

**TOWN OF OCEAN BREEZE – REGULAR TOWN COUNCIL MEETING
AGENDA**

August 10, 2020, 10:30 am
Ocean Breeze Resort Clubhouse Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

PLEASE TURN OFF CELL PHONES

1. Call to Order President De Angeles

- Pledge of Allegiance
- Roll Call

2. Approval of Minutes – Regular Meeting, Monday, July 13, 2020

(Motion, second, public comments, all in favor)

3. Quasi-Judicial Hearing – RESOLUTION NO. 303-2020, PROVIDING FOR A MINOR AMENDMENT TO THE OCEAN BREEZE EAST PUD AGREEMENT ADOPTED BY ORDINANCE NO. 220-2015 AND AMENDED BY RESOLUTION NUMBERS 223-2015, 234-2016 AND 238-2016 AND BY ORDINANCE NO. 241-2016 AND BY RESOLUTION NO. 291-2019; THEREBY APPROVING MINOR CHANGES TO THE PROJECT’S REVISED MASTER SITE PLAN TO PERMIT THE RECONFIGURATION OF RESIDENTIAL DOCKS ALONG THE INDIAN RIVER LAGOON, INCLUDING CONDITIONS FOR THEIR USE; DECLARING SAID CHANGES TO BE CONSISTENT WITH THE TOWN’S COMPREHENSIVE PLAN; PROVIDING PENALTIES FOR PUD VIOLATIONS; PROVIDING FOR CONFLICT PROVISIONS AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES. Marcela Cambor, representing Sun Communities (Continued from July 13, 2020)

(Motion, second, public comment, roll call vote)

4. Comments from the public on topics not on the Agenda

5. Comments from the Council on topics not on the Agenda

6. Comments from Town Management Consultant – Terry O’Neil

7. Comments from Mayor Ostrand

8. Announcements – Meetings to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, FL (subject to change due to Covid-19 circumstances)

- Regular Town Council Meeting – Monday, September 10, 2020 at 10:30 am
- Proposed Budget and Tentative Millage Hearing, Wednesday, September 16 at 5:01 pm
- Final Budget and Millage Rate Hearing, Wednesday, September 23 at 5:01 pm

(Motion, second, public comment, all-in-favor)

9. Adjourn (Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, July 13, 2020, 10:30 a.m.
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

1. Call to Order – President De Angeles called the meeting to order at 10:30 a.m.

- Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
- Roll Call – Mayor Karen M. Ostrand, President Kenneth De Angeles, Vice-President Richard Gerold, Council Members Bill Arnold, Kevin Docherty and David Wagner (by phone)
Absent: Council Member Locatis
- Staff Present – Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary, Town Clerk, Pam Orr, and Bookkeeper/Clerical Assistant, Kim Stanton

President De Angeles asked for all public speakers to stand in place at their seats to speak due to the covid-19 virus and social distancing requirements.

2. Approval of Minutes – Council Member Arnold, seconded by Council Member Docherty, made a Motion to approve the Minutes of the June 9, 2020 regular meeting.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed - 5 - 0

**3. AN EMERGENCY ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA
REVISING AND AMENDING SECTION 2 OF ORDINANCE NUMBER 276-2018 CLARIFYING
THE COMMENCEMENT AND ENDING DATES OF THE CANDIDATE QUALIFICATION
PERIOD AS SET FORTH THEREIN; PROVIDING FOR SEVERABILITY, APPLICABILITY
AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. O’Neil explained the need for this emergency ordinance and stated that staff recommended approval.

Council Member Gerold, seconded by Council Member Arnold, made a Motion to adopt Ordinance #304-2020.

President De Angeles asked for public comments.

There were none.

Roll Call Vote: Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed - 5 - 0

4. November 2020 Town Council Elections Proclamation – President De Angeles read the 2020 Elections Proclamation into the record.

Council Member Arnold, seconded by Council Member Gerold, made a Motion to approve the Proclamation.

President De Angeles took questions from the public.

President De Angeles asked for further comments.

There were none.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed - 5 - 0

5. Approval of dates for public hearings for Budget/Millage Adoption to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room:

Town Clerk, Pam Orr, read the tentative meeting dates and times into the record:

- Budget Workshop and Setting of Tentative Millage Rate, Wednesday, July 22, 2020 at 5:01 pm
- Proposed Budget and Tentative Millage Hearing, Wednesday, September 16, 2020 at 5:01 pm
- Final Budget and Millage Rate Hearing, Wednesday, September 23, 2020 at 5:01 pm

Council Member Docherty, seconded by Council Member Arnold, made a motion to approve the three public hearings as presented on Item #5 of the Agenda.

President De Angeles asked for public comment.

Attorney Crary suggested reading the dates into the record again.

President De Angeles read the approved meeting dates and times into the record and asked for public comment.

There were none.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed - 5 - 0

6. Quasi-Judicial Hearing – RESOLUTION NO. 303-2020, PROVIDING FOR A MINOR AMENDMENT TO THE OCEAN BREEZE EAST PUD AGREEMENT ADOPTED BY ORDINANCE NO. 220-2015 AND AMENDED BY RESOLUTION NUMBERS 223-2015, 234-2016 AND 238-2016 AND BY ORDINANCE NO. 241-2016 AND BY RESOLUTION NO. 291-2019; THEREBY APPROVING MINOR CHANGES TO THE PROJECT’S REVISED MASTER SITE PLAN TO PERMIT THE RECONFIGURATION OF RESIDENTIAL DOCKS ALONG THE INDIAN RIVER LAGOON, INCLUDING CONDITIONS FOR THEIR USE; DECLARING SAID CHANGES TO BE CONSISTENT WITH THE TOWN’S COMPREHENSIVE PLAN; PROVIDING PENALTIES FOR PUD VIOLATIONS; PROVIDING FOR CONFLICT PROVISIONS AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES. – President De Angeles asked if any of the Council Members had any exparte communications to disclose.

There were none.

President De Angeles asked for those giving testimony to stand, raise their right hand, and be sworn in.

Attorney Crary administered oath to Marcela Camblor and Terry O’Neil.

President De Angeles asked staff to present testimony, including any evidence, and their recommendation on this case.

Mr. O'Neil gave a brief history of the dock issue and stated that staff supported Resolution No. 303-2020. He discussed the regulatory language and changes proposed by Sun's attorney. He commented that Sun might request a continuance of this item until the next regular Town Council meeting to allow the attorney's an opportunity to work on the regulatory language. He mentioned the issue of whether the general populous of the resort would have access to the docks and seawall and asked Ms. Camblor to discuss this issue. He introduced Marcela Camblor who represented Sun Communities.

