



BAREFOOT BAY RECREATION DISTRICT

**Board of Trustees Regular Meeting
November 10, 2016
1 P.M. –Building D&E**

Called to Order

The Barefoot Bay Recreation District held a Regular Meeting on November 10, 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 both past and present.

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

Presentations

Mr. Klosky read and presented Barefoot Bay Veterans with a Veterans Day Proclamation in honor of their service.

Mr. Diana made a motion to accept the Veterans Day Proclamation. Second by Brian Lavier. Motion carried unanimously.

Roll Call

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

Minutes

Ms. Wright made a motion to approve the minutes October 25, 2016. Second by Mr. Cavaliere. Motion carried unanimously.

Treasurer's Report

Mr. Cavaliere presented the Treasurer's Report for November 10, 2016.

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

Audience comment on Agenda Items

None brought forward

Unfinished Business

Resolution of Advisory Committee Suspension

At the October 25, 2016 The Board made a motion to temporarily suspend Mr. Hurrol Brinker from all the committees he is currently sitting on. The suspension came about due to a Department Manager complaint that Mr. Brinker was creating a hostile work environment for him and his fellow managers by



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constantly criticizing their department productivity and operations. Mr. Diana was tasked to investigate the allegation by meeting with all the managers concerning their position on Mr. Brinker's complaint. He was also asked to meet with Mr. Brinker to hear his side of the situation and bring the full report back to this meeting for a final decision by the Board. Ms. Wright requested that the Board table this agenda item until the rest of the Board has an opportunity to review the report or call for a recess to review prior to hearing the report and making a decision. General Counsel advised that the decision to proceed is ultimately up to the Board. Consensus of the Board to proceed with Mr. Diana's report. Mr. Diana read the report which included anonymous statements from staff. The summarized statements acknowledged Mr. Brinker and other committee members had, in fact, overstepped their positions on occasion by applying undue pressure to staff by criticizing daily operations. Mr. Diana stated that the modern workplace is not reminiscent of the workforce as Mr. Brinker knew it to be years ago. He was confident that due to the current situation, Mr. Brinker was well aware of his misstep and could be trusted not to recommend releasing Mr. Brinker's suspension at this time.

Due to his speech impediment, Mr. Hurrol Brinker presented a written statement read by Ms. Carol Joseph concerning the allegations. In his statement Mr. Brinker called attention to the fact that the procedure for filing a complaint was not followed by the Board as stated in the BBRD Employee Manual. The first time Mr. Brinker had even heard of the complaint was at a public Board of Trustees meeting. He maintained that he was put on trial at a public forum without an opportunity to defend the charge. He voiced his thorough dissatisfaction on the way this situation was handled and stated that he wished the Board had followed their own rules.

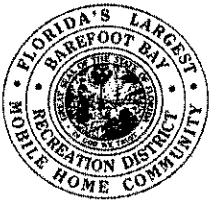
Ms. Wright supported Mr. Brinker's position that the chain of command regarding BBRD harassment policy was not followed, but rather arbitrarily brought up at a public meeting leaving Mr. Brinker no opportunity to defend himself. Mr. Cavaliere stated that he is not comfortable with Mr. Brinker on any committees and reiterated his position on abolishing the committees in general. He stated that he heard Mr. Brinker discussing the staff in a derogatory manner and brought attention to recent incidents where committee members were abusing their roles with staff. He suggested abolishing the committees altogether. Mr. Lavier agreed with Mr. Cavaliere as he is well aware that the committee members have been overstepping their bounds and was supportive of dissolving the committees. In response to the claim that procedure was not followed regarding this charge, Mr. Lavier maintained that the committee members are also not following procedure.

Mr. Klosky recommended applying a 5 month suspension for Mr. Brinker and yielded to the Board to make a decision.

Ms. Carol Joseph spoke on behalf of Mr. Brinker agreeing that this situation was not handled properly and acknowledged that both sides had made mistakes. She asked that the Board consider this topic carefully.

