



**BAREFOOT BAY
RECREATION DISTRICT**

Barefoot Bay Recreation District Regular Meeting
June 14, 2019 at 1:00 PM
Building D&E

Agenda

Please turn off all cell phones

1. **Thought of the Day**
2. **Pledge of Allegiance to the Flag**
3. **Roll Call**
4. **Presentations and Proclamations**
5. **Approval of Minutes**
 - A. May 28, 2019
6. **Treasurer's Report**
 - A. June 14, 2019
7. **Audience Participation**
8. **Unfinished Business**
9. **New Business**
 - A. DOR Violations
 - i. DOR VIOLATION 19-000402 947 JACARANDA DRIVE
 - ii. DOR VIOLATION 19-000416 516 EGRET CIRCLE
 - iii. DOR VIOLATION 19-000417 516 EGRET CIRCLE
 - iv. DOR VIOLATION 19-000418 516 EGRET CIRCLE
 - v. DOR VIOLATION 18-004845 710 LARK DRIVE
 - vi. DOR VIOLATION 18-004613 710 LARK DRIVE
 - B. NAB Emergency Generator Installation Award of Contract
 - C. Discussion on Issuing a Request for Qualifications to Select Pools Construction Vendor of Record
 - D. General Counsel, SDS and Community Manager Evaluations
10. **Manager's Report**
 - A. Manager's Report June 14, 2019

- 11. Attorney's Report**
- 12. Incidental Trustee Remarks**
- 13. Adjournment**

If an individual decides to appeal any decision made by the Recreation District with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Barefoot Bay Recreation District Regular Meeting



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).



BAREFOOT BAY RECREATION DISTRICT

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 space 1, building 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.



BAREFOOT BAY RECREATION DISTRICT

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.



BAREFOOT BAY RECREATION DISTRICT

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)



BAREFOOT BAY RECREATION DISTRICT

- 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



BAREFOOT BAY RECREATION DISTRICT

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 Manger 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.

Barefoot Bay Recreation District

Treasurer's Report

June 14, 2019

Cash Balances in General Fund as of 6/6/19

Petty Cash **Total Petty Cash:** \$ 2,500.00

Operating Cash in Banks

MB&T Operating Account 2,533,241.71
Total Operating Accounts: 2,533,241.71

Interest Bearing Accounts

SBA Reserve Account 684,996.54
Total Interest Bearing Accounts 684,996.54

Total Cash Balances in General Fund: \$ 3,220,738.25

Total Daily Deposits and Assessments Received for 5/21 - 6/6/2019

Daily deposits: \$ 141,773.98
Assessments received (from County only): -
Total Deposits Received \$ 141,773.98

Expenditures over \$5,000 for for 5/21 - 6/6/2019

Check Number	Vendor	Description	Check Amount
52941	Health First Health Plans	Employee Health Insurance: June 2019	23,256.80
52953	Rossway Swan Tierney Barry et al	Legal Fees: April 2019	10,337.76
52956	Special District Services, Inc	Management Fees: May 2019	13,105.88
52967	Abila	Software Maintenance & Support - 7/19 - 7/20	5,070.00
52981	Florida Power & Light Co	Electricity: May 2019	6,307.27
	United States Treasury	Payroll Tax: PPE 5/26/19	16,794.21
	Paychex	Net Payroll: PPE 5/26/19	59,449.20
Total Expenditures over \$5,000			\$ 151,517.77

Board of Trustees Meeting Agenda Memo



Date: Friday, June 14, 2019
Title: **DOR Violations**
Section & Item: 9.A.
Department: System Administrator
Fiscal Impact:
Contact:
Attachments:
Reviewed by
General Counsel:
Approved by: John W. Coffey, ICMA-CM, Community Manager

Requested Action by BOT

Background and Summary Information



Board of Trustees Meeting Agenda Memo

Date: Friday, June 14, 2019
Title: **DOR VIOLATION 19-000402 947 JACARANDA DRIVE**
Section & Item: 9.A.i.
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, John W. Coffey ICMA-CM, Community Manager
Attachments: 947 Jacaranda Drive 19-000402
Reviewed by
General Counsel: No
Approved by: John W. Coffey, ICMA-CM, Community Manager

Requested Action by BOT

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation to Article III, Section 3 – Vehicles: Case was opened 2/2/2019. Ten inspections have been performed on this property. Nine pictures have been taken. Staff has signed Affidavit of Notices and attached four pictures. Statement of violation has been sent. Property is under social membership suspension. Property was found in violation by the Violations Committee on April 26, 2019. Respondent was notified by first class mail, certified mail and property was also posted.

Staff recommends that the BOT refer this Violation to the 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.

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-000402

#3727/ 19-000402

CRAWFORD-HANDLE, DONNA

522 SLATER AVE

HAMPTON, VA 23664

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

• **ARTICLE III, SECT. 3 (A) (B) (C) (D) (E) Vehicle Violations(Boats/Trailer/RV/Comm. Vehicles, Etc.)**

(A) No commercial vehicle, abandoned and/or inoperable vehicle, recreational vehicle, jet ski, boat, boat trailer, utility trailer, camper, motor home, camping trailer, truck camper, pickup truck with camper top OR any vehicle in excess of 25 feet in overall length as measured from the foremost projection thereof to the rearmost projection thereof, shall be parked on any lot, driveway, carport or common area within Barefoot Bay, except for commercial vehicles parked temporarily at a lot for the purpose of providing repair or other services to the occupant thereof, and (2) those vehicles described in subsection C of this section. (B) All vehicles described in subsection (A) of this section shall be parked in vehicle storage areas provided by the Recreation District or in such other areas outside Barefoot Bay as may be located by the owner. (C) 1. Notwithstanding any of the foregoing sub-paragraphs of this section, a recreation vehicle, boat, personal water craft, utility trailer, or boat mounted on a trailer may be parked in the driveway on a lot for purposes of cleaning, loading, unloading and preventative maintenance between the hours of 7 a.m. and 10 p.m. only. An owner may request that a vehicle be allowed to remain on a lot beyond the time-frame provided herein if extenuating circumstances exist, submitting a request to Recreation District Resident Relations in advance of said occurrence. No vehicle shall remain on a lot beyond the time-frame provide herein without obtaining approval from Recreation District Resident Relations in advance. 2: A commercial vehicle is defined for the purpose of this Document as any passenger and/or non-passenger vehicle designed, used, or maintained primarily for conduct or operation of a commercial business. Only one pick-up truck, passenger van or cargo van used for commercial purposes, which is the sole means of transportation of the occupant of the lot, must be kept in a garage or fully parked under a carport with visual buffering as may be approved by ARCC. A vehicle may not have signage, equipment or materials visible when parked. (D) Motor vehicles parked at or on a Lot 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.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 120 Lot # 2

947 JACARANDA DRIVE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Inoperable vehicles on property (expired tags, flat tires). Must be removed.