Marcela Camblor, Planner for Sun Communities, explained the background of the configuration of the docks. She reviewed the exhibit provided regarding the change in the shape of the docks and spoke about the piers, marginal piers and their configuration which were in accordance with the DEP standards. She stated that the piers, marginal piers and seawall were not publicly accessible, nor was it a public boardwalk. She added that the seawall was located at the rear of a private site and that each unit had exclusive rights to their site and to the waterfront. She explained how the docks and piers were used and rules and regulations. She reminded the Council that the attorneys were working on one outstanding issue. She remarked that if the design could be agreed upon, Sun would ask for a continuance to the next regularly scheduled Town Council meeting in order to allow for the attorneys more time to come to an agreement on the language for enforceability.

President De Angeles asked if any Council Members had any questions for the petitioner.

Council Member Gerold asked about enforceability of the PUD versus the Prospectus?

Ms. Camblor stated that the Prospectus equated to an HOA and the Town governed zoning. She continued that Sun had the ability to enforce rules through their Prospectus but the Town did not have the Prospectus as part of their zoning. She stated that the two must be kept separate. She added that zoning for this property was the PUD and that assurances had to be embedded in the language of the PUD.

Council Member Gerold asked if she was referring to zoning violations.

Ms. Camblor answered that the issues were listed in the PUD language.

Mr. O'Neil answered that construction without permit would be a building code violation and citations would be issued under certain circumstances. He added that the use of the docks should be included in the Amendment because use was a provision of zoning and that zoning provided that the docks were used by the residents exclusively.

Attorney Cray spoke about his numerous discussions with Sun's attorney to put forth language that was agreeable to all parties. He stated that Sun would like to make sure that the Town would not hold them in violation as long as they were proceeding to enforce. He spoke about language which would encourage Sun to enforce issues and added that this was to ensure that Sun would be policing this adequately.

Ms. Camblor explained that upper Management at Sun had not been able to review the most recent language.

President De Angeles asked Ms. Camblor if the owners of the pier or dock would be allowed to lease to other parties.

Ms. Camblor answered the docks were not for use by the general public, and that the only people allowed to use the docks were the occupants of that unit. President De Angeles asked about visitors.

Ms. Cambor stated that she believed that if the occupants of the unit had friends that were visiting, and the friends had a boat, as long as they were occupying the unit, they could use the docks.

Attorney Cray stated that the primary issue or condition was that the docks not turn into a commercial marina use.

Ms. Cambor further explained the concerns regarding the language.

President De Angeles asked for further questions from the Council Members.

Council Member Wagner asked who would be responsible for policing and enforcing the regulations on the docks.

Ms. Cambor answered that this was the issue in question.

Mr. O'Neil commented that enforcement would be gradual and informal at the beginning of any violation and progressively become more pronounced if a resolution could not be reached. He stated that it would be similar to enforcement of all other aspects of the PUD Agreement.

Council Member Arnold stated that he was aware of residents who would like to install docks and that the main concern was that the area would not become a commercial marina.

Attorney Cray pointed out that Sun would be ultimately responsible because they were the property owner.

Council Member Gerold asked for clarification on the drawings as presented. He asked about piers and marginal docks.

Marcela Cambor clarified the location of certain piers and marginal docks.

President De Angeles asked for further questions from the Council Members.

There were none.

President De Angeles asked if staff had any questions for the petitioner.

There were none.

President De Angeles asked the petitioner if she wished to offer any rebuttal testimony.

Ms. Cambor asked for a continuation of this hearing to a date certain.

President De Angeles asked for comments from the public.

Janet Galante asked about language regarding height restrictions, commercial fishing and enforcement.

Ms. Cambor stated that height restrictions were not part of the proposal because the waters were very shallow and that there was no dredging being proposed to allow for a mega yacht. She added that the boats would each be placed centered on the property and each one of those properties would be the first element

blocking any views from anyone behind the property. She commented that at this time, no size restrictions were being proposed because of the size of the dock, the proposed lift and the shallow depth of the water.

President De Angeles asked what would happen if Sun Communities were to request a permit for dredging.

Ms. Camblor answered that would be determined by the DEP and that she would conduct some research regarding boat height restrictions. She added that the lift already had a size restriction and only a certain size boat could be placed on it. She remarked that she believed this size lift would accommodate a 25–26 foot boat and a boat that would be able to navigate the shallow water. She commented on the difficulty of enforcement of a height restriction.

Mayor Ostrand spoke about the Indian River Lagoon, its depths, and what the DEP would approve.

Ms. Galante asked what size boat a lift of the size proposed would sustain.

Ms. Camblor stated that there was a maximum size lift allowed and that she would check into the size and weight of boats allowed for the lift size.

Council Member Gerold asked about shape and structures on the docks.

Ms. Camblor stated that Sun was not proposing any structures. She spoke about uniformity, style and character of the entire resort.

Mr. O’Neil stated that research should be done with design professionals and marine industry experts to determine the configuration for the boat lifts and size. He added that staff would bring the information back before the Council.

Duncan Koreivo asked for a definition of a marginal pier.

Ms. Camblor answered that term was used by the DEP for the platforms that run parallel to the shore. She clarified the width and location of marginal piers and stated they were on the exhibit.

Duncan Koreivo asked if two lifts were allowed on marginal piers.

Ms. Camblor answered that the exhibit states “it may have an elevator lift” and, that the word “single” could be added to clarify only one lift.

Discussion ensued regarding the piers, lifts, timing and processes for applicants. Ms. Camblor stated that the maximum number of lifts allowed for the piers was on the exhibit.

Discussion ensued regarding the application process for two lifts.

Janet Galante asked about the maximum number of boats allowed.

Ms. Camblor answered that she believed the maximum number of boats was thirty-one (31).

Duncan Koreivo asked if the docks were deeded with the lots.

Ms. Camblor answered that the docks would be part of that site.

Attorney Crary stated that a separate lease was involved with the docks and ultimately, that would be between Sun and the tenant.

Ms. Camblor stated that upper management was working on this issue.

Council Member Arnold asked if a unit were to be sold to another individual, would the dock be included with the unit.

Attorney Crary answered that the PUD would not allow transfer of a dock without the unit. He added that Sun had agreed to transfer conditions. He stated that Section 1.e. stated that no dock or marginal pier shall be used for any commercial purposes whatsoever.

Ms. Camblor answered that the PUD stated that the docks would be used by the occupant of the unit to which that pier was attached.

President De Angeles asked for further questions or comments.

There were none.

President De Angeles asked for the Council to consider a motion to approve the Resolution; a motion to approve the conditions; a motion to deny the request; or, a motion to continue the hearing to a date certain.

Council Member Wagner made a motion to approve the conditions as presented.

