



BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Regular Meeting
January 11, 2019
1 P.M. – Building D&E

Meeting Called to Order

The Barefoot Bay Recreation District held a Regular Meeting on January 11, 2019 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.

Pledge of Allegiance to the Flag

Led by Mr. Klosky.

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.

Minutes

Mr. Diana made a motion to approve the minutes from December 7, 2018 as written. Second by Mr. Wheaton. Motion carried unanimously.

Treasurer's Report

Mr. Cavaliere thanked Mr. Coffey and management staff for the opportunity to work with them and commended everyone for doing a phenomenal job. He is particularly grateful to learn how government works, how special districts work and learning how to not be swayed in the public stage but to stick to his convictions and do the right thing.

Mr. Cavaliere read the Treasurer's Report for January 11, 2019.

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

Presentation

Mr. Diana presented service recognition plaques to both Mr. Cavaliere and Mr. Lavier for their tireless work on the Board for the last four years.

Oath of Office

General Counsel Repperger introduced past share holder and partner at GrayRobinson, PA and current Brevard County Civil Court Judge Michelle Naberhaus. Judge Naberhaus thanked the Board and residents for the opportunity to be here and shared her admiration for the beautiful Barefoot Bay community.

Judge Naberhaus administered the Oath of Office to Ms. Luann Henderson, Mr. Randy Loveland and Mr. Joe Klosky.



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Statement by exiting Chairman Lavier

Mr. Lavier thanked the residents for the support and opportunity to serve them in the last four years. He stated that everything he stood for was for the community and nothing more. He thanked Mr. Coffey for his help and guidance and stated that he is grateful for working with management staff.

Reorganization of the Board

Mr. Diana asked for nominations for Chairman. Mr. Wheaton nominated Joe Klosky for Chairman.

Mr. Loveland requested feedback from Mr. Klosky regarding his position on attaining the Certified District Officer distinction from FASD (Florida Association of Special Districts) and his opinion on opening meetings to a more informal Townhall style meeting.

Mr. Klosky stated that he will work with Mr. Coffey to move forward with that. He was also ready to review the 5-year plan and move forward with getting projects completed.

Mr. Loveland asked Ms. Henderson if she was nominated would she accept the position. Further, how would she educate the Board.

Ms. Henderson stated that she would accept the nomination and stated that she believes bringing back the committees would benefit the Board, as there are a lot of residents that have lifelong experience that could assist the Board in their decision making. No more nominations were received.

The Trustees selected Mr. Klosky for Chairman.

Mr. Loveland nominated Ms. Henderson for 1st Vice Chair. Mr. Klosky nominated Mr. Wheaton for 1st Vice Chair. Mr. Diana nominated himself for 1st Vice Chair. The trustees voted twice by secret ballot for 1st Vice Chair due to a tie. Ms. Henderson changed her nomination to Mr. Wheaton.

The Trustees selected Mr. Wheaton for 1st Vice Chair.

Mr. Wheaton nominated Luann Henderson for 2nd Vice Chair.

The Trustees selected Ms. Henderson for 2nd Vice Chair.

Mr. Wheaton nominated Mr. Diana for Secretary.

The Trustees selected Mr. Diana for Secretary.

Mr. Diana nominated Mr. Loveland for Treasurer.

Mr. Loveland was selected as Treasurer.

Mr. Wheaton explained that the 2nd Chair is one of the most important positions on the Board as they are supposed to oversee the Treasurer and finances.

Audience comment On Agenda Items

Mr. Rich Schwatlow discussed his ideas for raising the assessments up \$10 so we can complete all projects without having to go to a Bond or loan. He addressed the Board and General Counsel regarding the possibility of new restrooms in the tennis courts location and the possibility of a lawsuit in pursuing this project.

Ms. Nancy Eisele inquired about who is representing the homeowners of this community now that the HOA has reformed as the CVO.

Ms. Jeanne Osborne welcomed the new Trustees and thanked them for taking on the position. She stated that she hoped they would work well together for the betterment of the Bay.



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New Business

DOR Violations

Case #17-004203 916 Spruce Street

ARTICLE II, SECT. 3 (A) (2) ADIR (garage or carport roof)

Mr. Diana made a motion to refer to attorney legal or equitable action with failure to comply and lien the property. Second by Mr. Wheaton. Motion carried unanimously.

Case# 18-003201 909 Hemlock Street

ARTICLE II, SECT. 3 (A) (2) ADIR (garage or carport roof)

Ms. Henderson made a motion to refer to attorney legal or equitable action with failure to comply. Second by Mr. Diana. Motion carried unanimously.

Neighborhood Revitalization Program Appointment

Per the Rules of the NRP, Staff recommends the BOT appoint three Trustees to serve on the NRP for calendar year 2019. Mr. Loveland, Ms. Henderson and Mr. Wheaton volunteered for the NRP Sub-Committee.

