

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

March 9, 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, February 10, 2020
(Motion, second, public comments, all in favor)
- 3. Presentation by Tricia Kukuvka, Community Outreach Manager,
Sheriff's Department Crime Watch Program**
- 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**
 - A. Report on Pending State of Florida Legislation
 - B. Report on Treasure Coast Regional League of Cities meeting
 - C. Workshop Discussion: 10-year Future Vision of the Town
- 8. Announcements** – Regular Town Council Meeting – Monday, April 13, 2020
at 10:30 am to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay
Room, 700 NE Seabreeze Way, Ocean Breeze, FL 34957
- 9. Adjourn** (Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, February 10, 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 Kenneth De Angeles, Vice-President Richard Gerold, Council Members Bill Arnold, Kevin Docherty, Terry Locatis and David Wagner
- 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 Wagner, seconded by Council Member Docherty, made a Motion to approve the Minutes of the January 13, 2020 Regular Meeting.

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

3. Update on Florida Power & Light Activities within the Town – Kate Cotner, Senior External Affairs Advisor, Florida Power & Light, reported that the underground activities were complete as of January 13, 2020 and overhead activities, which included both Comcast and AT&T, would be tentatively complete as of today’s date; inspectors were currently on site. She stated that the old poles would then be scheduled to be removed well before hurricane season and possibly within the next month.

Vice-President Gerold asked if the wire, which was tied to a rope (down in the corner), had been removed.

Ms. Cotner stated she was unaware of the status of that issue.

(unknown) stated that the wire remained in that location, which was at his friend’s house, that his friend had written a letter to Chris (Walters) and that Mr. Walters responded that he would check with FPL.

Ms. Cotner stated that she would look into the matter today and that if any such issues should arise, residents should contact her on her cell phone at (772) 214-7438.

(unknown audience member) asked if the power lines along Indian River Drive would be buried.

Ms. Cotner stated that was not part of the Ocean Breeze Resort undergrounding project.

4. Budget to Actual Spending Comparison – Mr. O’Neil explained that the reports were provided to the Council roughly each quarter. He stated that the Town’s Finance Officer, Holly Vath, was available to answer questions.

Council Member Gerold asked about public awareness of the report.

Town Clerk, Pam Orr, answered that the reports were available on the website and the Town Office.

Ms. Vath reported on the financial position of the Town as of December 31, 2019.

President De Angeles asked for questions from the Council.

There were none.

Council Member Arnold, seconded by Council Member Locatis, made a Motion to accept the Budget to Actual Comparison Report (as of December 31, 2019).

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

5. U. S. Census 2020 Presentation – Robyn Cryer, Partnership Specialist, Atlanta Regional Census Center, provided information regarding the 2020 U. S. Census complete count and advised that the mailing would occur on March 12th. She discussed the importance of the Census, federal programs, infrastructure and roads, WIC, Head Start, Pell Grants, etc.

Discussion ensued regarding complete count including homeless individuals, kiosks set-up locations, determination of residency and census workers.

Council Member Docherty pointed out that flyers were provided on the information table regarding the census.

6. Approval of Professional Services Contract to Conduct a Feasibility Analysis for Potential Improvements to West End Boulevard – Town Clerk, Pam Orr read the title of Resolution #302-2020 into the record:

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

Mr. O'Neil stated that at the January, 2020 meeting, the Town Council directed staff to bring forward a contract proposal for a feasibility analysis for potential improvement to West End Boulevard. He added that the contract with Marcela Camblor was divided into two parts; one for the special planning, which was roughly \$3,000. He spoke about funding this project with fuel tax dollars and added that approval of the contract and Resolution #302-2020 would be necessary to move forward.

Vice-President Gerold asked if the traffic study for West End Boulevard would be performed by Marcela Camblor or Martin County's traffic control division.

Mr. O'Neil answered that Marcela Camblor could be made aware or coordinate directly with the Sheriff's Department to make sure the traffic study was complete.

Vice-President Gerold asked for an update on when the traffic study would be performed; also, he asked about the speed sign in the back of the Resort.

Joe Angelico, Martin County Sheriff's Department, answered that the sign was recording speeds and that the current location was not the intended location; he added that he would speak with the traffic division to attempt to have them place the sign outside of the gate on West End Boulevard. He commented that the recordings from the current location would be combined with the future recordings from outside the gate.

Discussion ensued about speed information gathering processes, timeline for the study (4 days in each location) and the purpose of the feasibility study.

Council Member Arnold, seconded by Council Member Wagner, made a Motion to authorize the Mayor to sign the contract, as written, with Marcela Camblor (dated January 27, 2020).

Roll Call Vote: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, Wagner; No: None; Motion Passed - 6 - 0

The Town Clerk, Pam Orr, reread the title of Resolution #302-2020.

Council Member Wagner, seconded by Council Member Locatis, made a Motion to approve Resolution #302-2020.

President De Angeles asked for public comment.

There was none.

Roll Call Vote: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, Wagner; No: None; Motion Passed - 6 - 0

7. Comments from the public on topics not on the Agenda – Paula Joyal, 1340 NE 29th Terrace, Jensen Beach, asked about the exit gates (at White Pine) in the Seawalk subdivision, which were not closed. She stated that these gates were to be exit only for residents and entrance for emergency vehicles only; she added that vehicles and large trucks were entering and exiting at this gate. She informed the Council that she advised representatives of Seawalk and they directed her to speak to the Town. She also informed the Council that the Seawalk lawn maintenance crew were working behind her house “created a mess” by not picking up trash before weed-eating; and, that they were watching her in her pool area, yard and house. She asked that the gates be closed and asked Deputy Angelico for his advice.

Deputy Angelico advised her to contact the Martin County Sheriff’s Department when this occurs and they would attempt to mediate the situation. He answered that the gate issue was a civil matter.

Dr. Rhonda Cumpsty, 149 NE Buoy Drive, Ocean Breeze, spoke about her long history living within Ocean Breeze Park (Resort). She spoke about her negative, ongoing encounters with a neighbor, the prospectus, filing a complaint with management regarding this neighbor, home repair issues, legacy residents and her decision to leave the Resort. She added that there were currently two bills in Florida legislation regarding manufactured homes that she believed that the Council should monitor.

Thomas Banks, 42 NE Nautical Drive, Ocean Breeze, stated that he believed that someone from Sun Communities should always attend the Town Council meetings. He gave a brief history regarding the purchase of his new home within Ocean Breeze Resort and his negative experience with the contractor, J. D. Simmerman, who was recommended by Sun Communities. He added that Sun Communities told him that Mr. Simmerman lived in the Resort and that he had worked on all of their homes so everything would be done the way it was supposed to be done; he was also informed that Mr. Simmerman was a licensed contractor. He added that this was not true but that Mr. Simmerman was working under the license of another contractor. He remarked that due to his limited physical abilities, he had to have an elevator installed and other items completed before moving into the house, which was supposed to be complete by December, 2018. He commented the work had not been completed and for the next twelve months, he and his wife had been through “hell” to attempt to get everything finished. He advised the Council that there was toxic solar seal used inside of his house, a large hole left in the ground, no permitting, no license, no electrical permitting, unlicensed electricians performing work in the house; all of which had to be redone. He added that the contractor “skipped Town,” not only on his home, but others within the Resort. He spoke about a railing on his top deck that was not secured and that he had complained to Sun Communities about that railing for a year, and his concern was that someone might fall off the porch. He advised the Council that all the work had to be “back permitted.” He thanked the Town’s staff and Building Official for helping him. He advised the Council that his attorneys have been dealing with Sun’s attorneys. He stated that Sun’s position was that they were not responsible for anything. He spoke of his love for the Resort and his neighbor’s and their property. He stated that no one should have to go through aggravation. He spoke about Sun providing a list of acceptable contractors and that Sun had a responsibility for this problem. He stated that he had rejected one of Sun’s offers and was now waiting to hear back from them. He remarked that he

wanted what was fair, for example reimbursement for the electrical issue and the loss of furniture. He indicated that the roof eaves had to be replaced. He continued that certain people at this location told him that Sun had paid for his electric, but they did not. He specified that the money which was paid was to redo the roof, which was under warranty. He acknowledged that he wanted the Town Council to be aware of this problem and to monitor the issue because he did not want anyone else to have the same experience.

Muriel Banks, 42 NE Nautical Drive, Ocean Breeze, agreed with her husband's remarks and stated that she felt like they had been scammed and that this was a nightmare. She stated that the Town Staff was aware of all of these problems and expressed that the electrical, which was installed by J. D. Simmerman, was not grounded. She added that when the electrician came to fix the problems, which she and her husband hired privately, all the electrical had to be pulled out and replaced. She spoke about her concern for other homes in the Resort that may have been wired incorrectly and the possibility of a fire, which could spread to other homes, due to their close proximity. She asserted that Sun Communities be held accountable. She spoke about documents pre-dating her residency and her concern for the community, the health issues she and her husband have endured due to this problem. She commented that she wanted this information to be on record and that she was concerned about the homes built on the island, which were J. D. Simmerman projects. She invited concerned citizens to review the Town files and permits. She stated that Ocean Breeze Resort was a great community and that she believed Sun should take responsibility. She spoke about walls that had to be removed on her unit and continual mistruths. She offered her support to anyone with the same issues.