Mr. O'Neil stated that the applicant was requesting that the amendment be continued to the next regular town council meeting in order to give the applicant an opportunity to refine the PUD Amendment language with Mr. Crary.

Vice-President Gerold, seconded by Council Member Arnold, made a motion to continue the hearing to the next regular Town Council meeting to be held on Monday, August 10, 2020.

Roll Call Vote: Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed - 5 - 0

7. Comments from the public on topics not on the Agenda – An individual asked about why the steam room was locked.

Vice-President Gerold directed him to talk to the Resort manager and stated that the issue was a Town issue.

Janet Galante spoke about a celebration of the Town's 60th year and suggested doing a Proclamation.

President De Angeles asked for further comments from the public.

There were none.

8. Comments from the Council on topics not on the Agenda – Council Member Wagner asked about the status of West End Boulevard.

President De Angeles answered that Ms. Camblor was in the process of contacting and receiving approval from the various land owners that would be affected.

Council Member Wagner asked Mr. O'Neil about the blower issue.

Mr. O'Neil answered that he spoke with the Mayor and that she had a conversation with Sun and he contacted the Department of Environmental Protection and the local health department. He gave a brief history of the issue which was particulate matter being blown around during Sun's lawn maintenance routines. He commented that the DEP directed him to the Department of Agriculture. He talked about the difficulty in getting a state agency to enforce such a matter. He stated that the complaint was valid and that the Town would impress upon Sun Communities that the maintenance workers take more precautions not to blow the particulate matter all around. He stated this was a work in progress and that staff would keep pressing for a solution.

9. Comments from Town Management Consultant - Terry O'Neil – Mr. O'Neil gave a brief history of the town's annual auditing function and that the time had come to commence planning the Request for Proposal (RFP) to gather quotes from interested auditing firms. He added that staff would come back to the Council at the August meeting with more detail. He mentioned that the statute required a member of the Council sit on the three-person Audit Selection Committee. He spoke about the possibility of the Finance Director of the City of Stuart sitting on the committee.

Council Member Arnold volunteered to sit on the Audit Selection Committee.

10. Comments from Mayor Ostrand – Mayor Ostrand thanked everyone for wearing masks. She encouraged everyone to participate in the U.S. Census 2020.

11. Announcements – Council Member De Angeles announced the next regular Town Council meeting on Monday, August 10, 2020 at 10:30 a.m. to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida.

12. Adjourn – Council Member Arnold, seconded by Council Member Docherty, made a motion to adjourn the meeting at 11:57 a.m.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed - 6 - 0

Respectfully Submitted,

Pam Orr

Town Clerk

Minutes approved: _____

Memorandum

To: Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

CC: Town Clerk

Town Attorney

Date: August 3, 2020

Re: Proposed minor amendment to the Ocean Breeze East PUD to permit the reconfiguration of several docks fronting the Indian River Lagoon. (Continued from July 13, 2020).

This item was discussed at length at the Council's July 13, 2020 regular meeting. While consensus was reached on most aspects of the proposed amendment, a few questions remained regarding Sun's obligations to oversee use of the docks. As a result, to allow for additional time to fine-tune the oversight language contained in paragraphs i. and k. of the amending resolution, the public hearing was continued to August 10, 2020. Draft minutes are attached.

Town Attorney Crary and Sun's lawyer, on behalf of his client, have since agreed on the following language:

- i. At all times, Owner and Owner's tenants whose units include a dock or a marginal pier, jointly and severally, shall comply with this Resolution 303-2020, the PUD and other laws of the Town and with all applicable federal and state laws and rules and regulations, and all conditions imposed by FDEP and/or other federal, state or local governmental agencies having jurisdiction over the permitting of the dock or marginal pier.

- k. It is the Owner's responsibility to achieve compliance by any tenant or other occupant with the terms of this Resolution 303-2020. The Town shall notice Owner for a due process hearing on one or more violations of conditions set forth herein, prior to imposing a fine or penalty against the Owner. The Town shall have the power to impose fines of up to \$100.00 per day for the violations of conditions set forth herein, if not corrected after notice and a reasonable time for Owner to bring such tenant or other occupant into compliance. The Town shall otherwise have any and all other remedies available under this Resolution and the PUD, in addition to all remedies as may be otherwise available under Florida law.

Also, Exhibit A has been amended to clearly show that each marginal pier is permitted one boat lift only. Finally, Sun has provided background information from a marine contractor estimating the maximum boat sizes that may be accommodated by Sun's proposed docks.

Recommendation

Staff believes the newly amended language in paragraphs i. and k. sufficiently cover Sun's oversight obligations and recommends approval of Resolution No. 303-2020 as drafted.

Attached documents:

- Quasi-Judicial Hearing Procedure Form (yellow sheet)
- Draft Resolution No. 303-2020, including Exhibit A
- Staff memo from the July 13, 2020 public hearing
- Excerpt of minutes from July 13, 2020 public hearing
- Background information regarding maximum boat sizes provided by the applicant.

TOWN OF OCEAN BREEZE, QUASI-JUDICIAL HEARING PROCEDURE

1. Council President reads the title of the resolution.
2. Council President asks: *“Do Council Members have any exparte communications to disclose?”*
3. Council Members disclose exparte communications, if any.
4. Council President then states: *“All those giving testimony, please stand, raise your right hand, and be sworn in.”* (Town Attorney administers oath).
5. Council President asks staff, *“Please present your testimony, including any evidence, and your recommendation regarding this case.”*
6. Council President then states, *“The petitioner may now give testimony and call any witnesses.”*
7. Council President asks, *“Do Council Members have any questions for the petitioner?”*
8. Council President then asks, *“Does staff have any questions for the petitioner?”*
9. Council President asks, *“Does the petitioner wish to offer any rebuttal testimony?”*
10. Council President asks: *“Does any member of the public wish to comment?”*
11. Council President closes the hearing at the conclusion of all the evidence and asks the Town Council Members to deliberate in public asking them to cite the facts being considered and then to state their position.
12. Council President then considers a motion to approve the resolution; a motion to approve with conditions; a motion to deny the request; or, a motion to continue the hearing to a date certain.