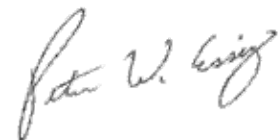
DATE OF VIOLATION FIRST OBSERVED: Feb 02, 2019

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

February 02, 2019 via First Class

April 30, 2018 via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: June 10, 2019



June 04, 2019



947 Jacaranda. Post VC re-inspection. Inoperable vehicles (flat tires, expired tags)
Peter Essig
May 28, 2019



947 Jacaranda. Pre-VC inspection. Inoperable vehicles (flat tires, expired tags.)
Peter Essig
Apr 23, 2019



947 Jacaranda. Inoperable vehicles. Flat tires, expired registration, no license plate.
Peter Essig
Apr 06, 2019



947 Jacaranda. Inoperable vehicles.
Peter Essig
Feb 01, 2019

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
NOTICE OF HEARING
OF
BOARD OF TRUSTEES**

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **01:00 PM** on **June 14, 2019** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding of Fact and Recommended Order issued by the Violations Committee. The owner may not present new or additional evidence, but shall be given an opportunity to be heard. If the Board of Trustees concurs with the Violation Committee that a violation has been established, the Board of Trustees shall have the authority to bring an action for injunctive or other appropriate legal or equitable relief in a court of competent jurisdiction in Brevard County, Florida to remedy the violation. If the Board of Trustees brings any such legal action to enforce the Deed of Restrictions and is deemed to be the prevailing party in such action, the Board of Trustees shall be entitled to an award of attorney's fees and court costs incident to bringing such action.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (FS 286.0105).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

June 04, 2019

Deed of Restrictions STAFF

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-000402

#3727 / 19-000402

CRAWFORD-HANDLE, DONNA,
522 SLATER AVE
HAMPTON, VA 23664

Respondent(s),

**RE: 947 JACARANDA DRIVE
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

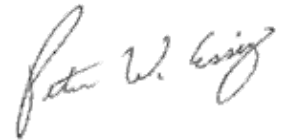
STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Peter Essig for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20__.



Peter Essig, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20__ by Peter Essig, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large



Board of Trustees Meeting Agenda Memo

Date: Friday, June 14, 2019
Title: **DOR VIOLATION 19-000416 516 EGRET CIRCLE**
Section & Item: 9.A.ii.
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, John W. Coffey ICMA-CM, Community Manager
Attachments: 516 Egret Circle 19-000416
Reviewed by
General Counsel: No
Approved by: John W. Coffey, ICMA-CM, Community Manager

Requested Action by BOT

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation to Article III, Section 2 – Condition of Property – Unauthorized Items: Case was opened 2/2/2019. Nine inspections have been performed on this property. Ten pictures have been taken. Staff has signed Affidavit of Notices and attached four pictures. Statement of violation has been sent. Property is under social membership suspension. Property was found in violation by the Violations Committee on March 22, 2019. Respondent was notified by first class mail, certified mail and property was also posted.

Staff recommends that the BOT refer this Violation to the 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.

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-000416

#1611/ 19-000416

RITCHIE, ANNA MARIE

811 JAMAICA AVE

SEBASTIAN, FL 32958

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

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

(C) The lawn, landscaped areas, driveways and carports on each lot shall be kept free of all items of personal property except for customary outdoor items such as exterior patio or porch furniture, golf carts, vehicles, and barbecue grills. The intent of this requirement is to prohibit the accumulation and/or storage of items such as indoor furniture, automotive parts, cartons, boxes, debris and similar property which causes an unsightly appearance or nuisance if left on or about the exterior of a home.

(D) In the event that any lawn, landscaped areas, driveway, carport or home is not maintained in compliance with the requirements of Section 2, Section 10, or Section 11 of Article III, the Recreation District shall have the right to enter upon the lot and take any action reasonably necessary to cause the home and lot to come into compliance with the requirement of subsections (A), (B), (C) of Section 2, Section 10, or Section 11 of Article III. The expense of such action shall be billed by the Recreation District to the owner, shall be a personal obligation of the owner, and shall be paid by the owner within thirty days after the owner is provided with written notice of such expenses. If payment is not made within the said thirty day period, the expense in question shall become a lien upon the said lot until paid, which lien shall have priority as of the date of recording of a notice thereof in the public records of Brevard county; provided, however, such lien shall not be superior to the lien for county taxes of the lien for the Recreation District's assessments and maintenance fees. The sum so due to the Recreation District may be collected by either an action of law, or the Recreation District shall have the right at its discretion to proceed to foreclose the above -described lien. In the event of such litigation, the Recreation District shall have the right to recover the costs thereof including a reasonable attorney's fee.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 91 Lot # 23

516 EGRET CIRCLE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Unapproved items on property (front and back). Wood, tires, etc.

