



BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Regular Meeting
January 22, 2019
7 P.M. – Building D&E

Meeting Called to Order

The Barefoot Bay Recreation District held a Regular Meeting on January 22, 2018 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 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 District Clerk Myers.

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

None brought forward.

Minutes

Due to the 2-day turnaround between the meeting agenda publishing deadline, the minutes will be provided in the next BOT agenda package.

Treasurer's Report

Mr. Loveland read the Treasurer's Report for January 22, 2019.

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

Presentation

None brought forward

Audience comment On Agenda Items

Ms. Margaret Moylin remarked on upgrading the playground for the District children and resident guests. She also commented on the condition of the dart boards in the Lounge as they are not in good playing condition. She requested new dart boards if possible.

New Business

Re-establishment of Finance and Facilities Planning Committees

Ms. Henderson requested a renewal of all the committees but stated the most crucial committees needed are the Finance and Facilities Committees. She maintained that there is a wealth of information in the community as some of our residents have a rich management experience in construction, finance, etc. Mr. Diana explained that the



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committees were abolished as some members were out of order due to public statements that put the District in a position of liability. He stated that he is not in favor of reinstating the committees. Mr. Loveland stated that he is not in favor of committees that are not properly designed. He is in favor of the Finance and Facilities committees if the foundation for the committees are revisited and reevaluated. He reiterated that he is not in favor of reinstalling all the committees. Mr. Wheaton stated that he is aware of many residents in the Bay that have a wealth of knowledge in renovations, construction kitchens, etc. He maintained that there is great resource in the community and he is very much in favor of bringing the committees back in session.

Mr. Klosky stated that we just approved the procurement of the facilities assessment and capital forecasting system for \$37,688.75. He challenged the suggestion by maintaining the DudeSystems program is designed to do exactly what the committees would do by providing internal minor preventative maintenance tasks and enhancing staff's long-term budgeting abilities.

Ms. Lizzann Taylor stated that she is in favor of reinstating all the committees in the manner that they were established in the past. She maintained that the rules and guidelines that were upheld and having the Trustees act as a liaison to the committees, but not as voting members was ideal.

Mr. Rick Berndsen also voiced his approval of having committees reinstated, as the residents have a lifetime of information to offer. He maintained that staff does a great job running the community but the input from residents can be considered and worked through together.

Ms. Jeanne Osborne thanked Ms. Henderson for bringing up the topic of reinstating the committees. She cautioned about having too many committees as this did pose a problem in the past particularly with the time it took away from staff to attend.

Ms. Louise Crouse stated that she hoped the Board will not rule out reinstating Ad Hoc committees that could focus on a particular topic until their objective is reached. Discussion ensued.

Mr. Diana made a motion to table the topic until we can establish some rules and guidelines for the proposed reinstatement of committees. Second by Loveland. Mr. Wheaton and Ms. Henderson opposed. Motion passed 3-2. Board consensus to hold a workshop on Committee Purpose, Rules and Guidelines on February 11, 2019 at 7PM.

Civic Volunteer Organization (CVO) Lease Renewal

Staff reported to the Board about the 2-year lease with the CVO (formerly known as, HOA) scheduled for renewal at the end of February. Staff recommended a renewal for 5 years.

Mr. Roger Compton, President of the CVO, thanked the Board for their generosity in allowing the CVO to maintain an office in the shopping center rent free for the past two years. He acknowledged that some people in the community may not appreciate this generosity and may believe the CVO is limited to organizing social events. However, he clarified that his organization requires use of the office not only for the scheduling of the social aspect (which an office is not needed) but more importantly, for the work with the community's less fortunate, the shut-ins, the Senior Advocacy Program, the Helping Hands Program, Seniors at Lunch, and many others. Mr. Compton appealed to the Board to think carefully about their decision not to renew as this will mean a suspension or simply the end of these very necessary programs in Barefoot Bay. Mr. Randy Loveland reported on the statistics of the Helping Hands program stating that the Community has saved \$35,000 by having the Helping Hands Program remove homes off the DOR violation list and read a long list of accomplishments completed by the CVO. He maintained that this number does not include the homes that were helped before they were placed on the list. He stated that the CVO has saved the Bay much more than the approximate amount of \$21,000 in annual rent and utilities they are not taking in. He reported that the value the CVO has offered the Bay by providing the donations and their services comes out to \$290,604. Ms. Henderson stated that she has a great reverence for the CVO but



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does not believe the large office is needed to conduct their business. Mr. Wheaton stated that the office is not needed as some of these programs were run without an office with past HOA boards.