Mr. Ernie Cruz commented on the conversation that prompted him to forward an email to Mr. Coffey regarding the last conversation he had with Mr. Brinker. He maintained that he believes he did the right thing as his co-workers do not deserve for their jobs to be threatened by committee members.

Mr. Cavaliere made a motion to permanently suspend Mr. Brinker from all advisory committees. Second by Mr. Lavier. Ms. Wright opposed. Motion carried 4-1.



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New Business

BOT Rules Revision: Elimination of Trustee Departmental Liaison Function

The revision to the BOT Rules was brought back to the Board for approval due to an additional language revision to the Rules and resolution detected at the last meeting. Mr. Cavaliere read the resolution.

RESOLUTION OF THE BAREFOOT BAY RECREATION DISTRICT AMENDING AND SUPERSEDING RESOLUTION 2016-02, BY ADOPTION OF A REVISED SET OF RULES FOR THE BOARD OF TRUSTEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT WITH OTHER PROVISIONS; AND, PROVIDING FOR AN EFFECTIVE DATE.

Mr. Cavalier made a motion to accept the resolution revising the Rules of Trustees. Second by Mr. Diana. Mr. Klosky opposed. Motion carried. 4-1

DOR Violations

Case # 16-003199 1089 Wren Circle

Ms. Wright made a motion to forward to the attorney for equal and equitable action. Second by Mr. Lavier. Motion carried unanimously.

Case # 16-003041 606 Tarpon Drive

Ms. Wright made a motion forward to the attorney for equal and equitable action. Second by Mr. Cavaliere. Motion carried unanimously

Review of Advisory Committees

Mr. Klosky suggested changing the meeting dates for the Recreation Committee to four times a year and keeping Violations and ARCC committees as is but disbanding all the rest of the committees. Mr. Diana agreed and recommended establishing Ad Hoc committees as needed. Ms. Wright stated that this is a knee jerk reaction. The committees provide a valuable service to the community and they have a lot of experience and education to offer Barefoot Bay.

Jeanne Osborne suggested that perhaps the Board appointed too many committees to start with and shared her concern with the undue criticisms of the Board for no good reason. She asked that the Board consider keeping the Recreation, Finance, Facility Planning and DOR committees as they are beneficial to the community.

Tom Guinther voiced his dissatisfaction with the idea of abolishing the committees as they are very beneficial to the community. The committees provide a welcome forum for the residents to voice their opinion. He stated that he is not in agreement with the way the prior agenda topic was handled as the Board should have addressed the situation as it happened per policy.

Nancy Eisele also voiced her concern regarding to abolishing the committees. The members are concerned residents of Barefoot Bay and the Board has the final say. She urged them to take a larger role with the committees.

Kathryn Lesh commented on her dissatisfaction with the idea of abolishing the committees. She stated that she is very interested in what is going on in the District and will be paying close attention to the Board as she is disappointed in the path they have been taken with recent decisions. She urged them to make the right decision.



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Louise Crouse stated that the committees are great benefit to the community as they do a lot of research and was also opposed to dissolving the committees. She also acknowledged the process for addressing threatening behavior by committee members. This should have gone to the Community manage for resolution rather than discussing in a public forum.

Mr. Cavalier suggested keeping the Finance committee as they are currently working on something. Mr. Lavier stated that the Golf Committee is also working on something at this time and recommends they complete their deliberation. Ms. Wright stated that the Recreation Committee is working on a couple of items.

Mr. Diana made a motion to table the topic to the next meeting. Second by Ms. Wright. Mr. Lavier opposed. Motion carried. 4-1

Lease Renewal for Barefoot Bay Beauty Salon

Barefoot Bay Beauty Salon's current is due to expire on December 30, 2016. The terms of the current lease provides for an additional 5-year renewal period. The lessee has requested consideration of (2) additional 2-year periods, in place of the 5-year renewal period. Staff asked for the Board's consideration to amend the Memorandum of Understanding, Item 1.b. of the lease to reflect the tenant's request.

