

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

February 12, 2024 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 Kelley

- Pledge of Allegiance
- Roll Call

2. Approval of Minutes –

- Regular Meeting, Monday, January 8, 2024
(Motion, second, public comments, all in favor)

3. Budget to Actual Quarterly Report (October 1 – December 31, 2023) – Memo from Town Financial Consultant, Holly Vath
(Motion to accept, second, public comment, roll call)

4. RESOLUTION #345-2024 - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA, ENCOURAGING THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS AND THE STUART CITY COMMISSION TO SEEK COUNTY-WIDE “QUIET ZONE” STATUS -- AS PERMITTED BY SECTION 49, PART 222 OF THE CODE OF FEDERAL REGULATIONS -- THEREBY CURTAILING INTRUSIVE TRAIN HORN NOISE STEMMING FROM INCREASED FREIGHT AND HIGH SPEED PASSENGER RAIL TRAFFIC ON THE FLORIDA EAST COAST RAILROAD (FEC) RIGHT-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

(Motion, second, public comment, roll call)

5. RESOLUTION #346-2024 - A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #1, TO THE GENERAL FUND IN THE AMOUNT OF \$10,000 FOR ADDITIONAL PUBLIC SAFETY EXPENSES, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES – legal services related to the closeout of the Seawalk and Ocean Breeze Resort development projects. (See Item #6 below)

(Motion, second, public comment, roll call)

- 6. Request to approve Letter of Engagement with Attorney Paul Nicoletti for legal services relating to closeout of Seawalk and Ocean Breeze Resort development projects.**
(Motion, second, public comment, roll call)
- 7. Request approval to nominate Council Member Docherty for membership on the Florida Municipal Insurance Trust (FMIT) Board of Trustees.**
(Motion, second, public comment, all in favor)
- 8. Comments from the public on topics not on the Agenda (speakers limited to 3 – 5 minutes)**
- 9. Comments from the Council on topics not on the Agenda**
- 10. Comments from Town Management Consultant, Terry O’Neil – Update on development project close-out activities.**
- 11. Comments from Mayor Ostrand**
- 12. Announcements**
 - Regular Town Council Meeting – Monday, March 11, 2024 at 10:30AM to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze
- 13. Adjourn**
(Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, January 8, 2024, 6:00PM
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

- 1. Call to Order** – President Kelley called the meeting to order at 6:00 p.m.
 - Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
 - Roll Call – Present: Mayor Karen M. Ostrand, President Sandy Kelley, Vice-President Liz Reese, Council Members Kevin Docherty, Michael Heller, Gina Kent, and Matthew Squires
 - Staff Present – Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary; Attorney Nicole Laliberte; Director of Strategic Development and Policy, (Treasure Coast Regional Planning Council), Kim Delaney, Town Clerk, Kim Stanton; Permit Processor, Pam Orr

- 2. Approval of Minutes** – Vice-President Reese, seconded by Council Member Kent, made a motion to approve the minutes of the Regular Meeting, Monday, December 11, 2023.

President Kelley asked for comments from the public.

There were none.

All in favor: Yes: Kelley, Reese, Docherty, Heller, Kent, Squires, No: None; motion passed – 6-0

- 3. Budget to Actual Report, July 1 – September 30, 2023** - President Kelley asked for comments from the Council.

There were none.

President Kelley asked for comments from the public.

There were none.

Mr. O’Neil explained that these reports were provided to the Council each quarter along with a memorandum from the Town Financial Consultant, Holly Vath.

Vice-President Liz Reese, seconded by Council Member Docherty, made a motion to accept the Budget to Actual report as of September 30, 2023.

Roll Call Vote: Yes: Heller, Kent, Squires, Kelley, Docherty, Reese; No: None: motion passed 6-0

- 4. Presentation on Railroad Quiet Zones** – Kim Delaney, PhD, Director, Strategic Development and Policy of the Treasure Coast Regional Planning Council.

Dr. Delaney spoke about her background, train quiet zones, Florida East Coast Railroad system, Brightline trains, railroad grade crossings, quiet zone timing development, infrastructure required for quiet zones, Notices of Intent, Notices of Establishment, Brightline commencement of September 21, 2023, one-year waiting period.

Dr. Delaney took questions from the Mayor and Town Council regarding train horns.

Council Member Docherty spoke about his attendance at the Treasure Coast Council of Local Governments meeting and their discussions about train horns. He pointed out a recent incident at the Jensen Beach Boulevard roundabout in which a driver drove onto the train tracks. He asked about the lack of lighting in that area and expressed his concerns regarding safety. Dr. Delaney stated that the Town could ask the County to add lighting in that area. She spoke about federal, state, and local dollars available to Martin County to install permanent lighting and added that additional federal grant dollars were available for gates at the grade crossing. She continued to explain the potential redesign of West End Boulevard from southbound to northbound and state grant dollars available.

Discussion ensued regarding the roundabout safety issues, signage, West End Boulevard design issues, quiet zone applications and explained state, county, and city roadways.

Mr. O'Neil asked Dr. Delaney if there were any downsides for the Town should they decide to present Martin County with a Resolution to create quiet zones within the County.

Dr. Delaney stated that a such a Resolution was a smart idea and added that the Town should ask Martin County to evaluate the lighting issue at the roundabout.

Mr. O'Neil stated that staff would come back with a Resolution at the next meeting. He discussed a letter that was previously sent to Martin County regarding cars being trapped at the roundabout and that staff would follow up with this issue.

Dr. Delaney mentioned striping and signage techniques that are available at roundabouts to assist drivers.