BEFORE THE TOWN COUNCIL OF THE
TOWN OF OCEAN BREEZE, FLORIDA

RESOLUTION NO. 303-2020

RESOLUTION NO. 303-2020, PROVIDING FOR A MINOR AMENDMENT TO THE OCEAN BREEZE EAST PUD AGREEMENT ADOPTED BY ORDINANCE NO. 220-2015 AND AMENDED BY RESOLUTION NUMBERS 223-2015, 234-2016 AND 238-2016 AND BY ORDINANCE NO. 241-2016 AND BY RESOLUTION NO. 291-2019; THEREBY APPROVING MINOR CHANGES TO THE PROJECT'S REVISED MASTER SITE PLAN TO PERMIT THE RECONFIGURATION OF RESIDENTIAL DOCKS ALONG THE INDIAN RIVER LAGOON, INCLUDING CONDITIONS FOR THEIR USE; DECLARING SAID CHANGES TO BE CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; PROVIDING PENALTIES FOR PUD VIOLATIONS; PROVIDING FOR CONFLICT PROVISIONS AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on January 27, 2015, the Town of Ocean Breeze, Florida (hereinafter referred to as the "Town") adopted Ordinance No. 251-2015, thereby approving the Ocean Breeze East Planned Unit Development (PUD) Agreement, which Ordinance and its several amendments are recorded in the Official Records of Martin County, Florida; and

WHEREAS, NHC FL143 LLC, a Florida Limited Liability Company, (hereinafter referenced as "OWNER") the property governed by Ordinance No. 220-2015 and its amendments, has applied for a minor PUD amendment to permit the reconfiguration of several residential docks fronting the Indian River Lagoon, as depicted by Exhibit "A" attached hereto; and

WHEREAS, it is understood that the Florida Department of Environmental Protection ("FDEP") also has jurisdiction to determine the actual minimum lengths and locations of the docks as the same extend over lands submerged beneath mean high water; and

WHEREAS, the Town Council wishes to make reasonable adjustments to the configuration of said docks in order that they may fully comply with environmental regulations established by FDEP; and

WHEREAS, FDEP may require that the said docks be made to extend eastward of a line shown in the PUD revised master site plan in order to reach the depth of water required; and

WHEREAS, it appears unlikely that DEP shall require any such docks to exceed a length of 30 feet, and in no event more than 35 feet; and

WHEREAS, as a condition of this minor amendment, the OWNER has agreed to abide by the conditions stated hereinbelow; and

WHEREAS, on July 13, 2020, the Town Council held a properly noticed quasi-judicial public hearing to consider the OWNER'S application, recommendations made by Town Staff, as well as comments by the Public; and

WHEREAS, the OWNER has committed to the Town that its development will comply with all development codes, plans, standards and conditions approved by the Town Council; and that it will bind its successors in title to any such commitments made upon approval of the revised plans; and

WHEREAS, at the hearing, the OWNER's representatives showed by substantial competent evidence that the application is consistent with the Town of Ocean Breeze Comprehensive Plan and Land Development Code, and the procedural requirements of law; and

WHEREAS, the foregoing recitals are true and adopted as findings of fact and conclusions of law.

NOW, THEREFORE, THE OCEAN BREEZE TOWN COUNCIL HEREBY RESOLVES:

SECTION 1. Provided the OWNER abides by conditions set forth below, the docks and marginal piers referenced in the PUD, as attached to units, may be reconfigured in accordance with the diagram attached hereto as Exhibit "A."

- a. Owner shall be responsible for designating and confirming the location of any dock or marginal pier to be constructed per Exhibit "A" attached hereto. All such docks and marginal piers shall be leased to the unit to which they are attached as shown on the said exhibit. In any event, Owner shall be the arbiter of disputes between tenants regarding such location and tenant disputes regarding any other matters related to the use of docks and marginal piers, or the feasibility of constructing the same.
- b. In the event Owner gives a tenant the right to make application to construct a dock or marginal pier, Owner must provide Town with written proof that Owner has approved said tenant's application for such permit, either by joining in the application, or executing a consent in form and content satisfactory to the Town.
- c. Prior to the issuance by the Town of a permit for construction of a dock or marginal pier, Owner and its applying tenant shall provide the Town with sufficient proof of the dimensions required by the Florida Department of Environmental Protection (FDEP), and thereafter Owner shall be responsible for making sure that Owner's tenant constructs the dock or marginal pier in accordance with such dimensions and all other conditions as may be imposed by FDEP (and other governmental entities having marine jurisdiction, if any).
- d. In no event shall any dock be permitted to exceed a length of 35 feet, unless and until Sun Communities shall first obtain a minor amendment to the Ocean Breeze East PUD.
- e. No dock or marginal pier shall be used for any commercial purposes whatsoever.
- f. No dock or marginal pier shall be leased to or used by anyone other than the tenant or subtenant approved by Owner, to whose unit the dock or marginal pier is attached as depicted on Exhibit "A," and their family and temporary guests. No dock or marginal pier, or any portion thereof, may be leased or subleased or licensed to anyone other than occupants (authorized by Owner) residing in the unit to which the same is attached as depicted on Exhibit "A".

- f. No dock or marginal pier shall be leased to or used by anyone other than the tenant or subtenant approved by Owner, to whose unit the dock or marginal pier is attached as depicted on Exhibit "A," and their family and temporary guests. No dock or marginal pier, or any portion thereof, may be leased or subleased or licensed to anyone other than occupants (authorized by Owner) residing in the unit to which the same is attached as depicted on Exhibit "A".
- g. Upon application for permit by Owner or Owner's approved tenant, Owner and said tenant shall agree to indemnify and hold the Town harmless from and against any and all claims, damages and other liabilities of any kind whatsoever related to the dock or marginal pier, said indemnity and hold harmless agreement to be in such form and content as the Town shall provide with the permit application.
- h. Upon transfer of a unit to which a dock or marginal pier is attached, it shall be the responsibility of Owner to make sure that Owner's new tenant is in compliance with any documentation related to such transfer as may be required by the FDEP and other governmental agencies having jurisdiction.
- i. At all times, Owner and Owner's tenants whose units include a dock or a marginal pier, jointly and severally, shall comply with the PUD and other laws of the Town and with all applicable federal and state laws and rules and regulations, and all conditions imposed by FDEP and/or other governmental agencies having jurisdiction.
- j. In the event the Town learns that any tenant or other occupant of a unit to which a dock or marginal pier is attached is in violation of the conditions set forth herein, the Town shall notify Owner thereof, and Owner shall be provided with reasonable time to bring such tenant or other occupant into compliance.
- k. Upon violation of one or more conditions set forth above, and upon Owner's failure to cure such violation(s) as provided above, the Town Council, after a due notice and public hearing of the matter, shall have the power to revoke this agreement or otherwise deem the PUD to be in violation, and the Town shall have the power to impose fines of up to \$500.00 per day for each PUD violation, and the Town shall otherwise have any and all other remedies available under the PUD, in addition to all remedies as may be otherwise be available under Florida law.

SECTION 2. Town ordinances and Town resolutions or parts thereof, and other parts of the Zoning and Land Development Code of the Town of Ocean Breeze in conflict with this resolution are hereby superseded to the extent of such conflict.

