

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

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

***PLEASE TURN OFF CELL PHONES –
SPEAK DIRECTLY INTO MICROPHONE***

- 1. Call to Order, President De Angeles**
 - Pledge of Allegiance
 - Roll Call
- 2. Approval of Minutes** – Regular Meeting, Monday, January 13, 2020
(Motion, second, all in favor)
- 3. Update on Florida Power & Light Activities within the Town** – Kate Cotner, Senior External Affairs Advisor
- 4. Budget to Actual Spending Comparison** – October 1, 2019 – December 31, 2019
(accept report)
- 5. U. S. Census 2020 Presentation** – Robyn Cryer, Partnership Specialist Atlanta Regional Census Center
- 6. Approval of Professional Services Contract to Conduct a Feasibility Analysis for Potential Improvements to West End Boulevard** (Motion, second, all in favor)
 - **RESOLUTION #302-2020 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #1 FOR A FEASIBILITY STUDY FOR WEST END BLVD, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**
(Motion, second, all in favor)
- 7. Comments from the public on topics not on the Agenda**
- 8. Comments from the Council on topics not on the Agenda**
- 9. Comments from Town Management Consultant Terry O'Neil**
- 10. Comments from Mayor Ostrand**
- 11. Announcements** – Regular Town Council Meeting – Monday, March 9, 2020
at 10:30 am to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room,
700 NE Seabreeze Way, Ocean Breeze, FL 34957
- 12. Adjourn** (Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, January 13, 2020

Ocean Breeze Jensen Beach Clubhouse, Pineapple Bay Room – 10:30 a.m.
700 NE Seabreeze Way, Ocean Breeze, FL 34957

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 Ken De Angeles, Vice-President Richard Gerold, Council Members Bill Arnold, Kevin Docherty and David Wagner
Absent: Council Member Terry Locatis
- Staff Present – Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary, Town Clerk, Pam Orr, and Bookkeeper/Clerical Assistant, Kim Stanton

2. Approval of Minutes – Council Member Arnold, seconded by Council Member Docherty, made a Motion to approve the Minutes of the December 9, 2019 Regular Meeting.

All in favor – Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed

3. Florida Municipal Insurance Trust Award Presented to Former Vice-President Kagdis –

Mayor Ostrand presented Ann Kagdis with a plaque from the Florida League of Cities in appreciation of her service on the Board of Trustees of the Florida Municipal Insurance Trust.

Ms. Kagdis thanked the previous Town Council for approving her service as a Trustee on the FMIT board. She spoke about the importance of small towns having a voice at the State level and advised the Council to stay abreast of the latest issues in Tallahassee.

4. Request for Town Council approval to solicit and bring forward a professional service contract to conduct a feasibility analysis for potential improvements to West End Boulevard – President De Angeles asked if this solicitation involved any expenditure.

Mr. O’Neil invited the Mayor to discuss this item.

Mayor Ostrand spoke about how dangerous it was in the West End Boulevard area. She discussed the procedures and progressions in order to conduct a study, and added that there would be some expense associated with the project. She suggested the feasibility study be presented to Sun Communities and Martin County for feedback.

Council Member Wagner mentioned his prior conversations with Chris Walters, Sun Communities. He stated that Chris had done a tremendous job improving the area by trimming the trees. He stated that he believed the guardrail should be moved back away from the road.

Council Member Docherty spoke about the area being poorly lit. He agreed that safety in that area was of concern and he commended Chris and Sun Communities for opening up the area.

Council Member Arnold stated that he agreed with the Mayor on the issue of safety. He discussed the egress on Nautical Drive, poor connectivity and visibility at West End Blvd. He agreed that the area had needs and it was important for everyone to understand what could be accomplished.

Council Member Gerold stated that this issue had been discussed in the past. He added that an overall feasibility plan would be a good starting point and that fuel tax dollars were available for this project.

President De Angeles asked for comments from the public.

Rick Seiber, 112 NE Bay Drive, Ocean Breeze, asked if recreational vehicles were restricted from exiting at West End Blvd.

(inaudible)

Mr. Seiber stated that this was problematic because he had to wait for a caravan of five RVs to exit and there was a parked truck with its hitch hanging out into the road. He added that he believed it was dangerous to drive through that area, especially for the larger vehicles.

Council Member Gerold stated that he believed that West End Blvd. was one of the RV exits Sun preferred to utilize.

Chris Walters, Sun Communities, stated that typically during peak periods, the exit gates were left open for RVs to exit. He stated that the RVs primarily exit onto Indian River Drive but during peak periods, a small number would exit onto West End Boulevard. He also spoke about the new home development.

Mr. Seiber spoke about the exacerbation of this issue when a bottleneck occurred. He stated there was no sidewalk; people were walking and riding bikes in the streets. He agreed that a study should be performed.

Mayor Ostrand asked if the Town Council would like to make a Motion to research and perform a feasibility study.

Council Member Docherty made a Motion for the Town of Ocean Breeze to perform a feasibility study on the road at West End Boulevard.

Council Member Gerold asked about a setting a cap on the cost of the feasibility study.

Mr. O'Neil answered that Staff was asking for the Town Council's permission to solicit a proposal and bring it back before the Council for consideration. He added that a design professional would consider the scope of work needed and feasibility, due to geographical limitations, to be conducted early in the process. He stated that the content would be discussed and decided at a future meeting.

President De Angeles reiterated that this was a request for a proposal for a feasibility study.

Council Member Docherty, seconded by Council Member Arnold, made a Motion for the Town of Ocean Breeze to request a proposal for a feasibility study.

Mayor Ostrand advised the Council that the professional would charge for the proposal.

Mr. O'Neil answered that the proposal would be all inclusive so there would not be a cost associated with preparing it; the fee would come into play after the scope of work was agreed upon.

5. Review of Council and Mayor participation on Board and Agencies – President De Angeles introduced Mr. O’Neil’s Memorandum and explained the matrix indicating current participation by the Mayor and Council on various boards and agencies. He spoke about the need to solidify new appointments and the Town’s participation.

Mayor Ostrand requested that she remain on the Board of the Treasure Coast Regional League of Cities and asked for someone to serve as an alternate. She spoke about the local bill and her upcoming trip to Tallahassee in February for the 2020 Legislative session.

Mr. O’Neil explained the matrix and suggested discussing the items in order.

Attached to these Minutes is the matrix with the action taken by the Council.

Discussion ensued.

Council Member Gerold, seconded by Council Member Docherty, recommended suspending the review of Boards and Agencies and complete the Agenda items; and then return back to Item #5 on the matrix.

President De Angeles stated that Agenda Item #5 would be suspended and discussed later in the meeting.

