



BAREFOOT BAY RECREATION DISTRICT

Barefoot Bay Recreation District Regular Meeting
May 9, 2024 at 1:00 PM

Agenda

Please turn off all cell phones

- 1. Thought of the Day**
- 2. Pledge of Allegiance to the Flag**
- 3. Roll Call**
- 4. Additions or Deletions to the Agenda**
- 5. Approval of the Agenda**
- 6. Presentations and Proclamations**
- 7. Approval of Minutes**
 - A. April 18, 2024 BOT FY25-29 Budget Workshop
 - B. April 23, 2024 BOT Meeting
 - C. April 25, 2024 BOT Townhall Meeting
- 8. Treasurer's Report**
 - A. Treasurer's Report
- 9. Audience Participation**
- 10. Unfinished Business**
 - A. Proposed Language for Policy Manual Amendments Regarding Caregivers; "Sole Owners" 2nd Owner's Badge Designation
- 11. New Business**
 - A. Revised ARCC Guidelines
 - B. Resolution 2024-05 Amending the Budget: Shopping Center Budget Increase and New R&M/Capital Projects Project
- 12. Manager's Report**
 - A. May 9, 2024 Manager's Report
- 13. Attorney's Report**
- 14. Incidental Trustee Remarks**
- 15. 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 Workshop

FY25-29 Proposed Budget

Thursday, April 18, 2024

9AM –Building D/E

Meeting Called to Order

The Barefoot Bay Recreation District Board of Trustees held a Workshop on April 2, 2024, Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Amoss called the meeting to order at 9AM.

Thought of the Day

“A problem is a chance for you to do your best.” Duke Ellington

Pledge of Allegiance to the Flag

Led by Mr. Grunow.

Roll Call

Present: Mr. Amoss, Mr. Klosky, Mr. Grunow, Ms. Hansen, and Ms. Van Berschot. Also, present, Kent Cichon, Community Manager, Cindy Mihalick, Interim District Clerk, Charles Henley, Finance Manager, Matt Goetz, Property Services Manager, Kathy Mendes, Food and Beverage Manager, and Bill Balash, Interim Golf Manager.

Audience Participation

Spencer Blanchard, Veterans Council – Thanked the Board for their continued support of the Veterans Center. He asked the Board to consider placing cement around the flagpoles by the Veterans Center for the creation of their brick memorial park.

FY25-29 Proposed Budget Discussion

Mr. Cichon reviewed the remaining dates for the budget development calendar with the Trustees. He reminded the Board that the principles for FY25 budget are a pause on large new projects, focus on repairs and maintenance, contend with the minimum wage increase for FY25, address increased costs due to high inflation, adjust fees and charges based on CPI and other cost pressures, maintain 15 percent reserves for contingency, and continue buildup of capital reserves.

Mr. Cichon also explained that there was an unreported source of revenue of \$200 on the spreadsheet for the golf course that can be added into the discretionary fund.

Additionally, there are issues with the FY24 budget that have potential impact on FY25 budget. The Food & Beverage Department expenditures and revenues have been increasing. Staff will present a budget amendment to the Board prior to the end of the year to raise both expenditure and revenues to maintain a balanced budget.



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Mr. Cichon informed the Board that FY24 included a project for replacement of the Veterans Gathering Center & Brevard County Water & Sewer office roof. Mr. Cichon and Mr. Goetz recently checked the roof, and it appears in good order. He asked the Board by consensus to approve staff holding off on the project. At a later date staff will present an agenda item for the board to remove the project from the budget. During FY26 budget development, the roof will be reevaluated, and a determination will be made at that time.

Ms. Hansen asked if there were interior leaks. Mr. Cichon advised that there has not been any leaks and Veterans Gathering Center staff additionally confirmed no leaks. Property Services will address a few spots of concern.

Consensus of the BOT is to place the Veterans Gathering Center & Brevard County Water & Sewer roof project on hold.

Brevard County has not yet approved the construction application for the beach project. Additional funding out of the current fiscal year's contingency line will be a minimum of \$10,000. The amount could increase if there are change orders or if the contractor runs into issues.

The Resident Relations Department has an overstatement of revenues for fees and charges for the current fiscal year. After analysis, the range of shortfall is approximately low \$50,000 to low \$70,000.

At the last regular meeting an agenda item was presented for bulk storage for alcohol. The proposed storage utilizing the vault at the shopping center will not work due to lack of air conditioning. Staff leadership now proposes removing four of the sheds outside Building A. Two larger sheds would be purchased and placed in the space of the four smaller sheds. The two larger sheds would be retrofitted with AC and light for bulk storage for Food & Beverage. One of the sheds will be moved to the golf course maintenance area for Brightview use. The CVO and Little Theater items will be moved to the vault and storage over at the RV parking lot on Micco. If additional storage is needed, there are options at West RV parking to put three sheds. Another alternative location would be in the space behind the shopping center close to the parking lot. The estimated cost is \$23,000 for the two new sheds, outfitting them, and cost to relocate existing four sheds. Mr. Cichon will be bringing this to the board as an agenda item at a later date.

Consensus of the BOT is for staff to continue pursuing the concept for storage and present it to the Board for an actual vote.

Mr. Cichon presented a spreadsheet showing \$120,000 contingency amount in the repair and maintenance capital for FY24 and FY25. There is a shortfall in Resident Relations that is approximately low \$50,000 to low \$70,000. He proposes adding the Veterans Center roof funds to the budget for \$31,900. The Beach restroom project will need approximately \$10,000. The storage project will require approximately \$23,000. Therefore, \$46,900 would still be in the contingency.

The Board has recently made changes to passes for disabled dependents and is considering changes for caretakers and single owners passes and badges at the next regular meeting. Mr. Cichon informed the Board that there will be a considerable impact on revenue based on the Board's decision.



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The Golf Course irrigation system electrical upgrades will be moved from the discretionary funds to the FRDAP grant. The following will also be included in the grant: regrass the tees, the nursery green, regrass collars, landscaping, refurbish restrooms, and consultant and engineering fees. The Wet Ject process was done to the practice green, and we will be requesting feedback from the golfing community to determine if there is a difference in playability. The procedure is a life-prolonging process for the greens.

Mr. Cichon spoke with the Brightview Vice President about the equipment they were purchasing for Barefoot Bay. The company had ordered equipment, and it has not been delivered. Brightview will provide a spreadsheet with the outstanding equipment and show alternative equipment from another vendor. An addendum to the contract is necessary to make the change and will be brought to the Board as an agenda item at a regular meeting.

Ms. Hansen asked if Mr. Balash would have knowledge about the alternative equipment and whether it can do the job. Mr. Balash spoke to the Superintendent and they both feel it is comparable and the new equipment will have a warranty.

Consensus of the BOT is to eliminate the \$60,000 from the discretionary funds for the irrigation electrical system, which will now be part of the FRDAP grant.

Mr. Cichon recommended that the Board not allocate \$40,000 of the \$63,200 available for discretionary funds at this time due to the fact that there are no firm numbers for insurance costs. He hopes that insurance has been budgeted correctly and should have the information by mid-August or early September. If the insurance has been budgeted properly, an agenda item will be brought to the Board at a regular meeting to decide what to do with the \$40,000.

Mr. Cichon reminded the Board that they have been taking into consideration making changes to the fee structure for passes and badges. Providing free passes and badges will impact revenues. For one pass per year, the single owner badge would result in eliminating revenues of \$4,000 per year. Ten passes for each home would result in a loss of \$40,000 per year. One weekly pass purchased by the single owner would equate to \$16,000. If they purchased ten in a year, it would equate to \$160,000 less revenue. Ms. Hansen felt that any decisions made about badges should not take effect until October 1st.

Mr. Grunow suggested that the shed project should take place soon so that the project will be complete, and storage is available when high season comes.

Ms. Hansen said she supports singles, but as a Board member, our obligation is to the budget. She suggested the Board should listen to the estimated numbers and give it some serious thought.

Consensus of the BOT to utilize the FY24 contingency account to purchase two new large storage units for bulk alcohol purchases and to leave \$40,000 of the FY25 R&M/Capital Projects reserves unallocated.

The Veterans Gathering Center project is to pour concrete in a semi-circle around service flags to add memorial bricks. If there is no concrete base, the bricks would not be level.



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Consensus of the BOT is to add the Veterans Gathering Center flag display for \$5,000 to the FY25 BOT priority projects.

Ms. Hansen suggested keeping the additional balance on hold, especially if the Board votes in any manner to reduce the revenues. Mr. Grunow agreed, since the Beach Restroom project could end up having overrun costs.

Consensus of the BOT is the remaining \$58,200 to be placed on hold. Staff will bring a future agenda item to the BOT at a regular meeting for the Board to determine the use of funds if funds are available.

Mr. Klosky suggested that the fourth workshop on May 7, 2024 be held to give the Board an opportunity to discuss the impact of the badge changes after the Townhall meeting on April 25, 2024.

Consensus of the BOT is that the May 7, 2024 Budget Workshop will be held.

Adjournment

The next regular Board of Trustees meeting will be held on Tuesday, April 23, 2024 at 3pm; the Townhall meeting will be Thursday, April 25, 2024 at 7pm; and the BOT Budget Workshop meeting will be Tuesday, May 7, 2024 at 6pm in Building D/E.

Mr. Amoss adjourned.

Meeting adjourned at 10:19am.

Elaine Van Berschot, Secretary

Cynthia Mihalick, Interim District Clerk



Barefoot Bay Recreation District

Board of Trustees Meeting

April 23, 2024

3pm –Building D/E

Meeting Called to Order

The Barefoot Bay Recreation District Board of Trustees held a Meeting on April 23, 2024, Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Amoss called the meeting to order at 3PM.

Thought of the Day

“If you cannot find peace within yourself, you will never find it anywhere else.”-Marvin Gaye

Pledge of Allegiance to the Flag

Led by Ms. Van Berschot.