Mr. Cavaliere made a motion accept the amendment to the Memorandum of Understanding for the Beauty Salon lease. Second by Mr. Diana. Motion carried unanimously.

New Lease for Shaw Medical Group, LLC

Shaw Medical Group has requested consideration of a two year lease to rent the space previously occupied by IRMC. They do business as My Health. They are a Family Practice which specializes in Internal Medicine. The square footage rate for the lease is \$10 per square foot. In addition to the rent, the tenant will pay the CAM, Real Estate Tax, Sales Tax and the current rate. The prospective tenant is requesting the first 2.67 months' rent to be waived.

Mr. Shaw requested help from the District with expenses on a build out for upgrades to the cabinets and the carpet. He stated that this is common practice for the lease holder to help with this. He is willing to move in as quickly as possible. Mr. Cavaliere stated that he is not familiar with the landlord having responsibility for the inside of the space. He was against helping any upgrades. Mr. Klosky was in agreement that we should not pay for any work in the building. Ms. Wright asked for more information from Mr. Shaw regarding what is needed. Mr. Diana agreed that assisting the build out is not out of the question. He would like to provide a good level of service to the community and was willing to support his request to help. Mr. Lavier was hesitant to move forward with helping with the build out but has no issue with the lease. Matt Goetz informed the Board that it would take approximately \$4000 to do the upgrades Mr. Shaw is requesting.

Mr. Cavaliere made a motion to provide the lease as is and add February as an additional free month. Second by Mr. Lavier. Ms. Wright opposed. Motion carried 4-1

Moore Stephens Lovelace, P.A. Audit Planning Communications

Staff received Fiscal Year 2016 Audit Planning under the guidelines of GAGAS from our independent auditor, Moore Stephens Lovelace, P.A. We are directed to present the Audit Planning to the Board of Trustees of Barefoot Bay Recreation District. The Audit Planning outlines the Identification of Financial



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Statement Elements, Audit Objectives, Auditor Responsibilities, Management Responsibilities, General Audit Procedures, Internal Control Audit Procedures, Compliance Audit Procedures, Accounting and Reporting Issues, and Audit Schedule. Staff recommends the Board acknowledge receipt of the Audit Planning Communications.

Mr. Cavaliere made a motion to accept the Audit Planning Communications. Second by Mr. Lavier. Motion carried unanimously.

Fiscal Year 2015/16 Year-End Budget Amendments and Resolution

At the end of each fiscal year, staff requests the Board to reallocate budgeted expenditures between departments. Staff recommended the Board approve the Resolution for the FY16 Year-End Budget Amendments. Mr. Repperger read the resolution.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT AMENDING RESOLUTION 2014-06; AMENDING THE BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Cavaliere made a motion to approve the resolution for the FY16 Year-End Budget Amendments. Second by Mr. Lavier. Motion carried unanimously.

FY 2016 4th quarter Capital & Grants Transfer and Resolution

Approval of Transfer of Funds Expended in 4th quarter of FY16 from SBA Capital Improvement Account to BBRD Operating Account and Approval of the Resolution

Staff recommended the Board approve the transfer of \$96,797.76 from SBA Capital Improvement Account to BOA Operating Account. Mr. Repperger read the resolution.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT; AUTHORIZING THE TRANSFER OF NINETY SIX THOUSAND SEVEN HUNDRED NINETY SEVEN DOLLARS AND 76/100 CENTS (\$96,797.76) FROM THE DISTRICT'S STATE BOARD OF ADMINISTRATION CAPITAL IMPROVEMENT ACCOUNT TO THE DISTRICT'S OPERATING ACCOUNT; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Mr. Cavaliere made a motion to approve the resolution approving the transfer of \$96,797.76 from SBA Capital Improvement Account to BOA Operating Account. Second by Mr. Lavier. Motion carried unanimously.