SECTION 3. If any provision of this resolution or the application thereof to any person or circumstance is held to be unconstitutional, invalid or ineffective, this holding shall not affect the remaining portions of this ordinance. If this resolution or any provision thereof shall be held to be inapplicable to any person, property, or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

SECTION 4. The PUD is hereby amended as set forth above, and all of the terms and conditions of Ordinance No. 220-2015, as amended by Resolution Numbers 223-2015, 234-2016 and 238-2016 and

Items i. and k., now amended, as they appeared in Res. No. 303-2020 presented to the Council on July 13, 2020

- g. Upon application for permit by Owner or Owner's approved tenant, Owner and said tenant shall agree to indemnify and hold the Town harmless from and against any and all claims, damages and other liabilities of any kind whatsoever related to the dock or marginal pier, said indemnity and hold harmless agreement to be in such form and content as the Town shall provide with the permit application.
- h. Upon transfer of a unit to which a dock or marginal pier is attached, it shall be the responsibility of Owner to make sure that Owner's new tenant is in compliance with any documentation related to such transfer as may be required by the FDEP and other governmental agencies having jurisdiction.
- i. At all times, Owner and Owner's tenants whose units include a dock or a marginal pier, jointly and severally, shall comply with this Resolution 303-2020, the PUD and other laws of the Town and with all applicable federal and state laws and rules and regulations, and all conditions imposed by FDEP and/or other federal, state or local governmental agencies having jurisdiction over the permitting of the dock or marginal pier.
- j. In the event the Town learns that any tenant or other occupant of a unit to which a dock or marginal pier is attached is in violation of the conditions set forth herein, the Town shall notify Owner thereof, and Owner shall be provided with reasonable time to bring such tenant or other occupant into compliance.
- k. It is the Owner's responsibility to achieve compliance by any tenant or other occupant with the terms of this Resolution 303-2020. The Town shall notice Owner for a due process hearing on one or more violations of conditions set forth herein, prior to imposing a fine or penalty against the Owner. The Town shall have the power to impose fines of up to \$100.00 per day for the violations of conditions set forth herein, if not corrected after notice and a reasonable time for Owner to bring such tenant or other occupant into compliance. The Town shall otherwise have any and all other remedies available under this Resolution and the PUD, in addition to all remedies as may otherwise be available under Florida law.
- l. The terms hereof shall be binding upon Owner and its successors and assigns (including tenants).

SECTION 2. Town ordinances and Town resolutions or parts thereof, and other parts of the Zoning and Land Development Code of the Town of Ocean Breeze in conflict with this resolution are hereby superseded to the extent of such conflict.

SECTION 3. If any provision of this resolution or the application thereof to any person or circumstance is held to be unconstitutional, invalid or ineffective, this holding shall not affect the remaining portions of this ordinance. If this resolution or any provision thereof shall be held to be inapplicable to any person, property, or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

SECTION 4. The PUD is hereby amended as set forth above, and all of the terms and conditions of Ordinance No. 220-2015, as amended by Resolution Numbers 223-2015, 234-2016 and 238-2016 and Ordinance No. 241-2016, and by Resolution No. 291-2019, that are not specifically amended or revised by this Amendment are hereby ratified and affirmed and shall remain in full force and effect as stated therein.

SECTION 5. This resolution shall become effective immediately upon adoption by the Town Council and acceptance by the OWNER.

SECTION 6. The complete execution and recording of this resolution by the Town Clerk, which shall be paid for by the OWNER, shall occur no later than sixty (60) days from the date of this approval, failing which this resolution shall become void.

SECTION 7. This resolution shall be recorded in the public record of Martin County, the cost of which shall be paid by the applicant.

APPROVED AND ADOPTED this 10TH day of August, 2020.

Council Member _____ offered the foregoing resolution and moved approval. The motion was seconded by Council Member _____ and upon being put to a roll call vote, the vote was as follows:

KENNETH J. DE ANGELES, PRESIDENT
RICHARD GEROLD, VICE-PRESIDENT
KEVIN DOCHERTY, COUNCIL MEMBER
BILL ARNOLD, COUNCIL MEMBER
TERRY LOCATIS, COUNCIL MEMBER
DAVID WAGNER, COUNCIL MEMBER

YES	NO	ABSENT

KAREN M. OSTRAND
MAYOR

KENNETH J. DE ANGELES
PRESIDENT

APPROVED AS TO FORM:

ATTEST:

WILLIAM F. CRARY, II
TOWN ATTORNEY

PAM ORR
TOWN CLERK

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING RESOLUTION, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING RESOLUTION. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO COMPLY WITH THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THE ORDINANCES AND RESOLUTIONS REFERENCED IN SECTION 4 OF THIS RESOLUTION NUMBER 303-2020 AND THEIR CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, AS AMENDED IN THIS RESOLUTION, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS RESOLUTION MAY BE AMENDED OR REPEALED BY THE TOWN COUNCIL, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE TOWN, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS RESOLUTION, AND IN THE ORDINANCES AND RESOLUTIONS REFERENCED IN SECTION 4 HEREOF, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

NHC-FL143, LLC,
a Delaware limited liability company

Print Name: _____

By: **NRVC-Holding Co. LLC,**
a Delaware limited liability company, Sole Member

By: **National RV Communities, LLC,**
a Delaware limited liability company, Sole Member