Roll Call

Present: Mr. Amoss, Mr. Klosky, Mr. Grunow, Ms. Hansen, and Ms. Van Berschot. Also, present, Kent Cichon, Community Manager, Cindy Mihalick, Interim District Clerk, Garrett Olsen, General Counsel, Charles Henley, Finance Manager, Matt Goetz, Property Services Manager, and Kathy Mendes, Food & Beverage Manager.

Additions or Deletions to the Agenda

None

Approval of the Agenda

Mr. Klosky made a motion to approve the agenda. Second by Mr. Grunow. Motion passed unanimously.

Presentations and Proclamation

The National Day of Prayer Proclamation was accepted by Nancy Eisele.

Approval of Minutes

Regular BOT meeting minutes dated April 11, 2024, and the minutes of the Budget Workshop dated April 2, 2024, were approved as submitted.

Treasurer's Report

The Treasurer's Report for April 23, 2024, was submitted by Mr. Grunow and approved as written.

Audience Participation

Fran and Rick Calia, 808 Juniper Drive – Spoke about being confused about the pass policy. They used to be able to order passes over the phone, but they are now being charged double the price. The children are now having to wait for the homeowners to arrive to get passes. They would like to know if their adult children's names can be put on file so if they call, they can pay for the guest pass when they arrive.



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John Requa, 908 Cashew Circle – Spoke about the high cost of water and sewer. He is requesting that the Board find a way to help the residents. He suggested organizing a meeting with the politicians, starting a petition, or organizing a protest.

Kathy Parent, 922 Evergreen Street – Asked the Board if there were any updates with her request for a plus one for badges for single residents. She felt that having a name on the badge could be affected by squatter's rights. Mr. Amoss told her the topic had been discussed at the last budget meeting and it will be discussed again at today's meeting, but no decisions will be made until after the Townhall meeting on Wednesday. The Board will not take action until the first meeting in May.

Unfinished Business

Disability Fee Waiver Application

During the February 27, 2024 BOT meeting, the Board considered proposed language for the amendment to the Policy Manual for a fee waiver for Disabled Dependents. Resolution 2024-04 was subsequently approved by the BOT on March 26, 2024, and the motion included a direction to staff to create a fee waiver application to be brought back to the Board for approval.

Ms. Van Berschot made a motion to approve the Fee Waiver Application for Disabled Dependents. Second by Mr. Grunow. Motion passed unanimously.

Proposed Language for Policy Manual Amendments Regarding Caregivers; "Sole Owners" 2nd Owner's Badge Designation

At the last meeting of the Board of Trustees, the Board discussed including a new policy in the District's Policy Manual concerning badging requirements for caregivers. After discussion, the Board directed the General Counsel to draft language to effectuate such a policy. The Trustees further directed the General Counsel to draft language to amend the District's policy concerning owner's badges to provide for "sole owners" with no live-in residents to assign their second owner's badge to a designated individual, subject to several conditions.

Today's discussion is a preliminary discussion, since the Board agreed to wait for the residents' input at the Townhall meeting on Thursday, April 25th before making any decisions.

Mr. Amoss reminded the Board that the fee they are discussing is the social membership fee, the one-time fee paid at the time of purchase, not to be confused with the yearly assessment fee. The Policy Manual already has a provision for a single owner who wants a live-in companion to have a badge. The Policy Manual was agreed to when the sales contract was signed. What is now being asked of this Board is to allow a single owner to have a pass that they can share with anyone to use for free. When two owners have badges, they cannot use the badge for anyone else.

Mr. Olsen said he was looking for a consensus that the language he drafted for the Policy Manual reflects the Board's intentions. His recommendation is that there should be a separate badge for caregivers. The process would include completing an application and paying a fee to process the application. An annual renewal of the badge would be required. The individual who needs the caregiver would have an additional badge, not specific to one caregiver.



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Ms. Van Berschot and Ms. Hansen agreed that having a separate badge would complicate the process. The Board members agreed that it would be the same thing if the owner had a badge that says “with a caregiver.”

Mr. Olsen said the policy as it is written right now does not just apply to owners; it applies to anyone who is authorized to use District facilities. Federal law requires if we are going to provide accommodation to an existing policy to individuals with disabilities, we cannot offer the accommodation to just homeowners. The accommodation would have to apply to everyone.

Mr. Amoss asked about the recent policy change for disabled dependents. Mr. Olsen said that the policy was not the same because it was only waiving a fee. This change would be providing accommodation under ADA by amending a policy so that someone can access a facility.

Ms. Hansen asked if someone is invited as a guest who needs a caregiver, a pass would be needed for the guest and the caregiver would be able to get in for free. Mr. Olsen confirmed if they went through the application process, the caregiver would be able to get in for free. The ADA does not require us to make accommodation free. The modification to the fee schedule is to allow the qualified individual to bring a caregiver, which gives them access to the facilities. He suggested it might make more sense to require the individual to buy a pass for their caregiver at a reduced fee. A caregiver would still have to be qualified. Ms. Hansen suggested discussing the topic at the Townhall meeting. Mr. Cichon also thought the Board also needed to determine the limit of ailments, as well as whether the impairment is temporary or permanent.

Mr. Olsen will draft the language for the Policy Manual as discussed at this meeting and contact each of the Trustees separately to discuss. If there is commonality, he will incorporate that change. However, if there are significant disagreements, he recommends bringing it back for discussion.

Mr. Olsen will revise the whole section to make it clear, with the three different situations that social membership applies to: owners of record, owner of record with one living adult, owner of record with no living adult.

New Business

None

Manager's Report

Finance

Assessment received – 91.9% collected or \$4,262,111

Resident Relations

ARCC Meeting 4/9/2024

- 1 Old Business Item – approved
- 14 Consent Permits – all approved
- 13 Other Items – all approved



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The Violations Committee has one (1) vacant Alternate position, and we are requesting residents that are interested in filling this position to submit their resumes and letters of interest to the District Clerk.

Food & Beverage

- This Saturday, April 26th Joe Reid will perform on the Lakeside Stage from 6-10pm. Titos brand reps will be on site offering samples of Titos cocktails. The food truck will also offer BBQ sandwiches and sides.
- A Mother's Day brunch is planned for Sunday May 12th from 10am-1pm. Royal Ink, a female duo performing popular songs with a reggae beat will be on the Lakeside Stage. A variety of breakfast and lunch food items will be served along with a Mimosa for Mom. Tickets are on sale in the Lounge, the 19th Hole, and Administration.

Property Services

- Prepared the Miniature Golf Course for the installation of the new putting surface
- Constructed a new portable bar for the Food & Beverage Department
- Repaired damage to the West RV Storage Lot gate created by a boat
- Continued refurbishment of the 19th Hole with the installation of a new HVAC ground unit, new air handler, new ceiling tiles, new insulation, new lights; reconstruction of the ductwork; and a variety of other improvements
- Continued improvements to the Brightview worksite and breakroom/office

Golf-Pro Shop

- Our 2024 Barefoot Bay Club Champions received a Sterling Cut Glass Trophy, a Membership discount, and a reserved cart parking space outside of the 19th Hole. We ask our golfers and residents to respect our Champions by not parking in their spots.
- 9-Hole Tuesday has ended for the season. The Golf Course is now open for 18 Hole play after Ladies' League play.
- Barefoot Bay logoed can and bottle koozies are available and on sale at the Golf Pro Shop and Administration Building. Stock up for the warmer summer weather.
- Brightview Golf Course Maintenance
 - The irrigation pumps were down once again because of a blown fuse and the electrician was able to fix the problem by replacing three fuses with a circuit breaker. The system appears to be running as it should now.
 - All greens were aerified to help water get down to the roots.
 - Spraying herbicide for weeds in the rough has begun and will continue throughout the summer. Rough height will be cut lower than in the past to aid in the process of eliminating weeds.
 - Concrete tee yardage markers that have sunken due to lack of maintenance in previous years will be removed and filled with sand. New red, green, white, and blue yardage markers will be installed throughout the summer.



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Attorney Report

Mr. Olsen advised that he has additional DOR complaints going out this week, including 815 Thrush Circle. One of the insurance defense cases, a dog bite case, went well and he is awaiting a dismissal with prejudice.

Incidental Trustee Remarks

Mr. Klosky has no report.

Ms. Hansen asked everyone to remember that the Townhall meeting is on Thursday at 7pm. She also thanked staff for the Peek project updates.

Mr. Grunow reminded everybody about the Townhall meeting. The audience can have a dialogue with the Board on any topic. He also suggested that the project list in the Peek be done on a quarterly basis. Mr. Cichon reminded everyone that the project information is available on the website. The current Supervisor of Elections, Tim Bobanic, is running against John Tobia.

Ms. Van Berschot asked if the lights on the basketball court could be on for a longer time. Mr. Goetz said there are no lights on the basketball court. The CVO is hosting, "Know your Choices". The Supervisor of Elections is here this evening, and next Tuesday, April 30th, John Dittmore, Sheriff Ivey and John Thomas with the School Board will be here. The CVO is also working to get Brevard County Flood Management sometime in May. Brevard County Water Department will be here on June 3rd from 6 – 8pm.

Mr. Amoss thanked everyone for attending. The Townhall meeting will be on Thursday, April 25th at 7pm. The fourth budget meeting will be Tuesday, May 7th at 6pm, the regular BOT meeting is May 9th at 1pm, and he does not know anybody who will mind that the rough is being cut down on the golf course.

Adjournment

The next regular meeting will be Thursday, May 9, 2024, at 1pm in Building D/E.

Mr. Amoss adjourned.

Meeting adjourned at 4:10pm.

Elaine Van Berschot, Secretary

Cynthia Mihalick, Interim District Clerk



Barefoot Bay Recreation District

Board of Trustees Meeting

Quarterly Townhall

April 25, 2024

7pm –Building D/E

Meeting Called to Order

The Barefoot Bay Recreation District Board of Trustees held a Townhall Meeting on April 25, 2024, Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Amoss called the meeting to order at 7PM.