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

6. Comments from the public on topics not on the Agenda – There were none.

7. Comments from the Council on topics not on the Agenda – Council Member Docherty discussed the data on the “your speed” signs. He remarked that the study revealed that the speeds along Indian River Drive through the Town had been reduced.

Council Member Gerold asked about the traffic study on West End Boulevard that had been previously requested.

Deputy Joe Angelico, Martin County Sheriff’s Department, stated that the request was forwarded to the traffic division and a date had not yet been scheduled, but he would request a definitive date.

President De Angeles asked for further comments from the Council.

There were none.

8. Comments from Town Management Consultant Terry O’Neil – Mr. O’Neil gave an update on the dock agreement with Sun Communities and referred to his Memorandum dated January 7, 2020. He suggested a minor amendment to the PUD which would require one public hearing and added that a special meeting could be held.

Attorney Crary added that the purpose of the agreement was to expedite the matter for Sun Communities and their residents who wanted docks. He stated that Sun’s Attorney had substantially changed the agreement.

Council Member Gerold asked about the differences between Sun's agreement and a PUD Amendment; he stated that some residents were waiting a long time to have a dock installed.

Attorney Crary explained that Sun's agreement shifted the burden to the Town to amend the PUD every time there was a new dock; and that a PUD amendment would outline the parameters. He further explained the differences between the two.

Mayor Ostrand recommended approving a minor amendment to the PUD so that the parameters were clear.

Mr. O'Neil explained the requirements of a minor PUD amendment.

Council Member Gerold, out of concern for the residents, asked what could hold up this amendment.

Mr. O'Neil explained that Sun would be the applicant and the Town Council would have to agree to the final terms. He stated that at the hearing, there may be discussion regarding components of the agreement. He commented that a special meeting was possible, but the timing rested with the work product that Sun produced. He added that Staff was committed to move quickly, but there was a 15-day notice to advertise.

Attorney Crary stated that the original agreement was to expedite the matter.

Gena May, Regional Vice-President, Sun Communities, addressed Attorney Crary, stating that Sun had no problem with the maximum length of a dock at 30 feet.

Attorney Crary stated that Sun's Attorney removed this change from the agreement.

Ms. May continued that a width maximum was not a problem either. She stated that she believed that Items #2 and #4 were mute issues. She spoke about Item #5 and Sun's requirement to abide by the same rules as a private homeowner because of Statute 723. She commented that she believed that the two issues were the rules to follow on the ownership of the dock and the size and length of the build. She mentioned that if the FDEP should request a longer dock for some reason, that the Town would have to address that issue. She spoke about Item #3 and Sun's enforcement of the rules of Statute 723; adding that Sun would not agree to Item #3 being in any agreement.

Attorney Crary read the language aloud and explained that the intent of the language in Item #3 required Sun to enforce the rules. He remarked that Sun was interpreting the language more broadly than what was intended. He discussed the purpose of that language and that its intent was to ensure that Sun enforce violations. He added that Sun's revised agreement came back stating that the restrictions would be put on the books, but did not mention that Sun would enforce any violations. He stated that the Town would like Sun to agree that they would enforce the rules.

Discussion ensued.

Attorney Crary spoke about submerged land lease and that a minor amendment to the PUD was the best route.

Ms. May asked if Sun would be responsible for the costs associated with the PUD Amendment.

Mr. O'Neil answered "yes" because it was Sun's agreement to amend.

Council Member Wagner made a Motion to direct Staff to retool the document, however they deem necessary, and bring the agreement back before the Council for possible approval.

Discussion ensued.

Attorney Crary stated that the best way to move forward with the docks would be to consider a minor amendment to the PUD.

Council Member Wagner, seconded by Council Member Arnold, amended his Motion to proceed with a minor amendment to the PUD as quickly as possible.

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

President De Angeles suggested a special meeting should everything come together.

Mr. O'Neil stated that this was duly noted.

President De Angeles asked if there were any other questions for Mr. O'Neil.

There were none.

9. Comments from Mayor Ostrand – Mayor Ostrand spoke about her service on the Complete Count Committee in Martin County for the Census. She explained the importance of an accurate census and provided some details regarding who qualified. She asked for someone to represent her at this first meeting which was moved to this Wednesday, January 15 at 4:00 p.m. at the Martin County Administrative Building.

Council Member Docherty offered to attend the meeting.

Discussion ensued.

Mayor Ostrand discussed the importance of local government, state preemption and offered brochures to help educate the public.

Continuation of Item 5. Review of Council and Mayor participation on Boards and Agencies – Mayor Ostrand stated that she had been working with the Treasure Coast Regional League of Cities (TCRLC) for three years as an alternate for former Vice President Ann Kagdis and would like to continue her work.

Discussion ensued regarding 6) Treasure Coast Council of Local Governments. The meetings take place the 1st Wednesday of each month in Fort Pierce at 2300 Virginia Avenue, Conference Room #304 at 10:00 a.m.

Council Member Gerold, seconded by Council Member Docherty, made a motion to join the Treasure Coast Council of Local Governments and pay membership dues in the amount of \$200.00

All in favor; Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed

Discussion ensued.

Ann Kagdis suggested that Beth Beltran be advised of all the Town Council Members' email addresses in order that she might keep the Council informed of the meeting dates.

Ann Kagdis stated that Commissioner Smith appointed her to the CAC many years ago. She stated, as a citizen, she would remain on this committee.

Discussion ensued.

Council Member Docherty asked Ann Kagdis about how nominations were made for the FMIT Board of Directors.

Ms. Kagdis explained the nomination process.

Council Member Docherty, seconded by Council Member Arnold, made a Motion to approve and ratify the actions taken and appointments made during the review of the of the Boards and Agency appointments and liaison activities listed as Items 1 – 15.

All in favor; Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed

10. Announcements – Regular Town Council Meeting to be held Monday, February 10, 2020 at 10:30 am to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, FL 34957

11. Adjourn – Council Member Wagner, seconded by Council Member Arnold, made a Motion to adjourn the meeting at 12:20 p.m.

