



BAREFOOT BAY RECREATION DISTRICT

D.O.R. and Charter Review Committee
Thursday July 21, 2016
Bldg D/E

Committee Chairperson Lizzann Taylor called the meeting to order at 9:00 AM.

Pledge of Allegiance

Present were Harold Wortman, Bonnie Gundling, Bob Peet, Al Grunow, Lynne Kahl. and Wilma Weglein. Committee members excused: Greg Deslandes, and Carole Kennedy.

Also present; Lee Wright, Sue Cuddie and Joe Klosky.

Minutes from June 28, 2016 were corrected and approved.

Old Business

A. Procedures as discussed at meeting with Attorney Repperger.

Ms. Taylor reported on the meeting she and Ms. Wright had with Mr. Repperger shortly after the last meeting. Mr. Repperger cautioned against rewriting the entire DOR. He suggested that if we have too many questions property owners may get overwhelmed and not participate. He suggested approximately 15 or 20 questions. Ms. Wright presented examples of past ballots and how they are formatted.

A possible timeline would be to finish by October, send to the Board and then to Mr. Repperger for review. Looking at a mailout no later than January with a 60 day time frame to receive returns. We can also consider speaking with the county to ask if they can process the ballots with the County voting equipment, as has been done in the past.

Richard Schwatlow questioned the timing of sending out ballots in relation to reaching our seasonal residents. Discussion followed regarding the possibility of distributing ballots by handing out ballots to residents based on ownership records and mailing out the remainder of ballots. The possibility of having assistance from the HOA to educate residents regarding the proposed changes was also discussed.

A. Article III Section 7. 13B Notice

During the meeting with Mr. Repperger, he advised against using FS 162 as the procedure to follow for sending notices of violation in Article III Section 7. 13B Notice. Mr. Repperger

stated that there has been judgements against Holiday Park regarding FS 162 , as it is intended only for municipality and counties.

Ms. Taylor recommended that we reverse the reference to FS 162, as recommended in handout for meeting, as presented below.

Article III

Section 13 Enforcement of Deed of Restrictions.

(B) ~~Notice of Violation.~~ Statement of Violation and Notice of Hearing In the event that the Recreation District determines that there is a violation of the provisions of this Instrument on any Lot in Barefoot Bay, the Recreation District shall give written notice to the Owner ~~or~~ and/or Occupant of such Lot specifying the nature of such violation and giving the Lot Owner or Occupant a reasonable time as determined by management and pursuant to current policy to cure or correct such violation. Such written notice shall be deemed to be sufficient if it is (I) delivered personally to the occupant of the Lot or the record Owner of the Lot as shown on the Brevard County Tax Rolls; (II) mailed by certified U.S. Mail, return receipt requested, to the Occupant of the Lot at the address on which the violation exists, or (III) mailed by certified U.S. Mail, return receipt requested, to the address of the Owner as shown on the Brevard County Tax Rolls.

Ms. Kahl made motion to approve paragraph as presented. Mr. Peet seconded motion. Discussion followed. Motion carried.

C. Art III. Section 3 Parking of Vehicles

In previous discussions regarding suggested changes to the section regarding Parking of Vehicles, a suggestion was made to create an entire section for exceptions, and to consider allowances for residents who have a commercial vehicle they bring home after work. Ms. Taylor presented changes to the committee that incorporated the discussion at previous meetings:

Article III. Section 3 Parking of Vehicles

(C) Exceptions to ~~Notwithstanding any of the~~ foregoing subparagraphs of this section:

1. Commercial vehicles parked temporarily at a lot for the purpose of providing repair or other services to the occupant thereof.
2. A recreation vehicle, a boat, utility trailer, or a boat mounted on a ~~utility~~ trailer may be parked in the driveway on a lot, for ~~a period not to exceed 48 continuous hours~~ for purposes of cleaning, loading, unloading, and preventative maintenance between the hours of 7 am and 10 pm.
3. The Recreation District shall be notified in advance if the owner of a recreation vehicle or boat desires to park such vehicle or boat in his driveway overnight for such purposes.

(D) Motor vehicles, including but not necessarily limited to cars, golf carts, motorcycles, shall be parked only on the concrete driveway or concrete parking area serving on such Lot. No vehicle shall be parked on any lawn, grass, or landscaped area of a Lot.

(E) Kayaks and canoes may be properly stored and secured at the rear of any residence.

Discussion followed regarding golf carts and their definition as a vehicle, and if it should be considered a vehicle.

Ms. Gundling made a motion to accept changes to Article III, Section 3 as presented. Ms. Weglein seconded the motion. Motion carried.