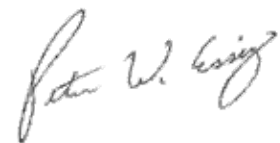
DATE OF VIOLATION FIRST OBSERVED: Feb 02, 2019

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

February 02, 2019 via First Class

via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: June 10, 2019



Peter Essig, DOR Inspector
772-664-4839

June 04, 2019



516 Egret (rear). Post-VC re-inspection. Unapproved item(s)/debris.
Peter Essig
May 16, 2019



516 Egret (front). Post-VC re-inspection. Unapproved items/debris
Peter Essig
May 16, 2019



516 Egret (rear). Unapproved items/debris (plywood) in yard.
Peter Essig
May 07, 2019



516 Egret. Post-VC re-inspection. Debris in and around carport.
Peter Essig
Apr 17, 2019

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
NOTICE OF HEARING
OF
BOARD OF TRUSTEES**

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **01:00 PM on June 14, 2019 at 1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding of Fact and Recommended Order issued by the Violations Committee. The owner may not present new or additional evidence, but shall be given an opportunity to be heard. If the Board of Trustees concurs with the Violation Committee that a violation has been established, the Board of Trustees shall have the authority to bring an action for injunctive or other appropriate legal or equitable relief in a court of competent jurisdiction in Brevard County, Florida to remedy the violation. If the Board of Trustees brings any such legal action to enforce the Deed of Restrictions and is deemed to be the prevailing party in such action, the Board of Trustees shall be entitled to an award of attorney's fees and court costs incident to bringing such action.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (FS 286.0105).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

June 04, 2019

Deed of Restrictions STAFF

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-000416

#1611 / 19-000416
RITCHIE, ANNA MARIE,
811 JAMAICA AVE
SEBASTIAN, FL 32958

Respondent(s),

**RE: 516 EGRET CIRCLE
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

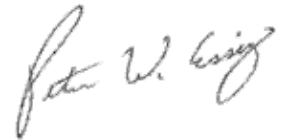
STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Peter Essig for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20__.



Peter Essig, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20__ by Peter Essig, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large

Board of Trustees Meeting Agenda Memo



Date: Friday, June 14, 2019
Title: **DOR VIOLATION 19-000417 516 EGRET CIRCLE**
Section & Item: 9.A.iii.
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, John W. Coffey ICMA-CM, Community Manager
Attachments: 516 Egret Circle 19-000417
Reviewed by
General Counsel: No
Approved by: John W. Coffey, ICMA-CM, Community Manager

Requested Action by BOT

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation to Article III, Section 11 & Section 2 – Exterior Maintenance – Siding Damage: Case was opened 2/2/2019. Seven inspections have been performed on this property. Seven pictures have been taken. Staff has signed Affidavit of Notices and attached four pictures. Statement of violation has been sent. Property is under social membership suspension. Property was found in violation by the Violations Committee on May 10, 2019. Respondent was notified by first class mail, certified mail and property was also posted.

Staff recommends that the BOT refer this Violation to the 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.

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-000417

#1611/ 19-000417

RITCHIE, ANN-MARIE

811 JAMAICA AVE

SEBASTIAN, FL 32958

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

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

(11) The exterior of each home, including, but not limited to, windows, screens, roofs, gutters, and siding shall be maintained in good condition at all times and/or in substantially the same condition as when each item was newly installed without gaps or openings. Only materials as approved by ARCC shall be used.

(D) In the event that any lawn, landscaped areas, driveway, carport or home is not maintained in compliance with the requirements of Section 2, Section 10, or Section 11 of Article III, the Recreation District shall have the right to enter upon the lot and take any action reasonably necessary to cause the home and lot to come into compliance with the requirement of subsections (A), (B), (C) of Section 2, Section 10, or Section 11 of Article III. The expense of such action shall be billed by the Recreation District to the owner, shall be a personal obligation of the owner, and shall be paid by the owner within thirty days after the owner is provided with written notice of such expenses. If payment is not made within the said thirty day period, the expense in question shall become a lien upon the said lot until paid, which lien shall have priority as of the date of recording of a notice thereof in the public records of Brevard county; provided, however, such lien shall not be superior to the lien for county taxes of the lien for the Recreation District's assessments and maintenance fees. The sum so due to the Recreation District may be collected by either an action of law, or the Recreation District shall have the right at its discretion to proceed to foreclose the above -described lien. In the event of such litigation, the Recreation District shall have the right to recover the costs thereof including a reasonable attorney's fee.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 91 Lot # 23

516 EGRET CIRCLE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Exterior maintenance: siding damage. Must be repaired.

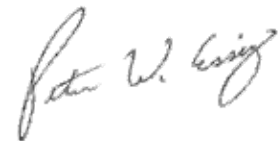
DATE OF VIOLATION FIRST OBSERVED: Feb 02, 2019

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

February 02, 2019 via First Class

via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: June 10, 2019



Peter Essig, DOR Inspector
772-664-4839

June 04, 2019



516 Egret (rear). Siding damage (utility room/shed)
Peter Essig
May 28, 2019



516 Egret (rear). Pre-VC inspection. Siding damage (bottom of utility shed)
Peter Essig
May 07, 2019



516 Egret. Posted notice.
Peter Essig
Apr 23, 2019



516 Egret. Siding damage.
Peter Essig
Apr 17, 2019

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
NOTICE OF HEARING
OF
BOARD OF TRUSTEES**

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **01:00 PM** on **June 14, 2019** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding of Fact and Recommended Order issued by the Violations Committee. The owner may not present new or additional evidence, but shall be given an opportunity to be heard. If the Board of Trustees concurs with the Violation Committee that a violation has been established, the Board of Trustees shall have the authority to bring an action for injunctive or other appropriate legal or equitable relief in a court of competent jurisdiction in Brevard County, Florida to remedy the violation. If the Board of Trustees brings any such legal action to enforce the Deed of Restrictions and is deemed to be the prevailing party in such action, the Board of Trustees shall be entitled to an award of attorney's fees and court costs incident to bringing such action.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (FS 286.0105).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

June 04, 2019

Deed of Restrictions STAFF

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-000417

#1611 / 19-000417
RITCHIE, ANN-MARIE,
811 JAMAICA AVE
SEBASTIAN, FL 32958

Respondent(s),

**RE: 516 EGRET CIRCLE
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

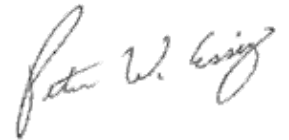
STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Peter Essig for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20_____.



