



BAREFOOT BAY RECREATION DISTRICT

2022 DOR Review Ad Hoc Committee

March 31, 2022

Agenda

9:00 AM - Building D & E

- **Call to Order:**
- **Pledge of Allegiance:**
- **Roll Call:** Members: Louise Crouse, Jeff Grunow, Joseph Klosky, Dan Murphy, and John Scarritt. Alternates Vicki Sloss and Dee Dee Cohen.
- **Approval of Minutes:**
- **In Attendance:** Rich Armington Resident Relations/HR Manager, Mary Barry DOR Inspector, and Sally-Ann Biondolillo DOR/ARCC Administrative Assistant and John Cary, Esq.

- **New Business:**
 - Discuss Proposed DOR Ballot Questions sent via email on March 7, 2022.

 - Review email sent by Dee Dee Cohen.

Discussion:

Adjournment:

Sally-Ann Biondolillo

Sally-Ann Biondolillo

DOR/ARCC Administrative Assistant

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

2022 DOR Review Ad Hoc Committee

March 3, 2022

Minutes

9:00 AM- Building D & E

The Barefoot Bay DOR Review Ad Hoc Committee held a meeting on 03/03/2022 in Building D & E, 1225 Barefoot Blvd, Barefoot Bay, Florida 32976.

- **Call to Order:** Louise Crouse called the meeting to order at 9:00 am.
- **Pledge of Allegiance:** Louise Crouse led the pledge of allegiance.
- **Roll Call:** Present: Louise Crouse, Jeff Grunow, Joseph Klosky, and Alternate Dee Cohen was a voting member. Excused were Dan Murphy and Vickie Sloss. Absent was John Scarritt.
- **Approval of Minutes:** Minutes for 03/03/2022 were approved as presented.
- **In Attendance:** General Counsel John Cary, Rich Armington Resident Relations/HR Manager, Mary Barry DOR Inspector, and Sally-Ann Biondolillo DOR/ARCC Administrative Assistant.

New Business:

- Discuss Proposed DOR Ballot Questions
- Proposes Questions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 18 we all approved to present to the Board of Trustees for approval.
- Changes to be added to the Proposed Questions:
 1. Article III Section 6 (A) - Signs
Add the wording "FL State Statutes and Brevard County Ordinances".
 2. Article III Section 6 (D) – Signs
Add the wording "Federal and State Statutes and Brevard County Ordinances".
 3. Article III Section 14 (B) - Enforcement of the Deed of Restrictions
Add the wording "or mailed by US Mail" and "in addition to posting on any Lots of the address where the violation exists".
- Send the proposed Ballot Questions to General Counsel, Committee, Staff and Board of Trustees.

Discussion: The meeting schedule for March 17, 2022, will be cancelled. The next scheduled meeting will be held on March 31, 2022, at 9:00 am in Buildings D & E, 1225 Barefoot Blvd.

Adjournment: Meeting adjourned at 10:48 am.

Sally-Ann Biondolillo

Sally-Ann Biondolillo

DOR/ARCC Administrative Assistant

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

Sally Biondolillo

From: Dee Dee Sunter <deidrepcohen@gmail.com>
Sent: Tuesday, March 8, 2022 4:04 PM
To: Sally Biondolillo
Subject: Re: Proposed Ballot Questions

Hi Sally,

Great job on catching all the points!
I do have a couple of notes though:

In the section for change #1, I would add hyphens around the word "guidelines". This would distinguish it from part of the sentence to highlight the change.

Article I Section 1 "Architectural Review and Control Committee" (ARCC) shall mean and refer to the Committee established to promulgate regulations and enforce Article II of the Amended and Restated Deed of Restrictions of the Barefoot Bay Recreation District as established in Article II. Proposed change: replace the word 'regulations' with the word "guidelines" to mirror wording in other sections of this document. Then Section would then read: "Architectural Review and Control Committee" (ARCC) shall mean and refer to the Committee established to promulgate guidelines and enforce Article II of the Amended and Restated Deed of Restrictions of the Barefoot Bay Recreation District as established in Article II. Do you approve of the change to Article I Section 1? __ Yes __ No
Proposed Ballot question #1

There are references to the AARC Board of Directors terms, etc. Is that supposed to be part of the Ad Hoc DOR committee review?

Article III Section 6 A Signs
I thought we had changed the wording from "shall" to "should" because we cannot enforce it -
Such signs shall be removed within two (2) weeks after ...

That is all.

Thank you for your hard work,
Dee Dee

On Mon, Mar 7, 2022 at 2:28 PM Sally Biondolillo <sallybiondolillo@bbrd.org> wrote:

Attached you will find the Proposed Ballot Questions prepared by the Ad Hoc.