Thought of the Day

“Knowledge is being aware of what you can do. Wisdom is knowing when not to do it”. -Anonymous

Pledge of Allegiance to the Flag

Led by Mr. Cichon.

Roll Call

Present: Mr. Amoss, Mr. Klosky, Mr. Grunow, Ms. Hansen, and Ms. Van Berschot. Also, present, Kent Cichon, Community Manager, Cindy Mihalick, Interim District Clerk, Bill Balash, Golf Manager, Matt Goetz, Property Services Manager, and Kathy Mendes, Food & Beverage Manager.

Audience Dialogue with Trustees

David Fifield, Barefoot Blvd. – Asked if anyone knows anything about the person who got hit by the train or if anyone knows how we can convert mobile homes into a cement structure. Ms. Van Berschot stated that Sebastian Daily reported that there is now a law where they must wait 60 days before publishing the story. Mr. Klosky said he heard it was a homeless man. Mr. Grunow stated that the charter does not allow cement structures. A charter change, DOR change and zoning change would be necessary, but the attorney is looking into it. Three types of homes are currently permitted: modular, manufactured or a concrete modular.

Kathy Parent, Evergreen St – Spoke in favor of individuals who have no relatives to put on their house being issued a badge with a plus one or an additional badge with their picture, so that if they have a visitor, they don't have to pay a guest fee. Mr. Amoss stated the Board is deferring any decisions until we hear from the residents.

Lousie Crouse, Sapodilla Drive – Stated It's not fairness we are looking at. It's the Board's decision based on revenue so this facility can function.

Donna Collette, 854 Periwinkle Circle – Spoke in favor of four adult weekly guest passes free each year for all residents. The badge number will be attached, and they will be responsible for those guests.

Kris Kline Dolphin Circle – Informed the Board that she was locked in the bathroom in the 19th Hole. She also said there are no ADA accessible bathrooms in D/E and Pools 2 & 3. She advised that no Board



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members have reached out to her about this issue. She stated the budget for ADA for the next five years is not acceptable.

Jan Hannify, 492 Tarpon Drive – stated she brought a petition to the Board regarding smoking restrictions with 150 signatures. She is asking the Board to compromise on a smoking area that will be accessible and comfortable for smokers. The smokers cannot get together as a group on the catwalk. The new area will not accommodate very many of the smokers. The smokers want the pit returned to them or a corner of the pool with a shade cover. Mr. Amoss stated that in the policy manual Part 3 item 14, smoking is not permitted in any district facilities and only permitted in designated areas. The new area is a designated smoking area, there are no smoking sections. At any district facility, you need to go to the designated smoking area. The majority of people do not smoke. Mr. Grunow said when the smoking area change was considered, emails he received were 9:1 in favor of moving the smoking area. Currently in Brevard County, only 15 percent of people smoke. We hope that by keeping the area within the fence, we are not ostracizing people and they don't have to go past the pool host. Ms. Hansen informed the audience that a large number of the emails received wanted to move the smoking area to the parking lot. The Board tried to come up with a balance, but smokers are not being banished there. You can still sit in the pit. Ms. Hansen said she didn't see us going backward at this point.

Grace Swiatek, Vireo Drive – Spoke about the fact that nonsmokers have the right to have locations that are prohibited from smoking sections within 25 feet under the Florida Clear Air Act. Cities and counties are allowed to restrict smoking. She stated that no one is asking for a smoking area that violates the existing laws. Florida Law 429.28 states that any resident of the facility shall not be deprived of any civil, legal or benefit as guaranteed to that community. In her opinion, restricting access to a band or a pool would be a violation of the rule. People with disabilities cannot maneuver on the catwalk or the new smoking area. Mr. Amoss stated that this is a special district. Some of the laws that Ms. Swiatek cited do not apply. According to the state of Florida and Brevard County, we are designated partially as a park. We can pass a resolution and we can ban smoking in the entire District.

Kris Kline, Dolphin Circle – Asked why the Board does not pay attention to ADA laws. Mr. Grunow said we are starting a task force, and our attorney checks with ADA on every decision made, the key is reasonable accommodation since the buildings were built 50 years ago, as well as how to pay for it. There is \$8,000-\$10,000 for ADA budgeted each year. Mr. Grunow asked Ms. Kline to provide him with a list of the priorities of ADA in Barefoot Bay.

Vickie MacIntosh, Pocatella Drive – Stated that the Board needs to start accommodating people who work full-time by having meetings at different times and on Saturday mornings. She spoke in favor of free passes for children. She also spoke in favor of ADA being escalated. She spoke in favor of the smoking area being moved, but thought the area is too small.

Mr. Cichon informed the audience that next month a new member of the team will have as an assignment to oversee any ADA issues. One main component will be taking measurements and recording issues to give the District a game plan to move forward and address any ADA deficiencies throughout the community. That information will be provided to the Board for any additional funding needed for those issues. Mr. Cichon reminded the audience that the issues will not be corrected overnight and will take funding. Mr. Grunow asked Ms. Kline to get in contact with this new team member or with Mr. Grunow.



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Shirley Baker, 910 Balsam Street – Spoke about how she loved going dancing at the lounge, but now there are many people attending that are outsiders and people who live here can't find a chair to sit in. She felt that priority should be given to people who live here. Mr. Amoss said we cannot close the amenities to outside people, but they must have a guest pass.

Sue Bassett, Marlin Circle – Spoke in favor of the single owners plus one badge. She works with individuals with disabilities. She was appalled that we are not ADA compliant. She stated that we could end up with a lawsuit.

Karen Roman, Pinewood – Stated she is a retired attorney and is considering representing the ADA residents. She supports the people who choose to smoke. She spoke in favor of the plus one badge. She stated there are no bubble strips at the curb for people who are blind. Mr. Grunow stated the bubble strips are a county responsibility. She advised that two of the handicap lifts are broken at the pools. The pool ramp that was recently installed is not ADA compliant. She said there are no bubble strips at the pools or at Building D/E and that is not the county's responsibility. She recommended the board members read the laws and understand about ADA. She also suggested moving funds from the golf course to ADA compliance. She offered to be the ADA compliance officer, but that we couldn't afford her.

Mike Morrissey 901 Cashew Circle – Complained about people driving 60 to 70 miles an hour on Midway. Ms. Van Berschot informed Mr. Morrissey and the audience that Sheriff Ivey will be in Building A on Tuesday.

Pat Yashenko – Stated that she is a smoker and has respect for people who don't smoke. Most places now require going to a designated smoking area, and she does not see how that infringes on her rights.

Melanie Finlay, 824 Sapodilla Drive – Asked if the District thought about hiring a professional grant writer. She said there are federal funds available for ADA. She also said there is still a lot of federal money available in the country. Mr. Cichon informed the audience that we do have a professional grant writer and he will ask him if he knows of any grants available for ADA. Ms. Van Berschot requested that this be made a priority.

David Jones, 1002 Oriole Circle – He advised that two out of three of the pool lifts do not work because of the battery or the battery charger. He asked that we purchase a spare so that when one fails, we have one on standby.

John Raqua 908 Cashew Circle – Spoke about the fact that he is a single resident, and he was given two badges. His friend was given a badge even though he doesn't live in Barefoot Bay and wondered if this was legal. He spoke in favor of the single owner plus one badge. Mr. Amoss stated that all of this is under consideration at this time.

Donna Collette, 854 Periwinkle Circle – Spoke about the discussion regarding badge fees. She feels that if an owner paid the initial fee for two badges, they could be entitled to a refund off the original purchase price if one person passes away. Since they are now a single owner, they should be allowed a prorated refund. This would effectively cancel the second badge.

Margaret Moylan, Royal Palm Drive – Advised the Board that the golf cart parking area needs to be regraded. She also questioned the rights of DOR and Community Watch. Mr. Amoss said his



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understanding is that they can tell someone the park is closed and that they need to leave. They would then have to call the authorities on their non-emergency number. She asked about the awnings by the bandstand at Building A. She said they are moldy and ripping. Mr. Grunow said the replacements are in the 2024 budget. Mr. Cichon said the project is funded and it will be coming. The golden chairs in Building A are also funded to be replaced. She asked for an update on NRP. Mr. Amoss said there were none at this time. She asked why fundraising was done for the turf on mini golf instead of being funded by the District. Mr. Amoss said the mini golf was a reuse of an older amenity. It was never put out as an amenity. It wasn't funded by Barefoot Bay, and Property Services personnel did all the work on their own time. The turf is not funded in the budget, so the golf cart club did a fundraiser. Mr. Grunow said that under Chairman Maino, the project had been funded, but due to cost overruns for the kitchen project exhaust fan, the funds were used for the kitchen. Ms. Moylan asked what chemicals are used at the golf course and wondered how many people are being affected by cancer around it. Mr. Amoss said the list of chemicals is printed on the porch and the list that will be provided at the next BOT Meeting.

Kathy Patten, 627 Wedelia - Expressed her appreciation for the Board members because she realizes that it is a thankless job. She stated she researched the Florida Clean Air Act. According to CDC secondhand smoke contains hundreds of toxic chemicals including carcinogens. She feels Barefoot Bay is within its right to change the smoking area. Mr. Grunow thanked her for serving on the Board.

Ben Hitchcock, Tarpon Drive – Stated he is a non-smoker and supports the smokers 100 percent and feels the area they have been given is not fair.

Bob Dillon, 953 Laurel Circle – Spoke about inequality Lakeside of the Lounge at special events. He said that tables are being reserved ahead of gate opening and are not on a first-come basis. He also believes there should be no one under 21 there. He also feels that people who are not residents should not be allowed on Halloween, New Years Eve and St. Patrick's Day. He spoke about food being brought in by some individuals and others are not allowed. Ms. Mendes said there is no rule against bringing food into the pool area and confirmed that there is no reserving tables around the Lakeside area. The gate is closed, and the pool area is emptied out. There are no saving seats. Ms. Van Berschot said we have to be better at saying no saving seats. Ms. Mendes described a new position, crowd monitor, who will be someone to intervene when something like this happens.

