



BAREFOOT BAY RECREATION DISTRICT

**Board of Trustees Regular Meeting
December 7, 2018
1 P.M. – Building D&E**

Meeting Called to Order

The Barefoot Bay Recreation District held a Regular Meeting on December 7, 2018 in Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Lavier called the meeting to order at 1:00 P.M.

Thought for the Day

Mr. Lavier 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 asked the residents to remember former Trustee and long-time Barefoot Bay resident Mr. Richard Bleau who passed away this week.

Pledge of Allegiance to the Flag

Led by Mr. Wheaton.

Roll Call

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

Presentations

Home Owner's Association Proclamation

Chairman Lavier presented a Proclamation to Mr. Roger Compton, President of the HOA and the representatives of the HOA, thanking them for all the work they have done for the residents in Barefoot Bay over the years and the recent accomplishments in the past two years. He acknowledged the organization's announcement that they will transition from their old title of HOA to a new name. Beginning in January 2019 the HOA will officially be known as the Civic Volunteer Organization (CVO).

Minutes

Mr. Cavaliere made a motion to approve the minutes from November 9, 2018 and the Townhall Meeting on November 27, 2018 as written. Second by Mr. Klosky. Motion carried unanimously.

Treasurer's Report

Mr. Cavaliere read the Treasurer's Report for December 7, 2018.

Mr. Diana made a motion to approve the Treasurer's Report as written. Second by Mr. Wheaton. Motion carried unanimously.

Audience comment On Agenda Items

Ms. Fran Solecki presented a signed petition from 100 residents requesting the Lounge happy hour return to the to 2-6pm time frame.



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Old Business

Pool Temperatures

Audience Participation

Ms. Linda Hengst spoke on behalf of the regular patrons of Pool 2 regarding raising the Pool temperature. She asked the Board to reconsider keeping the temperature between 80-82 and raise it to 84 degrees. She suggested pool covers for the pools to help keep the temperature stabilized. Ms. Hengst stated that the lower temperature is uncomfortable for most pool users that appreciate the warmer temperature in the pools for therapeutic reasons. Mr. Richard LePage commented on the temperature of the pools. He asked Mr. Coffey to clarify the difference in the pool heaters BTU (British Thermal Unit) energy measurement.

Board Discussion

Mr. Klosky stated that he requested this topic for the agenda due to requests from the residents. Mr. Coffey discussed the reoccurring topic of pool temperature on the agenda. He stated that the Property Services department has had to contend with the heaters breaking down every winter. The Board approved a larger heater but the recommendation from the vendor states that the temperature should be maintained between 80-82. He addressed the prior comment about pool covers stating that they would be a good resource to help keep the pool temperatures warm. The Board discussed the previous motion to keep the temperatures at the manufacturer's recommendation. Mr. Cavaliere stated that the prior discussion clearly stated that the Board would like staff to keep the temperatures at the manufacturer's recommendation. Mr. Coffey suggested a compromise with the purchase of pool covers. Board consensus to keep the pool temperatures as they are and allow the new Board of Trustees to research the possibility of acquiring new pool covers.

Neighborhood Revitalization Program (NRP) Realtor Selection

The Board discussed General Counsel Repperger's recommendation for the sale of as-is properties via the NRP. He based his opinion on current State and County policies, suggesting that the NRP adopt a policy for putting the properties up for public auction as an alternative to selecting a real estate for all land acquisitions as recommended by the NRP Committee. General Counsel maintained that this process would give a wider portion of the public access to purchase the properties and provides the potential for a higher selling price. Staff recommended the Board refrain from selecting a realtor and instruct staff to auction individual properties via the currently used website (www.govdeals.net).

Mr. Klosky made a motion to direct staff to auction individual properties via an online auction site. Second by Mr. Diana. Motion carried unanimously.

New Business

DOR Violations

Case # 17-004203 - 909 Spruce Street ARTICLE II, SECT. 3 (A) (2) ADIR (garage or carport roof)

Staff requested the Board defer to next meeting.