The following proposed section for Commercial Vehicles was presented by Ms. Taylor and discussed by the committee. In consideration of that, the County regulations regarding Commercial Vehicles were reviewed and compiled for discussion as such:

Article III

Add a New Section Commercial Vehicles

(If this section is added and the parking of such vehicles is accepted, then the word "commercial" would have to be struck from Section 3 A. The following definition was approved by the BOT at a 3/11/15 workshop. The parking permission was adopted from Sec. 62-1921.3 Brevard County.)

(A) Definition of a commercial vehicle:

1. A vehicle having an overall length in excess of twenty (25) feet or a height of more than nine (9) feet, with a rated capacity exceeding two (2) tons with two (2) axles;
2. A truck with commercial equipment in the bed;
3. A non-passenger vehicle containing advertising matter intending to promote the interest of any business whether or not said vehicle is registered as a commercial vehicle with the state of Florida.

(B) Parking a commercial vehicle at a residential lot.

1. A residential Lot owner may request a Conditional Use Permit (CUP) from District Offices to park one (1) commercial motor vehicle on a residential lot. Such conditional use permit may be issued only under the following conditions:

(a.) The commercial motor vehicle must be operated by the occupant of the residence and must be essential to the occupant's principal means of employment as evidenced by an affidavit from the employer or proof of ownership of a licensed and insured business.

(b) The commercial motor vehicle is to be parked within a fully enclosed garage. However, the applicant may request, and the Board may consider, an alternative means of visually

buffering the vehicle under a carport. Such alternative buffering may include fencing up to six feet in height vegetation along the length of a carport.

(c) The commercial vehicle must be maintained in operating condition.

The commercial motor vehicle, or any equipment or machinery on the vehicle, may not for any reason be left running and unattended by the operator, except for the purpose of preparing the vehicle to be driven off site.

2. A Conditional Use Permit (CUP) is valid for one year and is renewable by administrative extension for successive one-year periods. The CUP may be revoked if there is a violation of the above restrictions or if the occupancy of the residence changes. The Lot owner will be notified in writing if the CUP extension is revoked or not renewed. Once a CUP is not renewed administratively, it will be considered expired and may be reconsidered only by the Board as a new CUP pursuant to paragraph 1 above.

Ms. Taylor asked that we consider this item for further discussion at the next meeting since members had not had the opportunity to review.

New Business

A. Art. II Sec. 3 A.(5) – Carport.

Discussion followed regarding the size of carports. No further action was taken.

B. Article II Sec. 5 – Fencing

The current language for fencing was presented and discussed. Changes were made to allow fencing within six feet in lots that had drainage canals or swales within six feet, and to change the type of material for fencing. Also, the word “picket” was added, as it appears it was inadvertently left off the last time the DOR was revised. The proposed new language is:

Article II Section 5 Fencing

(A) Fencing shall not be permitted along any lot line within six (6) feet of the outer edge of where drainage canals or swales exist.

(B) Where no drainage canals or swales exist along a lot line, fencing shall be limited to chain link, powder coated aluminum or steel, vinyl picket fencing or other ARCC approved material not exceeding four (4) feet in height.

Mr. Peet made a motion to approve the changes for fencing, second by Ms. Weglein. Motion carried unanimously.

C. Article II Section 6. – Antennas

The following proposed section for Antennas and Satellite Dishes was presented by Ms. Taylor and discussed by the committee.

Article II

Section 6 Antennas and Satellite Dishes

(A) 1. “**Reception Antenna**” shall mean any device used for receipt of audio or video programming services, including but not limited to broadband internet, direct broadcast satellite services, and radio and television broadcast. (Note: the remainder of the paragraph will remain as written)

(D) 5. No antennas shall be installed in a location which is higher than is absolutely necessary for reception of an acceptable quality signal but no more than five (5) feet higher than the highest point of the dwelling roof.

The antenna section was discussed. Ms. Cuddie is to discuss this section with Mr. Repperger for enforceability, particularly paragraph C, and bring back the results to the next meeting. The order of “reception” and “receiving” antennas in the document is to be reviewed at that time and possibility changed, as it appears to be out of order.

As a result of suggested changes by staff, Ms. Taylor presented a new section for Temporary/Portable Structures. The committee discussed and made revisions to the suggested language.

Article II

Add New Section Temporary/Portable Structures

Temporary, portable, or freestanding structures are prohibited unless an application is completed, submitted and approved by ARCC. ~~These include, but are not necessarily limited to tents, gazebos, screened rooms, green houses, garages, dog houses/kennels, trampolines and above ground pools.~~

Ms. Weglein made a motion to approved, second by Mr. Peet. The motion carried unanimously.

Ms. Weglein suggested a special meeting is held on the DOR for all new property owners.

Bob Peet made a motion to adjourn the meeting at 11:05pm, Second by Ms. Weglein. Motion carried.