Mr. Banks spoke about the wonderful, quality people working for Sun Communities and asked that they monitor these types of situations.

Ed Bradley, 20 NE Riptide, Ocean Breeze, spoke about his purchase of a new home in Ocean Breeze Resort in February, 2019 and after seven and a half months, it was determined that termites had eaten a side of his house. He stated that he had three separate termite inspection companies gave their opinion on the damage and all three agreed that in order for the amount of damage done, the termites had to be there for a substantial, long period of time. He said that he reported this information to the Town of Ocean Breeze and that the Town's Building Official, Larry Massing, inspected his home. He commented that Mr. Massing found other flaws in the building of his home. He stated that many of the things that Sun said that they did to the house, were not actually done and that a letter was sent to Sun on the 24th of January, 2020 asking them to get in touch with him; he commented that he was being ignored. He spoke about his dismay regarding all of these problems because he was disabled, and expressed that he would like answers.

President De Angeles asked Mr. Bradley if he had a warranty on his home.

Mr. Bradley answered that Sun Communities informed him that this was his problem; so he was contacting his lawyer. He stated that he was making pamphlets with pictures of termites that ate the side of his house and will provide those to the potential buyers at open houses. He commented that Sun was not helping him with the problem and that he felt this was a disgrace.

Mayor Ostrand asked Mr. Bradley about his contract and how many years were on the warranty.

Mr. Bradley answered that according to the building code, his new home had a one-year warranty. He added that his warranty, signed by Sun and their builder, stated six years. He stated that Larry Massing, Town Building Official, informed him that GFA was the inspector for the new homes and was hired by Sun Corporation. He commented that the GFA inspector passed inspections for things that were wrong in his house. He voiced that a lot of the homes were not built to code and he wanted to inform all the

attendees at the meeting. He advised the Council that he found out that his home sat on a lot for about a year before he purchased it, and that Sun Communities would not help him with anything.

Mr. O'Neil stated that Mr. Massing was the Building Official for Martin County and was also, under contract as the Building Official for the Town, and he was acting on his authority as a Town agent in this matter. He commented that included in the packet was a letter written by Mr. Massing to GFA, the inspection firm hired by Sun Communities; and also, to Sun Communities. He added that Mr. Massing's letter was in the form of a request to identify how this matter was to be resolved. He advised the Council that the Town had not yet received a response to Mr. Massing's letter from Sun Communities. He concluded that the Town would keep pushing the issue along and that Mr. Massing would make a decision regarding a timely response and that he had other enforcement options available.

Ann Kagdis, 111 NE Bay Drive, Ocean Breeze, stated that she was serving as President of the History Museum of Jensen Beach. She asked the Town of Ocean Breeze to become a supporting member, and that the cost was \$100 per year. She discussed the historical documents, pictures, etc. of the Town of Ocean Breeze which were being displayed within the History Museum.

President De Angeles passed the gavel to Vice-President Gerold and made a Motion, seconded by Council Member Wagner, that the Town of Ocean Breeze join the History Museum of Jensen Beach and pay the membership fee of \$100.

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

8. Comments from the Council on topics not on the Agenda – Council Member Locatis asked about the hurricane preparedness issue.

Town Clerk, Pam Orr, stated that Donna, Event Coordinator at Sun Communities, originally had been scheduled this event for February 18, but due to a conflict, was going to reschedule and they would notify residents.

9. Comments from Town Management Consultant Terry O'Neil – Mr. O'Neil briefed the Town Council on their attendance at other meetings and their responsibility to uphold the Sunshine Law. He spoke about the memorandum included in the meeting documents from the attorney at the City of Stuart, Michael Mortell, and a newspaper article regarding Sunshine. He asked that the Town Council members take this into consideration with the upcoming hurricane meeting, being sponsored by Sun Communities.

Attorney Crary agreed with the content of Attorney Mortell's memorandum and advised the Town Council to read it carefully keeping in mind the upcoming unadvertised, public meeting regarding hurricane preparedness and the Sunshine Law. He cautioned the Town Council about speaking to one another at an event with other Council Members present about any topic that might come before the Council for a vote. He stated that there would be no violation if the Mayor and one Council Member attended a Sun Communities coffee event or the hurricane preparedness meeting. He stated that Mr. Locatis would be the logical person to attend the hurricane preparedness meeting because he had been involved with gathering the questions and answers. He added that if another Council Member were to attend and did not speak, there probably would not be a violation. He continued that a problem arose if an individual in attendance believed that Council Member Locatis was steering another Council Member. He spoke about the Attorney General's opinion and stated that ultimately, it would be a judge who would make the decision.

President De Angeles spoke about the mindfulness of the Council regarding the Sunshine Law.

10. Comments from Mayor Ostrand – Mayor Ostrand dismissed herself from the meeting.

Candi McKenzie, 30 NE Nautical Drive, Ocean Breeze asked, in light of the recent thefts and vandalism of property, about security.

Council Member Arnold spoke about his personal experience with a recent theft and the progress in his case.

Ms. McKenzie asked what could be done to enhance security.

Joe Angelico, Martin County Sheriff's Department explained the neighborhood crime watch program and updated the Town Council regarding the ongoing investigation into the recent burglaries. He took questions from the Town Council and the audience.

Tom Banks, 42 NE Nautical Drive, Ocean Breeze, recommended that the Sheriff's Department meet with representatives of Sun Communities to discuss security issues.

Discussion ensued regarding these recommendations, layering of security and Deputy Angelico meeting with the Martin County statistician to gather information.

President De Angeles asked Deputy Angelico if he could provide the Town office with some material to keep at the Town Office for the residents.

Deputy Angelico replied yes, and that there was information available to the public at the County Administration office at 800 SE Monterey Road in Stuart. He stated that the citizens run their own crime watch programs.

Discussion ensued regarding neighbor harassment, mediation, Sun Communities, jurisdiction on private property, bicycle patrolling, night patrolling and the Sheriff's Department.

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; meeting would include a visioning workshop for the Town of Ocean Breeze.

12. Adjourn – Council Member Locatis, seconded by Council Member Docherty, made a Motion to adjourn the meeting at 12:00 p.m.

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

Respectfully Submitted,

Pam Orr
Town Clerk

Minutes approved: _____

SHORT-TERM RENTALS

The Ask: **Oppose SB 1128 (Diaz) and CS/HB 1011 (Fischer).**

The Reason: Both bills preempt cities from adopting regulations impacting only vacation rentals and repeal any ordinances dealing with short-term rentals adopted after 2011. This is a local zoning issue and should be left to local governments! In fact, nearly 75% of voters want local elected officials in charge.

NATURAL RESOURCES

The Ask: **Support robust funding in the budget for water quality grants, TMDL projects, springs restoration, Florida Forever and Florida Communities Trust.**

The Reason: The House budget allocates \$122M for grant program (50% match) for local governments making wastewater and stormwater improvements, including septic tank conversion and remediation. House and Senate budgets allocate \$50M and \$25M respectively for TMDL nutrient reduction projects. House and Senate allocate \$50M for springs restoration projects. The House and Senate allocate \$20M and \$125M, respectively, for Florida Forever. The House and Senate allocate \$0 and \$10M, respectively, for Florida Communities Trust.

The Ask: **Support the higher budget requests for programs outlined above** and support provisions in CS/HB 715 (Maggard) and CS/1656 (Albritton) that authorize a framework and implementing rules for potable water reuse.

The Reason: Encourage legislators to develop a technically and economically feasible time frame for wastewater utilities to eliminate surface water discharges instead of the proposed 2026 deadline.

PRIVATE PROPERTY RIGHTS/BERT HARRIS ACT EXPANSION

The Ask: **Oppose CS/SB 1766 (Lee) and CS/HB 519 (J. Grant).**

The Reason: The bills open the door for an explosion of potential lawsuits against cities by making one-sided changes to the Bert J. Harris Act and leaving taxpayers to pay the price. The Harris Act is a balanced and fair way to give landowners a way to seek compensation when a local government takes action that impacts the use/potential use of their property. It allows local governments to negotiate with property owners who are filing a claim and calls on courts to consider the unique conditions of each claim. **Note:** CS/SB 1766 was amended to remove several provisions opposed by the FLC. Thank Senator Lee and Senator Simmons for their efforts to amend the bill.

COMMUNICATIONS SERVICES TAX (CST) CUT

The Ask: **Oppose SB 1174 (Hutson) and HB 701 (Fischer).**

The Reason: The bills would reduce local revenues by \$190 million without any plan to recoup the lost dollars. CST is a vital source of general revenue for cities – funding police, fire and other important municipal services. The bills will have a minimal impact on individual taxpayers; instead it gives the communications providers cover to raise the rates for their services just to please stockholders.

AFFORDABLE HOUSING

The Ask: **Don't sweep the funds!**

The Reason: All funds from the Sadowski State and Local Trust Fund should be used ONLY for Florida's affordable housing programs. The Senate is proposing full funding, matching the Governor's proposed budget of \$387 million for housing. The House is proposing only \$147 million, thus sweeping around \$230 million from the trust fund.