Board consensus to defer Case # 17-004203 to the next meeting.

Case # 17-004363 - 614 Royal Tern Drive ARTICLE II, SECT. 3 (A) (2) ADIR (garage or carport roof)

Mr. Cavaliere made a motion to refer Case # 17-004363 to the attorney for legal action, equitable or other appropriate action with failure to comply. Second by Mr. Wheaton. Motion carried unanimously.

Case # 17-006158 - 947 Jacaranda Drive ARTICLE III, SECT.10 and SECT. 2(D) Condition of Skirting

Mr. Cavaliere made a motion to refer Case # 17-006158 to the attorney for legal action, equitable or other appropriate action with failure to comply. Second by Mr. Wheaton. Motion carried unanimously.



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Case # 18-000148 - 901 Waterway Drive ARTICLE III, SECT.11 and SECT 2(D) Exterior Maintenance

Mr. Cavaliere made a motion to refer Case # 18-000148 to the attorney for legal action, equitable or other appropriate action with failure to comply. Second by Mr. Diana. Motion carried unanimously.

Case # 18-002658 - 901 Waterway Drive ARTICLE III, SECT. 3 (A) (B) (C) (D) (E) Vehicle Violations (Boats/Trailer/RV/Comm. Vehicles, Etc.) - Came into compliance by meeting date.

Case # 18-002962 - 414 Barefoot Blvd ARTICLE III, SECT. (13) TEMPORARY PORTABLE OR FREE-STANDING STRUCTURES

Mr. Cavaliere made a motion to refer Case # 18-002962 to the attorney for legal action, equitable or other appropriate action with failure to comply. Second by Mr. Diana. Motion carried unanimously.

Case # 18-003438 - 942 Jacaranda Drive ARTICLE III, SECT.11 and SECT 2(D) Exterior Maintenance

Mr. Cavaliere made a motion to refer Case # 18-003438 to the attorney for legal action, equitable or other appropriate action with failure to comply. Second by Mr. Diana. Motion carried unanimously.

Case # 18-004699 - 414 Barefoot Blvd ARTICLE II, SECT. 2 ARCC No Permit

Mr. Cavaliere made a motion to refer Case # 18-004699 to the attorney for legal action, equitable or other appropriate action with failure to comply. Second by Mr. Diana. Motion carried unanimously.

Case # 18-004700 - 414 Barefoot Blvd ARTICLE II, SECT. 3 (A) (9) ADIR Landscaping & Privacy Materials

Mr. Cavaliere made a motion to refer Case # 18-004700 to the attorney for legal action, equitable or other appropriate action with failure to comply. Second by Mr. Diana. Motion carried unanimously.

Case # 18-003201 - 909 Hemlock Street ARTICLE II, SECT. 3 (A) (2) ADIR (garage or carport roof)

Mr. Cavaliere made a motion to refer Case # 18-003201 to the attorney for legal action, equitable or other appropriate action with failure to comply. Second by Mr. Wheaton. Motion carried unanimously.

Case # 18-001009 - 922 Fir Street ARTICLE III, SECT. 2 (C) (D) Condition of Prop. (C) Unauthorized items

Mr. Cavaliere made a motion to refer Case # 18-001009 to the attorney for legal action, equitable or other appropriate action with failure to comply. Second by Mr. Wheaton. Motion carried unanimously.

Florida Mobile Mammography

Ms. Kerri Lawrence of Florida Mobile Mammography (FMM) addressed the Board about the mobile mammogram program she represents. Ms. Lawrence explained that FMM travels to communities and wherever they are needed to offer mammograms to individuals that may have transportation issues. She explained that they do bill the insurance companies but they do not have a fee to come out to the community. Ms. Lawrence stated that the goal is to provide an easy and more accessible means to get this very important screening done for those that cannot make it to an office. Mr. Cavaliere discussed the consequences of allowing a business to come in to the community as it may promote additional businesses to follow suit. Mr. Diana stated that as a supporter of breast cancer awareness, he supports the mobile mammogram service for Barefoot Bay. Mr. Wheaton clarified that since they are not trying to rent a facility to provide the service, but only asking to use the parking lot as a facility, he doesn't see it as a problem. Mr. Klosky agreed. Mr. Diana made a motion to allow Florida Mobile Mammography to enter the community on an 8-week rotation seconded by Mr. Wheaton. General Counsel Repperger suggested drafting an agreement stating clear parameters between the mammogram organization and the District. Mr. Diana amended his motion.

