



# BAREFOOT BAY RECREATION DISTRICT

**Board of Trustees Regular Meeting  
Friday, September 27, 2016  
7 P.M. –Building D&E**

## **Called to Order**

The Barefoot Bay Recreation District held a Regular Meeting on September 27, 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. Lavier led the Pledge of Allegiance to the Flag.

## **Roll Call**

Present: Mr. Klosky, Ms. Wright, Mr. Lavier, Mr. Diana, and Mr. Cavaliere. Also present: General Counsel Cliff Repperger, Dawn Myers, Acting Community Manager and Sue Cuddie, Acting Recording Secretary

## **Minutes**

*Mr. Cavaliere made a motion to approve the minutes of September 9, 2016. Second by Mr. Lavier. Motion carried unanimously.*

## **Treasurer's Report**

Mr. Cavaliere presented the Treasurer's Report for September 27, 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**

### **DOR Violation**

Cases 16-000497 (Lamppost), 16-000989 (Skirting), 16-000959 (Exterior maintenance) - 879 Hawthorn Circle were brought to the Board for direction on May 13, 2016. The Board approved a motion to accept the Violations Committee recommendation to forward the cases to the attorney's office.

General Counsel Repperger proceeded to bring court action against the property owner. The court granted an order on September 6, 2016 allowing the property owner seven days from the date of the order to bring the property into compliance. The owner has gone past the seven days with no corrective action and General Counsel now recommends the Board make a motion to pursue contempt



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proceedings with the Court rather than have the District get involved with contentious items. The Court would probably grant an order to show cause and a hearing date. He explained that in the event the owner does not show up in court, the judge may issue a bench order for the owner. Whereas the resident will have to explain why he has not brought the property into compliance.

*Mr. Cavaliere made a motion that we issue a contempt of court order with General Counsel Repperger's office. Second by Ms. Wright. Motion carried unanimously.*

## **Aqua Zumba Pool #3 Schedule**

On May 24, 2016, the Board directed staff to allow Aqua Zumba to retain their Tuesday, Wednesday and Thursday 2-3pm schedule (previously was Tuesday, Thursday and Saturday). Additionally, the Board instructed staff to place the issue on the agenda for review in four months. Mr. Cavaliere maintained that this is a staff issue, as scheduling classes should not be placed on an agenda for Board direction.

*Mr. Cavalier made a motion to forward the issue to staff to determine what the best schedule should be for the residents. Second by Mr. Lavier. Motion carried unanimously.*

## **Sunshine Rentals Lease Renewal**

Sunshine Rentals lease expires on September 30, 2016. On August 23, 2016 the Board approved a motion to execute the lease at a square footage rate that is no lower than the lowest in the shopping center (monthly rent would be \$503.78 for first year) and to meet \$10 a foot rate within one year. The tenant has countered the lease offer with a new proposal. This proposal would put the tenant at the Board directed \$10 a square foot rate within two years. The tenant has also requested the ability to opt out at the end of the first and second year. Board discussed precedence in the case of another lessee whose rates were considered two years ago.

Mary Vanderhoof was available to speak for her mother, Joy Liddy, owner of Sunshine Rentals. She asked that the Board consider a step scale to the recommended \$10 per square foot over time rather than the full 30% increase to their rent amount in one year as this will be a hardship on the business.

Mr. Cavaliere commented on the previous Board decision where the leases went up to \$10.00 a square foot and he is not willing to change what passed last year. In an effort to maintain similar rates for all the vendors in the shopping center, the Board considered the step scale for Ms. Liddy's business.

*Mr. Cavalier made a motion that Sunshine Rentals lease amount for the first year will reflect \$8.27 per sq.ft, second year \$9.27 per sq.ft., with the third, fourth and fifth year at \$10 per sq. ft. Second by Ms. Wright. Motion carried unanimously.*

Mr. Cavaliere was not in favor of adding an escape clause and requested Ms. Cuddie not add this to the lease.

## **Audience Comment**

Mr. Ernest Loening spoke regarding an e-mail he received from John Coffey regarding off duty deputy presence at the Board of Trustees meetings. He requested adding an agenda item for discussion at the next meeting.



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## **ARCC Guidelines Revisions**

Ms. Sue Cuddie presented the ARCC Guidelines revisions based on the Deed of Restriction stipulations. *Pursuant to the Article II, Section 2 of the Deed of Restrictions: The ARCC shall have the authority to promulgate regulations relating to all construction and landscaping for lots within Barefoot Bay. Such regulations may, without formal amendment of this Deed of Restrictions, be created, amended, modified, altered or changed by a majority vote of the ARCC, provided, however, that notice of any such amendment, modification, alteration or change to the regulations shall be given in writing to the Recreation District as soon as practicable after adoption thereof by the ARCC. A copy of any such amendment, modification, alteration or change to such a regulation shall be maintained in the offices of the Recreation District and shall be made available on request to any interested party upon payment of a reasonable copying fee.*

Revisions presented as follows:

### **Landscaping & Privacy Materials**

Landscaping with appropriate plants, grass, shrubs and/or trees in compliance with regulations adopted by the ARCC. Landscaping in accordance with the Brevard County Landscape Ordinance.