Please let me know if you have any questions.

Thank you,

Sally-Ann Biondolillo

Proposed Ballot Question #1

Article I Section 1 **“Architectural Review and Control Committee”** (ARCC) shall mean and refer to the Committee established to promulgate regulations and enforce Article II of the Amended and Restated Deed of Restrictions of the Barefoot Bay Recreation District as established in Article II.

Proposed change: replace the word ‘regulations’ with the word guidelines to mirror wording in other sections of this document.

Then Section would then read:

“Architectural Review and Control Committee” (ARCC) shall mean and refer to the Committee established to promulgate *guidelines* and enforce Article II of the Amended and Restated Deed of Restrictions of the Barefoot Bay Recreation District as established in Article II.

Do you approve of the change to Article I Section 1? ☐ Yes ☐ No

Proposed Ballot Question #2

Article I Section 2 **“Association”** shall mean and refer to Barefoot Bay Homeowners Association, a Florida Corporation and its successors and assigns.

Proposed change: Remove this reference and all referenced throughout the DOR to the Homeowners Association and the Association. The HOA or Association does not exist within the Barefoot Bay Community. This change would place the responsibilities previously given to the HOA to provide committee/board members on any existing or future committees regulated by the Board of Trustees. The Board of Trustees would take full responsibility for securing open positions on these committees/boards.

Do you approve of removing the references to the Homeowners Association or Association throughout the DOR? ☐ Yes ☐ No

Proposed Ballot Question #3

Article II Section 1 B

B. Five voting member of the ARCC shall be appointed as follows: two (2) by the Board of Trustees and three (3) by the Association, all of whom shall be Lot owners.

Proposed change: to remove: *“as follows: two (2) by the Board of Trustees and three (3) by the Association to read each Five voting members of the ARCC shall be appointed each to a three (3) year term.”* And add: *“appointed to a three (3) year term,”*

The section will then read:

B. Five (5) voting members of the ARCC shall be appointed to a three (3) year term, all of whom shall be Lot owners.

Do you approve of the changes to Article II Section 1 B? ☐ Yes ☐ No

Proposed Ballot Question #4

Article II Section 1 C

C. Two (2) alternates shall be appointed, each to a three (3) year term as follows: One (1) by the Board of Trustees and one (1) by the Association, who shall both be Lot owners. Alternates shall only be permitted to vote when needed to establish a quorum as provided in the ARCC rules and procedures. If needed, the Chairman of the ARCC shall designate which alternate shall vote on any item.

Proposed change: remove the words *“as follows: One (1) by the Board of Trustees and one (1) by the Association”*.

The Section would read:

C. Two (2) alternates shall be appointed by the Board of Trustees, each to a three (3) year term who shall both be Lot owners. Alternates shall only be permitted to vote when needed to establish a quorum as provided in the ARCC rules and procedures. If needed, the Chairman of the ARCC shall designate which alternate shall vote on any item.

Do you approve the change to Article II Section 1 C? ☐ Yes ☐ No

Proposed Ballot Question #5

Article II Section 1 E

E. ARCC members will be appointed by the Board of Trustees as follows: one (1) member appointed by the Association for one (1) year term; one (1) member appointed by the Board of Trustees and one (1) member appointed by the Association, each for two (2) term: and one (1) member appointed by the Board of Trustees and one (1) member appointed by the Association, each for a three (3) year term. At the expiration of the initial terms, new members will be appointed for terms of three (3) years each. If a member resigns or otherwise vacates his/her seat before the expiration of his/her term, a new member will be appointed to fill the open seat and serve the balance of the unexpired term.

Proposed change: to remove *“as follows: one (1) member appointed by the Association for one (1) year term; one (1) member appointed by the Board of Trustees and one (1) member appointed by the Association, each for two (2) term: and one (1) member appointed by the Board of Trustees and one (1) member appointed by the Association.”* And add: *“the member can apply”*.

The section would then read:

E. ARCC members will be appointed by the Board of Trustees each for a three (3) year term. At the expiration of the initial terms, the member can apply for another term of three (3) years each. If a member resigns or otherwise vacates his/her seat before the expiration of his/her term, a new member will be appointed to fill the open seat and serve the balance of the unexpired term.

Do you approve the change to Article II Section 1 E? ☐ Yes ☐ No

Proposed Ballot Question #6

Article II Architectural Review and Control Section 2, 2.