Print Name: _____

By: Carefree Communities Inc.,
a Delaware corporation, Sole Member

By: _____
John McLaren, President & Chief Operating Officer

OWNERS ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

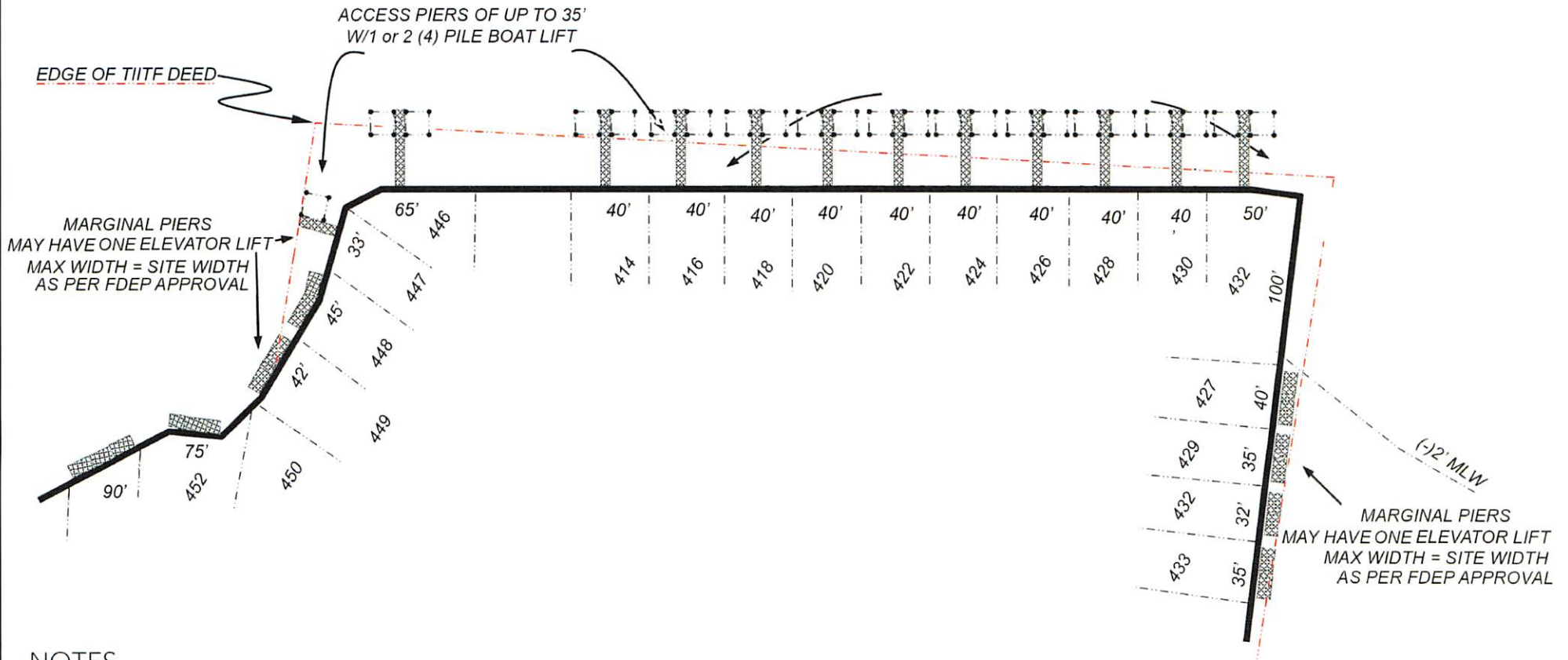
The foregoing instrument (Acceptance and Agreement of Resolution 303-2020) was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2020, by John McLaren as President and Chief Operating Officer Carefree Communities, Inc. a Delaware corporation, Sole Member of National RV Communities, LLC, a Delaware limited liability company, Sole Member of NRVC-Holding Co., LLC, a Delaware limited liability company, Sole Member of NHC FL143, LLC, a Delaware limited liability company (PLEASE CHECK ONE OF THE FOLLOWING) [☐] who is personally known to me or [☐] who has produced _____ (TYPE OF IDENTIFICATION) as identification.

Print Name _____

Notary Public State of Florida
Commission No. _____
My Commission Expires: _____



INDIAN RIVER LAGOON

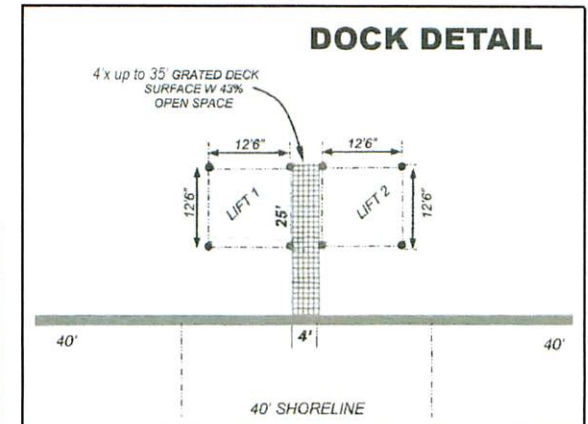


NOTES

- Access piers shall be generally centered within each site so as to avoid encroachment on neighboring sites.
- Max- pier length protruding into water is 35'.
- Marginal piers shall have a 5' side set back to ensure a minimum 10' separation exists between marginal piers.

OCEAN BREEZE RESORT
3000 NE INDIAN RIVER DR.
JENSEN BEACH

OCEAN BREEZE EAST
PUD
EXHIBIT A
AUGUST 2020



Memorandum

To: Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

CC: Town Clerk

Town Attorney

Date: July 7, 2020

Re: Proposed minor amendment to the Ocean Breeze East PUD to permit the reconfiguration of several docks fronting the Indian River Lagoon.

In September last year, staff informed Sun Communities that a proposed dock permit application, approved by Sun and submitted for permitting by one of its waterfront tenants, did not match the dock layout depicted by the *Ocean Breeze East PUD Revised Master Site Plan*. This discrepancy is readily explained by the fact that the Florida Department of Environmental Protection (FDEP), which also has permitting jurisdiction, has called for longer docks due to environmental concerns.

To help resolve the issue, in October 2019 staff brought forward to the Council a draft agreement allowing Sun to reconfigure its docks. That agreement, which was unanimously approved, included several staff-recommended conditions intended to make certain that the docks are used solely by the tenant of each lot. Sun later declined to sign the agreement, instead citing its preference to see dock use restrictions enforced through its prospectus. In January of 2020, staff reported Sun's position to the Council, which determined that any further request by Sun to reconfigure its docks must come forward in the form of a minor PUD amendment. Sun formally applied for an amendment on June 18, 2020.

Staff fully supports Sun's proposal to reconfigure its docks but has remained convinced that reasonable use restrictions, which are imperative to avoid conflicts among neighbors living so closely together, belong in the OB East PUD agreement and not in the Resort's prospectus. (As the Council is aware, the prospectus is amendable without town involvement).

Sun recently acceded to this point, but there remain some differences as to how enforcement is to be approached. Specifically, staff wants to ensure that Sun is ultimately responsible for compliance with the dock use restrictions. Sun is proposing language, shown below, that includes a "good faith" effort provision, which staff feels may be too ambiguous. Sun has also questioned language in paragraph j. that provides a "reasonable time" standard for remedying a violation. Staff, including Town Attorney Crary, are prepared to discuss these remaining two issues in greater detail during the public hearing.

K) Upon violation of one or more conditions set forth above, and upon Owner's failure to cure such violation(s) as provided above, the Town Council, after a due notice and public hearing on the matter, shall have the power to revoke this agreement or otherwise deem the PUD to be in violation, unless the Owner can demonstrate that the Owner acted in good faith to bring such tenant or other occupant into compliance by following its statutory duties under section 723.061, Florida Statutes, for eviction of the tenant or other occupant. The Town shall have the power, in compliance with Chapter 162, Florida Statutes requirements, to impose fines of up to \$500 per day against the tenant for each PUD violation and the Town shall otherwise have any and all remedies available under the PUD, in addition to all remedies as may be otherwise be available under Florida law.

