



BAREFOOT BAY RECREATION DISTRICT

**Board of Trustees Regular Meeting
Tuesday, August 23, 2016
7 P.M. –Building D&E**

Called to Order

The Barefoot Bay Recreation District held a Regular Meeting on Tuesday, August 23, 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 remember all our service men and women, both past and present, who have or are currently helping to protect this great country of ours. We would also like to remember all our residents of Barefoot Bay both past and present. In addition, we would like to remember all the US athletes who participated in the 2016 Summer Olympics. Congratulations for their accumulated win of 121 medals, 41 Gold, 37 Silver and 78 Bronze. And we would like to thank all the nations who participated as well.

Pledge of Allegiance

Ms. Wright led the Pledge of Allegiance to the Flag.

Roll Call

Present: Mr. Klosky, Ms. Wright Mr. Diana, Mr. Lavier and Mr. Cavaliere. 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. Second by Mr. Diana. Motion carried unanimously.

Treasurer's Report

Mr. Cavaliere presented the Treasurer's Report for August 23, 2016.

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

Audience Participation (Agenda items only)

Ms. Joy Liddy asked for justification on the increase in her lease and for the items that now fall onto her responsibility for repair. She voiced her dissatisfaction with issues at the shopping center that have not been resolved and questioned the District's proposal to increase her rent almost 30%.



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Old Business

Security Advisory Committee Recommendation

Mr. Cavaliere asked for clarification regarding the proposal from Mr. Jack Dunham. He inquired whether it is being recommended by the Security Committee. Mr. Klosky clarified that the Security Committee previously voted against the concept of private security. The Board has already approved and budgeted for a community watch program in FY17 out of the Resident Relations department. Mr. Diana stated that he did review the detailed proposal. He acknowledged the benefits of certain aspects, However, he is not in favor of the District supporting four armed security officers, as this poses the potential for negative consequences in the case of mistaken identity, etc.

Mr. Cavaliere made a motion not to accept the proposal. Second by Mr. Diana. Motion carried unanimously.

Property Owner Survey Proposal

Ms. Wright recommended the Board develop a survey committee that could possibly include a member of staff, committee chair, the Board, and HOA to review the previous surveys already distributed throughout the community. She also requested a review of the Operational Analysis from 2005. Additionally Ms. Wright suggested gathering the information acquired from this committee and taking it to a town hall style meeting so the homeowners can have an opportunity to communicate and prioritize their ideas as a group. Mr. Coffey reminded the Board that an advisory committee to the Board may not include a staff member or a trustee as voting members per BBRD policy. Board discussed options for establishing a committee within the policy guidelines. Mr. Klosky stated that he is in favor of the committee chairs getting together to come up with ideas for a survey. Mr. Lavier was in favor of gathering information from the residents in some way prior to developing a survey. He suggested a website based questionnaire for example, which residents could have access to from a public location as well as from the comfort of their homes. Mr. Cavaliere recommended we meet at a workshop and take those findings to the town hall style meeting where residents can provide input for the questions that would appear on the survey. Mr. Diana suggested informing the residents of the workshop and the meeting by advertising in the Tattler, email blasts, etc., so we maximize the potential for resident feedback. We can use the same method to inform and educate the residents as we develop the ideas acquired from the survey and what it will take to apply the changes.

Mr. Harold Wortman stated that the previous surveys and the operational analysis provide a good snapshot of what the residents want. He suggested we start there and agreed that we should take the findings to a town hall style meeting.

Mr. Randy Loveland stated that he had extensive background in surveys, he agreed with Mr. Wortman's ideas regarding the prior surveys as they have important information we can use. He recommended making the questions for the future survey pertinent not only for the present environment but for future needs as well.

Ms. Louise Crouse stated that the townhall style meeting is the best way to get an accurate idea of what changes the homeowners want. In addition to having the meeting, she recommended educating the residents regarding what is required to accomplish the changes.

Ms. Wright made a motion to schedule a townhall meeting. Second by Mr. Lavier. Motion carried unanimously.

Mr. Cavaliere made a motion to schedule a workshop first to outline the items that will be on the agenda for the townhall meeting. Second by Ms. Wright. Motion carried unanimously.



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New Business

Shopping Center Lease Renewal- Sunshine Rentals and Sales, LLC

Sunshine Rentals and Sales, LLC lease expires on September 30, 2016. At the direction of the Board, the attached lease has been increased to \$10.15 per square foot (adjusted for CPI per the CPI inflation calculator found on <http://data.bls.gov/cgi-bin/cpicalc.pl?cost1=10&year1=2015&year2=2016>). This is a 28% increase for this tenant in base rent. Alternatively, the Board has the option to consider phasing in the \$10.00 rate so it is reached at the end of the 5 year term of the lease by raising that rate 7.5% per year.

Mr. Cavaliere stated that he would like to see all the leases be triple net. The landlord traditionally is not responsible for the success of the business or inside the building but just the outside and surrounding area of the storefront. He stated that \$10 per foot is not unreasonable.

Ms. Liddy proposed the Board approve a 5% increase per year or she will be forced to look for resources elsewhere. She stated she has been in the store for 20 years and lived up to her lease 100%. Additionally, she commented on the outside of the store, stating that this area has not been maintained. Ms. Liddy maintained that this increase will put her out of business as she is being forced to be in competition with stores on US-1. She is not as visible as stores on US-1 and reminded the Board that she has been an asset to the community for 25 years.