All in favor – Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed

Respectfully Submitted,

Pam Orr,

Town Clerk

Minutes approved: _____

Council Mayor Board Appointments and Liaison Activities
January 13, 2020 Regular Town Council Meeting

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments/Questions	Action Taken at Jan 13, 2020 Regular Town Council Meeting
9 Martin Metropolitan Planning Organization Citizen Advisory Committee (CAC)	No	NA	NA	Yes	Former Vice-President Kagdis was appointed by County Commissioner Doug Smith and serves as a citizen, not as an appointee of the Town.	Unlike Stuart, Seawall's Point, Jupiter Island and the Village of Indian Town, under the CAC's current by laws, the Town Council is not allotted an appointment. Does the Council wish to petition the MPO for the ability to make an appointment?	Ann Kagdis stated, as a citizen, she would remain on this committee
10 Martin Metropolitan Planning Organization Technical Advisory Committee (TAC)	Active	Yes	President De Angeles	No	NA	President De Angeles currently serves on the committee.	President De Angeles
11 Martin Metropolitan Planning Organization Bicycle and Pedestrian Advisory Committee (BPAC)	Not a member	No.	NA	?	?	Does Council wish to seek participation on this Board? If yes, the nominee would need fall within the categories of merchant, homeowner's association or a representative from the disabled community.	Council Member Docherty
12 Martin County Complete Count Committee (CCC)	Full Participant	Yes	Mayor Ostrand	No	NA	Mayor Ostrand has volunteered to serve on this committee.	No change; Mayor Ostrand = designated Member of the CCC
13 Martin County/Jensen Beach Community Redevelopment Area (CRA) Neighborhood Advisory Committee (NAC)	Not a member	No.	NA	Yes	President De Angeles, Mayor Ostrand and former Vice President Kagdis	Does Council wish to appoint a designated liaison to monitor the activities of this Committee?	President De Angeles asked to be removed; Mayor Ostrand asked that she be removed; Vice-President Gerold = designated member.

Council Mayor Board Appointments and Liaison Activities
January 13, 2020 Regular Town Council Meeting

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments/Questions	Action Taken at Jan 13, 2020 Regular Town Council Meeting
14 Jensen Beach Chamber of Commerce (JBCC)	Paying Member (\$200)	No	NA	Yes	President De Angeles, Vice President Gerold, Council Members Locatis, Docherty, Wagner and Arnold, Mayor Ostrand, former Vice President Kagdis	It is assumed the Town Council members and Mayor will continue to participate in various Chamber events at their own initiative.	Participate at the discretion of Mayor and Town Council
15 Invitations to official events, ribbon cuttings, State of the County Speech, etc.	NA	NA	NA	NA	NA	Attendance at these types of events has been at the discretion of individual Council Members and the Mayor. Unless otherwise directed, staff will continue the role of informing everyone of events as they become known and assisting with reservations, RSVP's, etc.	Participation at the discretion of Mayor and Town Council

Council Mayor Board Appointments and Liaison Activities
January 13, 2020 Regular Town Council Meeting

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments/Questions	Action Taken at Jan 13, 2020 Regular Town Council Meeting
1 Florida League of Cities (FLC)	Paying Member (\$495)	No, with over 400 members, membership of the FLC Board is determined via a statewide nominating process, elimination ballots, etc.	NA	Yes	Former Vice President Kagdis, Mayor Ostrand, Council Member Docherty, others?	Does the Council wish to appoint one or more individuals to act as designated liaison(s) to the FLC or continue to have Council Members/Mayor engage with the organization on their own initiative as time and travel budgets permit?	no action
2 Florida League of Cities Legislative Committee Sub Group (FLCLCSG)	The Town's elected officials are eligible to seek participation by virtue of its FLC membership.	No.	NA	Yes	Mayor Ostrand	The Mayor currently serves on the Land and Economic Development Sub Group.	no action
3 Florida League of Mayors (FLM)	Paying Member (\$350)	No, membership on the board is determined through a statewide nominating process.	NA	Yes	Mayor Ostrand	Mayor Ostrand currently serves on the board.	no action
4 Treasure Coast Regional League of Cities (TCRLC)	Member (no fee)	Yes, as one of the organization's 16 (+/-) members, the Town is entitled to one member and an alternate on the board.	Mayor Ostrand has served as the alternate. With former Vice President Kagdis' departure from the council, the Mayor is currently serving in the alternate role.	Yes	President De Angeles, others?	The Council is requested to designate its primary and alternate members.	Mayor remain primary Member; Council Member Arnold = alternate

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments/Questions	Action Taken at Jan 13, 2020 Regular Town Council Meeting
5 Treasure Coast Regional League of Cities Advocacy Team (TCRLCAT)	Eligible to participate by virtue of its TCRLC membership	Yes, the team is generally made up of one or two volunteer representatives form each member jurisdiction. It should be noted that Sunshine Law requirements apply if there are two team members from a single jurisdiction.	Mayor Ostrand, Council Member Wagner	Yes	President De Angeles, Vice President Gerold, former Vice President Kagdis	Does the Council wish to change or maintain the current membership arrangements?	Council Member Wagner
6 Treasure Coast Council of Local Governments	Not a member (\$200)	Yes.	NA	Yes	A number of Council Members and the Mayor have attended the annual Barbeque.	Does the Council wish to join the TCCLG?	Pay membership Dues; Council Member Arnold (primary Member) Council Member Docherty = alternate
7 Local Legislative Delegation	Constituent Local Government	NA	NA	Yes.	President De Angeles, Mayor Ostrand, former Vice President Kagdis	Does the Council wish to appoint one or more individuals to act as designated liaison(s) to the LD or continue to have Council Members/Mayor engage with the organization as their own interests, time and travel budgets permit?	Mayor Ostrand
8 Martin Metropolitan Planning Organization (MPO)	Not a member	No.	NA	?	?	Due to its small population, the Town does not have a seat on the MPO. Gaining membership, which requires broad local government support and ultimately the Governor's approval, is challenging and would involve a considerable "campaign" effort on the part of the Town.	Mayor Ostrand to investigate membership; Council Member Arnold = alternate

Town of Ocean Breeze General Fund Profit & Loss Budget vs. Actual October through December 2019