Finally, two issues of note: (1) In her presentation, Ms. Cambor has been asked to address a question raised at the Council's last meeting as to whether access to the top of the seawall adjoining the proposed residential docks – usually by someone fishing -- is now to be limited to the lot tenant only, and (2) under the newly proposed dock configuration, the number of "marginal piers" has increased.

Recommendation

Staff recommends that the Council consider both Sun's and staff's positions regarding enforcement, as well as comments by the Public, and that Resolution No. 303-2020 be approved with the enforcement conditions it deems best.

Attached documents:

- Quasi-Judicial Hearing Procedure Form (yellow sheet)
- Draft Resolution No. 303-2020, including Exhibit A (copy of existing PUD Master Site Plan attached for reference only)
- Correspondence/background documents from applicant's representative, Urban Planner, Marcela Cambor
- Background information package consisting of materials on this topic considered by the Town Council in October 2019 and January 2020
- Public hearing notification package, (i.e.: list of property owners within 300 feet, notification letter, notification sign(s) photographs, mailing affidavit)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, July 13, 2020, 10:30 a.m.
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

6. Quasi-Judicial Hearing – RESOLUTION NO. 303-2020, PROVIDING FOR A MINOR AMENDMENT TO THE OCEAN BREEZE EAST PUD AGREEMENT ADOPTED BY ORDINANCE NO. 220-2015 AND AMENDED BY RESOLUTION NUMBERS 223-2015, 234-2016 AND 238-2016 AND BY ORDINANCE NO. 241-2016 AND BY RESOLUTION NO. 291-2019; THEREBY APPROVING MINOR CHANGES TO THE PROJECT’S REVISED MASTER SITE PLAN TO PERMIT THE RECONFIGURATION OF RESIDENTIAL DOCKS ALONG THE INDIAN RIVER LAGOON, INCLUDING CONDITIONS FOR THEIR USE; DECLARING SAID CHANGES TO BE CONSISTENT WITH THE TOWN’S COMPREHENSIVE PLAN; PROVIDING PENALTIES FOR PUD VIOLATIONS; PROVIDING FOR CONFLICT PROVISIONS AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES. – President De Angeles asked if any of the Council Members had any exparte communications to disclose.

There were none.

President De Angeles asked for those giving testimony to stand, raise their right hand, and be sworn in.

Attorney Crary administered oath to Marcela Camblor and Terry O’Neil.

President De Angeles asked staff to present testimony, including any evidence, and their recommendation regarding this case.

Mr. O’Neil gave a brief history of the issue of reconfiguring the docks. He stated that staff supports Resolution No. 303-2020. He spoke about the regulatory language put forth and changes proposed by Sun’s attorney. He spoke about Sun possibly requesting a continuance of this item until the next regular town council meeting in order to give the attorney’s a chance to work on the regulatory language. He mentioned that the Council previously raised the issue of whether the general populous of the resort would have access to the docks and seawall. He asked Marcela Camblor to speak about this issue in her presentation. He introduced Marcela Camblor, representing Sun Communities, to provide the Council with a presentation on the reconfiguration of the docks.

Marcela Camblor, Planner for Sun Communities, further explained the background of the configuration of the docks. She spoke to the exhibit provided regarding the change in the shape of the docks. She spoke about the piers, marginal piers and their configuration which were in accordance with the DEP standards. She stated that the piers, marginal piers and the seawall were not publically accessible nor was it a public boardwalk. She added that the seawall was located at the rear part of a private site. She commented that each unit had exclusive rights to their site and to their waterfront. She spoke about the remaining outstanding item regarding how the docks and piers were used, rules and regulations. She reminded the Council that the attorneys were working on one outstanding issue. She asked if the design could be agreed upon, Sun would ask for a continuance to the next regularly scheduled meeting in order to allow more time for the attorneys to agree to enforceability language.

President De Angeles asked if any Council Members had any questions for the petitioner.

Council Member Gerold asked about enforceability of the PUD versus the Prospectus?

Ms. Camblor stated that the Prospectus equates to an HOA and the Town was zoning. She stated that Sun had the ability to enforce rules through their Prospectus but the Town does not have the Prospectus as part of their zoning. She stated that the two must be kept separate. She added that zoning for this property was the PUD and that insurances had to be embedded in the language of the PUD.

Council Member Gerold asked if she was referring to zoning violations.

She answered the issues were listed in the language.

Mr. O'Neil answered that construction without permit would be a building code violation and citations would be issued under any of those circumstances. He added that the use of the docks should be included because use was a provision of zoning and that zoning provides that the docks were used by the residents exclusively.

Attorney Crary spoke about his numerous discussions with Sun's attorney to put forth language that was agreeable to all parties. He stated that Sun would like to make sure that the Town would not hold Sun in violation as long as they were proceeding to enforce. He spoke about language which would encourage Sun to enforce issues. He added that this was to ensure that Sun would be policing this adequately.

Ms. Camblor explained that upper Management at Sun had not been able to see the latest language.

President De Angeles asked Ms. Camblor if the owners of the pier or dock were allowed to rent it out to anyone or let the general public use...

Ms. Camblor answered they were not for the general public and the only people allowed to use the docks were the occupants of that unit.

President De Angeles asked about visitors.

Ms. Camblor stated that she believed that if the occupants of the unit had friends that were visiting and the friends had a boat, they could use the docks as long as they were occupying the unit.

Attorney Crary stated that the primary issue or condition was that the docks not turn into a commercial marina use.

Ms. Camblor further explained the concerns regarding the language.

President De Angeles asked for further questions from the Council Members.

Council Member Wagner asked who would be responsible for policing and enforcing the regulations on the docks.

Ms. Camblor answered that this was the issue in question.

Mr. O'Neil suggested that enforcement would be gradual and informal at the beginning of any violation and progressively become more pronounced if a resolution could not be reached. He stated that it would be similar to enforcement of all other aspects of the PUD Agreement.

Council Member Arnold stated that he was aware of residents who would like to install docks and that the main concern was that the area would not become a commercial marina.

Attorney Crary pointed out that Sun would be ultimately responsible because they were the property owner.

Council Member Gerold asked for clarification on the drawings as presented. He asked about piers and marginal docks.

Marcela Cambor clarified the location of certain piers and marginal docks.

President De Angeles asked for further questions from the Council Members.

There were none.

President De Angeles asked if staff had any questions for the petitioner.

There were none.

President De Angeles asked the petitioner if they wished to offer any rebuttal testimony.

Ms. Cambor asked for a continuation of this hearing to a time certain.

President De Angeles asked for comments from the public.