Peter Essig, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20_____ by Peter Essig, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large



Board of Trustees Meeting Agenda Memo

Date: Friday, June 14, 2019
Title: **DOR VIOLATION 19-000418 516 EGRET CIRCLE**
Section & Item: 9.A.iv.
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, John W. Coffey ICMA-CM, Community Manager
Attachments: 516 Egret Circle 19-000418
Reviewed by
General Counsel: No
Approved by: John W. Coffey, ICMA-CM, Community Manager

Requested Action by BOT

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation to Article III, Section 10 & Section 2 – Condition of Skirting – Skirting Damage: Case was opened 2/2/2019. Seven inspections have been performed on this property. Seven pictures have been taken. Staff has signed Affidavit of Notices and attached four pictures. Statement of violation has been sent. Property is under social membership suspension. Property was found in violation by the Violations Committee on May 10, 2019. Respondent was notified by first class mail, certified mail and property was also posted.

Staff recommends that the BOT refer this Violation to the 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.

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-000418

#1611/ 19-000418

RITCHIE, ANN-MARIE

811 JAMAICA AVE

SEBASTIAN, FL 32958

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

• **ARTICLE III, SECT.10 and SECT. 2(D) Condition of Skirting**

(10) The skirting material on all manufactured or modular homes shall be maintained at all times so that such skirting remains in substantially the same condition as when it was newly installed. No gaps or openings will be permitted to exist. Vents are to be maintained in good condition.

(D) In the event that any lawn, landscaped areas, driveway, carport or home is not maintained in compliance with the requirements of Section 2, Section 10, or Section 11 of Article III, the Recreation District shall have the right to enter upon the lot and take any action reasonably necessary to cause the home and lot to come into compliance with the requirement of subsections (A), (B), (C) of Section 2, Section 10, or Section 11 of Article III. The expense of such action shall be billed by the Recreation District to the owner, shall be a personal obligation of the owner, and shall be paid by the owner within thirty days after the owner is provided with written notice of such expenses. If payment is not made within the said thirty day period, the expense in question shall become a lien upon the said lot until paid, which lien shall have priority as of the date of recording of a notice thereof in the public records of Brevard county; provided, however, such lien shall not be superior to the lien for county taxes of the lien for the Recreation District's assessments and maintenance fees. The sum so due to the Recreation District may be collected by either an action of law, or the Recreation District shall have the right at its discretion to proceed to foreclose the above -described lien. In the event of such litigation, the Recreation District shall have the right to recover the costs thereof including a reasonable attorney's fee.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 91 Lot # 23

516 EGRET CIRCLE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Skirting damage. Must be repaired.

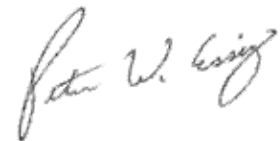
DATE OF VIOLATION FIRST OBSERVED: Feb 02, 2019

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

February 02, 2019 via First Class

via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: June 10, 2019



Peter Essig, DOR Inspector
772-664-4839

June 05, 2019



516 Egret (rear). Post VC inspection. Skirting damage (hidden by wood)
Peter Essig
May 28, 2019



516 Egret (rear). Pre-VC inspection. Skirting damage (plywood used to hide damage)
Peter Essig
May 07, 2019



516 Egret. Skirting damage.
Peter Essig
Apr 17, 2019



516 Egret (rear). Skirting damage.
Peter Essig
Mar 19, 2019

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
NOTICE OF HEARING
OF
BOARD OF TRUSTEES**

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **01:00 PM** on **June 14, 2019** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding of Fact and Recommended Order issued by the Violations Committee. The owner may not present new or additional evidence, but shall be given an opportunity to be heard. If the Board of Trustees concurs with the Violation Committee that a violation has been established, the Board of Trustees shall have the authority to bring an action for injunctive or other appropriate legal or equitable relief in a court of competent jurisdiction in Brevard County, Florida to remedy the violation. If the Board of Trustees brings any such legal action to enforce the Deed of Restrictions and is deemed to be the prevailing party in such action, the Board of Trustees shall be entitled to an award of attorney's fees and court costs incident to bringing such action.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (FS 286.0105).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

June 05, 2019

Deed of Restrictions STAFF

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-000418

#1611 / 19-000418
RITCHIE, ANN-MARIE,
811 JAMAICA AVE
SEBASTIAN, FL 32958

Respondent(s),

**RE: 516 EGRET CIRCLE
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

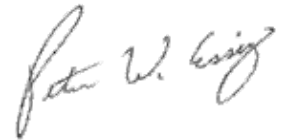
STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Peter Essig for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20__.



Peter Essig, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20__ by Peter Essig, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large



Board of Trustees Meeting Agenda Memo

Date: Friday, June 14, 2019
Title: **DOR VIOLATION 18-004845 710 LARK DRIVE**
Section & Item: 9.A.v.
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, John W. Coffey ICMA-CM, Community Manager
Attachments: 710 Lark Drive 18-004845
Reviewed by
General Counsel: No
Approved by: John W. Coffey, ICMA-CM, Community Manager

Requested Action by BOT

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation to Article III, Section 10 & Section 2 – Exterior Maintenance – Skirting Damage, Siding Damage & Roof Damage: Case was opened 10/26/2018. Seven inspections have been performed on this property. Eight pictures have been taken. Staff has signed Affidavit of Notices and attached two pictures. Statement of violation has been sent. Property is under social membership suspension. Property was found in violation by the Violations Committee on November 9, 2018. Respondent was notified by first class mail, certified mail and property was also posted.

Staff recommends that the BOT refer this Violation to the 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.

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-004845

#0471/ 18-004845

TABORELLI, DENNIS ESTATE OF
710 LARK DRIVE
BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

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

(11) The exterior of each home, including, but not limited to, windows, screens, roofs, gutters, and siding shall be maintained in good condition at all times and/or in substantially the same condition as when each item was newly installed without gaps or openings. Only materials as approved by ARCC shall be used.