SALES TAX FAIRNESS

The Ask: **Support SB 126 (Gruters) and HB 159 (Clemons).**

The Reason: The bills modernize Florida's sales and use tax laws. Our current system favors foreign businesses over those that are brick and mortar and owned by members of our local communities. Florida is just one of two states that has not fixed this problem by modernizing our laws. This is not a new tax.

IMPACT FEES

The Ask: **Oppose CS/CS/HB 637 (DiCeglie) and SB 1066 (Gruters).**

The Reason: The bills potentially limit the collection of impact fees by requiring only certain data be used to calculate the fees and prohibit the use of impact fee revenue to fund anything not meeting the definition of "infrastructure" as defined in the bills. The bills allow impact fee credits to be transferred from one development to another within the same city, not just within the area impacted by the new development. The legislation also creates an unneeded layer of bureaucracy by mandating that each city and county create a review committee responsible for establishing the policy and methodology for determining impact fees on new developments and for reviewing proposed impact fees on each new development before the fee becomes final.

SOVEREIGN IMMUNITY

The Ask: **Oppose CS/SB 1302 (Flores).**

The Reason: The bill eliminates the current law caps on the waiver of sovereign immunity of \$200,000 per person and \$300,000 per incident and replaces these with a \$500,000 amount (with an automatic CPI increase). Therefore, under the bill there is no longer a two-part cap (\$200,000/\$300,000) but rather an increased waiver to \$500,000. The bill will result in higher costs and will incentivize additional lawsuits against governments, resulting in less funding for city services.

HOME-BASED BUSINESSES

The Ask: **Oppose CS/HB 537 (Donalds) and SB 778 (Perry).**

The Reason: The bills effectively gut local government zoning laws by barring local governments from prohibiting, restricting, regulating or licensing a home-based business in a manner that is different from other businesses in the local government jurisdiction. The bills allow industrial activity in residential neighborhoods and provide for attorney's fees for businesses challenging a local government action the business believes is in violation of the preemption. Additionally, this legislation does not include a requirement that the home-based business be the primary residence of the persons (there is no limit on number of people who can live at the house) engaged in the business, nor does it limit the number of employees who can work at the business.

Town of Ocean Breeze

To: Town Council
From: Mayor Ostrand
Date: February 26, 2020
Re: Discussion for March 9, 2020 Workshop 10-year Future Vision for the Town of Ocean Breeze

Future ideas to make living and serving all are important for our wonderful, growing Town.

These ideas of yours and mine will be discussed only to decide if they should be brought to future Council meetings.

For example:

- Changes in the Charter
- Town Hall
- Promotional Events
- Annexation

These are some of the ideas we would like to discuss.

What are your ideas for a 10-year future vision?

This will be discussion only; no votes will be taken.

Thank you!

Town of Ocean Breeze

To: Town Council

From: President De Angeles

Date: March 4, 2020

Re: Workshop Process

- Late last year the Council agreed to schedule a “workshop” to discuss the Town’s future.
- The Mayor has provided us with a memo and is seeking Council/Public feedback on certain initiatives.
- I’m going to invite the Mayor to discuss each item, one at a time, followed by public comment, and then I’ll ask for comments from individual Council members.
- The Council is not being asked for a formal vote, however, based on individual comments, staff will get a general indication on whether to further explore a particular initiative.
- After the Mayor’s comments, I will invite individual Council members to raise any topics of concern to them. Again, this will be followed by public comment and feedback from the other Council members. Again, in terms future action, staff will be guided by any consensus derived from the discussion.

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.

townclerk@townofoceanbreeze.org

From: Thomas Montano <tmontano@teamgfa.com>
Sent: Tuesday, February 11, 2020 10:00 PM
To: townclerk@townofoceanbreeze.org; lmassing@comcast.net
Cc: Terry O'Neil; Josean Duprey
Subject: RE: 70 NE Riptide Drive
Attachments: Ocean Breeze Response Letter - Signed.pdf

Good Evening,

Sorry for the delay with our response. Please see attached.

Larry,

I did see that you called me today. Lets chat tomorrow once you review the letter.

Thanks

Tom Montano, P.E.
Branch Manager at GFA International, Inc.
President at ASCE Palm Beach
GFA International, Inc.
607 NW Commodity Cove
Port Saint Lucie, Florida 34986
Phone: 772-924-3575
Fax: 772-924-3580
Mobile: 772-204-4239
Email: tmontano@teamgfa.com
Web: www.teamgfa.com

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-----Original Message-----

From: townclerk@townofoceanbreeze.org <townclerk@townofoceanbreeze.org>
Sent: Monday, January 27, 2020 11:11 AM
To: Thomas Montano <tmontano@teamgfa.com>
Cc: lmassing@comcast.net; Terry O'Neil <Twoneil@aol.com>
Subject: 70 NE Riptide Drive

Hi Tom:

The attached letter is a complete copy of the letter I sent on Friday. My apologies, I did not realize when scanning the letter, it grab pages four and five together.

Regards,

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.

-----Original Message-----

From: townclerk@townofoceanbreeze.org <townclerk@townofoceanbreeze.org>

Sent: Monday, January 27, 2020 11:18 AM

To: townclerk@townofoceanbreeze.org

Subject: Copier Scans

CS 2551ci
[00:17:c8:25:92:48]



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February 11, 2020

Town of Ocean Breeze
Attn: **Larry Massing – Building Official**
P.O. Box 1025
Jensen Beach, FL 34958
Office: 772-334-6826 • Fax: 772-334 -6823
townofoceanbreez@bellsouth.net

**Subject: GFA RESPONSE - TERMITE DAMAGE -70 RIPTIDE & TERMITE PROTECTION
 GENERALLY
 Lot 70 Riptide, Ocean Breeze Community, Jensen Beach, FL
 GFA Project No. 12-1358.19**

Reference: Town of Ocean Breeze Letter dated January 24, 2020

Dear Mr. Massing,

After review of the referenced letter ("the Letter"), GFA herein provides responses to the issues raised regarding the following:

1. Soil treatment for termite protection
2. Adjacent grade/sod levels well above the -6 inches required by FBC, Section R318.7 to be maintained below the exterior sheathing for termite inspection
3. 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

Regarding the code references presented in the Letter, GFA would note that the *Florida Building Code (FBC)* and the *Florida Fire Prevention and Lifesafety Codes* contain the minimum construction requirements governing the manufacture, design, construction, erection, alteration, modification, repair, and demolition of manufactured buildings. In specific, requirements for manufactured buildings are outlined in **Section 458- Manufactured Buildings** – of the 2017 Florida Building Code. Plan review and inspections required in Chapter 1 of the FBC, as they relate to manufactured buildings, only apply to "construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the Florida Building Code".

Furthermore, Florida Statute 553.355 specifically addresses this issue:

553.355 Minimum construction requirements established.—The Florida Building Code and the Florida Fire Prevention and Lifesafety Codes shall be the minimum construction requirements governing the manufacture, design, construction, erection, alteration, modification, repair, and demolition of manufactured buildings.

GFA provides the following responses to the Town's areas of concern noted above:

1. Soil treatment for termite protection

The HUD-Code (24 CFR 3280 and 3285) and the Florida Administrative Code (Chapters 15C-1 and 15C-2), both of which cover the manufacturing and installation standards for mobile/manufactured homes, do not require ground treatment for termites under a new mobile/manufactured home. The only reference to termite protection is in the HUD-Code [24 CFR 3285.504(c)], shown below:

§ 3285.504 Skirting.

(c) All wood skirting within 6 inches of the ground must be pressure-treated in accordance with AWP Standard U1 (incorporated by reference, see § 3285.4) for Use Category 4A, Ground Anchor Contact Applications, or be naturally resistant to decay and termite infestations.

Additionally, the HUD Code requires the following for moisture control under a manufactured home:

§ 3285.204 Ground moisture control.

*(a) **Vapor retarder.** If the space under the home is to be enclosed with skirting or other materials, a vapor retarder must be installed to cover the ground under the home, unless the home is installed in an arid region with dry soil conditions.*

*(b) **Vapor retarder material.** A minimum of six mil polyethylene sheeting or its equivalent must be used.*

*(c) **Proper installation.***

(1) The entire area under the home must be covered with the vapor retarder, as noted in § 3285.204(a), except for areas under open porches, decks, and recessed entries. Joints in the vapor retarder must be overlapped at least 12 inches.

GFA would note that on Drawing F-1 of the permit documents, pressure treated wood is specified for the skirting and a 6-mil vapor barrier is specified with a minimum 12-inch lap (See Figure 1).

Regarding requirements of the 2017 Florida Building Code (FBC),

FBC 2017- Section 458.3, "Inspections" of the FBC requires:

*Inspection of installation of **manufactured buildings** and construction activities conducted at the site of the installation shall be conducted pursuant to Chapter 1 hereof.*

FBC 2017 - Section 110.3.11, "Termites" of the FBC requires:

*Building components and building surroundings **required** to be protected from termite damage in accordance with Section **1503.7**, Section **2304.12.9** or Section **2304.12.4**, specifically required to be inspected for termites in accordance with Section **2114**, **or required to have chemical soil treatment in accordance with Section 1816** shall not be covered or concealed until the release from the building official has been received.*

Regarding items to be protected, Section **1503.7** deals with orientations of downspouts and condensate line discharge and will be discussed further under Issue 3.