Ms. Anne Manzo implored that the Board to renew the lease for the CVO. She thanked the Board for allowing the CVO to have the office for the last two years. She explained that she is the coordinator of the Brevard County subsidized van program in conjunction with Commute with Enterprise who provides the van. Her program takes seniors to the South Mainland Community Center for Seniors at Lunch daily and to Walmart and the food pantry weekly. She also informed them that the C.O.P.S. share their office and would lose their office as well.

Ms. Sara Kelley, Seniors Coordinator at Lunch at the South Mainland Community Center, stated that the seniors take this program very seriously. She continued that for some of the seniors this is the only social interaction they have. She stated that the volunteer van drivers participating in this program are welcomed and looked to with deep admiration and anticipation. She implored the Board not take the office away from the CVO as this very much needed and appreciated program will be lost.

Ms. Elain Van Berschot reiterated the by-laws for the HOA/CVO which states in summary, that the organization is formed for the health and well being of all residents of Barefoot Bay. She added to the legal definition by illuminating all the other senior advocacy programs and administrative tasks that are completed every day from the HOA office. She maintained that they provide countless services to the residents including, phones, faxing, copies, giving out pertinent information to the residents of the Bay, new homeowner orientations, charity events, and much more.

Ms. Kathy Lesh stated that the CVO is a club like any other club. They should not have special treatment based on the duties of their club. There are many other clubs in the Bay that would benefit from a lease at no cost yet do not have an office where they can meet.

Mr. Bill Aversa read a message from former Trustee Frank Cavaliere, who could not attend the meeting but spoke as a resident. Mr. Cavaliere asked the Board to please extend the lease to the CVO as they do a lot for the Community. He stated that he believes there are personal reasons that some Trustees are holding against the CVO which is causing them to question the renewal of the lease.

Mr. Bill Aversa stated that he is appalled that this topic is being discussed when the CVO has volunteered selflessly to the community for years. He discussed the benefits of the Helping Hands program which has saved the district thousands in legal fees by resolving violations for some of our most needy homeowners.

Ms. Louise Crouse questioned why the lease was changed from a 2-year lease to 5-year lease and questioned the reasoning behind not asking for an additional two or one year renewal. Mr. Coffey stated that he did not see the benefit of having this topic back to the Board every two years which is why he recommended a 5-year lease.

Mr. Diana made a motion to renew the lease for 5 years. Discussion ensued.

Ms. Lizzann Taylor reminded the Board that Mr. Diana made a motion and the Board went into discussion without a second.

Mr. Diana made a motion to renew the lease for 5 years. Second by Mr. Loveland. Discussion ensued.

Mr. Wheaton stated that the amount of money we give away directly affects the funding of new facilities and progress in the Bay. Mr. Loveland disclosed that he was approached by a resident prior to coming to this meeting who encouraged him to vote no on this item. The resident stated that he would "have a target on this back" if he did so. Mr. Loveland stated he did not take the threat as a physical threat but stated it was a threat, nevertheless. He addressed the Board stating he hoped this same threat was not affecting their vote today. He maintained his vote is for the renewal.



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Mr. Diana made a motion to approve a five-year lease renewal for part of unit #4 and unit #5 at the Shopping Center for \$0.00 rent with utilities paid for by BBRD. Second by Mr. Loveland. Mr. Klosky, Mr. Wheaton and Ms. Henderson opposed. Motion failed 3-2.

Shopping Center Lease Renewal Barber Shop

On December 9, 2011, the BOT entered into a lease agreement with the Barefoot Bay Beauty Salon for the use of Unit 1-3. Mr. Schmidt has expressed his interest to exercise the second 2-year extension option. The Amended Lease allows for as much as a 5% base rent increase per renewal period.

