



BAREFOOT BAY RECREATION DISTRICT

**Board of Trustees Regular Meeting
May 28, 2019
7PM –Building D&E**

Meeting Called to Order

The Barefoot Bay Recreation District Board of Trustees held a Meeting on May 28, 2019 Building D&E 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Klosky called the meeting to order at 7PM.

Pledge of Allegiance to the Flag

Led by General Counsel Repperger.

Roll Call

Present: Mr. Klosky, Mr. Wheaton Ms. Henderson, Mr. Diana, and Mr. Loveland. Also present, John W. Coffey, ICMA-CM, Community Manager, Cliff Repperger, General Counsel and Dawn Myers, District Clerk.

Minutes

Ms. Henderson made a motion to approve the minutes for May 10, 2019. Second by Mr. Wheaton. Motion carried unanimously.

Treasurer's Report

Mr. Diana made a motion to approve the Treasurer's Report for May 28, 2019 as read. Second by Ms. Henderson. Motion passed unanimously.

Audience Participation

Ms. Connie Bennett voiced dissatisfaction about the relocation of the smoking section due to the project to move the pool pit and heater as that project not moving forward yet the smokers have already been moved.

Ms. Mary Vanderhoof stated that keeping the smoking section in the current space, under the Pavilion will cause the smoke to affect other residents in that section. She has several options to offer the Board as alternatives.

Ms. Shirley Baker commented on the changes stating that the smokers feel as though their voices do not matter. She asked the Board to reconsider the new smoking section.

Ms. Donna Cacace suggested that there is enough room to give the smokers sufficient space without inconveniencing the non-smokers.

General Counsel Repperger recommended the Board consider four different options. He proposed a resident mail out questionnaire requesting suggested location, an all-out smoking prohibition, a referendum question to the registered electors of the Bay or defer to management (staff).



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Ms. Henderson admitted that she visited the area and agreed it was ineffective. She stated that she is open to discussion that will benefit the smokers and non-smokers. Mr. Loveland stated that this is a staff decision and should go back to management. He recommended following one of General Counsel's suggestions and in doing so begin a discussion regarding keeping Barefoot Bay a smoking community or transitioning to a non-smoking community. Mr. Wheaton agreed that the current smoking area is insufficient, and the smokers' rights need to be heard. Mr. Klosky recommended reinstating the old smoking area until that time when the District is ready to resubmit the Pool Pit and heater project for RFP later this year. Mr. Diana agreed that the move was premature, and the previous smoking section should be reinstated. He asked the Board to consider the topic on the next agenda or a workshop at the Pool. Consensus to reinstate the previous smoking section and take the topic to Workshop for further discussion.

New Business

Shopping Center Building 1 Space 2 Lease Proposal

Mr. Walter Schmidt has proposed an offer to the Board to lease office Building 1, Space 2 in the Shopping Center. He is requesting waiving two months of rent and bringing in someone to evaluate the AC unit with an agreement to have the District replace it if necessary. Mr. Loveland asked General Counsel for clarification on the current legal status of the previous tenant of the space. General Counsel is currently working on the case and will provide updates as received.

Ms. Henderson made a motion to approve the lease with modifications from the email on May 25, 2019. Second by Mr. Wheaton. Motion carried unanimously.

FY20 Budget Mailout

Mr. Coffey presented the FY20 Proposed Budget Mailout for Board approval.

Mr. Jack Reddy asked for clarification on the repercussions of the approval tonight as it relates to Commissioner Tobia's position to remove the Barefoot Bay assessment from the County tax roll. General Counsel Repperger explained that the motion tonight is only to approve the proposed budget mailout to the residents. He stated that the vote for the budget at the last meeting in June will stir Commissioner Tobia to make his next move whatever that may be.

Mr. Reddy asked that the Board keep the residents informed on the status of this matter and educate the residents on what they can do to oppose his plan to remove the assessment from the county tax roll.

Mr. Diana made a motion to approve the FY20 Budget mailout. Second by Mr. Loveland. Motion carried unanimously.

ARCC Appeal By Homeowner Case# 19-00205 917 Spruce Street

ARCC permit for a tent to protect monarch butterflies was denied on 4/30/2019 by the ARCC (5-0 vote) based on Article III Section 13 of the Deed of Restrictions (DOR).

Temporary, portable or freestanding structures that are installed for longer than 48 hours are prohibited unless an application is completed, submitted to and approved by the ARCC. Further ARCC Guidelines under Temporary Portable or Free-Standing Structures all tents are banned.



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The members of the ARCC suggested the homeowner construct a permanent gazebo with screening that would be in compliance with the DOR and Guidelines.

Ms. Susan Esposito the owner, appealed to the Board to waive the rule regarding tents in this case as this is an important attempt at preservation of a species. She stated that her actions are positively recognized by schools and residents. Mr. Wheaton reiterated that Ms. Esposito construct a permanent structure in order to stay within the ARCC guidelines.