Regarding items to be protected, Section **2304.12.9** deals with site preparation during construction.



2304.12.9 Preparation of building site and removal of debris.

2304.12.9.1

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

2304.12.9.2

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.

2304.12.9.3

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.

All requirements of 2304.12.9 were met for Lot 70 and there were no concerns raised regarding these requirements in the Letter.

Regarding items to be protected, Section **2304.12.4** deals with wood floor framing and is not applicable to this structure.

Additionally, Section 2304.12 deals specifically with protection of wood against decay and termites:

2304.12 Protection against decay and termites.

Wood shall be protected from decay and termites in accordance with the applicable provisions of Sections 2304.12.1 through 2304.12.7.

2304.12.1 Locations requiring water-borne preservatives or naturally durable wood.

Wood used above ground in the locations specified in Sections 2304.12.1.1 through 2304.12.1.5, 2304.12.3 and 2304.12.5 shall be naturally durable wood or preservative-treated wood using water-borne preservatives, in accordance with AWPA U1 for above-ground use.

2304.12.1.1 Joists, girders and subfloor.

Wood joists or wood structural floors that are closer than 18 inches (457 mm) or wood girders that are closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated areas located within the perimeter of the building foundation shall be of naturally durable or preservative-treated wood.

Per drawing F-1 of the permitted drawings, all wood members closer than 18 inches to the exposed ground surface in the crawl space are of preservative-treated wood (See Figure 1).

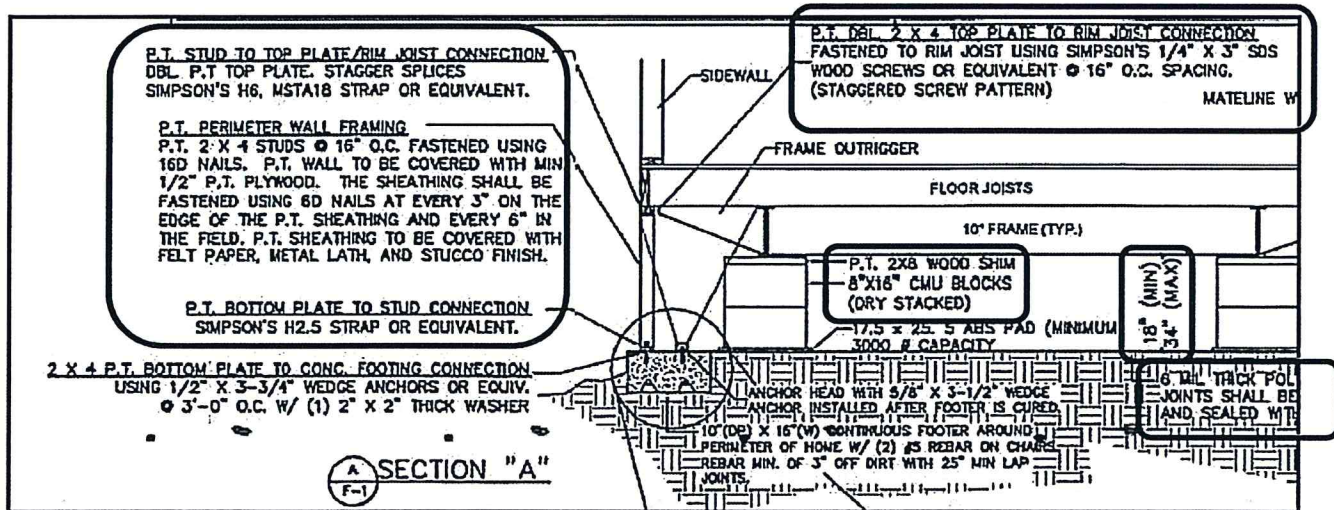
2304.12.1.2 Wood supported by exterior foundation walls.

Wood framing members, including wood sheathing, that are in contact with exterior foundation walls and are less than 8 inches (203 mm) from exposed earth shall be of naturally durable or preservative-treated wood.



Per drawing F-1 of the permitted drawings, the perimeter skirt which is attached to the foundations is constructed of preservative-treated wood along with wood shims on top of the masonry piers and the top plate of the perimeter skirt wall (See Figure 1).

Figure 1 – Drawing F-1 of the Permitted Documents



Regarding items required to have chemical soil treatment in accordance with Section 1816, Section

1816.1 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."

As noted above in 1816.1, **soil applied pesticides** is only one (1) option for meeting the requirements for termite protection. Pesticides applied to wood is another accepted method of termite protection as noted above. Furthermore, Section 1816.1.8 specifically states:

1816.1.8

If a registered termiticide formulated and registered as a wood treatment is used for subterranean termite prevention, **Sections 1816.1.1 through 1816.1.6 do not apply.** These sections deal with soil treatment.

It is GFA's opinion that by provided building components that are protected against termite damage in accordance with Section 2304.12.9 AND Section 2304.12 within the 18 inches above the exposed

ground under the subject structure that the intent of the code has been met regarding termite protection required by Section 110.3.11.

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

Section 2304.12.1.5 of the FBC specifically states,

2304.12.1.5 Wood siding.

Clearance between wood siding and earth on the exterior of a building shall not be less than 6 inches (152 mm) or less than 2 inches (51 mm) vertical from concrete steps, porch slabs, patio slabs and similar horizontal surfaces exposed to the weather **EXCEPT where siding, sheathing and wall framing are of naturally durable or preservative-treated wood.**

As shown on Drawing F-1 of the permitted documents, the siding provided for the skirt wall is pressure treated wood (See Figure 1). Furthermore, access is provided to the crawl space under the manufactured building by way of a minimum 16" by 24" opening per Drawing F-1 (See Figure 1). As a result, it is GFA's opinion that the intent of the code has been met.

3. 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

The applicable Section of the FBC as it relates to this issue is Section 1503.7:

1503.7 Protection against decay and termites.

Condensate lines 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.

GFA acknowledges that the condensate drain is required to discharge at least 1 foot away from the structure sidewall. As of the date of this letter, GFA has not confirmed whether this condition exists or not. However, it appears the concern related to Issue 3 deals with the direction of drainage from the condensate discharge towards the skirt wall as opposed to away from the skirt wall. If this is the case, simple grade modifications should correct this issue. Also, as noted in Issue 2 above, the skirt wall is constructed of pressure treated wood.

Conclusion

Based on GFA's review of the Letter, code research and review of the permitted documents, GFA's conclusions on the three (3) issues of concern are noted above and summarized below:

Issue 1 - It is GFA's opinion that by provided building components that are protected against termite damage in accordance with Section 2304.12.9 AND Section 2304.12 within the 18 inches above the exposed ground under the subject structure that the intent of the code has been met regarding termite protection required by Section 110.3.11.



Issue 2 - As shown on Drawing F-1 of the permitted documents, the siding provided for the skirt wall is pressure treated wood (**See Figure 1**). Furthermore, access is provided to the crawl space under the manufactured building by way of a minimum 16" by 24" opening per Drawing F-1 (**See Figure 1**). As a result, it is GFA's opinion that the intent of the code has been met.

Issue 3 - GFA acknowledges that the condensate drain is required to discharge at least 1 foot away from the structure sidewall. As of the date of this letter, GFA has not confirmed whether this condition exists or not. However, it appears the concern related to Issue 3 deals with the direction of drainage from the condensate discharge towards the skirt wall as opposed to away from the skirt wall. If this is the case, simple grade modifications should correct this issue. Also, as noted in Issue 2 above, the skirt wall is constructed of pressure treated wood.

As always, GFA acknowledges that the Authority Having Jurisdiction (AHJ), in this case the Town of Ocean Breeze, has the ultimate authority in interpreting and enforcing the codes. GFA is available to meet and discuss these issues in further detail with all interested parties.

As a side item, GFA would note that when investigating damage or alleged damage by termites, it is important to identify the type of termites causing the damage. Whether the termites are subterranean or drywood can be a significant factor in determining the source of infestation and potential recommended treatment measures. If this determination has been made, GFA would request a copy of this information for our records.

Thank you for your assistance in the matter and please do not hesitate to contact the undersigned if you have any questions or comments, or if we can provide further assistance. Should you have any questions or comments, please do not hesitate to contact our office at (772) 924-3575.

Sincerely,
GFA International, Inc. - FBPE CA #4930



Thomas Dominic Montano PE#84146
Feb 11 2020 9:59 PM

DocuSign

Thomas Montano, P.E.
State of Florida Professional Engineer #84146.





February 18, 2020

Subject and Location: **Conchy Joe's Restaurant (C110-008)** Request for a revised major final site plan for the redevelopment of a restaurant and office complex on three parcels totaling approximately 4.9 acres located at 3945 and 4000 NE Indian River Drive in Jensen Beach. Included with this application is a request for a Certificate of Public Facilities Reservation.