A. Privacy Landscaping materials defines a barrier or opaque screen which is utilized on the side of carports, around decks, or runs along any lot line or parallel to any lot line. Such barrier or opaque screen may not exceed six (6) feet in height and may be constructed of vinyl panels, painted wood, vinyl lattice, powder coated aluminum, steel or other ARCC approved materials. 1) No cumulative total of feet for all barriers on any one property may exceed thirty two (32) feet. 2) Said barrier or opaque screen shall comply with the provisions of Sec. 62-2109 Code of Ordinances of Brevard County, Florida. 3

### **Skirting Material**

Definition of Skirting material- material that is sufficient to enclose the entire base of the home.

It is constructed of stucco, stone, stucco finished concrete block, outdoor Hardi Board skirting or other ARCC approved material. 4 (Hardi Board bolts & seams have to be concealed with Stucco type finish) Wood framing is not allowed. Vinyl skirting is not allowed.

*Mr. Cavaliere made a motion to approve the ARCC Revisions recommendation with a stipulation that once a material is approved, it remains approved going forward regardless of the requestor. Second by Mr. Lavier. Motion carried unanimously.*

## **Offer by Owner of 2002 Restaurant**

Board discussed the offer by Mr. Ray Macht, owner and operator of 2002 Restaurant located in the Barefoot Bay Shopping Center, for the District to consider buying him out of his lease at an asking price of \$125,000. Mr. Cavaliere commented that if he wants to leave the equipment and the building, we can work with him, however we will need more information before considering early termination. Mr. Lavier agreed that we can look into this as an alternative location to the 19<sup>th</sup> Hole for larger events such as Pasta Night and other Food and Beverage events that bring large crowds. He stated we should seriously consider the offer and negotiate with Mr. Macht. If he wants to leave the equipment we can examine the possibility. Ms. Wright was in agreement, as it would largely free up the 19<sup>th</sup> Hole up for the golfers.



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*Mr. Cavaliere made a motion to have General Counsel send a letter to Mr. Macht thanking him for his offer, however we will not consider his offer at this time unless the equipment is included and inspected and found to be in good condition, then the Board would be willing to negotiate a deal. Second by Mr. Diana. Motion carried unanimously.*

## **19th Hole Flooring Replacement Authorization**

The flooring in the 19th Hole is damaged and in need of replacement. Staff solicited two quotes from Home Depot at \$4,774 Home Depot and Empire Today at \$7,032. Although the Mr. Coffey has the authority to authorize the project and transfer the funds (only within a single department), the approval of the Board is sought prior to the project for transparency of the use of budgeted funds within the Capital Department.

Mr. Cavalier inquired if the floor was commercial grade, Mr. Matt Goetz, Property Services Managers stated that is was. Mr. Diana asked if the floor will be placed behind the bar as well and Mr. Goetz confirmed the flooring will be placed in the back and front of the bar and entryways.

*Mr. Lavier made a motion to authorize proceeding with the project and to transfer the required budget from the balance of the FY16 Lawn Mower Replacement project. Second by Mr. Cavaliere. Motion carried unanimously.*

## **Finance Committee Recommendation**

At the September 8<sup>th</sup> Finance Advisory Committee Meeting, the committee forwarded the following recommendations to the Board:

1. To reallocate \$50,000 Community Watch Officers funding to General Fund Contingency.  
The Finance Committee discussed and agreed that reallocation of the fund to Contingency until the need of Community Watch Officers arise in the future.
2. To reallocate \$27,000 Golf Project expenditures to General Fund Contingency. The Finance Committee discussed and agreed that reallocation of the fund to Contingency until the Golf Manager asks for it at a later time. Also, reallocation of the fund will benefit the bottom line of the Golf Department.
3. To reallocate \$17,740 Management Analyst position to General Fund Contingency.  
The FAC members discussed and agreed that the reallocation of the fund to Contingency until the need arises and can be justified.

The Community Manager recommended the Board reject the three recommendations for the following reasons:

1. The Board added the community watch program to the FY17 Proposed Budget, mailed the FY17 Proposed Budget to homeowners with it contained therein and adopted the FY17 Budget on June 28, 2016 which included the community watch program.
2. The Board added the off-setting expenditure of the 10% golf membership increase to the Administration-Finance Contingency line-item account in the FY17 Proposed Budget which later was approved in the FY17 Budget.
3. The Finance Committee reviewed the Management Analyst decision point in March and April 2016 and did not make a recommendation at that time. The Board adopted the FY17 Budget to include funding for the Management Analyst position.