Ms. Henderson made a motion to approve a 2-year lease renewal for unit # 1-3 at the Shopping Center to Walter Schmidt, Inc. Second by Mr. Wheaton. Motion passed unanimously.

Commercial Realtor for Vacant Shopping Center Units

Barefoot Bay has an agreement for the rental of commercial units in the shopping center. The agreement ended last year when BBRD had full occupancy (last unit was leased but tenant never signed the agreement and the BOT later rescinded the agreement). Staff recommended the Board sign a new exclusive leasing agreement with Lightle Beckner Robison, Inc. for services related to the Shopping Center.

Ms. Joy Liddy stated that as a past Century One owner she has noticed limited activity by the current commercial realtor in their ability to bring the Bay commercial clients. She stated the units have been empty for a long time. She recommended asking for a presentation from them to show how they are going to help us get these units rented.

Mr. Klosky passed the gavel to make a motion to table this topic until more information is received. Second by Ms. Henderson. Motion carried unanimously.

Discussion of Charter Amendment

Mr. Rich Schwatlow stated the current cap of \$25,000 is very low, however the subject of increasing the cap to 20% of the general fund is akin to giving the Board a "blank check" for up to a million dollars. He requested that if this is a charter change then the proper channels should be taken to change the Charter by sending this out to referendum.

Mr. Wheaton stated that the laborious task of going to referendum for each project will take years to get anything completed. He would rather try to change the Charter this time so we can proceed with the construction of new buildings. He maintained that the residents will be along in the process for each new project to oversee the spending so there is no worry of misappropriation.

General Counsel opined that it is very likely a referendum vote to the public will not pass considering that the request to raise the cap has died three times. He recommended either taking each project to referendum or proceed with steps to change the Charter through the legislature. He informed the Board that the legislative process to pass a bill is an arduous one as it is hard to get support. Mr. Diana discussed taking the chance and starting the Lounge project as the revenue will not be there if there is not enough room for customers. The Lounge is in real need of expansion. He stated he would support the Bill to increase the Charter cap.

Mr. Jack Reddy stated that the resident voice has been diminished largely in part to the Trustees moving forward with projects. He encouraged the Board to seek the vote of the people in order to regain their confidence.

Mr. Wheaton made a motion to seek legislative change to increase the charter cap in excess of \$125,000. Second by Ms. Henderson. Motion passed unanimously.



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BBRD Website Upgrade

Staff has reviewed and researched the development and implementation of a cost-effective website platform with improved functionality for everyone including our visually disabled guests and will bring us into compliance with the ADA 508 standards. Two quotes were collected from qualified website designers:

- CivicCMS Year One Investment: \$11,500 (includes maintenance)
Beginning Year 2 Annual Maintenance and Hosting Services: \$2,500
- MunicodeWeb Year One Investment: \$6,800 (includes maintenance)
Beginning Year 2 Annual Maintenance and Hosting Services: \$1,800

Staff recommended the BOT award a contract to CivicCMS for the new BBRD Website design for \$11,500 and execute a budget transfer from Admin Contingency

Mr. Diana made a motion to award a contract to CivicCMS for the new BBRD Website design for \$11,500 and execute a budget transfer from Admin Contingency. Second by Mr. Wheaton. Motion carried unanimously.

Manager's Report

Finance

- **Assessment Update** – As of January 14th, staff has received \$2,836,998.70 or 76.5% of gross assessment receipts. See attached for details.

Resident Relations

- **ARCC Update** – January 22nd meeting had 20 cases on the agenda. 9 consent, 11 non-consent (2 non-consent denied)
- **Violations Committee Update** – January 25th meeting has 23 cases on the agenda.