The ARCC shall have the authority to promulgate regulations relating to all construction and landscaping for lots within Barefoot Bay. Such regulations may, without formal amendment of this Deed of Restrictions, be created, amended, modified, altered, or changed by a majority vote of the ARCC, provided, however that notice of any such amendment, modification, alteration, or change to the regulations shall be given in writing to the Recreation District as soon as practicable after adoption thereof by the ARCC. A copy of Guidelines for Use by the Architectural Review and Control Committee (ARCC Guidelines), any such amendment, modification, alteration or change to such a regulation shall be maintained online at the official Recreation District website as well as in the offices of the Recreation District and shall be made available on request to any interested party upon payment of a reasonable copying fee.

Proposed change: replace the word “*regulations*” with the word *guidelines* to mirror wording in other sections of this document.

The Section would then read:

The ARCC shall have the authority to promulgate ~~regulations~~ *guidelines* relating to all construction and landscaping for lots within Barefoot Bay. Such regulations may, without formal amendment of this Deed of Restrictions, be created, amended, modified, altered, or changed by a majority vote of the ARCC, provided, however that notice of any such amendment, modification, alteration or change to the ~~regulations~~ *guidelines* shall be given in writing to the Recreation District as soon as practicable after adoption thereof by the ARCC. A copy of Guidelines for Use by the Architectural Review and Control Committee (ARCC Guidelines), any such amendment, modification, alteration or change to such ~~regulation~~ *guidelines* shall be maintained online at the office of the Recreation District website as well as the offices of the Recreation District and shall be made available on request to any interested party upon payment of a reasonable copying fee.

Do you approve of replacing the word regulations with guidelines in this section? ___Yes ___No

Proposed Ballot Question #7

Article II Section 3.2 A garage or a carport roof, including posts and fascia, fabricated of aluminum or other approved material.

Proposed change: Add wording “*with a minimum size of 11’ x 18’ with siding conforming to the style and materials of the home*” and “*having two unobstructed sides*”.

The section would then read:

Article II Section 3.2 A garage *with the minimum size of 11’ x 18’ with siding conforming to the style and materials of the home*. A carport roof including posts and fascia, fabricated of aluminum or other approved materials *having two unobstructed sides*.

Do you approve the changes to Article II Section 3.2? _____Yes _____No

Proposed Ballot Question #8

Article II Section 3.3 A utility room, fabricated of aluminum or other approved materials. A utility room is a building designed to house common household tools and equipment, and for general storage. The base of the building is a concrete slab. It may be used for housing a washer, dryer, and automatic hot water heater. A utility building must be structurally attached be full roof to the modular coach (mobile home) or carport ae eave level. A utility room shall conform to all specific dimensions as approved and recorded by the ARCC.

Proposed change: Add the wording "*In lieu of a garage*" before the first words in the section.

The section would then read:

Article II Section 3.3 In *Lieu of a garage*, a utility room, fabricated of aluminum or other approved materials. A utility room is a building designed to house common household tools and equipment, and for general storage. The base of the building is a concrete slab. It may be used for housing a washer, dryer, and automatic hot water heater. A utility building must be structurally attached be full roof to the modular coach (mobile home) or carport ae eave level. A utility room shall conform to all specific dimensions as approved and recorded by the ARCC.

Do you approve of the change to Article II Section 3.3? ____ Yes ____ No

Proposed Ballot Question #9

Article II Section 3. 15

A. Lamp Post approved by the ARCC shall be installed in front of all Residences and maintained in operational condition. Said Lamp Post shall be illuminated from dusk to dawn in accordance with ARCC Guidelines.

Proposed change: Add wording to specify "*the lumens, color, and visibility.*" And "*at all times*".

The section would then read:

A Lamp Post approved by the ARCC shall be installed in front of all Residences and maintained in operational condition "*at all times*". Said Lamp Post shall be illuminated from dusk to dawn *be a minimum of 460 lumens (40 watt), be white, clear, or yellow and not be obstructed by landscaping*, in accordance with ARCC Guidelines.

Do you approve of the changes to Article II Section 3.15 ____ Yes ____ No

Proposed Ballot Question #10

Article II Section 3. Architectural Design and Installation Requirements

Proposed changed: Add G: *Any solar installations must be within the setback requirements and meet State Statutes 163.04 and be in conformity and harmony with such written rules.*

This would add solar installations to the coverage by the DOR

Do you approve of the addition of solar installation restrictions? ____ Yes ____ No

Proposed Ballot Question #11

Article II Section 6 F Antennas and Satellite Dishes.