Dear Property Owner:

As a landowner within 500 feet of the property identified in the above description and shown on the map please be advised that the Local Planning Agency and the Board of County Commissioners will conduct public hearings on the subject listed above.

The date, time and place of the scheduled hearings are as follows:

Time and Date: **LOCAL PLANNING AGENCY**

7:00 P.M., or as soon after as the matter may be heard, on
Thursday, March 5, 2020

Time and Date: **BOARD OF COUNTY COMMISSIONERS**

9:00 A.M., or as soon after as the matter may be heard, on
Tuesday, March 24, 2020

Place: Martin County Administrative Center
2401 S.E. Monterey Road
Stuart, Florida 34996

All interested persons are invited to attend and be heard. Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the County Administrator at (772) 221-2360, or in writing to 2401 S.E. Monterey Road, Stuart, FL 34996, no later than three days before the hearing date. Persons using a TDD device, please call 711 Florida Relay Services.

When attending a public hearing, a member of the public may speak during the public comment portion of the public hearing. A person may also participate in the public meeting as an Intervenor. An Intervenor may ask questions of the staff, applicant and give testimony on the subject of the public hearing. In order to be an Intervenor, a person must qualify to receive mailed notice of the subject application in accordance with Section 10.6.E., Land Development Regulations, Martin County Code. In addition, an Intervenor must file a form of intent with the County Administrator not less than 7 business days prior to the meeting. No fee will be assessed on Intervenor. If the Intervenor is representing a group/association, he/she must file a letter

on official letterhead signed by an authorized representative of the group/association, stating that he/she is authorized to speak for the group. Forms are available on the Martin County website www.martin.fl.us.

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council or advisory group, that person will need a record of the proceedings and, for such purpose, may need to insure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

For further information, please feel free to contact me directly at 772-220-2100 or call the Growth Management Department at 772-288-5495. All written comments should be sent to Nicki van Vonno, Growth Management Department Director, (e-mail: nikkiv@martin.fl.us) or 2401 SE Monterey Road, Stuart, FL 34996. Copies of the item will be available from the Growth Management Department. This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator 772-320-3131, the County Administration Office 772-288-5400, Florida Relay 711, or by completing our accessibility feedback form at www.martin.fl.us/accessibility-feedback.

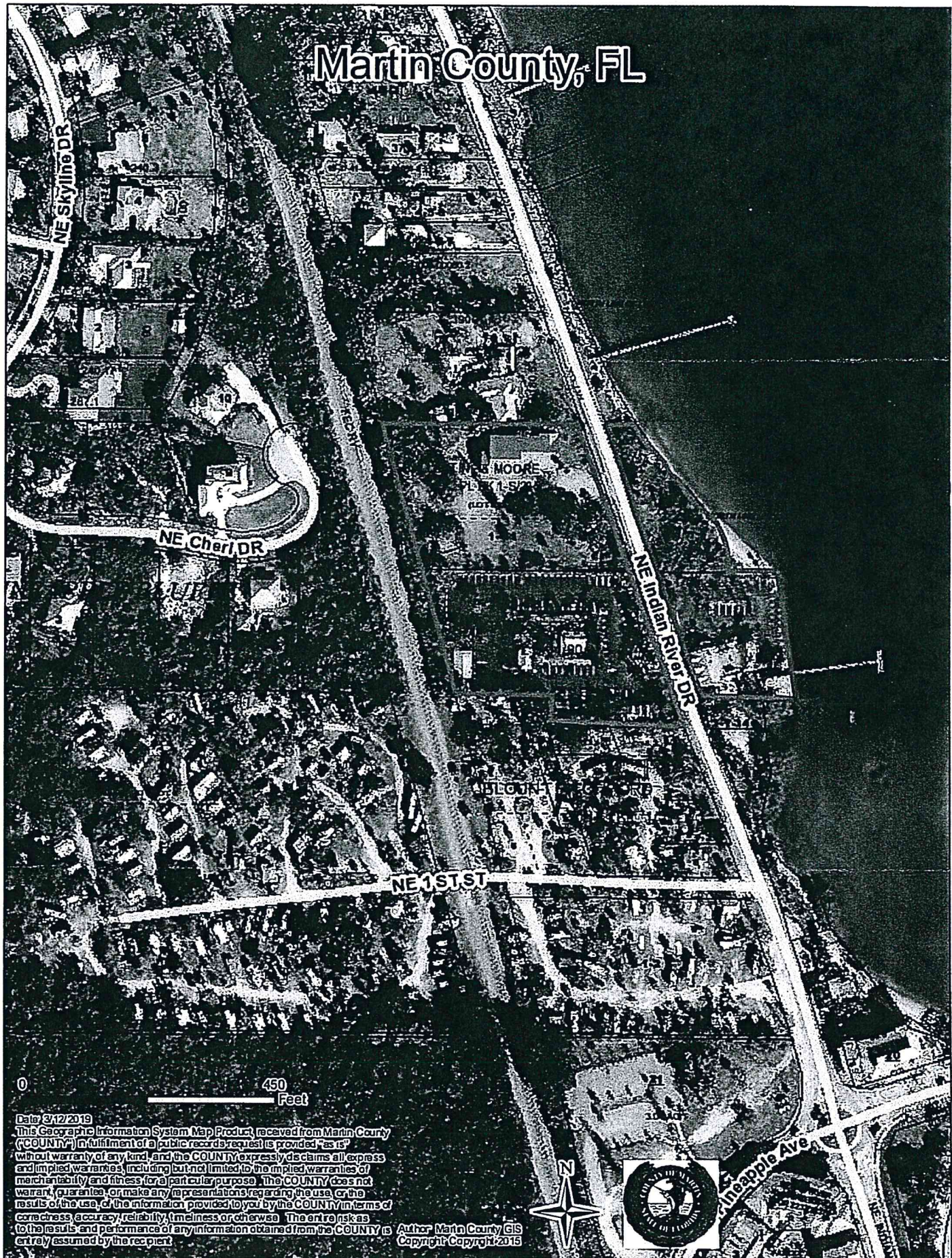
Sincerely,



Morris A. Crady, AICP
Senior Vice President

Attachment: Location Map
 Legal Description
 Revised Final Site Plan
 Revised Final Site Plan Rendering

Martin County, FL



Date: 3/12/2019

This Geographic Information System Map Product, received from Martin County (COUNTY) in fulfillment of a public records request is provided "as is" without warranty of any kind, and the COUNTY expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The COUNTY does not warrant, guarantee, or make any representations regarding the use or the results of the use of the information provided to you by the COUNTY in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the COUNTY is entirely assumed by the recipient.

Author: Martin County GIS
Copyright: Copyright 2019

EXHIBIT A
CONCHY JOE'S RESTAURANT
LEGAL DESCRIPTION

ALL THAT CERTAIN LAND SITUATED AND BEING IN MARTIN COUNTY, FLORIDA, TO WIT:

PROPERTY APPRAISER'S PARCEL I.D. NO. 15-37-41-004-006-00041-8

PARCEL 1:

ALL THAT PART OF THE SOUTH 200 FEET OF LOT 6A, GAINES ESTATES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 90, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, LYING EAST OF STATE ROAD 707.

PARCEL 2:

A PARCEL OF FORMERLY SUBMERGED LAND IN THE INDIAN RIVER IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE POINT WHERE THE SOUTH LINE OF THE SOUTH 100 FEET OF TRACT 6A OF GAINES ESTATES, AS RECORDED IN PLAT BOOK 1, PAGE 90, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, INTERSECTS THE MEAN HIGH WATER MARK OF INDIAN RIVER; THENCE EASTERLY ALONG THE EXTENSION OF THE SAID SOUTH LINE OF THE SOUTH 100 FEET OF TRACT 6A, 85 FEET; THENCE NORTHERLY PARALLEL TO THE MEAN HIGH WATER MARK TO THE INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTHERN LINE OF THE SOUTH 100 FEET OF SAID TRACT 6A; THENCE WESTERLY ALONG SAID EXTENSION OF THE NORTH LINE OF THE SOUTH 100 FEET OF TRACT 6A, 85 FEET TO THE SAID MEAN HIGH WATER MARK OF INDIAN RIVER, THEN SOUTHERLY ALONG SAID MEAN HIGH WATER MARK TO THE POINT OF BEGINNING

PROPERTY APPRAISER'S PARCEL I.D. NO. 15-37-41-004-006-00030-1

PARCEL 3

LOTS 1 AND 12, BLOCK 1, BLOUNT PITCHFORD PROPERTY AS RECORDED IN PLAT BOOK 1, PAGE 71, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, LESS AND EXCEPT LAND CONVEYED TO MARTIN COUNTY RECORDED IN OFFICIAL RECORDS BOOK 669, PAGE 1312.

PARCEL 4

THAT PART OF SOUTH 200 FEET OF LOT 6A, GAINES ESTATES, AS RECORDED IN PLAT BOOK 1, PAGE 90, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA LYING EAST OF THE FEC RAILROAD AND WEST OF STATE ROAD 707.