Mr. Diana made a motion to affirm the ARCC decision and encourage the homeowner to seek purchase of a permanent gazebo type structure. Second by Ms. Henderson. Motion carried unanimously.

General Counsel addressed the appellant and reiterated that the ARCC has denied her appeal and, as such, she has a 30-day right of appeal.

Revised ARCC Guidelines

Mr. Rich Armington, Resident Relations Manager/HR Coordinator, presented the ARCC promulgated rules and regulations revised by the ARCC and approved by a majority of the ARCC on April 30, 2019 for information only. Mr. Loveland requested clarification on the rules for lampposts and decks.

DOR Violations

Case# 18-002248 1022 Wren Circle

ARTICLE III, SECT. 2 (C) (D) Condition of Prop. (C) Unauthorized items

Mr. Diana made a motion to refer this Violation to General Counsel Repperger for legal action, equitable or other appropriate action with failure to comply. If the BOT brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents account and shall constitute as a lien. Second by Ms. Henderson. Motion passed unanimously.

Case# 18-002559 935 Vireo Drive

ARTICLE III, SECT. 2 (C) (D) Condition of Prop. (C) Unauthorized items

Ms. Christina Fraiser spoke on her own behalf. She stated that the County built handicap steps for placement under her bedroom window as a means to escape in case of fire. She asked the Board to allow her to maintain the steps.

Mr. Wheaton made a motion to refer this Violation to General Counsel Repperger for legal action, equitable or other appropriate action with failure to comply. If the BOT brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents account and shall constitute as a lien if the violations still exist upon inspection. Second by Mr. Diana. Motion passed unanimously.

Case# 17-004463 832 Oleander Circle

ARTICLE III, SECT.11 and SECT 2(D) Exterior Maintenance

Mr. Diana made a motion to refer this Violation to General Counsel Repperger for legal action, equitable or other appropriate action with failure to comply. If the BOT brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents account and shall constitute as a lien. Second by Ms. Henderson. Motion passed unanimously.



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Case# 18-004953 707 Periwinkle Circle

ARTICLE III, SECT. 2 (C) (D) Condition of Prop. (C) Unauthorized items.

Ms. Henderson made a motion to refer this Violation to General Counsel Repperger for legal action, equitable or other appropriate action with failure to comply. If the BOT brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents account and shall constitute as a lien. Second by Mr. Wheaton. Motion passed unanimously.

Case# 17-004245 709 Wedelia Drive

ARTICLE III, SECT.11 and SECT 2(D) Exterior Maintenance

Ms. Henderson made a motion to refer this Violation to General Counsel Repperger for legal action, equitable or other appropriate action with failure to comply. If the BOT brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents account and shall constitute as a lien. Second by Mr. Wheaton. Motion passed unanimously.

Case# 18-000055 709 Wedelia Drive

ARTICLE III, SECT. 2 (B) (D) Condition of Prop. (B) PW

Mr. Diana made a motion to refer this Violation to General Counsel Repperger for legal action, equitable or other appropriate action with failure to comply. If the BOT brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents account and shall constitute as a lien. Second by Ms. Henderson. Motion passed unanimously.

Case# 18-002773 481 Marlin Circle

ARTICLE II, SECT. 5 (A) (B) ADIR (Unapproved Fence)

Ms. Henderson made a motion to refer this Violation to General Counsel Repperger for legal action, equitable or other appropriate action with failure to comply. If the BOT brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents account and shall constitute as a lien. Second by Mr. Wheaton. Motion passed unanimously.

Confirmation of Acceptance of Junior Golf Grant

Golf Operations Manager Ernie Cruz, PGA Certified Professional, was notified that the Florida Junior Golf Council (FJGC) awarded a grant BBRD to off-set the cost of the Junior Golf Program by \$3,425.00. Mr. Coffey previously requested permission to allow Chairman Klosky to sign the grant paperwork in order to meet the deadline, therefore has placed on the May 28th agenda for confirmation and transparency purposes.

Mr. Diana made a motion to confirm the acceptance of the FJGC grant in the amount of \$3,245.00 and accept Chairman Klosky's signature of the award paperwork. Second by Ms. Henderson. Motion passed unanimously.

Manager's Report

Resident Relations

• **ARCC Update**

- o May 14th meeting had 35 consent approved and 22 non-consent approved.
- o May 28th meeting had 13 consent (1 denied) and 5 non-consent approved (1 denied)



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- June 11th is the next meeting (New Administration Conference Room at 9am).

- **Violations Committee Update**

- May 24th meeting had 16 cases on the agenda (10 came into compliance before the meeting, 3 were found in violation.
- June 14th is the next meeting

Food & Beverage

- **Father's Day Clam Bake** – Tickets are on sale at the Lounge, the 19th Hole and the Administration Building. Flyers with all the details are posted.