Food & Beverage

- **Football Championship Party Update** – The big event is Sunday, February 3rd and the party is at the 19th Hole. Tickets for the buffet are \$12 and are almost sold out so get your tickets now.
- **2nd Annual Barefoot by the Lake festival Update** - is Friday, February 15 and Saturday, February 16, 2019. A Beach Boys/Eagles concert kicks off the festival on Friday, February 15, 2019. There are a few tickets left for \$10 and may be purchased at the CVO office. There will be open free seating available as well. The festival grounds open at 3pm. on Friday with food vendors available and a full day of music, art and food is planned on Saturday starting at 11am.
- **60s and 70s Dance Party Update** – The event will be held in Building A on Saturday, March 9, 2019. Prizes will be awarded for the grooviest and hippest costumes. Tickets are \$5 and may be purchased in the Food and Beverage office in Building A daily between 10 and 4 p.m. Tickets are going fast, so don't wait.

Flyers with all the details are posted.

Golf-Pro Shop

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

- 9-Holer's Charity Event
 - Feb. 5th
 - 7:00am Shotgun



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- Sign up in progress
- Farewell to Sandy Golf Tournament
 - Feb. 23rd
 - 8:30am Shotgun
 - Sign up begins Feb 1st

Property Services

- Installed remaining refurbished basketball hoops (lower hoops are ready for play)
- Replaced bottom rails and some of the railing sections on the pier
- Replaced worn out sign at the pier
- Set up and tore down for the veteran's golf tournament
- Replaced hurricane ties on the covered area at the beach crossover
- Installed hose rack at the beach property
- Finished research on project costs for the FY20-24 5yrFM&CIP.

General Information

- **Building A Workshop Request** – Trustee Henderson requested that the BOT hold a workshop regarding the "Better use of Building A." Staff identified the following dates and times for the workshop:
 - Wed., January 30th, Bldg. A at 7pm
 - Wed., February 6th, Bldg. A at 7pm

Staff requests direction from the BOT regarding if they want to hold this workshop and which date they prefer. Board Consensus to hold the workshop on Wednesday, January 30, 2019 at 7PM in Building A.

- **BOT Schedule Reminder:**
 - Workshop: Thurs., January 24th, Bldg. D/E at 10am
 - Regulations of Short-term Rentals
 - Review of *Rules of the BOT*
 - Workshop: Thurs., January 31st, Bldg. D/E at 7pm
 - Review of *FY20-24 Five-year Financial Model and Capital Improvement Plan*
 - Regular Meeting: Fri., February 8th, Bldg. D/E at 1pm
 - Townhall Meeting: Tues., February 26th, Bldg. D/E at 2pm
 - Regular Meeting: Tues., February 26th, Bldg. D/E at 7pm
- **New Administration Building Update**
 - Substantial completion is expected within the next week to 10 days
 - Punchlist inspection will follow
 - Staff anticipates moving into the building in late February
 - After a soft opening a grand-opening ribbon cutting ceremony will be scheduled



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Attorney's Report

General Counsel clarified the definition of a draft document or notes regarding official public records. He advised that working drafts can be considered public records. General Counsel discussed the revelation by Mr. Loveland at the previous BOT meeting about a threat he received with an intent to persuade him to vote in a particular way regarding renewal of the CVO lease. He stated that Mr. Loveland was bothered enough by the incident to meet with him about it. He continued that Mr. Loveland has decided not to pursue an investigation, however he is in his rights to do so. He strongly advised the residents to be mindful of the context of their communication with elected officials. General Counsel stated that if any Trustee feels as though they are a victim of threats or extortion in any way, they should contact him immediately as this is a serious allegation punishable by law. He stated that this type of behavior is directly opposed to what the Trustees are trying to do and does impede their efforts to make ethical decisions. He encouraged the Board and residents to participate in civil discord as a means to obtaining a favorable outcome.

Trustee Incidental Report

Mr. Loveland had no comment.

Mr. Diana shared his disappointment in the vote concerning the CVO lease renewal. He suggested bringing the topic back for reconsideration at a future BOT meeting.

Ms. Henderson had no remarks at this time.

Mr. Klosky reminded the residents of the Pickleball courts ribbon cutting coming up this Friday, January 25, 2019.

Mr. Wheaton had no remarks at this time.

Adjournment

Mr. Wheaton made a motion to adjourn. Second by Ms. Henderson.
The next meeting will be on Friday, February 8, 2019 at 1PM in Building D/E.
Meeting adjourned at 9:04PM.

Steve Diana, Secretary

Dawn Myers, District Clerk