	Oct - Dec 19	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
6001 • Taxes from other Governments			
312300 • State Fuel Tax	1,034.88	1,250.00	-215.12
312410 • Local Option Gas Tax	855.93	625.00	230.93
312420 • New Local Option Gas Tax	620.99	625.00	-4.01
314200 • Local Communications Svc Tax	2,018.68	1,625.00	393.68
335120 • State Revenue Sharing	3,534.12	3,450.00	84.12
335140 • Mobile Home Tags	736.75	400.00	336.75
335150 • Alcoholic Beverage Licenses	0.00	0.00	0.00
335180 • 1/2 Cent Sales Tax	2,783.35	3,750.00	-966.65
Total 6001 • Taxes from other Governments	11,584.70	11,725.00	-140.30
6002 • Licenses & Permits			
322000 • Building Permits	47,720.58	27,500.00	20,220.58
338200 • Occupational Licenses	27.29	150.00	-122.71
Total 6002 • Licenses & Permits	47,747.87	27,650.00	20,097.87
6003 • Other Fees for Services			
322001 • Fire Inspections	0.00	300.00	-300.00
Total 6003 • Other Fees for Services	0.00	300.00	-300.00
6004 • Investment & Other Earnings			
361000 • Interest Income	242.25	250.00	-7.75
Total 6004 • Investment & Other Earnings	242.25	250.00	-7.75
6005 • Ad Valorum Revenue			
312100 • Ad Valorum	167,588.41	167,755.00	-166.59
Total 6005 • Ad Valorum Revenue	167,588.41	167,755.00	-166.59
6007 • Miscellaneous Income			
369000 • Misc Inc - MCSB Admin Fee, Etc.	1,515.13	2,500.00	-984.87
Total 6007 • Miscellaneous Income	1,515.13	2,500.00	-984.87
Total Income	228,678.36	210,180.00	18,498.36
Expense			
6101 • General Government			
513150 • Gross Payroll	21,176.12	20,938.00	238.12
513297 • Grant Management Consultant	0.00	0.00	0.00
513301 • Management Consultant	0.00	7,000.00	-7,000.00
513302 • Rent	4,441.64	3,013.00	1,428.64
513304 • Communications / Website	2,065.25	1,731.00	334.25
513305 • Engineering	0.00	625.00	-625.00
513306 • Accountant	0.00	2,000.00	-2,000.00
513308 • Insurance W/C	633.00	700.00	-67.00
513309 • Insurance Package	9,714.00	9,600.00	114.00
513311 • Public Advertising Notices	564.84	1,000.00	-435.16
513312 • Office Equipment & Supplies	1,832.04	2,325.00	-492.96
513313 • Postage	62.75	168.00	-105.25
513315 • Audit	0.00	0.00	0.00
513316 • Utilities	158.00	180.00	-22.00
513317 • Dues	854.50	750.00	104.50
513318 • Mileage Reimb. - Clerks	69.60	800.00	-730.40
513319 • Conferences & Travel - Council	859.01	2,250.00	-1,390.99
513321 • Election Expenses	525.00	1,200.00	-675.00
513323 • Special projects Code of Ord	0.00	3,750.00	-3,750.00
513324 • Special Project-Digitizing	0.00	0.00	0.00
514100 • Legal Counsel	6,651.73	6,000.00	651.73
514200 • Computer Services	607.50	300.00	307.50
531110 • Payroll Taxes - Fica	1,312.92	1,298.00	14.92

9:45 AM

01/23/20

Accrual Basis

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
October through December 2019

	Oct - Dec 19	Budget	\$ Over Budget
531111 · Payroll Taxes - Medicare	307.07	303.00	4.07
531112 · Benefits	6,361.64	4,775.00	1,586.64
Total 6101 · General Government	58,196.61	70,706.00	-12,509.39
6102 · Public Safety			
522300 · M.C. Fire Rescue	0.00	0.00	0.00
524200 · Building Official Services	8,062.50	3,750.00	4,312.50
524210 · Building Code Compliance Ser	1,040.00	3,750.00	-2,710.00
524220 · Code Compliance Legal	0.00	5,000.00	-5,000.00
524300 · Fire Safety Inspector	0.00	300.00	-300.00
Total 6102 · Public Safety	9,102.50	12,800.00	-3,697.50
6104 · Transportation			
541300 · Road and Street Maintenance	1,527.00	875.00	652.00
541301 · Street Lights	230.11	375.00	-144.89
Total 6104 · Transportation	1,757.11	1,250.00	507.11
6200 · Physical Environment			
531000 · Grants - Contract Labor	0.00	0.00	0.00
Total 6200 · Physical Environment	0.00	0.00	0.00
6600 · Capital Outlay			
555000 · Furniture & Equipment	1,196.00	2,000.00	-804.00
Total 6600 · Capital Outlay	1,196.00	2,000.00	-804.00
Total Expense	70,252.22	86,756.00	-16,503.78
Net Ordinary Income	158,426.14	123,424.00	35,002.14
Net Income	158,426.14	123,424.00	35,002.14

Memorandum

To: Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

Cc: Pam Orr, Town Clerk

Rick Crary, Town Attorney

Date: February 5, 2020

Re: Approval of professional services contract to conduct a feasibility analysis for potential improvements to West End Boulevard.

At its meeting of January 13, 2020, the Town Council authorized staff to solicit and bring forward a professional services contract to evaluate potential improvements to West End Boulevard. The attached proposal, submitted by architect and urban planner, Marcela Cambor, is divided into two parts. Phase one, at a cost of \$3,000, will determine if there is sufficient right-of-way available to design a project that materially enhances pedestrian access, golf cart access, landscaping, parking, signage, etc. Phase two, at a cost of \$2,500, consists of a conceptual master plan and will be undertaken only if the spatial planning done in phase one justifies moving forward. The total cost of the contract will not exceed \$5,700 (including \$200 for the cost for printing graphics) unless approved by the Council.

Staff recommends approval of the contract subject to the Town Attorney's approval as to form. If the Council agrees, funds to pay for Ms. Cambor's work will be taken from the Town's special transportation fund, which is derived from gas tax proceeds and can be spent on transportation related activities only. This fund's current balance is roughly \$81,000. To complete the transaction, the Council will need to approve the attached budget amendment which moves \$5,700 from the transportation fund to this year's operating budget.



MARCELA CAMBLOR & ASSOCIATES, INC
Town Planning • Architectural Design

General Town Planning Services

January 27, 2020

Karen M. Ostrand, Mayor
Kenneth De Angeles, President
Town of Ocean Breeze

Subject: Proposal to evaluate enhancements to West End Blvd.


Dear Mayor Ostrand:

Thank you for considering MARCELA CAMBLOR & ASSOCIATES, INC. (hereon "MC&A") to provide the Town of Ocean Breeze (hereon "Town") with general analysis and town planning services.

MC&A is providing a scope of services and schedule (attached) to perform the outlined activities.

If you have any questions or wish to further refine the suggested scope of services, please contact me at your earliest convenience. However, if this agreement meets with your approval, please sign this Agreement in the space/s provided and return a signed copy to our office.

Read and agreed to on this _____ day of _____, 2020, by



Marcela Camblor-Cutsaimanis, AICP
Principal, MC&A

Karen M. Ostrand
Mayor

Kenneth De Angeles
President

ATTACHMENT A

SCOPE OF SERVICES

GENERAL

MCA will assist the Town with the following:

- Task 1: Analysis of existing open space – public and private – on and along West End Boulevard. Location and graphical representation (in plan) of ownership and spatial distribution. This task will also include analysis and feasibility of potential improvements of the pedestrian and vehicular experience to enhance walkability, balanced mobility and parking on the north-west access to the Ocean Breeze Resort.
- Task 2: Upon discussion, analysis and approval of proposed strategies resulting from Task 1, MC&A will proceed to create a conceptual Master Plan of the study area and assist the Town in securing support for the proposed improvements. Site plan, 3D graphic representations and proposed furnishings will be included in this proposal.

Public presentations and additional services not included in this scope will be billed in accordance to the schedule provided below.