FY17 Carryover Projects Budget Amendment

The total of all carryover projects from FY16 to FY17 is \$44,028.50. Staff recommended the Board approve the accompanying Resolution for carryover FY16 Unfinished Projects to FY17 Adopted Budget. Mr. Repperger read the resolution.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT AMENDING RESOLUTION 2015-12; AMENDING THE BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

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

Appointment to Finance Advisory Committee

Mr. Cavaliere made a motion to appoint Ms. Wilma Weglein to the unexpired 2-year term and Mr. Ed Geier to the unexpired 3-year term on the Finance Committee. Second by Ms. Wright. Mr. Lavier opposed. Motion carried 4-1



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Adoption of FY17 Employee Pay and Classification Plan

The Board adopted the FY17 Budget on 28Jun16 which contained 14 expenditures/uses decision points. One of the decision points was for the adoption of a formal employee pay and classification plan.

A RESOLUTION OF THE BAREFOOT BAY RECREATION DISTRICT ESTABLISHING AN EMPLOYEE PAY AND CLASSIFICATION PLAN FOR FISCAL YEAR 2016-2017; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT WITH OTHER PROVISIONS; AND, PROVIDING FOR AN EFFECTIVE DATE.

General Counsel read the resolution.

Mr. Diana made a motion to accept the resolution adopting the Employee Pay and Classification Plan.

Second by Mr. Cavaliere. Motion carried unanimously.

Replacement Dump Truck Award of Contract

The FY17 Budget contains \$55,000 for the replacement of the 1986 Ford Dump Truck which has 136,459 miles (as of February 2016) and was rated mechanically poor and fair in body condition.

Staff researched the cost of new and used vehicles with the following results:

- \$67,452.00 for a 2017 F-650 Regular Cab with dump body (new, state contract)
- \$29,900.00 for a 2007 Ford F-650 Extended Cab , 114,000 miles
- \$23,900.00 for a 2000 Ford F-650 Regular Cab, 143,176 miles

E.J. Wright gave his opinion that a diesel engine has more power can take many more miles than a gas engine and is easier to maintain. Matt Goetz stated that he looked at both options but the District does not put a lot of miles on the vehicles as they are mostly driving in the community. As a result the diesel which does not do well with many starts and stops is not necessary for our needs.

Mr. Cavaliere Made a motion to approve purchase of a replacement Dump Truck to Duval Ford LLC for \$67,452.00, waving the RFP requirement and authorizing the use of \$12,452 in Capital/R&M Projects Contingency

Resignation of Jack Dunham from Security Advisory Committee

Mr. Diana made a motion to accept the resignation from Mr. Jack Dunham. Second by Mr. Lavier. Motion carried unanimously.

Manager's Report

Mr. Coffey presented a recent UPS request to store their trailer in the Building A parking lot during the holiday season to assist with their deliveries in Barefoot Bay. Mr. Coffey advised against this as it may take up valuable room in the Building A parking lot during the busy event season.

Harold Wortman suggested placing the UPS trailer in the RV storage unit.

Greg Deslandes suggested charging them to use the RV lot as they can come and go with minor obstruction. Board consensus for Mr. Coffey to move forward with the request and find a suitable location if possible.

Mr. Coffey informed the Board of the initial quote to repair the District damages from the hurricane to the pier and the extended build out to the beach walkover.

Mr. Diana made a motion to proceed with a contract for the repairs to the pier and the beach walkover. Second by Mr. Cavaliere. Motion carried unanimously.



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Mr. Coffey will be accepting ideas for inclusion in the FY18-22 5yrFM&CIP starting on November 14, 2016 through December 16, 2016. Please contact Matt Goetz, Property Services Manager or Mr. Coffey with your idea and any applicable information you have. Every idea submitted will be listed, although revenue limitations may not permit every project to be funded. The Proposed FY18-22 5yrFM&CIP will be distributed to Trustees, Finance Advisory Committee and Facilities Planning Committee members by close of business Friday January 6, 2017. Some of the Property Services crew will demonstrate new Stormwater Bobcat and boom arm mower equipment on November 18th. Mr. Coffey stated that staff has researched options for the new safety deposit box. We can wait until next month to make a decision. He recommended inviting General Counsel to the next DOR and Charter Workshop. Board consensus to allow the attorney to attend. He invited residents to attend the Veteran's Ceremony tomorrow and reminded the residents that the Pro Shop will have great Black Friday sales after Thanksgiving.