Mr. Diana made a motion to allow staff to draft an agreement between Florida Mobile Mammography and Barefoot Bay Recreation District, stating clear parameters regarding permitting the company to enter the community on an 8-week rotation. Second by Mr. Wheaton. Mr. Cavaliere opposed. Mr. Lavier abstained. Motion passed 3-1.



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Donation Request: BFBHOA

Audience Participation

Ms. Kathryn Lesh voiced strong opposition to the use of the Home Owners Association (HOA) class action suit funds for a purchase without going to the residents for input.

Mr. Roger Compton, President of the HOA, spoke on behalf of the HOA and the donation of a pavilion for the patio area south of Building A. He stated that the HOA donation was carefully considered before purchase and will benefit all the residents. He added that the HOA will pay for the purchase and the installation.

Mr. Cavaliere made a motion to accept the donation request from the BFBHOA. Second by Mr. Diana. Motion carried unanimously.

Lochmandy Letter Matter

Mr. Cavaliere requested legal clarification and commentary from General Counsel Repperger regarding the letter sent to all the Trustees by Mr. J.R. Lochmandy regarding critical statements made about him and his daughter at the November 9, 2018 BOT meeting by Mr. Wheaton. He stated he was concerned about the legal ramifications of the statements made regarding a family dispute and if the District is liable for malfeasance based on Mr.

Wheaton's status as Trustee on the Board. General Counsel Repperger stated that upon his review of the issue he does not see this incident reaching the level of malfeasance. He did advise the Board that they have the power to govern themselves by deliberating on the incident on their own according to the Charter. Mr. Wheaton explained the reasoning behind his statement was because his many years working with women and children in jeopardy taught him to be forthright about the inherent dangers to families at risk. In conjunction with the public malicious tone of the elections at the time, he stated that he felt the statement had to be said.

Mr. Cavaliere made a motion that the Board officially declare that they do not approve of the statements made by Mr. Wheaton at the November 9, 2018 meeting regarding Mr. J.R. Lochmandy. Second by Mr. Diana. Mr. Wheaton declared his abstinence based on admission that Mr. Cavaliere discussed the topic with him prior to the meeting which is a violation of the Sunshine Law. Motion passed 4-0.

Trustee-elect Randy Loveland stated that he is disappointed that this item is on the agenda. He maintained that the business of the Board is to discuss the needs of the community not spend time going over personal agendas. He stated that he hoped these sorts of issues will not continue into discussion on the new Board agenda and as a new Trustee he will discourage such topics from being put on the agenda going forward.

Mr. Lochmandy stated that the statements written about Mr. Wheaton in his newspaper were factual but his statements at the November meeting about him and his daughter were false. He addressed Mr. Wheaton directly, stating that as a trustee he should always lead as an example by presenting a respectable public image.

FY19 Employee Pay and Classification Plan

Mr. Coffey presented the FY19 employee pay and classification plan, as budgeted, updated for compliance with the 2019 Florida minimum wages of \$5.44 for tipped employees and \$8.46 for non-tipped employees.

In order to address the deficiency in the BBRD Pay and Classification Plan, the Community Manager recommends the BOT approve the accompanying resolution and adopt the FY19 Employee Pay and Classification Plan effective December 24, 2018 with a maximum of a 4.0% combined COLA and merit increase. He stated that a decision point will be brought to the Board at a future date once an informal pay grade study with comparative positions is completed.