Golf-Pro Shop

- **Jr. Camp** signup has begun. See Pro Shop or this week's *Peek at the Week* for details
- **Course Closure for aerification**
 - Tuesday, May 28th Back Nine and Putting Green
 - Wednesday, May 29th Front Nine and Driving Range
 - Grass will NOT be cut for 7 to 10 days on greens depending on healing conditions

Property Services

- Replaced rusted gate at the beach
- Repaired softball field gates
- Replaced pool circulation pump at pool #1
- Resumed installation of the walkway extension at the beach
- Power washed and painted the back porch of the 19th Hole
- Repainted steps to the Pro Shop
- Cleared water closet drain issue at the golf maintenance facility
- Replaced hot water heater at the 19th Hole
- Repaired and repainted railings at the 19th Hole
- Addressed all current DOR grass violations
- Continued solicitation for quotes/bids for various projects

General Information

- **Facilities Assessment Update** – The final report was delivered to the Trustees and is available on www.bbrd.org or at the New Administration Building for public review.
- **Brightline – Virgin Trains USA Meeting Update** – Representatives of the construction company and engineering firm upgrading the railway for Brightline – Virgin Trains USA met with Chairman Klosky and me (on May 13th) to brief us on construction activities for the Phase 2 segment of the express railway between West Palm Beach and Cocoa (scheduled for completion in 3 years).
 - Receipt of “notice to proceed” is expected by the end of May. There are 3 contractors each working headed north spaced apart from each other (like the continental railroad, the three sections will eventual link up). The northern most contractor will be starting at the southern end of Brevard in late Summer 2019 working north.
 - There will be about 130 miles of new tracks laid. 30 miles of existing tracks will be rehabilitated. 18 new bridges will be built. When completed the entire length will have two parallel tracks with multiple exchanges where trains can switch from one track to



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another. Freight and passenger trains will run at the same time. There will no longer be a need for trains to stop in front of BBRD to wait as the bridge to the south will be replaced/expanded to have two tracks.

- They will email me when they are about a month out to coordinate public information dissemination regarding road closures. They had previously met with Brevard County officials.
- **Employee Emergency Management Planning Meetings** – Per the BOT Emergency Management Plan, all staff will attend one of the brief meetings (9am in Building D/E on Thursday, May 30th and Thursday, June 6th) to review their roles in preparation and recovery from potential emergency situations. Although these meetings are not open to the public, Trustees are welcomed to attend if they so desire.
- **New Administration Building Project Update:**
 - Irrigation and partial landscaping will be installed next week
 - Veterans Monument and Traffic Circle will be converted to NAB lakewater system
 - Veterans Monument area landscaping will be removed and updated as part of the project
 - Award of contract for the NAB backup generator is currently scheduled for the June 14th BOT Meeting agenda
 - Remainder of landscaping (sans spot reserved for Petals and Palms autumn project) and sod will be installed after the new sidewalk is installed

Attorney Report

General Counsel Repperger stated that he will keep the Board updated regarding the assessment issue and Commissioner Tobia's position. He provided an update on the Blissful Things court case. He is hoping to have the case heard in June. General Counsel also addressed the DOR cases from this evening.

Trustee Incidental Remarks

Mr. Loveland had no comment at this time.

Mr. Diana had no comments.

Ms. Henderson spoke about the potential for nepotism on the Board if members of the Trustee's family or spouses are employed by the District. She suggested the Board consider the topic very seriously now that there are no members on the Board with family or spouse it would be a good time to discuss making a change.

Mr. Wheaton had no comments.

Mr. Klosky reminded the trustees to have the evaluations for SDS, the Community Manager and General Counsel Repperger turned into Ms. Myers by June 10, 2019.

Adjournment

The next meeting will be on June 14, 2019 at 1pm in Building D/E.

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

Meeting adjourned at 9:00pm.



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Attorney's Report

General Counsel Repperger reported that the Building C Renovation Contract with Parkit Construction is finalized, and he is working on the legal language as the final step. He discussed the Blissful Things legal proceeding to recover the monies from the defaulted lease. Consensus to move forward with pursuing Ms. Jennifer Bliss in court.

Trustee Incidental Remarks

Mr. Loveland had no remarks.

Mr. Diana spoke on his frustrations regarding a disgruntled resident who has recently flooded General Counsel and staff's inbox with emails regarding club business that does not pertain to official District operations. He continued that the individual does not heed the advice supplied by General Counsel or staff but continues to send multiple emails every day and ask unreasonable requests. He suggested that if the barrage of emails continue, the legal cost of having to read and respond to these emails should be directed back to the individual for payment up to and including placing a lien on his home for non-payment. General Counsel stated that he did not believe it was that much time spent on the emails but will investigate it.

Ms. Henderson voiced her approval of the demolition of the old Administration Building known as "Building F".

Mr. Klosky distributed the annual evaluation for the Community Manager, Special District Services (SDS) and General Counsel. He asked that the Trustees fill out the evaluations and have them back to Ms. Myers by June 10, 2019.

Mr. Wheaton had no remarks.

Adjournment

Next meeting will be on May 28, 2019 at 7pm in Building D/E.

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

Meeting adjourned at 8:57pm.

Steve Diana, Secretary

Dawn Myers, District Clerk