(F) Each Owner of a reception antenna shall be responsible for all costs associated with the antenna, including but not limited to:

1. The cost to repair, replace, maintain, move, and remove the antenna.
2. The damages to common property, other Lots and any other property damage by installation, maintenance or use of the antenna.
3. The costs of injury to any persons who may be injured as a result of the installation or use of the antenna.

Proposed change: add to F (Owner responsibilities) and delete items 1, 2, & 3.

(F) Each Owner of a reception/transmitting antenna shall be responsible for all costs associated with the antenna to include the installation, maintenance, and removal.

Do you approve of adding F. 4 to the Article II, Section 6 ____ Yes ____ No

Proposed Ballot Question #12

Article III Section 1 Residential Use

No structure other than a single story, single-family residential dwelling shall be erected, altered, placed, or permitted to remain on any lot. Each lot is hereby restricted to residential use by the Owner or Owners thereof and their immediate families, guests, lessees, and invitees. No commercial or business activity shall be permitted upon any lot unless the occupant thereof holds a home occupation license issued by Brevard County for such activity, provided, however, that all lot owners shall comply with the requirements of Section 8 of this article.

Proposed change: Add *"The owner of a commercial business operating out of the residence must reside in that residence"*

The Section would then read:

No structure other than a single story, single-family residential dwelling shall be erected, altered, placed, or permitted to remain on any lot. Each lot is hereby restricted to residential use by the Owner or Owners thereof and their immediate families, guests, lessees, and invitees. No commercial or business activity shall be permitted upon any lot unless the occupant thereof holds a home occupation license issued by Brevard County for such activity, provided, however, that all lot owners shall comply with the requirements of Section 8 of this article. *The owner of a commercial business operating out of the residence must reside in that residence.*

Do you approve of the additions to Article III Section 1? ____ Yes ____ No

Proposed Ballot Question #13

Article III Section 2 Condition of Property

B. The exterior of a home on any lot shall be maintained free of mildew, mold and dirt which is visible when the house is viewed from the street or from any adjacent lot.

Proposed change: Add: 'including *other ancillary structures*' after "The exterior of a home"

The section would then read:

The exterior of a home *or other ancillary structures* on any lot shall be maintained free of mildew, mold and dirt which is visible when the house is viewed from the street or from any adjacent lot.

Do you approve of additions to Article III Section 2.b? ____ Yes ____ No

Proposed Ballot Question #14

Article III, Section 3 Parking of Vehicles

A. No commercial vehicle abandoned and/or inoperable vehicle, recreational vehicle, jet ski, boat, boat trailer, camper, motor home, camping trailer, truck camper, pick-up 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 (1) 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.

Proposed change: Add the words "*expired license, non-registered*" to the description of Vehicles

The section would then read

No commercial vehicle, abandoned, *expired license, non-registered*, and/or inoperable vehicle, recreational vehicle, jet ski, boat, boat trailer, camper, motor home camping trailer, truck camper, pick-up 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 (1) 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.

Do you approve of the additions to Article III, Section 3? ____ Yes ____ No

Proposed Ballot Question #15

Article III Section 5 Nuisance

No nuisance shall be allowed upon any lot, nor shall the occupant of any Lot be permitted to conduct or engage in any activity which interferes with the peaceful possession and proper use of neighboring property by the Owners thereof. No person shall make unlawful use of any Lot within Barefoot Bay, and the occupants of all Lots shall comply with all valid laws, zoning ordinances and regulations of Brevard County and the State of Florida.

Proposed change: change the word Owners to *occupants* to identify the actual individuals involved in the nuisance.

The Section would then read:

No nuisance shall be allowed upon any lot, nor shall the occupant of any Lot be permitted to conduct or engage in any activity which interferes with the peaceful possession and proper use of neighboring property by the ~~Owners~~ occupants thereof. No person shall make unlawful use of any Lot within Barefoot Bay, and the occupants of all Lots shall comply with all valid laws, zoning ordinances and regulations of Brevard County and the State of Florida.

Do you approve of the change in wording from Owners to occupants? ____Yes ____No

Proposed Ballot Question #16

Article III Section 6 Signs

Proposed change: Add "*Flags and Banners*" to the title of the article. This would provide clarity to the article for all outdoor items for advertising or other purposes.

Then Section would read:

Signs, Flags and Banners

Do you approve of the additions to the Article III Section 6 title? ____Yes ____No

Proposed Ballot Question #17

Article III Section 6 A Signs

A. Not more than one sign having a maximum area of 6 square feet may be used to advertise a Lot "for sale" or "for rent" to advertise a contractor working on the property, or to express political views or support. Any such sign shall be made of wood, plastic, or metal and shall be maintained in good repair, free of faded or peeling paint or other material. Such signs shall be removed within two (2) weeks after the event.