PROJECT TIMEFRAME:

The project timeframe will commence upon execution of this Agreement. It is anticipated that Task 1 will be completed in 3 weeks. Professional work outlined in Task 2 will be completed in 4 weeks.

DELIVERABLES

Tasks 1 & 2.

- a. All graphics will be delivered in a format suitable for publication and presentation (pdf & jpeg).
- b. All 3D representations will be done in Sketchup, Photoshop (photomontage) or a combination of both mediums).
- c. Recommendations (as applicable) will be provided in a separate report (Word & Pdf).
- d. MC&A will provide all graphics necessary for the above described meetings. The Town will be responsible for providing base information and base maps as necessary.
- e. One public presentation per task.
- f. Up to 4 hours of meetings with stakeholders as/if necessary for both tasks.
- g. Meetings with Town staff as necessary.

FEES AND REIMBURSABLE EXPENSES

Professional services described in this proposal will be performed for a fixed fee as follows:

- a. Task 1: items described in this Task will be performed for a fixed fee of \$3,000.00.
- b. Task 2: items described in this Task will be performed on a Time and Materials (T&M) per the schedule below for an amount not-to-exceed \$2,500.00.
- c. Additional presentations, meetings or work beyond what is stipulated in the Scope of Services section of this Agreement will be billed at a rate of \$195.00 per hour.
- d. Expenses will be billed at-cost.
- e. The Town may request printed copies of all graphics. Prints will be billed at the following rate:
 - i. 8 ½" x 11", color, semi-gloss @ \$4.50 each.
 - ii. 11" x 17", color, semi-gloss @ \$7.50 each.
 - iii. 24" x 36", color, matte @ \$32.0 each.

FORMAT OF DELIVERABLES

MC&A shall provide the Town with final work products in the following format:

1. MC&A shall print written documents (1 copy each only) on paper, as appropriate, and shall also provide digital copies of such documents in an appropriate format (pdf).
2. MC&A shall provide graphic documents, including drawings, diagrams, maps, or other comparable materials (1 copy each only) in digital format suitable for reproduction.



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

RESOLUTION NUMBER 302-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING
BUDGET AMENDMENT #1 FOR A FEASIBILITY STUDY
FOR WEST END BLVD, PROVIDING AN EFFECTIVE
DATE, AND FOR OTHER PURPOSES.**

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE,
FLORIDA that:

SECTION 1: The 2020 Year Special Revenue Budget of the Town of Ocean Breeze adopted by Resolution No. 302-2020 of the Town Council of the Town of Ocean Breeze, is hereby amended, as follows:

FROM:	Gas Tax Revenue	\$5,700.00
TO:	Road and street maintenance	\$5,700.00

This is an authorization of the Town Council of the Town of Ocean Breeze, Florida authorizing Budget Amendment #1 to the FY 2020 Annual Budget.

SECTION 2: Except as amended hereby, the FY 2020 Annual Budget shall remain in full force and effect.

SECTION 3: This resolution shall take effect on adoption.

Karen M. Ostrand, Mayor

Kenneth De Angeles, President

APPROVED AS TO FORM:

ATTEST:

William F. Crary, II

Pam Orr, Town Clerk

TOWN OF OCEAN BREEZE
Budget Amendment # 1
Fiscal Year 2019/2020

	<u>Original Budget</u>	<u>Change</u>	<u>Amended Budget</u>
Revenue			
Gas tax reserve	\$ -	\$ 5,700	\$ 5,700
Total	<u>-</u>	<u>5,700</u>	<u>5,700</u>
Expense			
Road and street maintenance	5,000	5,700	10,700
Total	<u>5,000</u>	<u>5,700</u>	<u>10,700</u>

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 morning's meeting unless Council Members or the Mayor wish to do so.

townclerk@townofoceanbreeze.org

From: Chris Walters <CWalters@suncommunities.com>
Sent: Friday, January 31, 2020 3:17 PM
To: townclerk@townofoceanbreeze.org
Cc: Gena May; Terry O'Neil
Subject: RE: PUD Amendment-Docks

Hi Pam,

It is the intention of Sun Communities to make application for the PUD Amendment. We are currently working with Marcela Camblor for document preparation and presentation. Due to advertising compliance we will not be prepared for the February Town Council Meeting ; however, are working towards the goal of March. Will keep you posted as we learn more.

Thanks,

From: townclerk@townofoceanbreeze.org [mailto:townclerk@townofoceanbreeze.org]
Sent: Thursday, January 30, 2020 12:42 PM
To: Chris Walters
Cc: Gena May; Terry O'Neil
Subject: PUD Amendment-Docks

EXTERNAL EMAIL - Verify sender before opening links or attachments!

Hi Chris:

For the purposes of scheduling and advertising, we are checking in to see if Sun has made a determination as to whether they are going to apply for a PUD Amendment for the docks. When you have a chance, please let us know.

Thank you,

Pam Orr
Town Clerk



Town of Ocean Breeze
P. O. Box 1025
Jensen Beach, FL 34957
772-334-6826 office
772-334-6823 fax
townofoceanbreeze.org

Please make note of our new email address.

From: Rick Crary II <RCII@crarybuchanan.com>
Sent: Thursday, January 16, 2020 11:16 AM
To: Terry O'Neil
Cc: townclerk@townofoceanbreeze.org; Joyce Neyland
Subject: Hurricane preparedness

Terry,

This memo will confirm what we've previously discussed regarding my preliminary research into the hurricane preparedness issue.

Florida Statutes Chapter 252 governing Emergency Management is quite extensive (41 pages) and contains numerous exacting requirements regarding emergency planning and services, which are imposed upon governments that are jurisdictionally obligated to provide the same. In the Town's case, Martin County is obligated to provide those services. Per Florida Statutes Section 252.38(2): "Municipalities without emergency management programs shall be served by their respective county agencies." Municipalities have the option to assume those duties. However, the statute specifies: "If a municipality elects to establish an emergency management program, it must comply with all laws, rules, and requirements applicable to county emergency management." That would be a tremendous undertaking for a town the size of ours. Martin County's Mitigation Strategy document alone (which I found online) runs more than 300 pages. On top of that, the State of Florida has additional planning documents that appear to be equally as lengthy. Beyond Tallahassee, there is coordination with Washington.

I would recommend that the Town share Councilman Locatis's excellent points with someone at Martin County who may be in charge of coordinating such matters and concerns with the Town. From skimming their documentation, I believe that the County also has a steering committee that may address those issues.

As and aside, let me also note that Attorney General Opinion 2012-33 warns governments that even in the case of emergencies, there may be prohibitions against entering on private property to perform emergency repairs without consent (or a court order). As mentioned in that opinion, one of the obstacles would likely be laws governing criminal trespass.