(D) In the event that any lawn, landscaped areas, driveway, carport or home is not maintained in compliance with the requirements of Section 2, Section 10, or Section 11 of Article III, the Recreation District shall have the right to enter upon the lot and take any action reasonably necessary to cause the home and lot to come into compliance with the requirement of subsections (A), (B), (C) of Section 2, Section 10, or Section 11 of Article III. The expense of such action shall be billed by the Recreation District to the owner, shall be a personal obligation of the owner, and shall be paid by the owner within thirty days after the owner is provided with written notice of such expenses. If payment is not made within the said thirty day period, the expense in question shall become a lien upon the said lot until paid, which lien shall have priority as of the date of recording of a notice thereof in the public records of Brevard county; provided, however, such lien shall not be superior to the lien for county taxes of the lien for the Recreation District's assessments and maintenance fees. The sum so due to the Recreation District may be collected by either an action of law, or the Recreation District shall have the right at its discretion to proceed to foreclose the above -described lien. In the event of such litigation, the Recreation District shall have the right to recover the costs thereof including a reasonable attorney's fee.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 114 Lot # 142
710 LARK DRIVE
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): exterior maintenance: a)siding damage b) skirting damage: missing vents and gaps c) roof damage (peeling membrane)

DATE OF VIOLATION FIRST OBSERVED: Oct 26, 2018

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

October 29, 2018 via First Class
via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: June 10, 2019



Stephane Fecteau, DOR Inspector
772-664-4722

June 03, 2019



710 skirting damage
Stephane Fecteau
Jun 03, 2019



710 Lark roof and siding damage
Stephane Fecteau
Jun 03, 2019

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
NOTICE OF HEARING
OF
BOARD OF TRUSTEES**

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **01:00 PM** on **June 14, 2019** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding of Fact and Recommended Order issued by the Violations Committee. The owner may not present new or additional evidence, but shall be given an opportunity to be heard. If the Board of Trustees concurs with the Violation Committee that a violation has been established, the Board of Trustees shall have the authority to bring an action for injunctive or other appropriate legal or equitable relief in a court of competent jurisdiction in Brevard County, Florida to remedy the violation. If the Board of Trustees brings any such legal action to enforce the Deed of Restrictions and is deemed to be the prevailing party in such action, the Board of Trustees shall be entitled to an award of attorney's fees and court costs incident to bringing such action.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (FS 286.0105).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

June 03, 2019

Deed of Restrictions STAFF

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-004845

#0471 / 18-004845

TABORELLI, DENNIS ESTATE OF,
710 LARK DRIVE
BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 710 LARK DRIVE
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Stephane Fecteau for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20____.



Stephane Fecteau, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20____ by Stephane Fecteau, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large

Board of Trustees Meeting Agenda Memo



Date: Friday, June 14, 2019
Title: **DOR VIOLATION 18-004613 710 LARK DRIVE**
Section & Item: 9.A.vi.
Department: Resident Relations, DOR
Fiscal Impact: N/A
Contact: Richard Armington, Resident Relations Manager, John W. Coffey ICMA-CM, Community Manager
Attachments: 710 Lark Drive 18-004613
Reviewed by
General Counsel: No
Approved by: John W. Coffey, ICMA-CM, Community Manager

Requested Action by BOT

Review violation and referral to General Counsel Repperger.

Background and Summary Information

Violation to Article III, Section 2 – Condition of Property – Lawn & Landscaping: Case was opened 10/29/2018. Six inspections have been performed on this property. Four pictures have been taken. Staff has signed Affidavit of Notices and attached one picture. Statement of violation has been sent. Property is under social membership suspension. Property was found in violation by the Violations Committee on November 9, 2018. Respondent was notified by first class mail, certified mail and property was also posted.

Staff recommends that the BOT refer this Violation to the 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.

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-004613

#0471/ 18-004613

TABORELLI, DENNIS, ESTATE OF
710 LARK DRIVE
BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

• **ARTICLE III, SECT. 2 (A) (D) Lawn and Landscape Recurring Maintenance Condition of Prop. (A)(D) Lawn & Landscape (Recurring Mtnc.)**

(A) The lawn and landscaped areas (including all trees, shrubs, and other vegetation) of each lot shall not be neglected and shall be regularly pruned and maintained at the expense of the Owner or Resident of such lot. The lawn and landscaped areas shall be maintained free from all underbrush, excessive overgrowth, all rubbish, and weeds and grass in excess of six inches in height. "Excessive overgrowth" shall mean any vegetation that is not regularly pruned in accordance with common care for such vegetation, or presents an inherent danger in either height, placement or as restricted in ARCC Guidelines. Dead vegetation on any lot is required to be promptly removed.

(D) In the event that any lawn, landscaped areas, driveway, carport or home is not maintained in compliance with the requirements of Section 2, Section 10, or Section 11 of Article III, the Recreation District shall have the right to enter upon the lot and take any action reasonably necessary to cause the home and lot to come into compliance with the requirement of subsections (A), (B), (C) of Section 2, Section 10, or Section 11 of Article III. The expense of such action shall be billed by the Recreation District to the owner, shall be a personal obligation of the owner, and shall be paid by the owner within thirty days after the owner is provided with written notice of such expenses. If payment is not made within the said thirty day period, the expense in question shall become a lien upon the said lot until paid, which lien shall have priority as of the date of recording of a notice thereof in the public records of Brevard county; provided, however, such lien shall not be superior to the lien for county taxes of the lien for the Recreation District's assessments and maintenance fees. The sum so due to the Recreation District may be collected by either an action of law, or the Recreation District shall have the right at its discretion to proceed to foreclose the above -described lien. In the event of such litigation, the Recreation District shall have the right to recover the costs thereof including a reasonable attorney's fee.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 114 Lot # 142
710 LARK DRIVE
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): lawn and landscape: high grass

DATE OF VIOLATION FIRST OBSERVED: Oct 12, 2018

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

October 29, 2018 via First Class
via Certified return receipt requested.

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: June 11, 2019



Stephane Fecteau, DOR Inspector
772-664-4839

June 04, 2019



11/05/2018 14:29:35

710 Lark VC high grass
Stephane Fecteau
Nov 05, 2018

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
NOTICE OF HEARING
OF
BOARD OF TRUSTEES**

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June 05, 2019

Deed of Restrictions STAFF

**BAREFOOT BAY BOARD OF TRUSTEES
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 18-004613

#0471 / 18-004613

TABORELLI, DENNIS, ESTATE OF,
710 LARK DRIVE
BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 710 LARK DRIVE
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
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FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20__.