Propose change: Add "*other approved material*" to the description of materials and remove "*or to express political views or support*" and "*free of faded or peeling paint or other material.*" Adding "*must meet with FL State Statutes and County Ordinances.*"

The Section would then read:

A. Not more than one sign having a maximum area of 6 square feet may be used to advertise a Lot "for sale" or "for rent" or to advertise a contractor working on the property. Any such sign shall be made of wood, plastic, ~~or metal~~, *or other approved material* and shall be maintained in good repair. Such signs shall be removed within two (2) weeks after the event and must meet with FL State Statutes and County Ordinances.

Do you approve of the addition of *other approved material* and *must meet with FL State and County statutes and ordinances* while removing *express political views and support* and *free of faded or peeling paint or other material.* to Article III Section 6 Signs? ____Yes ____No

Proposed Ballot Question #18

Article III Section 6 D Signs

D. Except as provided in subsections (A), (B), and (C) of this section, no sign of any kind shall be displayed on any residential Lot in Barefoot Bay

Proposed change: Add: *“except as permitted by Federal, State Statutes and County Ordinances.”*

Then Section would then read:

D. Except as provided in subsections (A), (B), and (C) of this section, no sign of any kind shall be displayed on any residential Lot in Barefoot Bay, except as permitted by Federal, State Statutes and County Ordinances.

Do you approve the addition of *“except as permitted by Federal, State Statutes and County Ordinances”* to Article III Section 6 Signs? ____ Yes ____ No

Proposed Ballot Question #19

Article III Section 6 Signs

Proposed change: Add G; *Any sign, flag, or banner on the exterior of the property shall be maintained in good repair. Any worn, torn, or faded sign, flag or banner shall be removed and/or replaced.*

Do you approve of the addition of G to Article III Section 6 Signs? ____ Yes ____ No

Proposed Ballot Question #20

Article III Section 14 Enforcement of the 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 a Statement of Violation and Notice of Hearing to the Owner or Occupant of such Lot specifying the nature of such violation and giving the Lot Owner or Occupant a reasonable time, as determined by Recreation District management and pursuant to current written Recreation District policy, to cure or correct such violation.

To sentence beginning: Such statement of Violation and Notice of Hearing shall be deemed to be sufficient if it is (1) delivered personally to the occupant of the Lot or the record Owner of the Lot as shown on the Brevard County Tax Rolls, *in addition to posting on any Lot of the address where the violation exists.* (2) mailed by certified U.S. Mail, return receipt requested, to the Occupant of the Lot at the address on which the violation exists, or (3) mailed by certified mail, return receipt requested, to the address of the Owner as shown on the Brevard County Tax Rolls.

Proposed change: Add *‘or mailed by US Mail’* and *“in addition to posting on any Lot of the address where the violation exists”*.

The Section would then read:

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 a Statement of Violation and Notice of Hearing to the Owner or Occupant of such Lot specifying the nature of such violation and giving the Lot Owner or Occupant a reasonable time, as determined by Recreation District management and pursuant to current written Recreation District policy, to cure or correct such violation.

To sentence beginning: Such statement of Violation and Notice of Hearing shall be deemed to be sufficient if it is (1) delivered personally to the occupant of the Lot or the record Owner of the Lot as shown on the Brevard County Tax Rolls, *in addition to posting on any Lot of the address where the violation exists.* (2) mailed by certified U.S. Mail, return receipt requested, to the Occupant of the Lot at the address on which the violation exists, or (3) mailed by certified mail, return receipt requested, to the address of the Owner as shown on the Brevard County Tax Rolls.

Do you approve of the addition to Article III Section 14.b ____ Yes ____ No

Proposed Ballot Question #21

Article IV Section 3 Social Membership Fee

Each Lot Owner shall, upon the genuine sale of the property to a new owner, pay to the Recreation District a social membership fee. The membership fee at the time of recording of this Amended and Restated Deed of Restrictions is \$750.00 plus sales tax per Lot, but such fee may be increased from time to time as may be determined by the Board of Trustees of the Recreation District.

Proposed change: remove “at the time of recording of this Amended and Restated Deed of Restrictions is \$750.00 plus sales tax per Lot, but such...from time to time as may be...by determined”

The Section would then read:

Each Lot Owner shall, upon the genuine sale of the property to a new owner, pay to the Recreation District a social membership fee. The membership fee may be increased by the Board of Trustees of the Recreation District and as stated in the Barefoot Bay Recreation District Policy manual.

Do you approve of the addition to Article IV Section 3 ____ Yes ____ No