Best regards,
Rick



William F. (Rick) Crary II

Shareholder

[My Profile](#)

RCII@CraryBuchanan.com

www.crarybuchanan.com

759 SW Federal Highway, Suite 106
Stuart, FL 34995-0024



FyI

townclerk@townofoceanbreeze.org

From: Terry O'Neil <twoneil@aol.com>
Sent: Thursday, January 23, 2020 11:55 AM
To: rcii@crarybuchanan.com
Cc: townclerk@townofoceanbreeze.org
Subject: FW: Rivers Coalition Meeting

Rick, this memo may have application for the upcoming, Sun-sponsored hurricane preparedness meeting. Let's discuss.

Thanks.

Terry

Sent from Mail for Windows 10

From: Mortell, Michael
Sent: Thursday, January 23, 2020 9:25 AM
To: twoneil@aol.com
Subject: Fwd: Rivers Coalition Meeting

Begin forwarded message:

From: "Mortell, Michael" <mmortell@ci.stuart.fl.us>
Date: January 22, 2020 at 7:47:37 PM EST
To: Commissioners <Commissioners@ci.stuart.fl.us>
Cc: "Dyess, David" <ddyess@ci.stuart.fl.us>
Subject: Rivers Coalition Meeting

It has come to my attention that Commissioner Matheson will be speaking at the Rivers Coalition Meeting tomorrow. The subject will be the prospect of the City engaging in litigation with the USACE. Obviously this is a subject that is on the agenda for commission action on January 27, 2020 and any discussion between the commissioners outside of a public meeting is a violation of sunshine.

I am also aware the multiple commissioners attend the Rivers Coalition meetings as well. Below is a discussion on the ethical considerations and how to avoid sunshine if you decide to attend the meeting.

The Rivers Coalition resembles a community forum. In the past, the Attorney General has provided opinions about community forms and when sunshine doesn't apply.

A "Candidates' Night" sponsored by a private organization at which candidates for public office, including several incumbent city council members, will speak about their political philosophies, trends, and issues facing the city, is not subject to the Sunshine Law unless the council members discuss issues coming before the council among themselves. AGO 92-05.

Similarly, in AGO 94-62, the Attorney General's Office concluded that the Sunshine Law does not apply to a political forum sponsored by a private civic club during which county commissioners express their

position on matters that may foreseeably come before the commission, so long as the commissioners avoid discussions among themselves on these issues.

However the mere fact that it is a community meeting is not justification to circumvent the statute and exchange opinions. For example, in *State v. Foster*, 12 F.L.W. Supp. 1194a (Fla. Broward Co. Ct. September 26, 2005), the court rejected the argument that the Sunshine Law permitted city commissioners to attend a private breakfast meeting at which the sheriff spoke and the commissioners individually questioned the sheriff but did not direct comments or questions to each other. The court ruled that the discussion should have been held in the Sunshine because the sheriff was a “common facilitator” who received comments from each commissioner in front of the other commissioners.

The clear distinction is that in meetings where more than one commissioner were present and those in attendance didn’t interject but just let the individual speaker provide comments, the Courts have held that it is an exception to sunshine but where the commissioners in the audience chimed in or provided comments, the courts have said it then becomes a meeting and is subject to sunshine.

Therefore, all commissioners have the right to attend the Rivers Coalition Meeting but no one other than Commissioner Meier should provide public comments about the Army Corps litigation because he is the invited speaker. It is ok to provide comment if it is about a subject that will not come before the board but in light of the Monday agenda item, it is difficult to think of a relevant topic at a rivers coalition meeting that wouldn’t be subject to a future action by the commission. The best practice would be for those in attendance simply refrain from providing any public comments in a forum where the other commissioners can hear the comment. It goes without saying that the commissioners should not discuss the subjects privately between themselves as well.

If you have questions, please call me.

Mike

Sebastian City Council members violated state Sunshine Law, mayor says

Janet Begley, Special to TCPalm Published 1:05 p.m. ET Jan. 10, 2020 | Updated 6:04 p.m. ET Jan. 10, 2020

[Buy Photo](#)



Two newly elected Sebastian City Council members apparently violated the state Sunshine Law this week by attending a public meeting without giving proper public notice. (Photo: RUSS LEMMON/TCPALM)

SEBASTIAN — Two members of the City Council may have violated the state Sunshine Law by speaking at a meeting of the city's Natural Resources Board earlier this week.

Damien Gilliams and Pamela Paris gave public input during the Tuesday meeting, an apparent violation of the open-meetings law, which prohibits two or more elected officials on the same council from attending a meeting or event together if an issue under discussion could be voted on at a future council meeting.

Mayor Ed Dodd said the actions of Gilliams and Parris violated the Sunshine law.

More: [Sebastian temporarily lifts weed-spraying ban to test alternative \(/story/news/2020/01/09/sebastian-lifts-weed-spraying-ban-test-environmentally-safe-alternative/4421769002/\)](#)

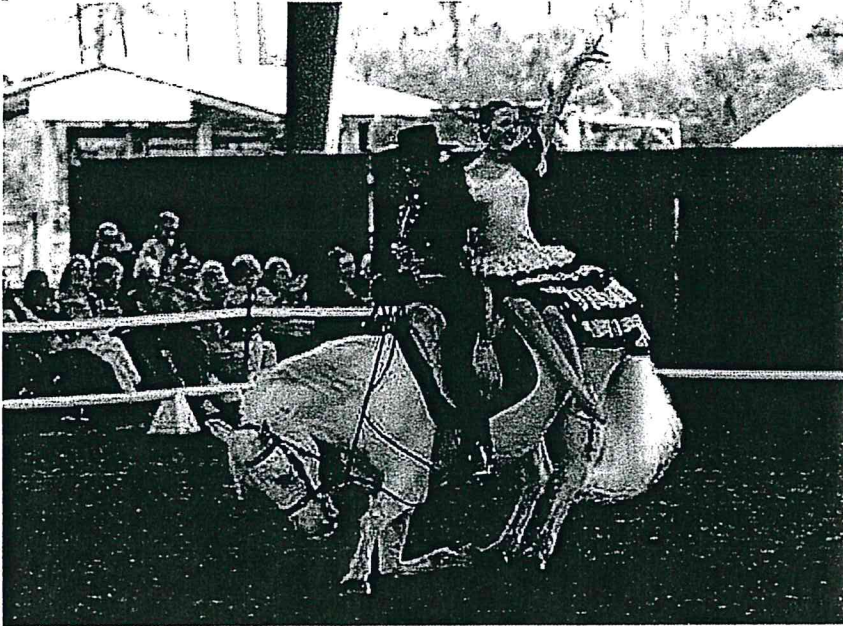
A third council member, Charles Mauti, also admitted attending the Natural Resources Board meeting but said he did not speak and left the room before the

Parris told the board she was attending as a private citizen, not a member of the City Council, although that doesn't absolve her from Sunshine rules because she is an elected official. She spoke about the importance saving the Indian River Lagoon and taking steps to insure clean water.