Rob Allen, Barefoot Circle – Stated he thinks it's great that people come to meetings. He said he is not a fan of smoking. He said he believes next time the topic comes up, it will be to eliminate it in Barefoot Bay, and he would not find that a problem, even though he vapes. He said the property values in Barefoot Bay are significantly higher than five years ago. Mr. Allen spoke to a variety of insurance professionals, realtors, bankers about the insurance crisis, and believes people are not going to fix their homes if damaged by a storm. DOR requires a double wide manufactured home on the property and there are limitations on the size of the home, which would cost \$200,000 or more to replace. He suggests that we allow an alternative, such as a small trailer or tiny home.

Becky Culp, 808 Hyacinth Circle – Spoke about the smoking area issue. She asked if the Board had considered the southeast corner of the pool area as a secondary area for the smokers to go, especially if they are disabled. Ms. Van Berschot said it was an area that had been considered.

Kris Kline, Dolphin Circle – Asked about the umbrellas at the pool that keep breaking. She suggested putting up something more permanent instead, such as an awning. Mr. Amoss stated that we are looking into other options. Ms. Kline asked if we were getting our money back for the broken umbrellas.



Barefoot Bay Recreation District

Mr. Amoss said it was being investigated and just the cloth is warranted but the pole is not. Property Services is still communicating with the umbrella company.

Mike McCarthy, Parkway – Spoke against the idea of replacing homes with small houses. He felt there was going to be a turnover of residents. He suggested we go after the insurance companies to get them to insure us instead.

Joe Hamlin 342 Avocado – Asked if there is a curfew. He said last Friday he started a fire in a grill, and he was chased away. He didn't realize he could not use amenities after 10pm, as there are no signs. Mr. Cichon said he will research the issue, but the District facilities are locked down at a certain time for safety purposes. Buildings are not open 24 hours. Mr. Hamlin also said maintenance people are throwing trash on the ground when they are working at Pool #2.

Incidental Trustee Remarks

None

Adjournment

The next Townhall meeting will be July 25, 2024, at 9am in Building D/E.

Mr. Amoss adjourned.

Meeting adjourned at 9:07pm.

Elaine Van Berschot, Secretary

Cynthia Mihalick, Interim District Clerk

Barefoot Bay Recreation District

Treasurer's Report

May 9, 2024

Cash and Investments Balances in General Fund as of 4/25/24

Petty Cash	\$	800.00
Cash Drawers		4,800.00
Trade Deposits		31,000.00
Total Cash on Hand:	\$	36,600.00

Non Interest Bearing Accounts

MB&T Operating Account	\$	4,994.69
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Interest Bearing Accounts

MB&T Money Market Account		686,007.41
Valley National Bank		2,944,698.37
FL Class		216,329.64
SBA Reserve Account		761,482.04

Investment Accounts (At Market Value)

FL Trust - Short Term Bond Fund		113,942.77
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Total Cash Balances in General Fund:	\$	4,764,054.92
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Total Daily Deposits and Assessments Received for 4/10/24 - 4/25/24

Daily Deposits:	\$	130,051.65
Interest Deposits:		-
Assessments Received:		-
Total Deposits Received:	\$	130,051.65

Expenditures for 4/10/24 - 4/25/24

Check Number	Vendor	Description	Check Amount
1622	MSL, P. A.	Final Payment for Audit FYE 2023	10,000.00
1635	Barefoot Bay Water & Sewer	Water and Sewer	9,173.80
1638	BrightView Golf Maintenance, Inc	Golf Course Maintenance	44,915.67
1640	Carroll Distributing Company	Alcohol	5,359.68
1657	Home Depot Credit Services	Building and Grounds Supplies	8,433.22
1662	Rhoades Air & Heat LLC	Install A/C Unit at the 19th Hole	8,325.00
1666	Special District Services, Inc	Management Fees	14,809.60
1671	US Foods	Foodstuff and Supplies	12,892.80
	Florida Department of Revenue	Sales Tax	25,785.04
	Paychex	Net Payroll	75,571.99
	United States Treasury	Payroll Taxes	20,860.70
Total Expenditures \$5,000 and above:			236,127.50
Expenditures under \$5,000:			51,348.96
Total Expenditures:			\$ 287,476.46

Board of Trustees

Meeting Agenda Memo

Date: Thursday, May 9, 2024
Title: **Proposed Language for Policy Manual Amendments Regarding Caregivers; "Sole Owners" 2nd Owner's Badge Designation**
Section & Item: 10.A
Department: Community Manager
Fiscal Impact: To be Determined
Contact: Kent Cichon, Community Manager
Attachments:
Reviewed by
General Counsel: Yes
Approved by: Kent Cichon, Community Manager



Requested Action by BOT

Discuss and approve proposed language to amend the Barefoot Bay Recreation District Policy Manual to provide for a definition and corresponding policy concerning badging requirements for caregivers.

Background and Summary Information

At the April 11, 2024 regular meeting of the Board of Trustees, the Trustees discussed including a new policy in the District's Policy Manual to provide for a policy concerning badging requirements for caregivers. Following discussion, the Trustees directed the General Counsel to draft language to effectuate such a policy. The Trustees further directed the General Counsel to draft language to amend the District's policy concerning owner's badges to provide for "sole owners" with no live-in residents to assign their second owner's badge to a designated individual, subject to several conditions.

After further discussion of the new policy requirements for individuals needing caregivers at the April 23, 2024 regular meeting of the Board of Trustees, the Trustees requested General Counsel revise the drafted language and bring to the Board at the May 9, 2024 regular meeting for consideration. The revised language is as follows:

Definition -

"Caregiver" shall mean any person who, on a temporary or permanent basis, provides direct care to another individual who is regarded as having a substantially limiting physical or mental impairment and who requires a person to provide them with direct care for that individual to be able to use District facilities or amenities.

Policy -

Any individual who is authorized to utilize District facilities or amenities and requires the care of a caregiver on a temporary or permanent basis may apply for a [(badge/pass) OR badge designation] indicating that the individual is entitled to have a caregiver present with them while utilizing District facilities or amenities. The caregiver shall not enjoy District facilities other than to provide adequate care to the authorized individual. Staff shall develop an application pursuant to this section that is consistent with state and federal law. The individual must indicate on the application whether their need for a caregiver is permanent or temporary. Staff may temporarily or permanently revoke a caretaker [(badge/pass) OR badge designation] administered pursuant to this section in the event the [(badge/pass) OR badge designation] is misused or misappropriated in any way. For clarification, a caretaker must be necessary for an individual to be able to use District facilities or amenities at all. It is the intent of this policy to reasonably modify existing policies and practices to accommodate individuals with a substantially limiting physical or mental impairment.

Individuals who require the care of a caregiver on a permanent basis will receive a [(pass/badge) OR / badge designation] for their caregiver at no charge. Individuals are required to reapply for this designation annually.

[The (pass/badge) shall indicate that the caregiver is a permanent caregiver. **OR** / The individual's badge will contain a designation indication that he or she is authorized to have a caregiver present.]

Individuals who require the care of a caregiver on a temporary basis will receive a [(pass/badge) **OR** / badge designation] for their caregiver for a limited period, not to exceed thirty (30) days from the date the [(pass/badge) **OR** / badge designation] is purchased. [The (pass/badge) shall indicate that the caregiver is a temporary caregiver. **OR** / The individual's badge will contain a designation indication that he or she is authorized to have a caregiver present.]

No direction was given by the Trustees to revise the language for the "Sole Owners" 2nd Badge Designation, which is below:

Language for "sole owner" to select a recipient for second owner badge (new language underlined / ~~Strikethrough indicates original language deleted.~~):

Residents

All residents and renters/tenants are required to register to use district facilities. The one-time fee for a social membership for all residents intending to occupy the resident's unit, or designated as a "recipient" pursuant to the provisions below, shall be as follows:

Property owner (one-time fee) \$1,400.00²¹⁹ + tax for 2 people.

If two property owners are named as record owners on the deed, those two individuals will be the only individuals eligible for the two social membership badges associated with paying the one-time social membership fee for property owners listed above.

Or, in the event only one Pproperty owner is listed on the deed and there is one adult living with the property owner listed on the deed, the property owner will be considered the first individual on the social membership and the one adult living at the property who is not the record owner will be considered-2ndthe second individual on the social membership and both individuals shall receive a social membership badge associated with paying the one-time social membership fee for property owners listed above.

Or, in the event a property owner is the only individual listed on the deed and the property owner does not live with another adult, the property owner may designate one individual who does not live with the property owner (a "recipient") to be considered as the second individual on the property owner's social membership that is included in the one-time social membership fee for property owners listed above. The recipient shall require a picture badge containing the recipient's picture, the recipient's name, and the owner's name. The owner must be present with the recipient while the recipient utilizes District amenities. A recipient will not be eligible to purchase additional passes, including guest passes. All administrative fees and charges apply to the recipient's picture badge. The property owner may elect to change the designated individual recipient to another designated individual who does not live with the property owner, subject to all customary fees and administrative charges.

The following ownership transfers shall not require the payment of an additional Property Owner Social Membership Fee (additional resident fees still apply).

Staff recommends that the Board of Trustees discuss the proposed language and provide further direction to staff.