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Mr. Klosky made a motion to approve the accompanying resolution and adopt the FY19 Employee Pay and Classification Plan effective December 24, 2018 with a maximum of a 4.0% combined COLA and merit increase. Second by Mr. Diana. Motion passed unanimously.

Ratification of Chairman Lavier's Signatures for New Administration Building Utility (Water Line) Conveyance

Mr. Coffey explained that a new eight-inch water line was required to be run from Brevard County's water line (running on the north side of Barefoot Boulevard within the right-of-way) for the New Administration Building to service the required fire hydrant and potable water to the building. Before Brevard County will allow the contract to backfill the construction pit, a conveyance of the line and granting of an easement (through BBRD property to the site of the hydrant is required). To expedite the closure of the construction pit, the Community Manager requested Chairman Lavier sign the required forms before the meeting and then seek ratification for his actions from the BOT.

Mr. Diana made a motion to ratify Chairman Lavier's signature on the attached utility conveyance forms. Second by Mr. Klosky. Motion passed unanimously.

Manager's Report

Office of the District Clerk

- **Web-based Agenda System Update** – The system is currently being customized to BBRD standards. Staff is scheduled to have an initial introduction from the vendor representative on the new process next week.
- **New ADA Compliant Website Update** – Staff is currently seeking bids from website design providers. Two bids have been received and vetted.
- **IRMA FEMA Reimbursement Update** – For over a year the District Clerk has worked on getting the reimbursement for the cost of damages from Hurricane Irma reviewed and approved by FEMA. After several revisions and requests for additional information, BBRD recently received confirmation eligibility for \$12,374.18 in federal funds. These are federal funds from BBRD's insurance company. The Federally Funded Sub-award and Grant Agreement was executed and mailed back to FEMA this week. Staff should receive the funds within the next few weeks.

Finance

- **FY19 Assessment Collection Update** – \$1,192,718.76 (gross) or 32.1% of the FY19 Budget has been received as of November 28th. Please see attached for details.

Resident Relations

ARCC Update:

- November 27th – 22 permits were on the agenda (1 old, 11 consent and 10 non-consent) with all being approved except one non-consent being denied.
- December 11th – 34 are on the agenda (13 consent, 19 non-consent and 1 old).

Violations Committee Update:

- December 7th – 26 cases are on the agenda.

Interesting Fact

- In November, 61 new homeowners received their badges representing 49 home sales.



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Food and Beverage

- The Lounge and 19th Hole will close at 6pm on Christmas Eve and are closed Christmas.
- **A Motown Christmas with Ladies of Soul** is scheduled for Saturday, December 22nd in the Lounge from 6-10pm. No tickets are needed, and food will be available.



- **Barefoot by the Lake update** – Tickets are still available for the Beach Boys/Eagles tribute band concert on the Barefoot Bay festival grounds on February 15, 2019. Field seat tickets may be purchased in the BFBHOA office for \$10. Tickets are SOLD OUT for seats behind the Lounge. There will be open free seating available, however, if you want a guaranteed seat, Barefoot Bay residents can purchase tickets now. Our friends from the North, West and South who are not here yet, can call the BFBHOA office to reserve their tickets.
- **New Year's Eve Update** – Tickets for New Year's Eve seats for the Lounge and 19th Hole parties are still available at the Lounge and the 19th Hole.
- **F&B Special Event: The Beatle Guys** – The tribute band show on January 26th in Building A from 7-10pm is SOLD OUT! A second show is scheduled for Saturday, February 2nd, same time and location. Tickets may be purchased by calling 772.664.4801. As always, flyers with all the details are posted.

Golf-Pro Shop

Projects Update

- Picnic Area: 4 picnic tables with umbrellas added, concrete base and screenings will be done by Property Services
- No. 5 drainage is substantially completed (restoration expected to be completed by Jan 2020)
- Expanded cart parking area (Estimated completion mid-December)
- Irrigation jockey pump motor failing (troubleshooting being conducted)

Christmas Day Hours

- Course is closed

Ernie says "there are only **17** more shopping days till Christmas. Do not battle the crowds at the mall or worry about giving your credit card number to a faceless website, you're your authorized BBRD logoed merchandise at the Pro Shop."