Stephane Fecteau, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20__ by Stephane Fecteau, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large



Board of Trustees Meeting Agenda Memo

Date: Friday, June 14, 2019
Title: **NAB Emergency Generator Installation Award of Contract**
Section & Item: 9.B.
Department: R&M/Capital Projects
Fiscal Impact: \$56,960.00
Contact: Matt Goetz, Property Services Manager, John W. Coffey
ICMA-CM, Community Manager
Attachments: attachment complete electric bid, attachment US Generator
quote, Policy Manual excerpt
Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, ICMA-CM, Community Manager

Requested Action by BOT

Award of contract for installation of an emergency backup propane generator for the New Administration Building.

Background and Summary Information

The New Administration Building (NAB) was designed to be the BBRD Emergency Operations Center (EOC) during hurricane and other emergencies and thus planned to have a propane fueled emergency generator installed after the building was completed. Staff has sought multiple bids with the following results:

\$56,960.00 Complete Eclectic (100 KW unit)

\$29,337.00 US Generator (48 KW unit)

No response from Eau Gallie Electric

Since, the bid from US Generator does not meet the needs of the NAB per the design, (recommended 75 or higher KW), the Community Manager recommends the BOT use the exception provided within the Policy Manual to waive the second bid and award contract for the installation of an emergency backup generator for the New Administration Building to Complete Electric in the amount of \$56,960.00.

Sufficient funding is available within Fund Balance for this procurement.

Complete Generators Sales & Service

637 Sebastian Blvd.

Sebastian, Fl. 32958

Db: Complete Electric Inc

Indian River: (772) 388-0533 Brevard: (321) 726-0601 St. Lucie: (772) 344-3444

Fax: (772) 388-2411

www.completeelectricinc.com

Date: Friday, April 05, 2019

Name: Barefoot Bay Recreation District

Attn: Matt Goetz

Address:

Email:

Phone: 772-494-9985

Re: Generator System for New Admin. Building

Complete Electric, Inc. Is Pleased To Present You, With Our Proposal Detailed Below:

Scope of Work: Supply and install an automatic stand by generator system as discussed. See details listed below for this turnkey installation.

GENERATOR: Utilize a GENERAC Protector Plus Industrial Grade 100KW Model ZG100, 277/480V Three Phase LP Gas generator with an aluminum L2A enclosure. The generator will be placed near the Main Disconnect in the gravel bed area where the FPL pad mount transformer is also located. **The same area where you are already wanting to install privacy fencing.

- Form and pour a concrete pad for the generator. Deliver, place and secure the generator on the pad when ready.
- The ZG100 generator comes with a block heater, as well as an alternator strip heater. Install circuit for block heater and alternator strip heaters.
- Supply the start battery and battery charging circuit.
- Install PVC conduits with copper feeder and control wires between the generator and the transfer switch and make all electrical terminations.
- Once the system installation has been completed, we will perform a full system startup test, activate the generator with GENERAC, and perform a simulated power outage.
- The warranty for the generator begins upon the system being started and activated. **An Option is listed below for a 10 Year Parts/Labor/Travel extended warranty.
- Provide a system demonstration with the owners. Show owners how to operate the controller, and basic system operation features. It is extremely important to understand how to use the controller so you are prepared in the event of an emergency. This is the best time to ask any questions about the operation of the system.

GENERATOR PAD: Form and pour a concrete pad for the generator that is 12" above existing grade. If we are required to pour or elevate the pad based on flood zone requirements, s notes listed below.

- If it is determined that you are in a flood zone the generator pad will need to be elevated, and the price will increase. We will also need to get an elevation

certificate for the new generator pad. We have two options for elevating the generator, one is stem wall elevated concrete pad, and the other is 4" concrete pad with an aluminum frame/stand to elevate the generator.

- Elevation survey and certificate is additional \$450.00 and will determine the final elevation of the pad, and therefore additional steps needed at that time.
- If structural engineering, and/or concrete pilings are required for the generator pad, it will be extra.

TRANSFER SWITCH: Utilize a 200A 480V rated ASCO N3R automatic transfer switch or ATS. The ATS will be placed next to the FPL pad mount disconnect.

- Coordinate a power outage to the facility with FPL so this work can take place.
- Remove the meter can that was installed (and not being used) and discard.
- Install a second concrete post and modify the support rack so it can accommodate the new ATS along with the existing 200A Main ON/OFF disconnect.
- Terminate feeders back in to the step down transformer so power can be restored.
- This power outage will take place during normal business hours. You may want to consider having a rental generator on site to power the 120/208V loads while this takes place. **No fees are included at this time for rental generator and/or connection of rental generator.
- Utilize the existing step down transformer, 200A 480V disconnect as well as the 120/208V 400A rated disconnect. No changes will be made on the low voltage side of the step down transformer.

*There will be a brief power outage to the house while the transfer switch is being installed.

FUEL SYSTEM: Supply and install a 1000 gallon underground propane tank. The tank will be placed no more than 40` from the generator in the grass area alongside the sidewalk where we discussed.

- This will be a customer owned LP tank, not a lease.
- Install gas line from tank to generator. Install riser, fuel regulator, ON/OFF valve, flex fuel line and vent pipe.
- Make final connections and test for leaks.
- The initial fill of the tank is included. (80% is max fill for an LP tank)
- Deduct \$7000.00 if you wish to contract directly with the LP gas provided for the installation of the LP tank, tank itself, fuel, etc.

NOTES & EXCLUSIONS:

- Permit fees are included along with riser and site drawings showing the location of the generator on your property.
- Exact location of equipment is subject to approval by local jurisdiction, and planning and zoning. Additional fees will apply if planning and zoning, and/or the Building Department requires a change in the location of Generator or related equipment.
- We will need an accurate copy of your site/boundary survey for permit. If you do not have one, and/or cannot locate one, you will need to hire a surveyor to have one created prior to us submitting for permit.
- No fees are included for landscaping. This includes shrub removal if needed, sod replacement, and/or any new shrubs or landscaping that is required. We

will make every effort to maintain the condition of the yard/grounds, but as part of the installation some grounds will be disrupted.