Janet Galante asked about language regarding height restrictions (which she brought forward at the January, 2020 meeting), commercial fishing and enforcement.

Ms. Cambor stated that height restrictions were not part of the proposal because the waters were very shallow and that there was no dredging being proposed which would allow for a mega yacht. She added that the boats would each be placed centered on the property and each one of those properties would be the first element blocking any views from anyone behind the property. She commented that at this time, no size restrictions were being proposed because of the size of the dock and proposed lift and because of the shallow depth of the waters.

President De Angeles asked what if Sun Communities were to request a permit for dredging.

Ms. Cambor answered that would be up to the DEP and that she would conduct some research regarding boat height restrictions. She added that the lift already had a size restriction and that there was only so big a boat that can be placed on that sized lift. She stated that she believed this would be a boat that was 25 – 26 foot and one that would also be able to navigate the shallow waters. She spoke about difficulty in enforcement of a height restriction.

Mayor Ostrand spoke about the Indian River Lagoon, its depths, and what the DEP would approve.

Ms. Galante asked what a lift of the size proposed would sustain.

Ms. Cambor stated that there was a maximum size lift allowed. She stated that she would check into the size and weight of boats allowed for the lift size.

Council Member Gerold asked about shape and structures on the docks.

Ms. Camblor stated that Sun was not proposing any structures. She spoke about uniformity, style and character of the entire resort.

Mr. O'Neil stated that research should be done with design professionals and marine industry experts to look at the configurations for the boat lifts and size. He stated that staff would bring the information back before the Council.

Duncan Koreivo asked for a definition of a marginal pier.

Ms. Camblor answered that term was used by the DEP for the platforms that run parallel to the shore. She clarified the width and location of marginal piers and stated they were on the exhibit.

Duncan Koreivo asked if two lifts were allowed on marginal piers.

Ms. Camblor answered that the exhibit states "it may have an elevator lift" and, that the word "single" could be added to clarify only one lift.

Discussion ensued regarding the piers, lifts, timing and processes for applicants. She stated that the maximum number of lifts allowed for the piers was on the exhibit.

Discussion ensued regarding the application processes for two lifts.

Janet Galante asked about the maximum number of boats allowed.

Ms. Camblor answered that she believed the maximum number of boats was thirty-one (31).

Duncan Koreivo asked if the docks were deeded with the lots.

Ms. Camblor answered that the docks would be part of that site.

Attorney Crary stated that a separate lease was involved with the docks and ultimately, that would be between Sun and the tenant.

Ms. Camblor stated that upper management was working on this issue.

Council Member Arnold asked if a unit were to be sold to another individual, would the dock be included with the unit.

Attorney Crary answered that the PUD would not allow transfer of a dock without the unit. He added that Sun had agreed to transfer conditions. He stated that Section 1.e. states that no dock or marginal pier shall be used for any commercial purposes whatsoever.

Ms. Camblor answered that the PUD states that the docks would be used by the occupant of the unit of which that pier was attached.

President De Angeles asked for further questions or comments.

There were none.

President De Angeles asked for the Council to consider a motion to approve the resolution; a motion to approve the conditions; a motion to deny the request; or, a motion to continue the hearing to a date certain.

Council Member Wagner made a motion to approve the conditions as presented.

Mr. O'Neil stated that the applicant was requesting that the amendment be continued to the next regular town council meeting in order to give the applicant an opportunity to refine the PUD language with Mr. Crary.

Vice-President Gerold, seconded by Council Member Arnold, made a motion to continue the hearing to the next regular town council meeting to be held on Monday, August 10, 2020.

Roll Call Vote: Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed - 5 - 0

Harbor Bay Marine Industries Inc.

Docks*Seawalls*Boatlifts*Pile Driving*Decks*Marine Permitting

Regarding; Individual residential docks located at Ocean Breeze Resort in Jensen Beach, Florida

The vessels to be docked at the individual residential docks at the Jensen Beach Ocean Breeze Resort will be limited in length due to the dimensions of the proposed docks which have a maximum length of 25 feet. This along with the maximum water depth which is 4 feet at high tide will limit such vessels to 28'-30'. No outboard mooring pilings beyond the length of the proposed docks will be allowed by the Department of Environmental Protection. The entire location is located in the Aquatic Preserve and no dredging of the area will be allowed or permitted by the state, federal and local permitting agencies.

Please feel free to contact me with any questions regarding this matter.

Scott Szafranski
Harbor Bay Marine Industries Inc.
Email: scott@harborbaymarine.com

For Information Only

GENERAL INFORMATION ITEMS

The attached items (i.e.: correspondence, e-mails, reports, etc.) are provided as general information and are not necessarily subject to discussion during this meeting unless Council Members or the Mayor wish to do so.

From: TERRANCE O NEIL <twoneil@aol.com>
Sent: Tuesday, August 4, 2020 4:03 PM
To: townclerk@townofoceanbreeze.org
Subject: Fwd: Ocean Breeze Resort Groundskeeping

Pam, please include Chris's email in the blue sheet portion of our upcoming town Council agenda. Thanks

Terry

Sent from my iPhone

Begin forwarded message:

From: TERRANCE O NEIL <twoneil@aol.com>
Date: August 4, 2020 at 2:52:01 PM EDT
To: townclerk@townofoceanbreeze.org
Subject: Fwd: Ocean Breeze Resort Groundskeeping

Sent from my iPhone

Begin forwarded message:

From: Chris Walters <CWalters@suncommunities.com>
Date: August 4, 2020 at 2:08:48 PM EDT
To: Terry O'Neil <Twoneil@aol.com>
Subject: Ocean Breeze Resort Groundskeeping

Hi Terry,

Thank you for reaching out to me regarding Ocean Breeze Resort grounds keeping. As mentioned, starting today we have contracted this service. I will ask the contractor to be mindful while operating the blower equipment.

Best regards,

Christopher Walters

Resort Manager

Ocean Breeze Resort

3000 N.E. Indian River Drive

Jensen Beach, Florida 34957

Phone 772-334-2494

www.oceanbreezeresortfl.com



FYI



August 3rd, 2020

Dear Town of Ocean Breeze Clerk,

We are looking forward to our hosting the upcoming Town Council meeting to be held on August 10th, 2020 in our Pineapple Shores Facility. Sun Communities requires all employees and visitors entering the business premises or other facilities to wear face coverings when in the area, or performing an activity, that will involve close contact or proximity to team member or the public. Noncompliance of this policy may affect our ability to host future meetings. Disposable masks may be available for you to use; however, we recommend bringing your own face covering when coming.

Thank you for your cooperation in helping us keep our team members and our mutual residents safe.

If you have any questions, please feel free to contact me.

Sincerely,

Chris Walters
Resort Manager