Mr. Lavier assured Ms. Liddy that this is in no disrespect to her, but agreed that the District has had to increase leases in the shopping center in general and cannot make an exception for her. We addressed this issue with the 2002 Restaurant not long ago and in the spirit of fair business practices, cannot increase the rent for one business and not the other. Mr. Diana was in favor of staggering the increase so it is easier to accommodate over three years rather than five suggested by Mr. Coffey. Ms. Wright stated that she is in agreement with Mr. Lavier and her colleagues as it would not be fair for the other lease holders if we do not increase this lease in line with the others.

Mr. Cavaliere made a motion to execute the lease no lower than the lowest lease in the shopping center to meet \$10 a foot within one year. Second by Ms. Wright. Mr. Klosky opposed. Motion carried 4-1.

Shopping Center Lease Renewal- Brevard County Water and Sewer

Brevard County's current lease for Water and Sewer department expires on September 30, 2016. At the direction of the Board, the lease has been increased to \$10.15 per square foot (adjusted for the CPI inflation calculator found on <http://data.bls.gov/cgi-bin/cpicalc.pl?cost1=10&year1=2015&year2=2016>

Mr. Lavier made a motion to approve the said lease for Brevard Water and Sewer. Second by Mr. Cavaliere. Motion carried unanimously.

Manager's Report

Mr. Coffey reported on the recent Beach Planning Townhall Meeting where 48 homeowners and residents attended to voice their opinions on priorities for the BBRD beach grant programs. The following items were the top priority of those in attendance:

Active Recreation Projects

Large Pavilion

Nature Trail

Educational Signage



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Support Projects

Electronic Access Gate

Restrooms

Non-paved parking

Maintaining a natural look

TLC will prepare a conceptual site design, rough magnitude of costs of each element and report of any regulatory issues that will be reviewed by the Facilities Planning Advisory Committee prior to the information being placed on a Board agenda for review and adoption.

Attorney's Report

General Counsel Repperger stated that we are close to scheduling a date for the Guinther vs BBRD case. He is working out final affidavit issues with Mr. Coffey. He expects to file by the end of the week and will confirm the date as soon as it is filed. He discussed the topic of Board term limits as he recently met with Representative Tobia. He has a good idea of what it will take and asked for Board approval to move forward. Board consensus to move forward with the previously agreed concept of three terms of two years. General Counsel updated the Board on the referendum language for the restrooms as this was received and approved by the County by within the deadline. He gave an update on the 852 Waterway case stating that that he was in contact with the owner and the owner's attorney. The owner did stop the eviction process as the tenant agreed to move out but currently he is still on premises. Mr. Diana voiced dissatisfaction with the current status as the tenant has delayed resolution of this issue from the beginning and continues to do so. He recommended General Counsel pursue our legal options to resolve the case and remove the tenant. Board consensus to have General Counsel move forward with the legal process concerning 852 Waterway.

Trustee Liaison Report

Mr. Klosky gave the ARCC and Violations report. Violations Committee met on Friday, August 12th. Forty Four cases were on the agenda and twenty-eight cases were found in violation. Sixteen cases came into compliance prior to the meeting. The next meeting will take place on September 9th at 10AM in Building D/E. The ARCC met today August 23, 2016 to review ten permits and ten were approved. The next ARCC meeting is on Tuesday, September 6th 9AM in the Lounge.

Mr. Lavier reported that the Property Services latest updates include replacement lights over the pool tables in the billiards room, pressure washing 15 shuffle board courts, completed the trim in the pro shop and current ongoing improvements on the golf course. The Golf report includes replacement stairs at #1 tee box, a drainage ditch being installed between the hole #3 teebox and the fairway, sand trap restoration to be completed by the end of September and #12 teebox to open by September 12th.

Ms. Wright reported on Food and Beverage. The 2nd Annual Chili Cook Off will take place this Saturday, August 27th. Fifteen people have signed up compared to 5 last year so it should be a great competition. Blue Fusion will provide musical entertainment. Trustees will be participate in a dunk tank so lots of fun will be had. Tickets are currently on sale for an Evening with Motown featuring the Sisters of Soul on Saturday, September 24th in Building A from 6-10PM.

Mr. Diana gave the District Clerk Office and Facilities Planning report. The Facilities Planning Committee will begin discussing the 5 Year Plan at the next meeting. BBRD buildings will be much of the focus at the next meeting.



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Ms. Wilma Weglein thanked the District and staff for helping set up the A/V recording for the Candidate Forum and voiced her appreciation for staff assistance getting the DVD to the Space Coast Government TV station. She has copies that she can loan to any interested parties. The forum went well. Twenty candidates participated and the forum ran for two hours. She thanked Ms. Wright for attending and asked the whereabouts of trustees that did not attend (that were in town). The first Tuesday in September HOA will resume its first Board meeting of the season. The first meeting speaker is a deputy that works closely with Crimewatch. We will be discussing ways to secure and protect your home.

Trustee's Incidental Remarks

Mr. Klosky thanked Mr. Coffey and everyone else who shared in the birthday festivities prior to the start of the meeting.

Mr. Diana thanked the HOA for holding the Candidate Forum for the second year in a row.

Ms. Wright thanked the HOA and the Property Services Manager, Matt Goetz for his help in setting up and running the candidate forum. She addressed her colleagues thanking them for heeding staff advice as was evident in the meeting here tonight.

Audience Participation

Mr. Harold Wortman commented on the status of the litigation between the District and Tom Guinther. He indicated that General Counsel could have provided an opinion from the Attorney General's Office at no charge, yet General Counsel pursued a costly lawsuit

Adjournment

The next meeting is scheduled on Friday, September 9, 2016 at 1PM in Building D/E.

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

Meeting adjourned at 8:37 p.m.

Steve Diana, Secretary

Dawn Myers, District Clerk