Board of Trustees

Meeting Agenda Memo

Date: Thursday, May 9, 2024
 Title: **Revised ARCC Guidelines**
 Section & Item: 11.A
 Department: Resident Relations, DOR
 Fiscal Impact: N/A
 Contact: Sally-Ann Biondolillo, DOR/ARCC Coordinator Resident Relations, Kent Cichon, Community Manager
 Attachments: ARCC Guidelines April 2024 Pending Approval
 Reviewed by General Counsel: Yes
 Approved by: Kent Cichon, Community Manager



Requested Action by BOT

Review ARCC promulgated guidelines revised by the ARCC and approved by a majority of the ARCC on April 23, 2023.

Background and Summary Information

Pursuant to Article II, Section 2 of the Deed of Restrictions. The ARCC shall have the authority to promulgate guidelines relating to all construction and landscaping for lots within Barefoot Bay. Such guidelines 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 guidelines shall be given in writing to the Recreation District as soon as practicable after adoption thereof 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 guideline 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.

Attached ARCC promulgated guidelines using the strikethrough underlining format.

Staff recommends the BOT acknowledge receipt of the revised ARCC guidelines.



Guidelines for use by
THE ARCHITECTURAL REVIEW & CONTROL COMMITTEE
APRIL 2024

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These guidelines will be used in reviewing and approving applications for construction or alterations in Barefoot Bay Recreation District. In addition, all structures must meet any applicable requirements of the Code of Ordinances of Brevard County, FL. Architectural Review & Control Committee ("ARCC") applications are required for the following:

All new and used homes placed on any lot within the subdivision.

1. All additions to any property.
2. All property renovations to existing structures except:
 - a. Awnings for windows.
 - b. Replacement of A/C pads.
 - c. Minor repairs without modification to existing construction, not exceeding \$500.
3. Replacement of A/C units.

Note: These guidelines are to be used for Barefoot Bay ARCC. It is the responsibility of the lot owner to contact Brevard County for their permitting requirements.

ARCHITECTURAL REVIEW & CONTROL

DOR Article II, Section 1. Architectural Review & Control Committee.

An Architectural Review & Control Committee shall be established to enforce the provisions of this article. The ARCC shall consist of five (5) members, who shall be appointed as follows:

- A. The Board of Trustees of the Recreation District shall appoint a Member of the Board of Trustees to serve as Liaison to the ARCC.
- B. Five Voting member of the ARCC shall be appointed by the Board of Trustees, all of whom shall be Lot owners.
- C. Two (2) alternates shall be appointed by the Board of Trustees, each to a three (3) 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.
- D. The Community Manager shall assign a Recreation District employee to serve as support staff responsible for the recording of notes and drafting of minutes. The Resident Relations Department shall retain original copies of all minutes and handouts from the meetings and shall publish an agenda seven (7) days prior to each meeting.
- E. ARCC Members will be appointed by the Board of Trustees each for a three (3) 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.
- F. Quorum and Conduct of Business

1. In order to conduct the business of the committee, a quorum must be present. A quorum will exist when a simple majority of three (3) voting members are present. A simple majority of those present is needed to take action on any item.

2. The ARCC shall hold an organizational meeting each year as soon after January 1 as is practicable. The ARCC shall select a Chairman and a Vice-Chairman from among its membership at the organizational meeting. The Vice-Chairman will chair the meeting when the Chairman is absent.

3. Each Member of the Committee shall have one (1) vote on each permit application.

4. The ARCC may also adopt such rules and procedures as it may deem to be appropriate for the conduct of its business; provided, however, that such rules may not be inconsistent with the provision of this article.

DOR Article II, Section 2. Requirements for approvals by ARCC

No building or other structure shall be erected or placed on any Lot, nor shall the exterior of any such building or structure or the driveways or parking areas serving such building or structure be altered in any way unless and until two sets of the complete building plans, two sets of complete specifications and two copies of a plot plan have been submitted to the ARCC and approved by it in writing. An application for such approval shall demonstrate to the satisfaction of the ARCC that:

1. The said building or other structure complies in all respects with the Provisions of this instrument; and

2. The said building or other structure is in conformity and harmony with such written rules as may from time to time be adopted by the ARCC.

The ARCC's approval of the said plan specifications and plot plans shall be evidenced by the signature of its Chairman or Vice-Chairman on the plans, specifications and plot plans submitted by an applicant. One set of approved plan shall be returned to the applicant and the other shall be retained by the ARCC among its permanent records.

In the event the ARCC fails to approve or disapprove an application within thirty (30) days after the complete application has been submitted to the ARCC, the ARCC shall be deemed to have approved the application in all respects.

The ARCC shall have the authority to promulgate guidelines relating to all construction and landscaping for lots within Barefoot Bay. Such guidelines 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 guidelines shall be given in writing to the Recreation District as soon as practicable after adoption thereof the ARCC. A copy 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.

In the event that a dispute arises in the interpretation by the ARCC of any requirement of Article or of the regulations provided for herein above, such dispute shall be resolved by a majority vote of the Recreation District, whose decision shall be final and binding.

DOR Article II, Section 3. Architectural Design and Installation Requirements.

A manufactured or modular home installed on any lot in Barefoot Bay shall meet the following design and installation requirements and shall be continuously maintained in compliance with such requirements.

- A. All such homes shall be installed at the Lot Owners expense, and such installation shall have the following features and conform to the following requirements:
1. A patio roof, including posts and fascia, fabricated of aluminum or other approved material.
 2. A garage with the minimum size of 11' x 18' with siding conforming to the style and materials of the home or a carport roof, including posts and fascia, fabricated of aluminum or other approved material having two unobstructed sides.
 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 by full roof to the modular coach (mobile home) or carport at eave level. A utility room shall conform to all specific dimensions as approved and recorded by the ARCC.
 4. A patio slab made of poured concrete, brick pavers, or other approved material.
 5. A covered concrete carport slab having a minimum unobstructed area (except for steps) of eleven (11) feet by eighteen (18) feet.
 6. A concrete driveway extending from the carport slab to the curb of the adjacent street which driveway shall include a widened or flared area as it approaches the street. All driveways and parking areas shall be of poured and reinforced concrete material.
 7. Skirting material sufficient to completely enclose the entire base of the home. The skirting may be stucco skirting, stone skirting, outdoor Hardie Board skirting, or other approved material.
 8. Central water, sewer and electricity connected to the home.
 9. Landscaping with appropriate plants, grass, shrubs and/or trees in compliance with regulations adopted by the ARCC.
 10. No dock, wharf, landing, boathouse or other structure shall extend from any Lot over or on any lake, canal, and water way or drainage easement.
 11. Each home shall be complete, set up on piers, shall be leveled, and shall have a running gear and tongue of the manufactured or modular home removed as appropriate to the style of home being installed.
 12. Each manufactured or modular home shall be tied down in accordance with all applicable building codes and with such installation inspection as required by law.
 13. No manufactured or modular home installed on any Lot shall be more than four (4) years old.

14. A final survey showing the location of the home shall be submitted to the ARCC.
 15. 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 and must be a minimum of 460 lumens (40 watts), be white, clear, or yellow and not be obstructed by landscaping, in accordance with ARCC Guidelines.
 16. The address number of all Residences shall be affixed to the front of the carport or garage in such a manner as to be clearly visible and legible from the public or private way on which the home fronts. The numerals of the address number shall not be less than three (3) inches in height and one-half (1/2) inches in width.
 17. A utility building (Minimum size 48 square feet)
- B. Manufactured or modular homes installed upon lots within Barefoot Bay shall be installed only by contractors who are duly licensed for such installations by appropriate governing authorities.
 - C. All installation shall meet all the applicable construction codes of Brevard County and the State of Florida, and shall meet all requirements of Article II of the DOR.
 - D. The length of time to complete construction on Architectural Review Control Committee permits shall be four (4) months.
 - E. No more than one manufactured or modular home shall be placed on each Lot within Barefoot Bay. Two or more sections of a manufactured or modular home may be joined to form a single dwelling unit.
 - F. No manufactured or modular home installed on any Lot after July 1, 1999, shall be less than 20 feet in width and or less than 34 feet in length, including the hitch.
 - G. All manufactured or modular homes placed on any lot in Barefoot Bay shall have complete sanitary facilities including lavatory, wash basin, tub or shower and kitchen sink. All homes shall be connected to public sewer and a public water supply in conformity with all requirements of applicable government agencies.
 - H. Prior to sodding, provisions shall be made for property line drainage swales. Said swales shall be designed to carry run-off water from rear and sides of the home to the front curb-gutter.

DOR Article II, Section 4. Setbacks

The placement and installation of manufactured or modular homes on any lot in Barefoot Bay shall require the following setbacks from Lot lines:

1. **Corner Lots**

Rear Setback - 7 ½ feet

Side Setback from Adjacent lot- 7 ½ feet

Setback from remaining side lot line and front lot line - 10 feet and 15 feet with the property owner having the choice as to which of the two setbacks shall be 10 feet and which of the two shall be 15 feet.

2. **Interior Lots**

Rear Setback - 7 ½ feet

Side Setback - 7 ½ feet

Front Setback - 10 feet

Measurement of setbacks shall not include air conditioners, walkways, reception antennas and steps where no vertical supports are used. Vertical supports are posts supporting a roof. The maximum width of walkways in a setback is 36".

Specification, Definitions and Approved Materials

GENERAL NOTIFICATION AND PROVISIONS:¹

THE PROPERTY OWNER IS RESPONSIBLE FOR COMPLIANCE WITH ALL REGULATIONS STATED IN THE “AMENDED AND RESTATED DEED OF RESTRICTIONS FOR BAREFOOT BAY” OR OTHERWISE STATED IN THE ARCC GUIDELINES.

Any homeowner that starts work without an approved ARCC permit will be issued a “Stop Work Order.”