Gilliams was more direct in his comments, asking the Natural Resources Board its thoughts about lifting the moratorium on the spraying of herbicides, an issue that was voted on and passed at Wednesday's council meeting.

Dodd confirmed the Sunshine Law breaches at Wednesday's City Council meeting, calling them a "very serious" issue because they could expose the city to liability.

TREASURE COAST
Top stories for today



- [Urban planner knocks three corners plan 'out of park;' too bad we can't use it soon](https://www.tcpalm.com/story/opinion/columnists/laurence-reisman/2020/02/01/andres-duany-gets-rousing-applause-showing-vero-beach-three-corners-concept-plan/2858053001/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=1753366001)
(https://www.tcpalm.com/story/opinion/columnists/laurence-reisman/2020/02/01/andres-duany-gets-rousing-applause-showing-vero-beach-three-corners-concept-plan/2858053001/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=1753366001)
- [Harborage marina reopens on St. Lucie River in Stuart after millions in renovations](https://www.tcpalm.com/story/news/local/florida/2020/02/03/boating-season-full-swing-florida-during-winter-months/4598941002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=1753366001)
(https://www.tcpalm.com/story/news/local/florida/2020/02/03/boating-season-full-swing-florida-during-winter-months/4598941002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=1753366001)
- [Ugly side of scenic highway: Indian River Drive plagued by aggressive driving, crashes | Gil Smart](https://www.tcpalm.com/story/opinion/columnists/gil-smart/2020/02/01/indian-river-drive-plagued-aggressive-driving-crashes-st-lucie-county-what-solution-gil-smart/4588092002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=1753366001)
(https://www.tcpalm.com/story/opinion/columnists/gil-smart/2020/02/01/indian-river-drive-plagued-aggressive-driving-crashes-st-lucie-county-what-solution-gil-smart/4588092002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=1753366001)
- [VOTE NOW for the TCPalm.com Athlete of the Week for Jan. 27-Feb. 1](https://www.tcpalm.com/story/sports/2020/02/03/vote-now-treasure-coast-athlete-week-jan-27-feb-1/4640599002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=1753366001)
(https://www.tcpalm.com/story/sports/2020/02/03/vote-now-treasure-coast-athlete-week-jan-27-feb-1/4640599002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=1753366001)

City Attorney James Stokes said he would review the recording of the meeting and report back to the council on Jan. 22.

Penalties for knowingly violating breaking Sunshine Law range from a \$500 fines to imprisonment of up to 60 days for criminal offenses. Non-criminal offenses carry a maximum \$500 fine.

Read or Share this story: <https://www.tcpalm.com/story/news/2020/01/10/sebastian-city-council-members-broke-state-sunshine-law-mayor-says/4425155002/>



Town of Ocean Breeze

January 24, 2020

Thomas Montano, P.E.
Branch Manager
GFA International
607 NW Commodity Cove
Port St. Lucie, FL 34986

And

Chris Walters
Ocean Breeze Resort Manager
3000 Indian River Drive
Ocean Breeze, Florida 34957

RE: TERMITE DAMAGE – 70 RIPTIDE & TERMITE PROTECTION GENERALLY

Dear Mr. Montano and Mr. Walters:

Pursuant to our discussions, I met on-site with the owner of the manufactured structure at 70 Riptide in Ocean Breeze Park specifically to evaluate termite damage to the structure, additionally to evaluate the current site conditions in an effort to determine that compliance with the applicable provisions of the Florida Building Code had been adhered to, bearing in mind that the structure has been occupied for approximately one year.

It is apparent based upon the information derived from the recent meeting between Town Officials, Sun_Communities and GFA representatives, information provided by sub-contractors as well as a review of the permit records, we have identified that the only construction related soil treatment for termite protection occurred on the westerly side of the manufactured home prior to placing the concrete for the carport/driveway. No soil treatment occurred elsewhere on the site pursuant to the requirements of the Florida Building Code, Section R318.1.6, outlined below.

Further, the adjacent grade/sod levels were well above the -6 inches required by FBC, Section R318.7 to be maintained below the exterior sheathing for termite inspection.

Additionally, the condensate piping serving the ACHU system is presently configured in a manner that has permitted the condensate to drain back onto and into the frame knee wall enclosing the crawlspace beneath the manufactured home, also inconsistent with the requirements of the FBC, Section R318.5 relating to termite protection.

SECTION R318

PROTECTION AGAINST TERMITES

R318.1 Termite protection. Termite protection shall be provided by registered termiticides, including soil applied pesticides, baiting systems, and pesticides applied to wood, or other approved methods of termite protection labeled for use as a preventative treatment to new construction. See Section 202, "Registered termiticide." Upon completion of the application of the termite protective treatment, a Certificate of Compliance shall be issued to the building department by the licensed pest control company that contains the following statement: "The building has received a complete treatment for the prevention of subterranean termites. Treatment is in accordance with rules and laws established by the Florida Department of Agriculture and Consumer Services."

R318.1.1 If soil treatment is used for subterranean termite prevention, the initial chemical soil treatment inside the foundation perimeter shall be done after all excavation, backfilling and compaction is complete.

R318.1.2 If soil treatment is used for subterranean termite prevention, soil area disturbed after initial chemical soil treatment shall be retreated with a chemical soil treatment, including spaces boxed or formed.

R318.1.3 If soil treatment is used for subterranean termite prevention, space in concrete floors boxed out or formed for the subsequent installation of plumbing traps, drains or any other purpose shall be created by using plastic or metal permanently placed forms of sufficient depth to eliminate any planned soil disturbance after initial chemical soil treatment.

R318.1.4 If soil treatment is used for subterranean termite prevention, chemically treated soil shall be protected with a minimum 6 mil vapor retarder to protect against rainfall dilution. If rainfall occurs before vapor retarder placement, retreatment is required. Any work, including placement of reinforcing steel, done after chemical treatment until the concrete floor is poured, shall be done in such manner as to avoid penetrating or disturbing treated soil.

R318.1.5 If soil treatment is used for subterranean termite prevention, concrete overpour or mortar accumulated along the exterior foundation perimeter shall be removed prior to exterior chemical soil treatment, to enhance vertical penetration of the chemicals.

R318.1.6 If soil treatment is used for subterranean termite prevention, chemical soil treatments shall also be applied under all exterior concrete or grade within 1 foot (305 mm) of the primary structure sidewalls. Also, a vertical chemical barrier shall be applied promptly after construction is completed, including initial landscaping and irrigation/sprinkler installation. Any soil disturbed after the chemical vertical barrier is applied shall be promptly retreated.