- No fees are included for irrigation system repairs or relocation of irrigation piping, heads etc. Irrigation system piping cannot be located, and damages do sometimes occur.
- No fees are included for repairs or replacement of existing communications lines. (AT&T, Comcast, Etc.)
- No fees are included for Paver removal, relocation, and/or resetting of Pavers. If Pavers need to be removed, owners will have to contract directly with Paver Contractor.
- Drywall cutting may be needed as part of this installation. We will place back any sections of drywall removed (unless otherwise agreed). Sanding, finishing and painting of any removed sections of drywall will be done by others.
- If the installation of a Propane tank is required, please note that the tank installation will disrupt the grounds. The excavator weighs 8000lbs, and requires 77" clearance to access the tank location. You will need to anticipate additional fees for landscaping, and irrigation system repairs and adjustments.
- If internet cabling is required and/or Wi-Fi booster is required for any monitoring systems it will be extra.
- If a Sure Start kit is required for the AC unit it will be an additional \$450.00.
- Installation timeline from date of signing contract to final inspection is usually four to five months depending on the time of the year.

TOTAL QUOTE w/o 10 Year Extended Warranty: \$54460.00

TOTAL QUOTE w/ 10 Year Extended Warranty: \$56960.00

*Extended Warranties are offered for most units/models. Pricing will be listed with Service Agreement.

*Remote monitoring devices are available for most models. Due to various options, pricing can be provided upon request.

*We offer service and maintenance agreements. We are also warranty service providers for GENERAC/KOHLER/CUMMINS generator systems.

***Make sure and have your irrigation heads adjusted so they are not spraying directly up and inside the new generator once project is completed. Well water can cause rust inside the generator. No fees are included for irrigation system repairs or adjustments.**

***If The Local Inspector Requires Additional Devices Or Items Not Indicated On The Plans, Or Not Included In The Specifications They Will Be Added At Additional Cost. Quote Based On Working Hours, 7:00 AM – 3:30 PM. Damage Resulting From the Installation Of Our Scope Of Work To Underground Items That Have Not Been Identified By Locates Will Not Be The Responsibility Of Complete Electric, Inc.**

Quote is valid for 30 days. All Work will be performed in accordance to the National Electric Code standards and local ordinances. Please contact us if we can provide you with any additional information.

Estimator: Mike Macleary

Payment Schedule: 30% due at signing of quote. 70% of contract amount due upon generator arrival to site. Full balance due at startup of generator system.

PAYMENT LIABILITY: Upon signing this proposal it becomes a contract to Purchase Generator System and Customer is liable for the cost of the System. Payment in full is due upon completion of work or satisfactory passing of any required inspection. If the invoice is not timely paid and Complete Electric Inc engages an attorney to enforce collection the Customer agrees to pay all expenses including Court costs and reasonable attorney fees to be fixed by the Court if it prevails in the litigation. The Customer further agrees that venue for any litigation shall be in Indian River County, Florida. The payment for material and labor provided under this contract shall be due and payable in full upon completion and shall be made at our office in Sebastian, Florida. Interest at the rate of 1.5% per month (18% annually) shall be charged for any amount not paid within the said 20 days.

CANCELLATION POLICY: Customer may cancel this Contract within ten (10) days of signing and receive a full refund of deposit. If Customer cancels this Contract after ten (10) days but before thirty (30) days of signing the full deposit amount will be forfeited. If Customer cancels this Contract after thirty (30) days of signing, Customer will be required to pay seventy percent (70%) of the Contract price.

Customer Signature

Date

Print Name

F: SERVICE: GENERATOR QUOTES 2019:



Matt Goetz <mattgoetz@bbrd.org>

Generator Quote

1 message

usgen@comcast.net <usgen@comcast.net>
Reply-To: usgen@comcast.net
To: mattgoetz@bbrd.org

Tue, Apr 23, 2019 at 9:50 AM

Good morning Matt,

After meeting with my electricians we have determined through load calculations that a 48KW Generac will provide all the coverage required for your building.

48KW Generac completely installed is:	\$28,487.00
400 Amp. Nexus Transfer switch upgrade:	<u>\$850.00</u>
Total:	\$29,337.00 including tax.

The building permit is not included in the price and would be added to your final payment when the job is 100% complete.

Your only other expense will be running the propane line over to the generator location.

Ron Weimerskirch

USGenerator, Inc.
6205 65th St.
Vero Beach, FL 32967
Ph: 772-778-0131

- Cell 772-633-9185
usgen@comcast.net
USGenerator.org

Exhibit A
Barefoot Bay Recreation District Policy Manual

The Community Manager is authorized to approve budgeted expenditures of up to \$7,500.00 without Board authorization. All expenditures of \$7,500.00¹⁵ or more shall be authorized by the Board of Trustees and have two authorized signatures on ANY check.

Use of Purchase Orders-Competitive Pricing

The primary method of purchasing a product is through a purchase order. A purchase order ensures that proper procedures and approvals have been obtained prior to placing the order for the product. Certain items do not require a purchase order and are listed under exceptions to the use of Purchase Orders.

1. For purchases of up to \$999.99¹⁶, a purchase order and competitive pricing is not required; however, obtaining quotations is recommended whenever practical.
2. For purchases of \$1,000.00 to \$19,999.99¹⁷ informal quotes are required from at least two sources. A "No Bid" does not constitute a quote. These quotations should be submitted in writing, and kept on file in the accounts payable office and the requesting department.
3. For purchases in the amount of \$20,000.00 to \$49,999.99¹⁸ written, signed bids are required from at least three sources. A "No Bid" does not constitute a bid. These bids should be kept on file in the accounts payable office and the requesting department.
4. For all purchases in the amount of \$50,000¹⁹ or more, sealed bids are required and the Request for Proposal or Invitation to Bid Process must be followed (see Section 2.14).