PARCEL 5:

A PARCEL OF FORMERLY SUBMERGED LAND IN THE INDIAN RIVER IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, LYING EASTERLY OF AND ADJOINING THE NORTH 100 FEET OF THE SOUTH 200 FEET OF LOT 6A, GAINES ESTATES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 90, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF THE EAST COAST RAILWAY WITH THE SOUTH LINE OF THE NORTH 86.90 FEET OF SAID LOT 6A OF GAINES ESTATES; THENCE SOUTH 89°50'48" EAST ALONG SAID SOUTH LINE OF THE NORTH 86.90 FEET OF LOT 6A, 445.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°50'48" EAST ALONG SAID SOUTH LINE, 108.34 FEET TO AN INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE INDIAN RIVER; THENCE ALONG SAID MEAN HIGH WATER LINE FOR THE FOLLOWING THREE (3) COURSES; (1) SOUTH 36°14'27" EAST, 9.06 FEET; (2) SOUTH 87°11'42" EAST, 7.91 FEET; (3) SOUTH 08°46'22" EAST, 94.21 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THAT TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED 20774; THENCE ALONG SAID NORTH LINE, NORTH 89°49'51" WEST, 97.12 FEET TO AN INTERSECTION WITH THE SHORE LINE OF THE INDIAN RIVER PER SAID PLAT OF GAINES ESTATES; THENCE

ALONG SAID SHORE LINE FOR THE FOLLOWING FOUR (4) COURSES; (1) NORTH 28°32'49" WEST, 15.47 FEET; (2) NORTH 21°36'29" WEST, 23.01 FEET; (3) NORTH 14°37'29" WEST, 47.62 FEET; (4) NORTH 29°00'01" WEST, 22.58 FEET TO THE POINT OF BEGINNING.

PARCEL ADDRESS: 3930 NE INDIAN RIVER DR, JENSEN BEACH

PARCEL ADDRESS: 3945 NE INDIAN RIVER DR, JENSEN BEACH

AND TOGETHER WITH

PROPERTY APPRAISER'S PARCEL I.D. NO. 15-37-41-001-004-00010-3

ADMIRALS PARCEL

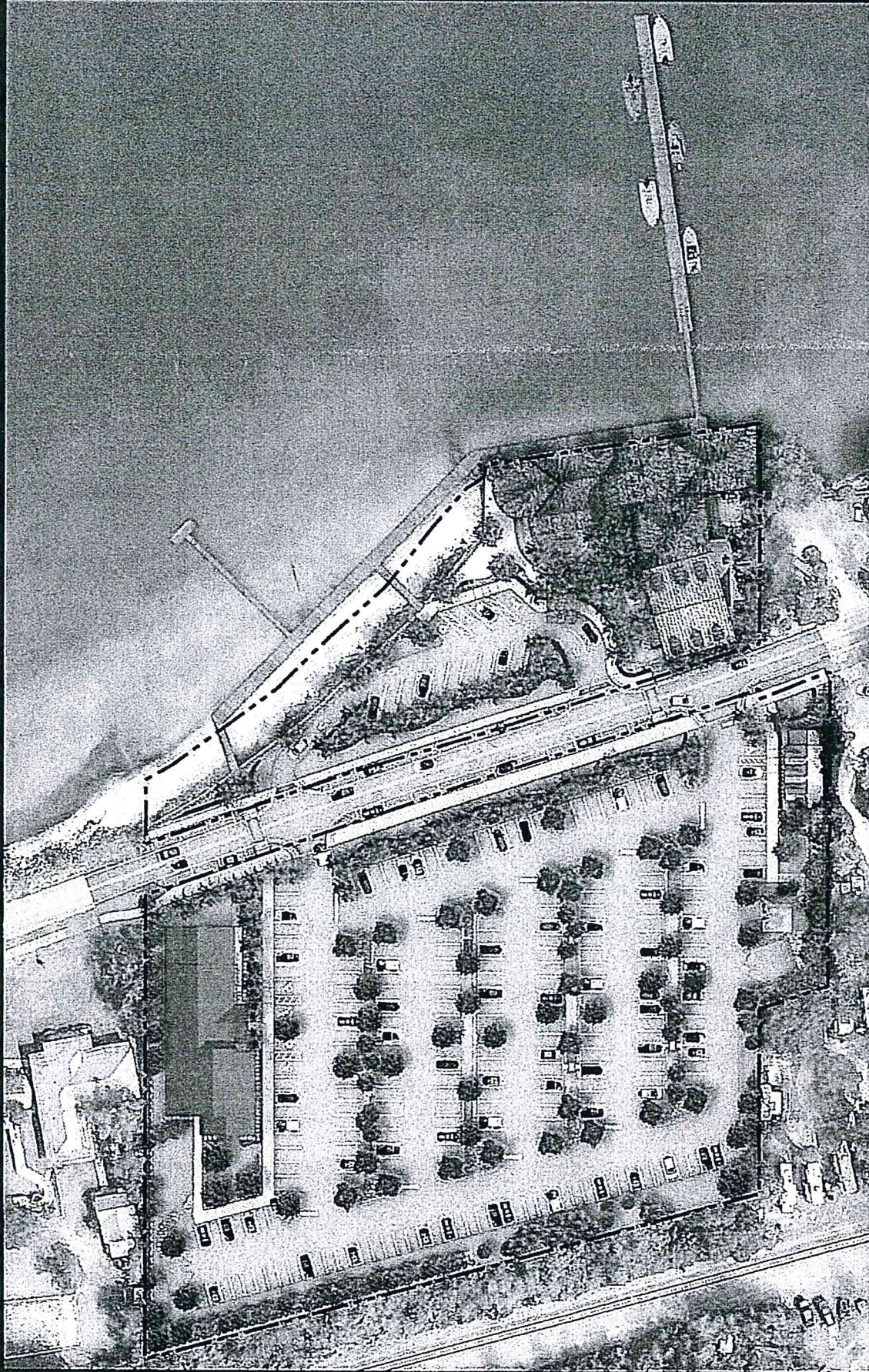
THE PART OF LOT 4 LYING EAST OF THE F.E.C. RAILROAD RIGHT-OF-WAY IN BALLANTINE & MOORE SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 205, PUBLIC RECORDS OF ST LUCIE (NOW MARTIN) COUNTY, FLORIDA AND THE NORTH 86.9 FEET OF TRACT 6A LYING EAST OF THE F.E.C. RAILROAD RIGHT-OF-WAY IN GAINES ESTATES SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 90, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA

SAID PARCEL CONSISTING OF 2.289 ACRES OR 100,640 SQUARE FEET MORE OR LESS.

SAID PARCEL SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND/OR DEDICATIONS.

PARCEL ADDRESS: 4000 NE INDIAN RIVER DR, JENSEN BEACH

THE COMBINATION OF ALL PARCELS CONTAINING 214,218 SQUARE FEET OR 4.92 ACRES MORE OR LESS



CONCEPT

CONCHY JOE'S

luisdo & associates



Town of Ocean Breeze

February 20, 2020

Mr. Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity
Bureau of Community Planning
Attention Plan Processing Unit
Caldwell Building
107 East Madison Street, MSC 160
Tallahassee, FL 32399

RECEIVED

Div. of Community Planning and Growth

FEB 20 2020

Div. of Community Development
Dept. Economic Opportunity

RE: Town of Ocean Breeze Evaluation and Appraisal Notification Letter

Dear Mr. Eubanks:

This correspondence serves as the Town of Ocean Breeze's Evaluation and Appraisal Notification Letter, prepared in accordance with Section 163.3191, Florida Statutes (F.S.). The Town has reviewed its Comprehensive Plan and has determined that amendments are necessary to reflect changes in state requirements in Chapter 163, Part II, F.S. The Town will prepare and transmit proposed amendments to the State Land Planning Agency within one year of the date of this letter.

If you require further information, please contact me by telephone at (772) 486-2190 or by e-mail at twoneil@aol.com.

Sincerely,

Terry O'Neil
Town Management Consultant

Cc:

Town Council and Mayor
Pam Orr, Town Clerk
Rick Crary, Town Attorney
Kelly Duggar Corvin, DEO Regional Planning Administrator

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

February 20, 2020

Ms. Pam Orr, Town Clerk
Town of Ocean Breeze
Post Office Box 1025
Jensen Beach, Florida 34958

RE: Ocean Breeze Evaluation and Appraisal Notification Letter

Dear Ms. Orr:

This is to acknowledge receipt of your Evaluation and Appraisal Notification Letter which was due on March 1, 2020, and received by the Department on February 20, 2020.

Please note that your proposed comprehensive plan amendments based on your Evaluation and Appraisal should be transmitted to the Department by **February 20, 2021**, within one year of your notification, pursuant to Section 163.3191(2), Florida Statutes. The amendments are subject to the State Coordinated Review Process as outlined in Section 163.3184(4), Florida Statutes.

Ms. Kelly Corvin of the Department's staff is available to assist and provide technical guidance to your questions concerning the contents of the Evaluation and Appraisal based comprehensive plan amendments and may be reached at (850) 717-8503.

If you have any questions concerning the processing of the Evaluation and Appraisal based amendments, please contact Mr. Ray Eubanks, Plan Processing Administrator, at (850) 717-8483.