Property Services

- Replaced old burned out lighting at the shuffle board courts with LED fixtures



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- Re-adjusted lighting for the pickleball courts
- Installed new irrigation piping for the New Administration Building. Phase two and the installation of the landscaping will be completed within the next 60 days.
- Installed Christmas decorations
- Trimmed large trees along the Barefoot Blvd. and common grounds
- Replaced broken lock at the beach
- Replaced broken gate at pool #3
- Repaired broken pipe behind the tennis courts
- Poured concrete pads for the new picnic area at the 19th hole
- Installed crushed concrete and tables for the new picnic area at the 19th hole
- Replaced Flag lights on US 1 with LED fixtures
- Updated assessment of Building C in anticipation of release of RFP in January

General Information

December 18th Buildings and Amenities Early Closure – To allow all employees to attend the annual employee Christmas party, all buildings and amenities will close at 5pm on Tuesday the 18th.

Lounge Conceptual Design Follow-up Workshop – The second workshop was held on November 21st with direction being given to staff to post the conceptual floorplans and renderings at the Lounge and develop a feedback form for use by the residents. However, the signed proposal from TLC only covered two workshops with a final product being due after comments received from the second workshop. The BOT needs to decide if they want to seek an amendment to the proposal for a third workshop to provide feedback to the design team (based on the feedback cards) or close out the project as it currently stands. Consensus of the Board to schedule a third Lounge Conceptual Workshop.

Special Message from the North Pole

Mr. Coffey stated that two people in Barefoot Bay were in jeopardy of being on the naughty list this year based on their actions, but he was happy to say that he received word that he and Mr. Cruz were officially on the good list along with everyone else in the Bay! Merry Christmas to all.

Attorney's Report

General Counsel Repperger requested an official motion to start the eviction proceeding against the Blissful Things Florist Shop in the Shopping Center due to the state of their arrears.

Mr. Cavaliere made a motion to move forward with the eviction process for Blissful things. Second by Mr. Klosky. Motion passed unanimously.

General Counsel gave updates on several DOR cases that have been sent to his office.

Trustee Incidental Report

Mr. Lavier commented on the attacks on Trustees while sitting on the Board stating that it does not feel good regardless of how it is directed. He wished the new Trustees luck on the Board and hoped they would not have the same experience. On behalf of the Board of Trustees he wished everyone a Merry Christmas and Happy Holidays.

Mr. Diana urged the residents that have not taken advantage of the joint Red Cross Program/COV smoke alarm installation program to please do so as soon as possible. He reminded the residents to take part in the free program as there is a limited time frame to get out safely once a fire has started. He thanked Ms. Kathy Lesh for her professionalism in installing the smoke alarm in his own home.



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Mr. Wheaton reiterated that he may have used the wrong forum but defended his statement at the November 9th BOT meeting due to his conviction about speaking out against the dangers of abuse to women and children.

Mr. Klosky thanked everyone for attending the Christmas Parade this past Sunday stating that it was a huge success. Next year he plans on having a marching band and bagpipes to join in the fun. Mr. Klosky wished everyone a Merry Christmas and a Happy New Year.

Mr. Cavaliere stated that it was a pleasure serving on the Board for the past 4 years. His goal was a focus on repairing the infrastructure and he is confident that he has succeeded. Mr. Cavaliere discussed the past Trustees and the challenges they faced in managing a newly acquired community. He maintained that all past Trustees have done their best to contribute to the betterment of the Bay. Mr. Cavaliere encouraged the residents to trust that the Trustees are on the Board to improve the community even if they hold a different opinion from them.

Adjournment

Mr. Cavaliere made a motion to adjourn.

The next meeting will be on Friday, January 11, 2019 at 1PM in Building D/E.

Meeting adjourned 3:07PM.

Joseph Klosky, Secretary

Dawn Myers, District Clerk