Addition to principal structure:

1. In no event shall the principal structure be expanded in any manner that changes the structure of the base unit, except when the expansion is constructed in an authorized factory according to the federal mobile home construction and safety standards promulgated by the U.S. Department of Housing and Urban Development and are approved by the Federal Department of Community Affairs.
2. Additions are further limited as follows: No addition or combination of additions and accessory structures shall exceed 50 percent of the square footage of the doublewide mobile home, or 100 percent of the singlewide mobile home. ~~The square footage attributed to the carport or garage will be included in these percentage limitations.~~
3. A garage may be constructed on lots with the easement vacated and must not exceed 100% of the original structure.²

Lots: Lots shall mean any lot of record appearing on any of the recorded plats of Barefoot Bay enumerated in the recitals of the Amended and Restated Deed of Restrictions for Barefoot Bay.

If any manufactured or modular home has been placed on two adjacent platted lots in a manner such that the home is located across the platted boundary between such platted lots, the two platted lots shall be treated as a single lot for purposes of the Amended and Restated Deed of Restrictions for Barefoot Bay.

The ARCC interprets the word “home” to mean the principal structure exclusive of any additions or accessory structures. For the purposes of compliance with these ARCC guidelines, any Lot in Barefoot Bay previously deemed to be a single Lot on prior assessment rolls of Barefoot Bay Recreation District based on any addition or accessory structure(s) located across a platted boundary shall be deemed “grandfathered” as a single Lot until such addition or accessory structure is removed.

Air Conditioning Units Specification

1. All central_A/C Units on Barefoot Bay residential lots are required to be placed on an A/C pad, constructed of concrete or other approved material, or integrated into the home,³ specifically, ground level concrete material unless specific property is in a flood zoned area designated by Brevard County and the National Flood Insurance Program of the Federal Emergency Management Agency.

¹ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

² Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

³ Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

- Window or wall A/C units must be supported by the structure of the home. Ground bracing is prohibited.⁴

Carport and Driveway and Patio⁵

Definition of a carport – A shelter for an automobile attached to the mobile home. It consists of a concrete slab base and an aluminum/shingle roof with support posts and fascia. A fully enclosed carport (garage) may be permitted in place of an open carport. The garage door opening must be at least 8' wide.

A concrete carport slab having a minimum unobstructed area (except for steps) of eleven (11) feet by eighteen (18) feet, with aluminum fabricated, wood or shingle roof, or a combination thereof, including posts and fascia.

The minimum unobstructed car parking space on carport slab, between side steps and post, is 8 feet 4 inches. An enclosed carport may be permitted in place of an open carport, but not for the purpose of storing an R.V., which would not otherwise be permitted. Exceptions that may develop on difficult lots will be reviewed on an individual basis.

Approved materials

Carport- Framework constructed of aluminum, concrete, or wood. (All frameworks including post & poles must be covered with aluminum, vinyl, or paint to match home.)

Driveway- A concrete driveway extending from the carport slab to the curb of the adjacent street which driveway shall include a widened or flared area as it approaches the street. All driveways and parking areas shall be of poured and reinforced concrete material. Concrete reinforced pavers set in concrete mix are allowed.

Patio - A patio slab made of poured concrete, brick pavers, or factory raised⁶ made of other approved materials with a patio roof, including posts and fascia, fabricated of aluminum or other approved materials. (Minimum requirement – sixty (60) square foot.)⁷

Fencing⁸

Fence definition: Chain link or vinyl picket barrier either completely enclosing or partially enclosing any area of space on any lot where such barrier does not meet the definition of a privacy landscaping screen or wall. The fence shall not surpass the front of the enclosed home structure.

Picket fence definition:⁹ A picket fence is a type of vinyl fence that has evenly spaced vertical boards made of vinyl material. Each picket is attached to horizontal rails. The space between each picket must be at least the width of the picket.

Fencing shall not be permitted along any lot line where drainage canals or swales exist. Where no drainage canals or swales exist along a lot line, fencing shall be limited to chain link or vinyl picket fencing not exceeding four (4) feet in height, which may be coated with colored vinyl.

Meter pedestals may not be enclosed that restrict access to all parties.¹⁰

Article II, Section 5 of the DOR¹¹ permits only chain link and vinyl picket fencing. Article II,

⁴ Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

⁵ Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

⁶ Promulgated Rule approved April 23, 2024, and presented to the Board of Trustees May 10, 2024

⁷ Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

⁸ Promulgated Rule approved June 7, 2011, and presented to the Board of Trustees July 8, 2011

⁹ Promulgated Rule approved November 25, 2014, and presented to the Board of Trustees December 12, 2014

¹⁰ Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees on April 25, 2023

¹¹ Promulgated Rule approved November 25, 2014, and presented to the Board of Trustees December 12, 2014

Section 5 of the DOR does not permit privacy stockade fences (a fence of closely fitted vertical boards) regardless of material.

No covering may be installed on fences. Privacy slats may be installed in chain link fences, however, the slats must be uniformly installed, cleaned, and maintained¹² and may not extend beyond the top of the fence.

All fenced in properties must have at least one 4' gate minimum.¹³

Generators and Propane tanks

Emergency generators, propane tanks, and other liquid type fuel tanks¹⁴ are approved subject to concealing them with approved landscaping. A permit from Brevard County must be submitted with the ARCC application for a generator or propane tank.¹⁵

Gutters

Gutters are not a DOR requirement, however, where gutters are used, the downspout shall not be directed to affect the abutting property.

~~Prior to sodding¹⁶~~; ~~p~~ Provisions shall be made for property line drainage. Said drainage¹⁷ shall be designed to carry run-off water from rear and sides of the home to the front curb-gutter.¹⁸

Rain Barrels¹⁹

A Rain Barrel is defined as a container that collects water from the downspouts and cannot exceed 50 gallons. The container must be of approved material by the ARCC.

Lamppost

A lamppost approved by the ARCC shall be installed in front of all Residences and maintained in operational condition at all times. Said lamppost shall be illuminated from dusk to dawn and must be a minimum of 460 lumens (40 watt), be white, clear, or yellow and not be obstructed by landscaping, in accordance with the ARCC Guidelines.²⁰

Height: The standard lamppost comes approximately 6 ft. 6 in. long. The standard depth to bury the post is 1 ½ ft. to 2 ft. deep, leaving approximately 5 ft. of lamppost above ground.

Electric eye sensor lights are approved.

Style: Any style lamppost that matches the décor of the home. Multiple bulb style posts are approved.

Landscaping & Privacy Materials

Landscaping with appropriate plants, grass, shrubs and/or trees in compliance with regulations adopted by the ARCC. Landscaping in accordance with the Brevard County Landscape Ordinance.

All invasive plants or prohibited plants²¹, including but not limited to, pepper trees, Australian

¹² Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

¹³ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees on November 13, 2020

¹⁴ Promulgated Rule approved August 30, 2011, and presented to the Board of Trustees September 27, 2011

¹⁵ Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

¹⁶ Promulgated Rule approved April 23, 2024, and presented to the Board of Trustees May 9, 2024

¹⁷ Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

¹⁸ Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

¹⁹ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

²⁰ Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

²¹ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

pinus, and bamboo, are banned from Barefoot Bay.

AN INVASIVE OR PROHIBITED PLANT LISTING CAN BE FOUND IN THE BREVARD COUNTY ORDINANCES (Article II, section 114-26 titled undesirable plants found in Brevard County Ordinances AND Florida Department of Agriculture listed under Invasive Non-Native Plants)

Palm Trees – Palm trees must be pruned to remove dead fronds. The requirement is stated to: Remove potential fire hazards, especially near buildings or homes; increase visibility and safety near driveways, sidewalks, and cross streets. The requirement is to prevent damage to buildings, property or persons during periods of high winds.²²

Tree Removal – Any tree removed for safety or other reasons must be removed to below ground level. If the tree is on a property line, the owner must obtain written approval from all parties concerned. (NOTE: See *Fla. Stat.* Section 163.045).²³

Raised Garden Beds adjoining the home are permitted up to 3 feet wide. Freestanding raised garden beds, up to 30" high, with a cumulative total of no more than 48 square feet, are permitted. Requests for exceptions must be submitted to ARCC.²⁴

All lawn decorations, statues, planters, and the like shall be ecstastically harmonious with the community.²⁵

Flag poles are limited to one (1) 20' pole per Lot.²⁶

Privacy landscaping materials are defined as an opaque roll down screen, vinyl lattice or vinyl spaced picket barrier, which is around decks, carports, or patios. Such materials may not exceed six (6) feet in height and no more than a 3' clearance for the patio.²⁷ No cumulative total of feet for all privacy screening on any one property may exceed thirty-two (32) feet.²⁸ Said barrier or opaque screen shall comply with the provisions of Sec. 62-2109 Code of Ordinances of Brevard County, Florida.

Exception-vinyl barriers used for privacy attached to²⁹ the carport may be up to eight feet in height, however, the length of the privacy panels in the carport will be included in the cumulative total of 32 foot. ARCC permits are required for all privacy landscape material.

Any privacy landscaping materials on any lot for which a previously approved ARCC permit has been issued that do not meet the requirements of these guidelines shall be deemed "grandfathered" for as long as such privacy landscaping materials remain in place. Upon removal of the grandfathered privacy landscaping materials, such grandfathered status shall be lost."

Porch (Patio) and Decks

Definition of Porch (Patio)

A porch (patio) is a covered area structurally attached to the outside of the mobile home. ~~The porch (patio) floor is a concrete slab.~~ The minimum size for a patio roof and patio slab is 60 square

²² Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

²³ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

²⁴ Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

²⁵ Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

²⁶ Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

²⁷ Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

²⁸ Promulgated Rule approve March 19, 2013, and presented to the Board of Trustees March 26, 2013

²⁹ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

feet.³⁰

The following are recognized types:

1. Unscreened
Concrete slab at ground level.
Concrete slab or factory³¹ raised above ground level.
2. Screened
Concrete slab at ground level.
Concrete slab or factory³² raised above ground level.
3. Weather Protected (on concrete slab-ground or raised level)
Enclosed with fixed or movable glass windows/enclosure panels.
Enclosed with fixed or movable vinyl windows/enclosure panels.

A weather-protected porch (patio) is considered a **Florida room**.