Sincerely,

D. Ray Eubanks
Plan Processing Administrator

DRE/me

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

townclerk@townofoceanbreeze.org

From: Eubanks, Ray <Ray.Eubanks@deo.myflorida.com>
Sent: Thursday, February 20, 2020 3:06 PM
To: townclerk@townofoceanbreeze.org
Subject: RE: [EXTERNAL] - Letter from Terry O'Neil, Town Management Consultant
Attachments: EAR Notification Acknowledgement Letter Ocean Breeze.pdf

Pam,

Attached is the Town's acknowledgement letter for the Evaluation and Appraisal Notification letter.

Thanks

D. Ray Eubanks
Plan Review and Processing Administrator Florida Department of Economic Opportunity Bureau of Community Planning and Growth
107 East Madison Street MSC 160
Tallahassee, FL 32399-4120
850-717-8483
Ray.Eubanks@deo.myflorida.com

-----Original Message-----

From: townclerk@townofoceanbreeze.org <townclerk@townofoceanbreeze.org>
Sent: Thursday, February 20, 2020 2:06 PM
To: Corvin, Kelly D. <Kelly.Corvin@deo.myflorida.com>
Subject: [EXTERNAL] - Letter from Terry O'Neil, Town Management Consultant

Hi Kelly:

Please find attached a copy of Terry O'Neil's letter to Mr. Eubanks for your records.

Have a great day!

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.

-----Original Message-----

From: townclerk@townofoceanbreeze.org <townclerk@townofoceanbreeze.org>
Sent: Thursday, February 20, 2020 1:12 PM
To: townclerk@townofoceanbreeze.org

From: Kristen L Northup <KLNorthup@drhorton.com>
Sent: Tuesday, March 3, 2020 2:58 PM
To: townclerk@townofoceanbreeze.org
Subject: RE: Resident on White Pine
Attachments: doc02445620200303145003.pdf

Good afternoon,

Yes, we have since removed the cattle gates, and opened/activated the gates on White Pine for resident exit. We now have residents complaining that the gates are open, so let the fun begin! I don't have a comment on the landscapers "watching her in her pool" and making a mess. They are working on our property, not hers, and if she feels there's a peeping tom watching her, she should call the sheriff and not the town council... Thanks!

Kristen L. Northup
Entitlements Manager

Southeast Florida Division
6123 Lyons Road, Coconut Creek, Florida 33073
o: 954.949.3000 x 4261

Home for every stage in life. | D.R. Horton · Express · Emerald · Freedom

-----Original Message-----

From: townclerk@townofoceanbreeze.org <townclerk@townofoceanbreeze.org>
Sent: Tuesday, March 3, 2020 2:40 PM
To: Kristen L Northup <KLNorthup@drhorton.com>
Subject: Resident on White Pine

Hi Kristen:

Ms. Joyal attended the meeting in February and had concerns which are highlighted in that portion of the minutes, which are attached. We appreciate you addressing the concerns.

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.

-----Original Message-----

townclerk@townofoceanbreeze.org

From: townclerk@townofoceanbreeze.org
Sent: Tuesday, March 3, 2020 2:40 PM
To: 'Kristen L Northup'
Subject: Resident on White Pine
Attachments: doc02445620200303145003.pdf

Hi Kristen:

Ms. Joyal attended the meeting in February and had concerns which are highlighted in that portion of the minutes, which are attached. We appreciate you addressing the concerns.

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.

-----Original Message-----

From: townclerk@townofoceanbreeze.org <townclerk@townofoceanbreeze.org>
Sent: Tuesday, March 3, 2020 2:50 PM
To: townclerk@townofoceanbreeze.org
Subject: Copier Scans

CS 2551ci
[00:17:c8:25:92:48]

Council Member Wagner, seconded by Council Member Locatis, made a Motion to approve Resolution #302-2020.

President De Angeles asked for public comment.

There was none.

Roll Call Vote: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, Wagner; No: None; Motion Passed - 6 - 0

7. Comments from the public on topics not on the Agenda – Paula Joyal, 1340 NE 29th Terrace, Jensen Beach, asked about the exit gates (at White Pine) in the Seawalk subdivision, which were not closed. She stated that these gates were to be exit only for residents and entrance for emergency vehicles only; she added that vehicles and large trucks were entering and exiting at this gate. She informed the Council that she advised representatives of Seawalk and they directed her to speak to the Town. She also informed the Council that the Seawalk lawn maintenance crew were working behind her house “created a mess” by not picking up trash before weed-eating; and, that they were watching her in her pool area, yard and house. She asked that the gates be closed and asked Deputy Angelico for his advice.

Deputy Angelico advised her to contact the Martin County Sheriff’s Department when this occurs and they would attempt to mediate the situation. He answered that the gate issue was a civil matter.

Dr. Rhonda Cumpsty, 149 NE Buoy Drive, Ocean Breeze, spoke about her long history living within Ocean Breeze Park (Resort). She spoke about her negative, ongoing encounters with a neighbor, the prospectus, filing a complaint with management regarding this neighbor, home repair issues, legacy residents and her decision to leave the Resort. She added that there were currently two bills in Florida legislation regarding manufactured homes that she believed that the Council should monitor.

Thomas Banks, 42 NE Nautical Drive, Ocean Breeze, stated that he believed that someone from Sun Communities should always attend the Town Council meetings. He gave a brief history regarding his purchase of a new home within Ocean Breeze Resort and his negative experience with the contractor, J. D. Simmerman, who was recommended by Sun Communities. He added that Sun Communities told him that Mr. Simmerman lived in the Resort and that he had worked on all of their homes so everything would be done the way it was supposed to be done; he was also informed that Mr. Simmerman was a licensed contractor. He added that this was not true but that Mr. Simmerman was working under the license of another contractor. He remarked that due to his limited physical abilities, he had to have an elevator installed and other items completed before moving into the house, which was supposed to be complete by December, 2018. He commented the work had not been completed and for the next twelve months, he and his wife had been through “hell” to attempt to get everything finished. He advised the Council that there was toxic solar seal used inside of his house, a large hole left in the ground, no permitting, no license, no electrical permitting, unlicensed “electricians” performing work in the house; all of which had to be redone. He added that the contractor “skipped Town,” not only on his home, but others within the Resort. He spoke about a railing on his top deck that was not secured and that he had complained to Sun Communities about that railing for a year, and his concern was that someone might fall off the porch. He advised the Council that all the work had to be “back permitted.” He thanked the Town’s staff and Building Official for helping him. He advised the Council that his attorneys have been dealing with Sun’s attorneys. He stated that Sun’s position was that they were not responsible for anything. He spoke of his love for the Resort and his neighbor’s and their property. He stated that no one should have to go through aggravation. He spoke about Sun providing a list of acceptable contractors and that Sun had a responsibility for this problem. He stated that he had rejected one of Sun’s offers and was now waiting to hear back from them. He remarked that he wanted what was fair, for example reimbursement for the electrical issue and the loss of furniture. He indicated that the roof eaves had to be replaced. He continued that certain people at this location told him that Sun had paid for his electric, but they did not. He specified that the money which was paid was to

townclerk@townofoceanbreeze.org

From: townclerk@townofoceanbreeze.org
Sent: Thursday, February 27, 2020 11:51 AM
To: 'Cotner, Kate'
Subject: Status of wire tied to a tree

Hi Kate:

I trust all is well. I am writing to follow-up on the wire that is tied to a tree in Ocean Breeze. Could you please give us an update?

Thank you!

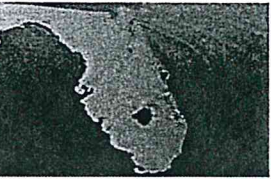
Pam Orr
Town Clerk



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.

Treasure Coast Council *of Local Governments*



Regular Meeting – February 5, 2020

10:00 a.m.

2300 Virginia Avenue, Fort Pierce, Florida
St. Lucie County Roger Poitras Administration Annex
Third Floor Conference Room 3

MINUTES

The Treasure Coast Council of Local Governments held a Regular Meeting at the St. Lucie County Roger Poitras Administration Annex, 2300 Virginia Avenue, Fort Pierce, Florida, Third Floor Conference Room 3, on February 5, 2020, at 10:00 a.m.

Members Present

O'Bryan, Peter – Indian River County
Barile, Vinny - Town of Sewall's Point
Arnold, Bill- Town of Ocean Breeze
Barenborg, Teri – Indian River County School Board
Dodd, Ed- City of Sebastian
Foley, Brian – Town of Indian River Shores
Goodbread, Brad – Okeechobee County
Hensley, Kathryn - St. Lucie County School Board
Hudson, Linda – City of Fort Pierce
Hutchinson, Frannie – St. Lucie County
Jenkins, Harold – Martin County
Meier, Mike – City of Stuart
Morgan, Stephanie – City of Port St. Lucie
Neville, Rey- Vero Beach City Council
Tyson, Joel – City of Fellsmere
Watford, Dowling – City of Okeechobee

Members Not Present

Brackett, Robbie – City of Vero Beach
Hernandez, Janet – Village of Indiantown
Rauth, Gene – Town of Jupiter Island
VanHekken, Ingrid – St. Lucie Village
Zorc, Laura – Indian River County School Board
Powers, Marsha – Martin County School Board
Johnson, Jeremiah – City of Fort Pierce

Others Present

Bruce, Richard – Indian River County (Recording Secretary)
Johnson, Abby – St. Johns Water Management District
LaMartina, Kathy – South Florida Water Management District
Woodworth, Tanya – CareerSource Research Coast
Lanahan, Thomas – Treasure Coast Regional Planning Council
Calderone, Courtney – St. Lucie County Legislative Affairs

1. CALL TO ORDER

Chairman Peter O'Bryan called the Regular Meeting to order at approximately 10:00 a.m.