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*Mr. Cavaliere made a motion to reject the Finance Committee recommendations per staff recommendation. Second by Mr. Diana. Motion carried unanimously.*

## **Ballot Committee Rules Revision**

Mr. Klosky recommended forming an Ad hoc committee to create a resident survey on direction for the Bay and the census.

Ms. Wright inquired if the current Ballot Committee applications submitted will be accepted. Mr. Cavaliere stated that we need to make sure the committee knows what we want to accomplish.

*Mr. Diana made a motion to pursue an Ad Hoc committee to develop the proposed census and survey. Second by Ms. Wright. Motion carried unanimously.*

## **Facilities Planning Advisory Committee Recommendation: Beach Grant Projects**

At the September 15<sup>th</sup> Facilities Planning Advisory Committee Meeting, the committee reviewed the specific projects for the recently approved Coastal Partnership Initiative \$60,000, 50% match grant agreement. They also reviewed the conceptual site plan for the Beach and recommended the following projects to the BOT:

- Signage (required) 1,000
- Electronic gate access 20,000
- Exotic removal 5,000
- Berm (landscaped along A1A) 24,000
- Water access modification (required) 2,000
- Educational signage 2,000
- Design 6,000

For a Total of \$60,000,

*Mr. Diana made a motion to accept the Finance Committee recommendations and authorize staff to submit a modification request to DEP for the CPI grant. Second by Mr. Cavaliere. Motion carried unanimously.*

## **Direction to Committees**

Due to some recent issues and concern regarding the direction the committees are taking, Mr. Cavaliere recommended the Board take responsibility for the topics the committees are researching. He suggested the Board give each committee a list of things they want them to work on and bring information back to the Board for approval. He suggested the liaisons should request that we get a report from the committee regarding what they are working on. Ms. Wright stated she feels we should do a better job of helping the committees rather than starting all over again.

Mr. Harold Wortman stated that he thinks the committees are worthwhile, and believes that we should have a strong liaison to guide the committee Chairs. The committee members are very experienced and capable. They should bring problems with solutions to the Board.

Mr. Lavier agreed that the Board needs to give direction to the committees rather than the committees directing the Board.

Ms. Jeanne Osbourne voiced her dissatisfaction with the direction of this topic as it is offensive to the committee members. She stated that if there is a problem, it should be addressed with the committees.



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The committees have tried to live up to the duties assigned to them. She stated the Liaison should work closer with the committee to tell them what they want to work on.

Ms. Carol Joseph stated that everyone wants the same thing, and it is a communication issue.

Ms. Wright stated that she feels we are working well together. The committees are much better now that the Board no longer chairs the committees. Mr. Klosky stated he feels the committee liaisons are doing what they should be doing. Mr. Diana stated that he was ready to call for the abolishment of a particular committee and reappointment of certain members. In his opinion, if the Board gave more direction to the committees the recent controversy in the Security Committee would not have happened. He pointed out in particular, the recent committee recommendation regarding placement of four armed guards working for the District.

*Mr. Cavaliere made a motion that the Trustee liaisons instruct the committees on what information they need back from that committee, and the liaison brings the recommendations back to the Board. Second by Mr. Diana. Motion carried unanimously.*

## **Common Area Designation**

At the Board's meeting held on September 9, 2016, the Board voted to move forward with designation of the BBRD common areas and facilities consistent with applicable laws prohibiting sexual offenders and sexual predators General Counsel Repperger is in the process of drafting a Resolution as appropriate. He is planning to discuss the issue with staff and representatives of the Brevard County Sheriff's Office to ensure that designations are consistent with what is needed for effective and legal enforcement against such sexual offenders and sexual predators on the property of the Barefoot Bay Recreation District. He plans to have further information for the next agenda.

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

## **Manager's Report**

Staff request direction from the Board regarding the District working with and coordinating a fire prevention campaign with Mr. Mike McElrath, Disaster Program Specialist of the American Red Cross, Space Coast Chapter or whether this should be a function of HOA. Typically, Red Cross volunteers, volunteer firefighters, and other community members go out in teams of 3 or 4 and go door-to-door offering to check existing alarms, install brand new ones, and educate residents about fire safety, escape plan, etc.

*Ms. Wright made a motion that we have the HOA work with the Red Cross for the Fire Safety Campaign. Second by Mr. Cavaliere. Motion carried unanimously.*

Staff will be hosting a Bobcat demonstration of our newly purchased stormwater equipment on Thursday, October 13, 2016 off of Falcon Drive location at 8:30AM.

