revenue/expenditure summary will be available on [www.bbrd.org](http://www.bbrd.org) and at Building F starting May 17, 2016.

Although the rumor mill from time to time likes to say that BBRD liens expire each year, Ms. Kimi Cheng and her staff collected \$6,008.69 in delinquent fees that has been lienied against a property since 2007. He stated he wanted to publically thank Finance Manager Kimi Cheng and her staff for their dedicated efforts to collect outstanding receivables.

### **Attorney's Report**

General Counsel contacted the county about fines stemming from 635 Hyacinth and learned that it is currently at a cost of \$2625. They are willing to waive 20% of the costs but may be willing to waive the entire cost. He asked if he is successful in getting the entire fine waived, would the Board be willing to pay the \$550 court costs. Should the county not waive the costs the hearing to address this is next Thursday before the Special Magistrate. He asked for direction from the Board.

*Mr. Cavaliere made a motion to accept General Counsel's recommendation to try to get fines waived and pay just court costs. Second by Mr. Diana. Motion carried unanimously.*

General Counsel discussed the property on 748 Canary Drive. District filed a lawsuit against the owner and the trailer has subsequently been removed. The owner has come into compliance and legal fees are \$1700. He inquired if the Board would like to waive fees or proceed to a final judgment which is approximately an additional \$1000.

Ms. Loretta Dorn spoke on the matter in question. She asked that the Board consider waiving this fee as this is a young family struggling to make ends meet.

Mr. Cavaliere stated that the owner should be at the meeting to explain and he would recommend General Counsel reaching out to the resident. If there is still no resolution then he would recommend forwarding for a final judgment.

*Mr. Cavaliere made a motion to accept General Counsel's recommendation and have General Counsel contact the property owner for a statement before going for a final judgment. Second by Mr. Diana. Motion carried unanimously.*

General Counsel gave an update regarding the entrance wall claim with the insurance company we should be getting a payout within a week.

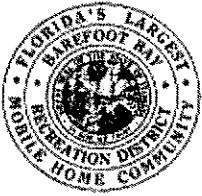
He announced that the District has been sued by Mr. Tom Guinther regarding the Building F replacement project. The suit does not ask for damages and is a declaratory judgment to determine if the project needs to go to referendum. He will respond by May 29<sup>th</sup> and try to get a hearing by late June. Due to the temporary injunction he recommended the District freeze any further talks with the engineers currently assigned to the project until we can find out more information.

Mr. Cavaliere requested the Board revisit the Robert's Rules item at the first meeting in June.

Mr. Ernest Loening asked about 710 Barefoot Blvd. General Counsel stated that the case is scheduled to be heard June 13, 2016 at 11am in Viera with Judge Maxwell.

### **Trustee Liaison Report**

Mr. Klosky reported that the ARCC meeting held on April 19, 2016, there were 12 applications. All were approved.



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The next ARCC meeting is on May 3, 2016 in the lounge at 9 AM. The violation committee met on April 22, 2016. There were 18 properties found in violation. The next Violations meeting is scheduled on May 13, 2016 at 10AM in D/E.

Mr. Lavier announced that the golf course has been closed while the ABM crew aeriates the grass in preparation for the summer weather. The Junior Golf program will be starting up in June. We have applied for a grant to help with costs for the program. Teebox #12 will be modified beginning on June 13<sup>th</sup> along with Phase 1 of the bunker restoration. Mr. Lavier reported on Property Services. Retaining walls were built along the golf cart path at the #8 and 15 holes. Lights have been installed in front of

Building A. Building C lights have all been replaced with LED lighting and the Building at Pool 3 was repainted. BBRD has coordinated with Brevard County to have a water valve replaced at Building A and water will be turned off for only a couple of hours. Signs will be posted when they are ready to begin. Please be advised starting June 1st pool hosts will no longer accept badges not displaying an updated sticker. He asked that the Facilities Planning Committee consider the topic of relocating the boat that had been previously situated on the entrance wall. The boat was removed due to a car hitting the wall causing irreversible structural damage.