An unscreened porch at ground level is considered a **cabana**.

Approved Materials for porch (Patio)

Siding that blends in architecturally with the rest of the home.

A patio roof, including posts and fascia is constructed out of aluminum, vinyl, or wood. All wood including post and poles must be covered with aluminum or vinyl or it may be painted, providing the paint is aesthetically compatible with or blending in architecturally with the rest of the home and the other homes in Barefoot Bay.

A patio slab is made of poured concrete, brick pavers, or other approved material. Patio Deck Board and patio blocks are an approved material as it is aesthetically compatible with or blends in architecturally with the rest of the home and the other homes in the bay.

Decks

Decks are an optional addition not requiring a roof. Decks must be abutting the home and must have matching handrails and steps. All open decks must be skirted with lattice or other ARCC approved materials. They must be constructed out of pressure-treated wood, composite deck board, poured concrete or other approved material. Steps from the deck must land on a concrete pad. All decks must be a minimum of 8' x 8'.³³

All decks higher than 30" above grade must have a guardrail around the deck.³⁴ The requirements for the guardrails are they need to be at least 36" in height measured from the deck surface to the top of the rail.

Roof

Approved roofing materials are shingle, metal, vinyl, foam, and membrane.

Skirting Material for the Home

Definition of Skirting material- material that is sufficient to enclose the entire base of the home. It is constructed of stucco, stone, stucco finished concrete block, outdoor Hardie Board skirting or other ARCC approved material.³⁵ (Hardie Board bolts & seams have to be concealed with Stucco type finish) Wood framing is not allowed. Vinyl skirting is not allowed.

³⁰ Promulgated Rule approved September 20, 2016, and presented to the Board of Trustees September 27, 2016

³¹ Promulgated Rule approved April 23, 2024, and presented to the Board of Trustees May 9, 2024

³² Promulgated Rule approved April 23, 2024, and presented to the Board of Trustees May 9, 2024

³³ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

³⁴ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

³⁵ Promulgated Rule approved September 20, 2016, and presented to the Board of Trustees September 27, 2016

Siding Materials

Approved siding materials for manufactured/modular homes, garages, and accessory buildings are stucco, vinyl, aluminum, coated engineered wood panel³⁶, Hardie board lap siding or other approved material.

Steps & Handicap Ramps

Entrance steps to the home³⁷ must be constructed of concrete.

Steps to the home with a deck must be constructed of concrete, pressure treated wood, fiberglass or other ARCC approved material. Steps must land on concrete pad.³⁸

Handicap ramps must be constructed of suitable building material and maintained in good condition. Ramps reducing the required space in a carport must be removed when no longer needed³⁹ or when the home is sold.⁴⁰

Temporary Portable or Free-Standing Structures.⁴¹

The DOR requires that all temporary, portable, or freestanding structures installed for longer than 48 hours require an approved ARCC permit. ARCC requires all temporary, portable freestanding structures, including playgrounds, must be placed in the back yard and anchored. They must meet all the state of Florida and Brevard County building codes.

Above ground pools must be completely enclosed by a fence and/or secured with a locking ladder for safety reasons to prevent access to the pool. An in-ground pool must be completely fenced in to prevent access into the pool when not in use.⁴²

Hot tub covers must be labeled ASTM F1346-91. Ground level hot tubs must be on solid approved materials.⁴³

Clotheslines – clotheslines and any outdoor drying apparatus are permitted on lots in Barefoot Bay. Any such clotheslines or drying apparatus must be placed to the rear of the residence and must be folded or removed overnight. Clothes lines may not be located within carports.⁴⁴

The following items are banned:

- Trampolines larger than 6 feet in diameter
- All tents, and portable shelters
- Car canopies and detached⁴⁵ garages
- All pop-up structures.
- ~~Hot tub covers must be labeled ASTM F1346-91~~

Utility Building

³⁶ Promulgated Rule approved January 17, 2012, and presented to the Board of Trustees December 9, 2011

³⁷ Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

³⁸ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

³⁹ Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

⁴⁰ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

⁴¹ Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

⁴² Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

⁴³ Promulgated Rule approved April 23, 2024, and presented to the Board of Trustees May 9, 2024

⁴⁴ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

⁴⁵ Promulgated Rule approved April 23, 2024, and presented to the Board of Trustees May 9, 2024

Definition of Utility Building

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 hot water heater. A utility building must be structurally attached by full roof to the mobile home or carport at eave level. The minimum size of a utility building is 48 square feet.

Materials

1. Types of acceptable materials
 - a. Wood or aluminum framework
 - b. Siding consistent to that of the mobile home exterior and matching in its color.
 - c. Aluminum lap or vinyl siding over approved framework, with construction to match the exterior surface of the mobile home.
2. ~~The use of metal on exterior framework or siding or~~ T-111 siding⁴⁶ is not permitted.

Dimensions

1. Height of construction shall conform to existing construction, such as carport roof, patio (porch) roof, or mobile home eave.
2. The minimum size of a utility building is 48 square feet on the base.

Construction

1. A utility building, if constructed as a part of the carport slab, shall be built on a raised concrete slab which is at least one (1) inch above the surface of the carport floor, except on renovations.
2. Prior to construction, approval must have been obtained in writing from the ARCC.
3. Consistent with County building codes, pressure treated lumber must be used on contact with concrete.

Used Mobile Homes

A used mobile home must meet the Manufactured Housing Construction and Safety Standards established promulgated by the U.S. Department of Housing and Urban Development (HUD) in 1976 and amended by HUD in 1994. In addition, no used mobile home shall be permitted in Barefoot Bay having a year model, as shown on the Florida Motor Vehicle Certificate of Title as “year make”, more than four (4) calendar years prior to the year of submittal of the application form to the ARCC.

In addition, applicant must provide the following:

- a. A copy of Motor Vehicle Certificate of Title, State of Florida, in applicant’s name. (A double-wide requires two (2) certificates.)
- b. Close-up photographs, in color, of end and full side views (4 pictures) of the home at present site. (Minimum size of photos – 3’ x 4”.)
- c. Upon arrival of the used *mobile*⁴⁷ home, the serial number of the home will be verified. The DOR/ARCC office should be notified of the arrival of the unit.

Condition of Property

The exterior of a home (including awnings, skirting, and roofing), driveways, or carport shall be maintained free of mildew, mold, dirt, rust, or grease which is visible when the house is viewed from the street or from an adjacent lot (See Article III, Section 2 of the Deed of Restrictions)

⁴⁶ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

⁴⁷ Promulgated Rule approved April 23, 2024, and presented to the Board of Trustees May 9, 2024

Miscellaneous⁴⁸

Furniture outside the home

No indoor furniture is allowed on any unscreened area of the property.

Fire Pits⁴⁹

Fire Pits: Regulations are controlled by the Florida Fire Service.

An open fire pit is not allowed.

Propane or natural gas fed fire devices or structures are allowed.

Above ground containers such as those purchased at a hardware or building material store made for burning; such as chimeneas are allowed. This type of device should not be located within 15 feet of a building or structure, or combustible material. The burning container cannot be located in any right of way. All fires should have a screen or other device to arrest or control escaping embers, which present a fire hazard.

Burning of yard waste, rubbish, plastic, rubber material, pesticides, aerosol containers and treated lumber is not allowed. It is suggested that proper safety measures are taken when burning, such as a garden hose or fire extinguisher.

Arbors, Pergolas, Trellises and⁵⁰ Gazebos⁵¹

May be freestanding, and do not need to be structurally attached to the home but must be anchored into concrete⁵² for safety purposes. Must meet setback requirements, must be maintained in good condition, and must meet Brevard County requirements.

Approved materials include metal, wood, canvas canopy top or other approved material.

The gazebo must be kept free of all items of personal property except for customary outdoor items such as exterior patio or porch furniture and barbecue grills.

Sun sails height must not exceed the eaves of the main structure.

Hurricane Shutters⁵³ and Other Devices⁵⁴

Hurricane Shutters may be a material chosen by the unit owner to protect their residence. If plywood is chosen, it shall be painted and/or decorated to match the color of the house.

Windows and doors in occupied dwelling units shall not be boarded or covered, except for the

⁴⁸ Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

⁴⁹ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

⁵⁰ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

⁵¹ Promulgated Rule approved June 5, 2012, and presented to the Board of Trustees June 8, 2012

⁵² Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

⁵³ Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

⁵⁴ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

temporary installation or closure of storm shutters, panels, or other hurricane protection devices during the threat of storm. While such protection is provided, at least one door leading directly to the building exterior shall be provided.

Hurricane shutters must be removed by the end of Hurricane Season. Seasonal residents arriving after December 1st, must remove shutters as soon as possible after arriving.

Any device, strap, netting, or other temporary items used during Hurricane season must be Removed at the end of Hurricane season or as soon as possible by seasonal residents.

Maintenance of Exterior of Homes⁵⁵

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

Painting of wood⁵⁶

Exposed wood sections of carports, utility buildings, patios, screen rooms, decks and lattice, arbors, pergolas, and trellises⁵⁷ must be painted and/or stained, providing the paint is aesthetically compatible with or blending in architecturally with the rest of the home and the other homes in Barefoot Bay.

Prefabricated storage unit⁵⁸

Only one prefabricated (plastic) storage unit, placed adjacent to the home, no larger than thirty-six (36)⁵⁹ square feet, will be considered a customary outdoor item for the purpose of Article III Section 2C of the DOR. The storage unit must be placed on a concrete slab and must be strapped or anchored.

Decorating⁶⁰

All DOR and⁶¹ ARCC Guidelines must be followed when decorating homes for the holidays.

Plan Changes/Change Orders/Revisions⁶²

After the initial approval by the ARCC, any changes to the approved plan must be resubmitted to the ARCC annotating the changes made. This is to ensure a proper paper trail of what the change was for future reference.