If staff is unable to obtain more than one quote or bid after a reasonable time, the Community Manager may authorize the procurement based on the Department Manager's recommendation and use of Exception to Competition, #8 "Under other documented and justified circumstances approved by the Community Manager." When this exception to competition (a second quote cannot be found in a reasonable time)²⁰ is used, the Community Manager shall notify the Board of Trustees at the next regularly scheduled Board meeting and notate the date, vendor and price on an "Exception to Competition log" as maintained by the District Clerk.²¹

Blanket Purchase Orders

Blanket purchase orders may be used for small repetitive specified goods or services from the same vendor that requires numerous orders / shipments over specified periods of time. The use of blanket purchase orders to by-pass the competitive pricing or bid policies is not allowed.

Use of Credit Cards²²

Department Managers are authorized by the Community Manager to use a credit card with a maximum monthly limit of \$1,000.00 for purchases when credit accounts or payment by check is not acceptable or efficient. An additional \$1,000.00 per month may be pre-approved by the Community Manager as needed. The Finance Manager is authorized by the Community Manager to use a credit card with a maximum monthly limit of \$5,000.00 for purchases when credit accounts or payment by check is not acceptable or efficient. Department Managers will forward receipts for all purchases made by use of the credit card to the Finance Manager or designee. The Finance Manager or designee shall monitor the usage of departmental credit cards. Credit cards shall be stored in a secured location by the Department Managers when not in use.



Board of Trustees Meeting Agenda Memo

Date: Friday, June 14, 2019

Title: Discussion on Issuing a Request for Qualifications to Select Pools Construction Vendor of Record

Section & Item: 9.C.

Department: Administration, District Clerk

Fiscal Impact: N/A

Contact: Luann Henderson, Trustee, 2nd Chair, John W. Coffey ICMA-CM, Community Manager

Attachments:

Reviewed by

General Counsel: N/A

Approved by: John W. Coffey, ICMA-CM, Community Manager

Requested Action by BOT

Discussion and decision regarding whether BBRD Should issue a request for qualifications to select a pools construction contract of record.

Background and Summary Information

Recently, BBRD received no responses to a request for proposal (RFP) for pool construction services at Pool #1 and #2. Additionally, staff was unable to obtain a bid for replacement of the Pool #2 pit replacement for the last two years. Reasons for pool construction firms not bidding on BBRD projects appear varied but the difficult political and social climate in BBRD coupled with the very hot economy are probably the two main factors.

Trustee Henderson requested the BOT discuss the merits of issuing a request for qualifications (RFQ) for current and future pool construction services. A RFQ, as opposed to an RFP, is a competitive bidding process where vendors are evaluated by a committee on qualifications and price is excluded initially. Only after the BOT has voted for a ranking (i.e. #1, #2, #3, etc.) of vendors does staff then negotiate with the highest ranked firm to attempt to reach an agreement for services that does include price (typically hourly rates for specific positions and any percentage of overhead and profit). If staff and the top ranked firm cannot reach an agreement, then staff can end negotiations with that firm and start negotiations with the second firm. Under no circumstances can staff re-consider the higher ranked vendor once negotiations have ceased. When an agreement with a vendor is reached, the terms are placed on an agenda for the BOT to consider approval of a "continuing services contract" with said vendor at the terms agreed upon by both parties.

RFQs are typically issued for professional and technical services (such as IT, Engineering, etc.), however, they can also be used when an entity wished to enter into continuing services contracts to streamline the bidding process. A major negative with a continuing service contract (from a public perception perspective) is when work is needed, a proposal is solicited from the vendor of record and the BOT considers award of contract based solely on the proposal without

second or third bids.

Of note, BBRD has issued two RFQs in the past 5.5 years. TLC, BBRD's engineers of record, was selected via this process while a RFQ for IT services ended without a contract being awarded to any vendor.

Board of Trustees Meeting Agenda Memo



Date: Friday, June 14, 2019
Title: **General Counsel, SDS and Community Manager Evaluations**
Section & Item: 9.D.
Department: Administration, District Clerk
Fiscal Impact: N/A
Contact:
Attachments:
Reviewed by
General Counsel: N/A
Approved by: John W. Coffey, ICMA-CM, Community Manager

Requested Action by BOT

Discussion of results.

Background and Summary Information

The BOT customarily conducts evaluations of the Community Manager and Special District Services (SDS) each spring. However, Chairman Klosky recommended allowing for additional time this year so the new Board members would have enough time serving on the Board to fill out their evaluations appropriately. He also, recommended an evaluation of General Counsel Repperger at the same time as the others.

Chairman Klosky distributed the evaluation forms at the BOT Meeting dated May 10, 2019. Consensus to have the results tabulated and then brief the BOT at the 14Jun19 meeting. Due to the seven-day notice requirement for this agenda, evaluation results are not available in this memo but will be presented at the 14Jun19 meeting.



Barefoot Bay Recreation District

625 Barefoot Boulevard, "New Administration Building"
Barefoot Bay, FL 32976-9233

Phone 772-664-3141
Fax 772-664-1928

Memo To: Board of Trustees

From: John W. Coffey, ICMA-CM, Community Manager

Date: June 14, 2019

Subject: Manager's Report

Finance

- FY19 Assessment Collection Update – \$3,710,414.00 (gross) or 96.1% of the FY19 Budget has been received as of June 7th (see attached for details).

- **ARCC Update**
 - o To be provided

- **Violations Committee Update**
 - o To be provided

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.
 - o Tickets for the Father's Day Clam bake are on sale at the Lounge, the 19th Hole and the Administration Building.
- We begin our Independence Day celebrations on Sunday, June 30 with T.C. and Sass playing lakeside of the Lounge from 5-9 p.m. with a Fireworks display at 9 p.m. over the field on the west side of the Lounge. On July 4 there is a Golf Cart and Character parade at 1:30 p.m. down Veteran's Way.

Flyers with all the details are posted.

Golf-Pro Shop

- **Jr. Camp** signup has begun. See attached or Pro Shop for details
 - o Session 1 of Junior Camp begins Tuesday, June 11, 2019.
 - o 29 have signed up as of June 5, 2019
- #8 Wall repair is in progress.

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

The package from the contractor who will install the Pavilion in Building A is ready to be submitted to the County for a building permit. However, we have been recently advised by Brevard County that a topographical survey is also needed so we are currently awaiting the survey company's visit to assess the proposed area. This is the South East corner of Pool 1 in the back of Building A.