All taxes and fees are now paid and staff has listed the surplus property at 635 Hyacinth with ReMax for \$18,000.

Chairman Klosky, Community Manager Coffey and District Clerk Myers were present to receive two checks for \$348.51 and \$473.43 from BBRD's insurance company last week. The checks were for reimbursement for safety improvements of the steps at the Golf Course and the repair of irregular flooring in the 19<sup>th</sup> Hole walk-in cooler.

Beginning in early October the eastern shuffleboard court will be closed to repairs. Staff will be posting signage in advance of the specific closure date.



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## Attorneys Report

No report

## Committee/Liaison Reports

Ms. Wright stated that the Recreation Committee met on September 15<sup>th</sup> and discussed croquet, soccer field and playground on other side of Micco. She stated that the committee is collecting ideas and prices for those projects. Anyone with ideas or information on these topics are welcome to share with the committee at anytime. The DOR and Charter are in the final stages of finalizing project. Food and Beverage announced a new trivia game on Wednesdays in the Lounge from 6-30-8:30PM. Saturday night Ladies of Soul was fantastic, and Building A looked amazing.

Mr. Lavier reported on the Golf Phase 1 bunker project now complete. Breast Cancer Golf Tournament is coming up on October 15<sup>th</sup> more information available at the Proshop, The irrigation controller has been received and Mr. Cruz is preparing the courser for overseeding. The Proshop will be closed Friday September 30<sup>th</sup> for annual inventory. Mr. Lavier gave the update on Property Services. They completed installation of the replacement sidewalk at Egret Circle and the bridge , installed 260 feet more conduit for the security camera upgrade at the playground, repaired a large piece of floor and water heater behind the bar in the lounge, installed a new irrigation system for lawn bowling and are also continuing training on the new bobcat stormwater equipment.

Mr. Cavaliere stated that the Finance Committee has not met since his last report. The committee is currently working on scheduling bank presentations for the next meeting.

Mr. Diana reported on the Facilities Committee and working to provide better direction and District Clerk office is running smoothly.

Mr. Klosky provided the ARCC and Violation report for the last month.

### ARCC Meeting - 9/20/2016

|                             |    |
|-----------------------------|----|
| Total ARCC Permits Reviewed | 15 |
| Total ARCC Permits Approved | 14 |
| Completed ARCC Inspections  | 15 |

### Violations Committee Hearing - 9/23/2016

|                    |    |
|--------------------|----|
| Cases in Violation | 18 |
| Cases Complied     | 9  |
| Total Cases        | 27 |



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## Incidental Trustee Remarks

Mr. Cavaliere shared a resident suggestion regarding acquiring a tornado siren. Ms. Wilma Weglein stated she will check into it.

Ms. Weglein gave a report on HOA. The Homeowner Orientation was very successful, about 40 homeowners attended. The HOA Board Meeting occurs on October 4<sup>th</sup> at 7PM in Building D. At the November 11<sup>th</sup> HOA meeting the speaker will be the Brevard County director of Natural Resources on the lagoon. HOA will host the National Candidate Forum on October 16 from 2-5PM in Building A. A Country Western Dance will be held in Building A from 7-10PM on October 22<sup>nd</sup>. Bar opens at 6PM.

Ms. Wright referred to a recent letter from a resident regarding the timeline for the stormwater project. General Counsel Repperger stated that he was aware of it and is working closely with Mr. Coffey regarding finalizing the contract. Mr. Diana commented on a drainage project on his street through the County, that has been extended to three months from the initial three weeks proposed. He stated that though it can be frustrating sometimes these projects do take time.

## Audience Participation

Mr. Harold Wortman commented on a dialogue from the Board of Trustee Workshop last Tuesday regarding his suggestion that the District budget additional funds to buy and replace dilapidated houses in the Bay. He stated he suggested reserving \$100,000 for the venture by carefully monitoring spending, not raising the assessment fee as Mr. Cavaliere subsequently suggested. Mr. Cavaliere responded that the budget is already accounted for and Mr. Wortman will have a difficult time finding an additional \$100,000.

Mr. Ernest Loening addressed the letter from Ms. Wright regarding his intent to malign her name. Ms. Connie Bennett questioned whether amenities in the Bay are making money. She suggested that there should be a break-even point. Mr. Cavaliere gave his definition of amenity in the Bay and explained the concepts from the Food and Beverage Principles of Operations Report which can be found on line or the hard copy in Building F.

Ms. Nancy Eisele spoke regarding the roads on Periwinkle and Silverthorne being under construction for some time now. She asked that someone please look into this.

## Adjournment

The next meeting will be on October 14, 2016 at 1PM in Building D/E.

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

Meeting adjourned 4:03PM.

Steve Diana, Secretary

Dawn Myers, District Clerk