Attorneys Report

General Counsel gave a status update on the Guinther vs. Barefoot Bay case heard on October 31, 2016. At the hearing, Judge Maxwell requested that the parties submit a Memorandum of Supplemental Authority by November 9, 2016. Judge Maxwell indicated that he would review the Memorandum submitted in advance of issuing any ruling in the case. Should you have any questions or concerns, regarding the Memorandum of Supplemental Authority and Argument, please feel free to contact me. Otherwise, he will advise once a ruling is rendered by the Court.

Trustee Liaison Report

Mr. Klosky reported on the ARCC meeting. The ARCC met on November 1, 2016 and 42 applications were presented and approved. The next ARCC meeting is on November 15, 2016 in the lounge at 9AM. The Violations Committee met on October 28, 2016 and 20 cases were on the agenda. Six properties came into compliance and 14 properties were found in violation. The Violations Committee met this morning Nov 10th with 12 cases on the agenda. Nine properties were found in violation. The next meeting of Violations Committee is December 9th at 10AM in D/E.

Mr. Lavier shared the Property Services report.

- Trenched and installed more piping for the security cameras at the playground
- Drilled and set 15 new poles also hung the screens at the golf course
- Cleaned up debris at the beach
- Set up for veterans day ceremony
- Mulched The beds in front of building A
- Replaced the seats on the bar stools at the 19th Hole. The lounge will be replaced next week
- Ordered and installed new shed for the holiday materials storage
- Ordered and installed 5 new tables with chairs and umbrellas for Pool 1
- Ordered and set up 2 new poker tables in Building C. Two more coming soon.

Mr. Lavier read the golf report. The over seeding is complete. The Golf Fore Tots Tournament is this Saturday and Sadie Hawkins November 16th. December 2nd is second annual Night Golf. The golf



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netting is now replaced and reminded residents that on November 24th the golf course closes at 2PM for Thanksgiving.

Mr. Cavaliere reported the Finance Committee will meet with Oculina Bank and Wells Fargo at the next meeting on November 3, 2016 1:30PM in Building D.

Mr. Diana thanked the Veterans for their service and wished everyone a Happy Thanksgiving.

Ms. Wright November 17th in Building E at 2Pm is hearing ideas on capital projects. November 15th at 1PM in Building D/E is the next DOR and Charter committee. She thanked the Veterans for serving, and also thanked staff and residents.

Wilma Weglein reported that Trunk or Treat was a success and thanked Lee Wright and Ann Manzo for judging the costume contest. There were four awards this year. SS Chamberlain from PAFB will be on hand at the next HOA meeting on November 11, 2016 7PM. She invited everyone to attend.

Thanksgiving dinner tickets are on sale for \$12.

Incidental Trustee Remarks

Mr. Klosky announced the Christmas Parade will be on December 4, 2016 starting at Building D/E.

Anyone interested in helping or joining please contact Mr. Klosky or leave a message for Mr. Klosky at the Administrative office in Building F. He read a letter from Kathy Fortier thanking the Board for allowing the Craft Club to have their recent Craft Fair. The Craft Club donates proceeds to local Charities and also for Thanksgiving Dinner for shut ins.

Audience Participation

Mr. Harold Wortman congratulated the three incumbents that were elected and hoped we could go forward with great ideas for the Bay. He voiced his support of the Board and for the HOA.

Adjournment

The next meeting will be on December 9, 2016 at 1PM in Building D/E.

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

Meeting adjourned 3:45PM.

Steve Diana, Secretary

Dawn Myers, District Clerk