Neighborhood Revitalization Program Purchase Confirmation

In August of 2018, BBRD entered into a Land Home Purchase Agreement with 21st Mortgage Corporation for the acquisition of 831 Thrush Circle as authorized by the Neighborhood Revitalization Program BOT Sub-Committee. The subject transaction closed on or about January 4, 2019. The rules of the Neighborhood Revitalization Program (NRP) state that the Chairman of the NRP BOT Sub-Committee shall be authorized to approve (as recommended by the Community Manager or designee) the expenditures of NRP funds in excess of \$7,500 and not to exceed \$25,000. The purchase of the property shall be ratified by the Board of Trustees at the next scheduled regular meeting of the Board of Trustees.

Mr. Diana made a motion to confirm the acquisition of 831 Thrush Circle. Second by Mr. Wheaton. Motion carried unanimously.

Discussion Regarding Application of Article IV, Section 13, BBRD Charter to Lounge Renovation

Based on discussion at the November 27, 2018 Townhall Meeting, the Board posed a question to General Counsel Repperger regarding the Charter cap as it applies to the Lounge renovation. General Counsel provided a historical analysis of the court determination on the Mulhearn and Guinther vs. BBRD cases. Board discussed the consequence of pursuing the Lounge rebuild with the aid of a referendum and without. General Counsel espoused that the two previous cases regarding the Charter cap do not apply to the Lounge project as the other cases were based on different foundations. The irrigation system and the Old Administration Building were both in desperate need of repair or replacement. The Lounge is a want more so than a need and he cannot guarantee pursuing this project will not expose the District to litigation. Board discussion ensued regarding the benefits and the problems of pursuing the Lounge scrape and rebuild. The Board leaned toward putting the project on a referendum. Mr. Loveland stated that he would like to see the final results of the resident feedback forms for the Lounge regarding their preference for a scrape and rebuild or a renovation at a future workshop.



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Utility Cart Replacement

The FY19 R&M/Capital Budget contains \$9,400 for the replacement of one utility cart used by the Property Service Department personnel. Staff solicited one quote, using the state purchasing system: Deere & Company (Everglades Equipment Group) at \$8,475.67

Mr. Diana made a motion to award the contract for a John Deere TX model utility cart from Deere & Company via state contracting in the amount of \$8,475.67. Second by Mr. Wheaton. Motion carried unanimously.

Statewide Mutual Aid Agreement

On December 12, 2008, the Board of Trustees approved a Mutual Aid Agreement with the State of Florida via adoption of Resolution 2008-10. The State has updated the standard Mutual Aid Agreement to make it auto renewing and has asked all participating local governments to adopt the new version. Independent special districts must participate in the Statewide Mutual Aid Agreement to be eligible for funds under Administrative Rule 27P-19, Base Funding for County Emergency Management Agencies and Municipal Competitive Grant and Loan Programs. General Counsel Repperger read the Resolution:

A RESOLUTION OF THE BOARD OF TRUSTEES OF BAREFOOT BAY RECREATION DISTRICT, STATE OF FLORIDA, APPROVING THE REVISED FLORIDA STATEWIDE MUTUAL AID AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Wheaton made a motion to accept the resolution to approve the statewide mutual aid agreement. Second by Mr. Diana. Motion passed unanimously.

Building C Exterior Renovation Request for Proposal Announcement

The FY19 R&M/Capital Budget contains \$82,000 for the replacement and repair on Building C for the following; Roof replacement, Windows replacement, Doors replacement and Stucco repair/replacement. The Policy Manual requires a Request For Proposal (RFP) for any project anticipated to cost over \$50,000. The evaluation committee consists of three voting members (one Trustee, one employee from the user department and one non-employee resident as selected by the Community Manager) plus two non-voting members (Chairman of the BOT and the Community Manager). The BOT selected Mr. Wheaton as the one Trustee to serve as a voting member on the RFP Committee. Mr. Rick Bernsden, Mr. Matt Goetz and Mr. Wheaton will be the voting members and the non-voting members are Mr. Coffey and Mr. Klosky.

Manager's Report

Office of the District Clerk

- **IRMA FEMA Reimbursement Update** – The office of the District Clerk received two checks from FEMA for reimbursement relating to Hurricane IRMA damages totaling \$14,436.55. In addition to District Insurance staff has received reimbursements totaling \$59,231.65 to date.

Finance

- **FY19 Assessment Collection Update** – \$2,673,607.46 (gross) or 72% of the FY19 Budget has been received as of December 21st (see attached for details).

Resident Relations

ARCC Update



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- January 8, 2019 – 34 permits were on the agenda, 20 consent were approved, 10 non-consent were approved with one tabled until the next meeting and 3 old business with two approved and one tabled until the next meeting.
- Next meeting is January 22nd at 9am in the CVO Office.

Violations Committee

- January 11, 2019 – 28 cases were on the agenda
- Next meeting is January 25th at 10am in Building D/E.