R318.1.7 If a registered termiticide formulated and registered as a bait system is used for subterranean termite prevention, Sections R318.1.1 through R318.1.6 do not apply; however, a signed contract assuring the installation, maintenance and monitoring of the baiting system that is in compliance with the requirements of Chapter 482, Florida Statutes shall be provided to the building official prior to the pouring of the slab, and the system must be installed prior to final building approval. If the baiting system directions for use require a monitoring phase prior to installation of the pesticide active ingredient, the installation of the monitoring phase components shall be deemed to constitute installation of the system.

R318.1.8 If a registered termiticide formulated and registered as a wood treatment is used for subterranean termite prevention, Sections R318.1.1 through R318.1.6 do not apply. Application of the wood treatment termiticide shall be as required by label directions for use, and must be completed prior to final building approval.

R318.2 Penetration. Protective sleeves around piping penetrating concrete slab-on-grade floors shall not be of cellulose containing materials. If soil treatment is used for subterranean termite protection, the sleeve shall have a maximum wall thickness of 0.010 inch (0.25 mm), and be sealed within the slab using a noncorrosive clamping device to eliminate the annular space between the pipe and the sleeve. No termiticides shall be applied inside the sleeve.

R318.3 Cleaning. Cells and cavities in masonry units and air gaps between brick, stone or masonry veneers and the structure shall be cleaned of all nonpreservative treated or nonnaturally durable wood, or other cellulose-containing material prior to concrete placement.

Exception: Inorganic material manufactured for closing cells in foundation concrete masonry unit construction or clean earth fill placed in concrete masonry unit voids below slab level before termite treatment is performed.

R318.4 Concrete bearing ledge. Brick, stone or other veneer shall be supported by a concrete bearing ledge at least equal to the total thickness of the brick, stone or other veneer which is poured integrally with the concrete foundation. No supplemental concrete foundation pours which will create a hidden cold joint shall be used without supplemental treatment in the foundation unless there is an approved physical barrier. An approved physical barrier shall also be installed from below the wall sill plate or first block course horizontally to embed in a mortar joint. If masonry veneer extends below grade, a termite protective treatment must be applied to the cavity created between the veneer and the foundation, in lieu of a physical barrier.

Exception: Veneer supported by a structural member secured to the foundation sidewall in accordance with ACI 530/ASCE 5/TMS 402, provided at least a 6 inch (152 mm) clear inspection space of the foundation sidewall exterior exist between the veneer and the top of any soil, sod, mulch or other organic landscaping component, deck, apron, porch, walk or any other work immediately adjacent to or adjoining the structure.

R318.5 Protection against decay and termites. Condensate lines, irrigation/sprinkler system risers for spray heads, and roof downspouts shall discharge at least 1 foot (305 mm) away from the structure sidewall, whether by underground piping, tail extensions or splash blocks. Gutters with downspouts are required on all buildings with eaves of less than 6 inches (152 mm) horizontal projection except for gable end rakes or on a roof above another roof.

R318.6 Preparation of building site and removal of debris.

R318.6.1 All building sites shall be graded to provide drainage under all portions of the building not occupied by basements.

R318.6.2 The foundation and the area encompassed within 1 foot (305 mm) therein shall have all vegetation, stumps, dead roots, cardboard, trash and foreign material removed and the fill material shall be free of vegetation and foreign material. The fill shall be compacted to assure adequate support of the foundation.

R318.6.3 After all work is completed, loose wood and debris shall be completely removed from under the building and within 1 foot (305 mm) thereof. All wood forms and supports shall be completely removed. This includes, but is not limited to: wooden grade stakes, forms, contraction spacers, tub trap boxes, plumbing supports, bracing, shoring, forms or other cellulose-containing material placed in any location where such materials are not clearly visible and readily removable prior to completion of the work. Wood shall not be stored in contact with the ground under any building.

R318.7 Inspection for termites. In order to provide for inspection for termite infestation, clearance between exterior wall coverings and final earth grade on the exterior of a building shall not be less than 6 inches (152 mm).

Exceptions:

1. Paint or decorative cementitious finish less than 5/8 inch (17.1 mm) thick adhered directly to the masonry foundation sidewall.
2. Access or vehicle ramps which rise to the interior finish floor elevation for the width of such ramps only.
3. A 4-inch (102 mm) inspection space above patio and garage slabs and entry areas.
4. If the patio has been soil treated for termites, the finish elevation may match the building interior finish floor elevations on masonry construction only.
5. Masonry veneers constructed in accordance with Section R318.4.

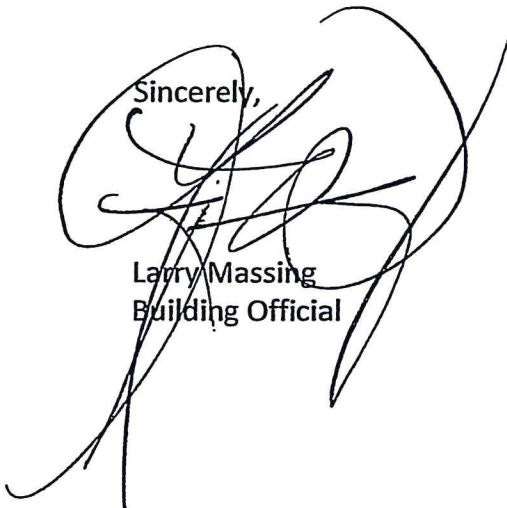
R318.8 Foam plastic protection. In areas where the probability of termite infestation is "very heavy" as indicated in Figure R301.2(6), extruded and expanded polystyrene, polyisocyanurate and other foam plastics shall not be installed on the exterior face or under interior or exterior foundation walls or slab foundations located below grade. The clearance between foam plastics installed above grade and exposed earth shall be at least 6 inches (152 mm).

Exceptions:

1. Buildings where the structural members of walls, floors, ceilings and roofs are entirely of noncombustible materials or pressure-preservative-treated wood.
2. When in addition to the requirements of Section R318.1, an approved method of protecting the foam plastic and structure from subterranean termite damage is used.
3. On the interior side of basement walls.

It appears, based upon the evidence at hand that the applicable provisions of the FBC relating to protection against termites in this instance were neither adhered to nor enforced. Accordingly, I am requesting that GFA and Sun respond to this communication, including a description of remedial steps to be taken at 70 Riptide and an approximate time frame for their completion. Also, I am hereby requesting that GFA and Sun provide an inventory of any other units in the resort that failed to meet the construction provisions discussed above, including any remedial steps to be taken.

Sincerely,



Larry Massing
Building Official

cc: Pam Orr
Town Clerk