Watercrafts⁶³

Boats of any size are not allowed to be stored outside on the property. Kayaks, canoes, surf boards and paddleboards must be properly stored & secured in the rear of the residence.⁶⁴

⁵⁵ Promulgated Rule approved August 14, 2012, and presented to the Board of Trustees August 28, 2012

⁵⁶ Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

⁵⁷ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

⁵⁸ Promulgated Rule approved December 8, 2015, and presented to the Board of Trustees January 8, 2016

⁵⁹ Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

⁶⁰ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

⁶¹ Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

⁶² Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

⁶³ Promulgated Rule approved September 29, 2020, and presented to the Board of Trustees November 13, 2020

⁶⁴ Promulgated Rule approved April 3, 2018, and presented to the Board of Trustees April 13, 2018

DOR Article II, Section VII. Enforcement of Architectural Control Requirements.

- (A) The ARCC is to assist in the enforcement of the provisions of Article II of this instrument. The ARCC shall advise and consult with a designated representative of the Recreation District with respect to apparent or alleged violations of the terms of conditions of Article II of this instrument and as to be the appropriate means to correct or remedy such violations. The subsection shall not be deemed to limit the right of the Recreation District to determine for itself whether such a violation exists and the appropriate remedy for any such violations.⁶⁵
- (B) In the event that the Recreation District determines that there is a violation of the provisions of Article II of the instrument on any Lot in Barefoot Bay, the Recreation District shall give written notice to the Owner and/or Occupant of such Lot in accordance with the process outlined in Article III, Section 13 of this instrument.⁶⁶

⁶⁵ Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

⁶⁶ Promulgated Rule approved April 11, 2023, and presented to the Board of Trustees April 25, 2023

Board of Trustees

Meeting Agenda Memo

Date: Thursday, May 9, 2024

Title: **Resolution 2024-05 Amending the Budget: Shopping Center Budget Increase and New R&M/Capital Projects Project**

Section & Item: 11.B

Department: Administration, Finance

Fiscal Impact: \$21,802

Contact: Charles Henley, Finance Manager, Kent Cichon, Community Manager

Attachments: Resolution 2024-05 Amending the Budget - Shopping Center Budget Increase

Reviewed by

General Counsel: Yes

Approved by: Kent Cichon, Community Manager



Requested Action by BOT

BOT consideration and approval of Resolution 2024-05

Background and Summary Information

The FY24 Shopping Center Expenditures Budget requires an additional \$15,952 due to the following:

- The Property Appraiser’s appraisal of this property was higher than anticipated and therefore, the budgeted amount in the FY24 Adopted Budget for property taxes was insufficient.
- The FY24 Utilities/Solid Waste - Garbage & Recycling expenditure budget will be insufficient for these expenses.
- Expenditures were incurred due to unanticipated emergency repairs to a HVAC unit.
- Expenditures were incurred due to unanticipated emergency repairs to the fire sprinkler system.

In addition, Staff has determined that an exterior door for the Shopping Center is in urgent need of replacement. This unanticipated expense is in the amount of \$5,850. The R&M Capital Department has a Contingency balance of \$120,000. The \$5,850 will be transferred from the Contingency account line to a new project account line.

Staff recommends the BOT approve Resolution 2024-05: Amending the Budget by transferring \$15,952 to the Shopping Center Department’s expenditure budget from the R&M/Capital Projects Department Contingency account line; and transferring \$5,850 from the R&M/Capital Projects Department Contingency account line to a new project account line within the R&M/Capitol Projects Department.

RESOLUTION 2024-05

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT AMENDING RESOLUTION 2023-16; AMENDING THE BUDGET.

WHEREAS, the Barefoot Bay Recreation District Board of Trustees adopted Resolution 2023-16, an operating Budget for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024; and

WHEREAS, the Board of Trustees is desirous of amending the previously adopted Budget; and

WHEREAS, the Board of Trustees has ascertained that the following amendments are necessary to provide for the operation of the District for the Fiscal Year 2023/24:

An Amendment to transfer \$15,952 from the FY24 R&M / Capital Projects Department’s Contingency account line to the Shopping Center Department’s FY24 Expenditure Budget; and to transfer \$5,850 from the FY24 R&M / Capital Projects Department’s Contingency account line to a new project account line within the R&M / Capital Projects Department.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT, BREVARD COUNTY FLORIDA:

Section 1. The amendment shall be made to the operating Budget for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024.

Section 2. The Community Manager and the Finance Manager are directed to adjust FY 2023/24 Adopted Budget.

Section 3. This resolution shall become effective immediately upon adoption.

The foregoing Resolution was moved for adoption by Trustee _____. The motion was seconded by Trustee _____ and, upon being put to a vote, that vote was as follows:

Chairman, Bruce Amoss
Trustee, Joe Klosky
Trustee, Ann Hansen
Trustee, Jeff Grunow
Trustee, Elaine Van Berschot

The Chairman thereupon declared this Resolution Done, Ordered, and Adopted on this 9th day of May, 2024.

BAREFOOT BAY RECREATION DISTRICT

By: _____
Bruce Amoss,
CHAIRMAN

Elaine Van Berschot,
SECRETARY



Barefoot Bay Recreation District

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

Phone 772-664-3141
www.bbrd.org

Memo To: Board of Trustees

From: Kent A. Cichon, Community Manager

Date: May 9, 2024

Subject: Manager's Report

Finance

Assessment received – 91.9% collected or \$4,262,111

Resident Relations

ARCC Meeting 4/23/2024

- 1 Old Business Item – approved
- 11 Consent Permits – all approved
- 6 Other Items – all approved

VC Meeting 4/12/2024

- 10 Cases – came into compliance
- 1 Case – DOR is working with the homeowner
- 4 Cases – found to be in violation

The Violations Committee has one (1) vacant Alternate position, and we are requesting residents that are interested in filling this position to submit their resumes and letters of interest to the District Clerk.

Food & Beverage

- A Mother's Day brunch is planned for Sunday May 12th from 10am-1pm. Royal Ink, a female duo performing popular songs with a reggae beat will be on the Lakeside Stage. A variety of breakfast and lunch food items will be served along with a Mimosa for Mom. Tickets are on sale in the Lounge, the 19th Hole, and Administration.
- A Father's Day Clam Bake buffet will be held on Sunday, June 16th. The Kenny Williams band will play from 2-6pm. Tickets go on sale May 28th in the Lounge, the 19th Hole and Administration.

Property Services

- Completed the refurbishment of the 19th Hole
- Completed the new Pool #1 smoking area by installing river rock, benches, cigarette butt receptacles, fence, and signage
- Repaired Bocce Ball Court due to vandalism
- Replaced the light bollard outside of Building A
- Cleared debris from all the canals
- Began replacement of all rotten boards on the Fishing Pier

Golf-Pro Shop

- The Spring Golf Clinics have concluded with every class at full capacity. We thank all who participated in continuing the great success of these clinics.
- Summer Golf rates started May 1st and residents are encouraged to come out and play the course for a Greens Fee of \$14.00 for 18 Holes and \$10.00 for 9 Holes. Cart fee not included.
- Brightview Golf Course Maintenance
 - A 45-day weed reduction program for tees, fairways, greens, and roughs has been provided by Brightview. Golfers should expect to see browning of the turf throughout this process. (Schedule attached below).
 - May 8th & 9th will be the first aerification of the golf course. Trimming of palm trees will also take place at this time. Only one of the nines will be available on each of these days. Call the Golf Pro Shop at 772-664-3174 for details or to book a tee time.
 - The search for and discovery of dormant irrigation heads continues. Recently 8 unused irrigation heads were located on the street side of the practice putting green.
 - A Wet Ject aerification demonstration was recently performed on the practice putting green. This process uses water at high pressure to inject sand several inches into the green below the thatch layer. The intent is to improve water and fertilizer percolation farther below the surface to improve the root system on our aging greens. This procedure is used to prolong the life of aging greens and is now a common agronomical practice.

Wet Ject Aerification Demonstration Project BBRD Golf Course Practice Green













Barefoot Bay Weed Rededication Spray Program

Below is an overview of postemergence herbicide applications planned for Barefoot Bay over the next 45 days.

Putting Greens

4/19/24: Revolver, Dismiss, Manuscript- Targets Bull Paspalum, Goosegrass

4/26/24: Revolver, Dismiss, Manuscript- Targets Bull Paspalum, Goosegrass

4/30/24: Supplemental fertility for Bermudagrass recovery as needed in addition to Agronomic Plan.

5/3/24: Revolver, Dismiss, Manuscript- Targets Bull Paspalum, Goosegrass

5/10/24: Supplemental fertility for Bermudagrass recovery as needed in addition to Agronomic Plan.

5/17/24: Revolver, Dismiss, Manuscript- Targets Bull Paspalum, Goosegrass

5/24/24: Supplemental fertility for Bermudagrass recovery as needed in addition to Agronomic Plan.

5/31/24: Revolver, Dismiss, Manuscript- Targets Bull Paspalum, Goosegrass

Fairways and Tees

4/23/24: Metribuzin, Sulfentrazone, Manuscript, Metsulfuron - Targets Tropical signal grass, Goosegrass, broadleaf weeds

5/7/24: Metribuzin, Sulfentrazone, Manuscript, Metsulfuron - Targets Tropical Signal Grass, GooseGrass, Broadleaf weeds

5/21/24: Metribuzin, Sulfentrazone, Pylex- Targets Goosegrass

Supplemental fertility for Bermudagrass recovery as needed in addition to Agronomic Plan.

Roughs

4/12/24: Metsulfuron, Roundup- Broad- Spectrum control

4/19/24: Metsulfuron, Roundup, Broad Spectrum control

4/23/24: 2-4-D, Sulfentrazone - Broadleaves, Goosegrass

5/8/24: Sulfentrazone, Pylex- Targets Goosegrass

5/22/24: Sulfentrazone, Roundup- Targets Goosegrass

Supplemental Fertilizer for Bermuda Recovery as needed in addition to Agronomic Plan.