Interesting Fact

- In December, 50 new homeowners received their badges with 36 home sales

Food and Beverage

- **Both Beatle Guys shows** (Jan. 26th and Feb. 2nd) are sold out.
 - **The 2nd Annual Barefoot by the Lake Festival** is Friday, February 15 and Saturday, February 16, 2019. Tickets are on sale for the Beach Boys/Eagles concert which kicks off the festival on Friday, February 15, 2019. There are some field seats left and may be purchased in the CVO office for \$10. There will also be open free seating available. A full day of music, art and food is planned all day on Saturday.
 - **Football Championship Game Party** – The ultimate football party will be on Feb. 3rd at the 19th Hole. Tickets for the buffet are \$12.00 and can only be purchased at the 19th Hole starting on Monday the 14th.
 - **60s and 70s Party** - Tickets will go on sale Monday, January 14 for party in Building A on March 9, 2019 for \$5 and may be purchased in the Lounge and the 19th Hole.
- Flyers with all the details are posted.

Golf-Pro Shop

Projects Update

- Picnic Area: 6 picnic tables with umbrellas added, concrete base and screenings complete (Open for business)
- No. 5 drainage ditch completed (New sod grow in will take about 4 weeks before we can start cutting same level as course grass)
- Cart parking area (Estimated completion Mar)
- Irrigation jockey pump motor replacement scheduled replacement on 7 Jan

Tournaments (Please call pro shop 664-3174 for details)

- Sandy Lobello Memorial Veterans Golf Tournament, Saturday January 19th
 - 8:00 am or 1:00 pm shotgun start
 - Sign up is on-going in the ProShop
 - Sky Dive show at 12:00 pm

Property Services

- Removed all BBRD Christmas decorations
- Continued to trim oak trees all over BBRD grounds
- Replaced old flag pole from Pool 3
- Replaced pump and damaged lines in the pump house by lawn bowling field for the fountain
- Replaced pump on the pier
- Cleaned up Property Services yard
- Installed 2 new basketball hoops and refurbished 2 others



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- Replaced lights at shuffle board
- Cleaned trash out of drainage canals
- Re-attach decorative swan in the lake
- Rototilled the softball field
- Began making repairs to the newly vacant unit at the Shopping Center
- Installed street number and "Administration" lettering on New Administration Building
- Completed initial design for conversion of unused shuffle board courts into a miniature golf course
- Researched cost of proposed projects to be included within the FY20-24 5yrFM&CIP

General Information

• **Lounge Conceptual Design 3rd Workshop Update**

Per the consensus of the BOT to hold a third workshop in Building D/E, the following dates and times are available:

- Tuesday, February 12th at 10am
- Tuesday, February 26th at 2pm

Due to the architect being on medical leave, an earlier date is not available and a proposed change order to the approved contract is expected within the next two weeks. Said proposed change order will be placed on the next available BOT agenda if it exceeds 10% of the existing contract. Board consensus to hold the workshop on Feb. 12th at 10am.

• **FY20-24 Five-Year Financial Model and Capital Improvement Plan (5yrFM&CIP)**

The 5yrFM&CIP and Supplemental Narrative document will be distributed to the BOT and placed on www.bbrd.org on Friday, January 18th. The BOT will review the proposed 5yrFM&CIP at a workshop on Thursday, January 31st in Building D/E at 7pm.

• **Workshop for Residents' long-term planning presentations**

At the October 12, 2018 BOT meeting, a consensus of the 2018 BOT was reached to hold a workshop in early 2019 to allow residents to present their five-year plans to the BOT. Staff requests direction on whether this workshop is still wanted and if so which date and time to use. Board consensus to hold a townhall meeting on Tuesday, February 26th at 2pm.

• **Pickleball Courts Grand Opening**

BBRD in conjunction with the Pickleball Club will hold a ribbon cutting ceremony on Friday, January 25th at 10am at the Pickleball courts. Light refreshments will be served.

Attorney's Report

General Counsel announced the upcoming Florida Sunshine Law Workshop that he will be presenting on January 22nd at 5PM before the BOT Meeting at 7PM in Building D/E. He cautioned Trustees about replying ALL in emails in an effort to avoid any potential Sunshine Law violations. He updated the Board on the Blissful Things space in the shopping center stating that it is now vacated. He is pursuing the case on the damage count and will keep the Board updated. He updated the Board on a number of cases. He is working with Rich Armington and the NRP to auction some homes in the near future. He requested feedback from the Board regarding the agreement with Mobile Mammography. They are requesting that we lower our requirement for a million dollar per occurrence on employer's liability insurance down to 500,000 as that is the limit of their insurance. Board consensus to lower the amount.



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Trustee Incidental Report

Mr. Loveland had no comment and stated he was happy to be here.

Ms. Henderson thanked exiting trustees Brian Lavier and Frank Cavaliere for their service and for the opportunity to be here.

Mr. Diana welcomed the new Trustees to the Board and welcomed Mr. Klosky back to the Board.

Mr. Wheaton welcomed everyone and stated he was looking forward to getting the projects completed in an expeditious manner.

Mr. Klosky welcomed everyone to the Board and stated that he is looking forward to getting the projects going and completed. He reminded everyone about the Sunshine Law Workshop on Jan 22nd at 5pm in Building D/E and encouraged the ARCC and Violations Committees to attend.

Adjournment

Mr. Wheaton made a motion to adjourn. Second by Ms. Henderson.

The next meeting will be on Tuesday, January 22, 2019 at 7PM in Building D/E.

Meeting adjourned 2:56PM.

Steve Diana, Secretary

Dawn Myers, District Clerk