2. PLEDGE OF ALLEGIANCE

Chairman O'Bryan led pledge of allegiance.

3. INTRODUCTIONS

Chairman O'Bryan led introductions. Quorum present.

4. CHAIRPERSON'S COMMENTS

Welcome everyone. A new sign in procedure to help utilize more space within the meeting area. The Boys and Girls club of America sent a thank you letter for the donation given by the council.

5. VICE CHAIRPERSON'S COMMENTS

None

6. APPROVAL OF MINUTES

Mr. Joel Tyson made a motion to approve the January 8th Meeting Minutes, and Ms. Stephanie Morgan seconded the motion. The motion passed unanimously.

7. TREASURER'S REPORT

Mr. Dowling provided the Treasurer's Report. The collection of dues totals at \$1,000. The current balances, as of January 1, 2020, was at \$8,879.27, Florida Prime Account was \$15,784.37 and the current interest was at 1.83%. Approval motioned by Mr. Joel Tyson, and seconded by Mr. Mike Meier. The motion passed unanimously.

8. PROGRAM PRESENTATION

None

9. COMMITTEE REPORTS

a. Treasure Coast Regional League of Cities/Florida League of Cities

Winter Gala was successful. The Advocacy Team will be heading to Tallahassee on Monday.

b. Florida Associations of Counties

Chairman O'Bryan spoke about the FAC in Tallahassee and guest speakers consisting of the DOT Secretary Kevin Thibault, Resiliency Officer Dr. Julia Nesheiwat, Dept. of Agriculture Nikki Fried, DEP Secretary Noah Valenstien, Florida Dept. of Emergency Management Jared Moskowitz, and Governor Ron DeSantis. Each speaker focused on water quality, environmental improvement, and HEP.

c. Florida School Boards Association

Ms. Kathryn Hensley informed the council that they were in Tallahassee to discuss school board issues like early learning, the raise of \$49 per child for VPK, and moving early learning to the Dept. of Education making sure that the difference of education is made with students. Ms. Teri Barenborg informed the council that while in Tallahassee she was able to have a sit down with Senator Erin Grall and Senator Debbie Mayfield's office to discuss Affordable Housing and the effects on Education.

d. CareerSource Research Coast

Ms. Tanya Woodworth thanked committee members for attending the job fair. Employers met their goals as over 600 job seekers were in attendance. Currently, the unemployment report states that Martin County 2.6%, Indian River County 3.1%, St. Lucie County 3.3%, and Okeechobee 2.7%. The Indian River County Manufacturing Boot Camp has opened and will be from May 18-22 targeting high school seniors, homeschooled seniors, or seniors completing their GED's. The summer of success registration as also opened.

e. Treasure Coast Regional Planning Council

Mr. Thomas Lanahan informed the council that they sent a few first responders to Daytona Beach for the Annual HAZMAT Training Symposium. They received their new 3 year grant contract from the Economic Development Administration for their Economic Development Program. Lastly, working on the Southern Grove land learning the engineering, economic, and monetary future for the county.

f. South Florida Water Management District

Ms. Kathy LaMartina informed the council that the governing board meet the previous week. Lake Okeechobee is at 12.918ft., and the water management district moved forward with working on the everglades restoration plant project. She also informed the council that there is a bid on the reservoir in flow and outflow canal bringing it to the treatment area. Letters were sent to the U.S. Army Corps. Of Engineers showing support of the projects and the plan to start on these projects. During the Python Bowl 80 pythons were submitted leading to the longest python recorded at 12ft 7.3inches and the heaviest python recorded at 62lbs.

g. St. Johns River Water Management District

Ms. Abby Johnson informed the council that the Southern Recreational meeting will be held on February 20th. The application cycle has opened up for cities and counties to appropriate funds to help use less water until the end of February. The boat ramp construction started and it is available for council members to visit during construction.

10. OLD BUSINESS

a. Policy Statements

- a. Water and Waste Water- Update a few words to be more general. Motion to adopt policy made by Mr. Brad Goodbread, second by Ms. Frannie Hutchinson. The motion passed unanimously.

- b. Indian River Lagoon and Lake Okeechobee Everglades- Mr. Meier wanted to change the language of discharging to the estuary. Motion to adopt policy made by Mr. Mike Meier, second by Mr. Ed Dodd. The motion passed unanimously.
- c. The School Board- Request to change affordable housing to workforce housing. Motion to adopt policy made by Mr. Ed Dodd, second by Mr. Joel Tyson. The motion passed unanimously.
- d. The Bio-Solids Statement- Motion to adopt policy made by Mr. Harold Jenkins, second by Ms. Kathryn Hensley. The motion passed unanimously.

11. NEW BUSINESS

- a. Audit Committee formed comprised of Dowling Watford, Joel Tyson, and Vinny Barile.

12. LEGISLATIVE MATTERS

- a. Ms. Courtney Calderone informed the council that the Senate Community Affairs committee went over bill 1336 local occupational licenses and over senate bill 1302 sovereign immunity.

13. MEMBER MATTERS

- a. Mr. Meier informed the council that he attended the Indian River Lagoon Council Management conference where recommendations were made to the governing board for approval of grants to help assist with various project this cycle. Mr. Brad Goodbread informed the council that Okeechobee Board of County Commissioners unanimously voted to make Okeechobee County a second amendment sanctuary county.

14. ADJOURNMENT

After conducting all business scheduled to come before the Council, Chairman O'Bryan adjourned the meeting at approximately at 11:00 am.

Respectfully submitted,

/s/

Richard Bruce
Recording Secretary



Regular Meeting – March 4, 2020

10:00 a.m.

2300 Virginia Avenue, Fort Pierce, Florida
St. Lucie County Roger Poitras Administration Annex
Third Floor Conference Room 3

AGENDA

1. Call to order
2. Pledge of Allegiance
3. Introductions
4. Chairman's Comments
5. Approval of February 5, 2020 Regular TCCLG Meeting Minutes
6. Treasurer's Report
7. Presentation – Kelly Catania- Indiantown Chamber of Commerce
8. Committee Reports
 - a. Treasure Coast Regional League of Cities/Florida League of Cities
 - b. Florida Associations of Counties
 - c. Florida School Boards Association
 - d. CareerSource Research Coast
 - e. Treasure Coast Regional Planning Council
 - f. South Florida Water Management District
 - g. St. Johns River Water Management District
9. Old Business – Policy Statements
10. New Business
11. Legislative Matters
12. Adjournment

The Treasure Coast Council of Local Governments (TCCLG) meetings are held on the first Wednesday of each month at 10:00 a.m. (unless otherwise indicated) in the St. Lucie County Roger Poitras Administration Annex Third Floor Conference Room 3, 2300 Virginia Avenue, Fort Pierce, Florida. The 2020 meeting schedule of the Treasure Coast Council of Local Governments (TCCLG) is listed below:

January 8, 2020	July 15, 2020 TCCLG & TCRLC Joint BBQ
February 5, 2020	August 5, 2020
March 4, 2020	September 2, 2020
April 1, 2020	October 7, 2020
May 6, 2020	November 4, 2020
June 3, 2020	December 2, 2020

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE HEARD. (F.S.286.0105)

IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT (ADA), ANYONE WHO NEEDS A SPECIAL ACCOMMODATION FOR THIS MEETING SHOULD CONTACT THE TCCLG ADA COORDINATOR at (772) 467-3052



2020 MEETING SCHEDULE

THE TREASURE COAST COUNCIL OF LOCAL GOVERNMENTS (TCCLG) MEETINGS ARE HELD ON THE FIRST WEDNESDAY OF EACH MONTH AT 10:00 A.M. (UNLESS OTHERWISE INDICATED) IN THE ST. LUCIE COUNTY ROGER POITRAS ADMINISTRATION ANNEX THIRD FLOOR CONFERENCE ROOM 3, 2300 VIRGINIA AVENUE, FORT PIERCE, FLORIDA.

THE 2019 MEETING SCHEDULE OF THE TREASURE COAST COUNCIL OF LOCAL GOVERNMENTS (TCCLG) IS LISTED BELOW:

JANUARY 8, 2020

FEBRUARY 5, 2020

MARCH 4, 2020

APRIL 1, 2020

MAY 6, 2020

JUNE 3, 2020

JULY 15, 2020 JOINT MEETING & BBQ

AUGUST 5, 2020

SEPTEMBER 2, 2020

OCTOBER 7, 2020

NOVEMBER 4, 2020

DECEMBER 2, 2020