Mr. Diana thanked the District Clerk for assisting with the compilation of the results of General Counsel evaluation. He has asked that the Facility Planning Committee consider placement of a Barefoot Bay flag and State flag in the Community Complex. He suggested the design of the Barefoot Bay flag be presented to the residents for ideas to be considered by the Board. Mr. Diana also requested a breakdown of information regarding what the facilities are actually established for so we can begin to streamline the traffic and minimize overcrowding in certain facilities such as the 19<sup>th</sup> Hole.

Ms. Wright reported on the Food and Beverage upcoming events. The 19th Hole will be closed from Monday, June 6th through Friday, June 10th to replace ceiling tiles and paint the kitchen. Music Bingo will be held on Monday, June 6th at the Lounge from 5:30-8PM. Vince Love will play at the Lounge on Thursday, June 9th from 5-8PM. The 19th Hole will open for breakfast on Saturday, June 11th at 7:00 AM. Tickets are on sale for the Father's Day Street Dance & Clam bake for \$12 at Resident Relations, the Lounge & the 19th Hole. Guests must have a guest pass to get into the pool area.

Mr. Cavaliere reported that Finance Committee is working hard researching financing options for Barefoot Bay. He is working with HOA and is in the preliminary stages of scheduling a meeting where residents can share ideas and begin to establish a plan for the facilities.

Harold Wortman stated that HOA had their last meeting on Tuesday until September. Detective Crowe spoke at the last meeting to update the residents on the status of various criminal activities in the Bay. Ms. Donna Bond also spoke on the neighborhood Watch Programs. Please contact her for more information on establishing a neighborhood watch in your section. The HOA will hold two election forums on August 21, 2016 and October 16, 2016. More information will be provided as the dates get closer.

### **Trustee's Incidental Remarks**

Mr. Klosky asked that the topic of procurement of a restroom trailer for the area between the tennis courts and horseshoe area be added to a future agenda. Mr. Coffey stated that this item can be added to the next available agenda.

Mr. Diana recommended the trustees develop a policy on transparency when they pursue governmental training at conferences as far as getting approval of costs for travel, registration, etc. prior to attending



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any training. Mr. Klosky stated that Ms. Wright did not have prior knowledge on how to proceed with the pre-conference details and should not be criticized for not bringing it before the Board. Ms. Wright stated that the option to attend the conference was presented to all the trustees. She took part in attending as a way to gain a better understanding on how to best represent the residents. She offered some key points from speakers at the conference such as topics on how to get ready for an audit and on legislative changes. She commented on meeting Mr. Todd Wodraska, President of SDS and listening to his lecture on running effective public meetings. She stated that she invited Mr. Wodraska to come to Barefoot Bay to discuss this topic with the other trustees and residents.

Mr. Cavaliere voiced concern at the nitpicking between residents and trustees and asked that the criticism of each other come to an end.

### **Audience Participation**

Ms. Loretta Dorn asked for further information on the insurance for the Bobcat, storage and department responsibility. She asked about the evaluation for General Counsel and where she can get a copy of the results. Mr. Coffey stated that the District insurance will cover the equipment; it will be stored in the Property Services maintenance yard and will be under the responsibility of the Property Services Manager and staff. Mr. Diana clarified that he created the evaluation for the attorney with the assistance of Mr. Coffey and the District Clerk tabulated the results. A copy is available at Building F.

Ms. Jeanne Osborne clarified her comments from the last meeting. She stated her comments were in regards to the committee established to seek buying options when Avatar was seeking to sell Barefoot Bay.

Mr. Bob Kahl announced that the HOA van will be traveling to the Bushnell Cemetery on Memorial Day, May 30, 2016 if any interested parties would like to join. The ride is free courtesy of the HOA.

Mr. Rich Schwatlow commented on the discrepancy in the established fee schedule for resident guests wishing to use the amenities. He questioned the rule which charges guests entering the pool area yet other amenities are not charged. He asked the Board to enforce the rules not just in one capacity but overall. He stated that fees should be abolished if we are unable to implement this change.

Ms. Carol Joseph announced the little library will be installed shortly and encouraged the residents to partake in the program. The books will include children's books as well as adult books. She announced that the library and Indian River Fitness will be offering many children's programs over the summer so please take part in the activities.

The next meeting is scheduled for Tuesday, May 24, 2016 in Building D/E at 7PM.

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

*Meeting adjourned 3:20 p.m.*

Steve Diana, Secretary

Dawn Myers, District Clerk