Discussion ensued regarding the approval process of quiet zones, quiet zone calculator (available online tool), local governmental decisions in which train grade crossing occur, wayside horns versus train horns, sound barrier walls and train station applications.

5. Presentation on Florida League of Cities and Treasure Coast Regional League of Cities – Mayor Ostrand introduced Patricia Christensen, Executive Director of the Treasure Coast Regional League of Cities.

Ms. Christensen gave a presentation about the Florida League of Cities and the Treasure Coast Regional League of Cities non-partisan organizations and their mission statements and commented that she would be available to assist the Mayor and Town Council. She added that she is also a consultant with the Florida League of Cities on advocacy. She discussed advocacy tools and training programs available to the Mayor and Town Council members. She also spoke about the Florida Municipal Insurance Trust and the importance of building relationships with state representatives and legislators. She spoke about the Treasure Coast Council of Local Governments and the Treasure Coast Regional Planning Council. She concluded by advising the Town officials of the free, annual ethics training which would take place locally at Indian River State College in April.

6. RESOLUTION #344-2024, A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE 2024 FLORIDA LEAGUE OF CITIES LEGISLATIVE PLATFORM – Mayor Ostrand read Resolution #344-2024 into the record.

Council Member Kent, seconded by Council Member Docherty, made a motion to adopt Resolution #344-2024.

President Kelley asked for public comments.

There were none.

Roll Call Vote: Yes: Docherty, Kent, Kelley, Reese, Heller, Squires; No: None; motion passed 6-0

7. Proclamation – Recognizing January, 2023 as Human Trafficking Awareness Month in Ocean Breeze, Florida – Mayor Ostrand introduced Lynne Barletta, Founder/CEO Florida Faith Alliance and Visionary School of Arts, Tony Barletta and Julie Biondolillo.

Mrs. Barletta gave a presentation regarding child trafficking awareness. She spoke about the mission of Florida Faith Alliance and gave statistics regarding child trafficking.

Julie Biondolillo spoke about child trafficking in the local area and she mentioned a video provided by the Florida Faith Alliance called, “Don’t Take the Bait.”

Mrs. Barletta continued to provide information regarding the efforts by the Florida Faith Alliance, and stated that the long-term goal of her organization was to build a house for trafficked girls. She took questions from the Council.

Mayor Ostrand read the Proclamation into the record.

Council Member Docherty, seconded by Council Member Kent, made a motion to adopt the Proclamation.

President Kelley asked for public comments.

There were none.

Roll Call Vote: Yes: Kelley, Reese, Docherty, Heller, Kent, Squires, No: None; motion passed – 6-0

8. Review of Board and Agency Memberships – Mr. O’Neil explained the board appointments and liaison activities matrix along with the highlighted sections.

Mr. O’Neil explained item #6, Treasure Coast Council of Local Governments (TCCLG) and stated that Council Member Docherty had been filling this vacancy for former Council Member Arnold.

Council Member Kent stated that she would be willing to be an alternate on Treasure Coast Council of Local Governments.

President Kelley, seconded by Council Member Heller, made a motion to appoint Council Member Docherty as the primary member to the Treasure Coast Council of Local Governments.

Council Member Docherty, seconded by Council Member Heller, made a motion to appoint Council Member Kent as the alternate member to the Treasure Coast Council of Local Governments.

All in favor: Yes: Kelley, Reese, Docherty, Heller, Kent, Squires, No: None; motion passed – 6-0

Mr. O’Neil explained item #7, Local Legislative Delegation meetings and said that any of the elected officials could attend at their own initiative.

Council Member Docherty stated that he and Mayor Ostrand attended the latest local legislative delegation at Indian River State College.

Mr. O’Neil explained item #8, Martin Metropolitan Planning Organization (MPO). He asked if the Council wished to appoint a liaison to attend meetings informally. He commented that this organization concerned traffic, transportation, Florida Department of Transportation and Federal Department of Transportation and federal funds for roads. He added that if an elected official were interested in this organization, staff would make them aware of the agenda and remarked that the meetings were monthly.

Council Member Heller stated that he would volunteer to attend any pertinent MPO meetings.

Council Member Docherty, seconded by Vice-President Reese, made a motion to appoint Council Member Heller as the Town's liaison to attend the MPO meetings.

All in favor: Yes: Kelley, Reese, Docherty, Heller, Kent, Squires, No: None; motion passed – 6-0

Council Member Docherty recognized Ann Kagdis as a previous liaison during the Indian River Drive project.

Mr. O'Neil explained item #9, Martin Metropolitan Planning Organization Citizen Advisory Committee (CAC) as a sub-committee of the MPO and stated that County Commissioner Smith appointed Ann Kagdis to serve.

Ann Kagdis, resident of Ocean Breeze, stated that she remained on the CAC.

Mr. O'Neil explained item #10, Martin Metropolitan Planning Organization Technical Advisory Committee (TAC) and stated that the Council could appoint a liaison and an alternate to attend these meetings.

Council Member Squires volunteered.

Council Member Docherty, seconded by Vice-President Reese, made a motion to appoint Council Member Squires as the Town liaison to attend the TAC meetings.

All in favor: Yes: Kelley, Reese, Docherty, Heller, Kent, Squires, No: None; motion passed – 6-0

President Kelley volunteered to be the alternate to attend the TAC meetings.

Council Member Docherty, seconded by Vice-President Reese, made a motion to appoint President Kelley as the Town alternate to attend the TAC meetings.

All in favor: Yes: Kelley, Reese, Docherty, Heller, Kent, Squires, No: None; motion passed – 6-0

Mr. O'Neil explained item #11, the Martin Metropolitan Planning Organization Bicycle and Pedestrian Advisory Committee (BPAC). He added that if the Town wished to pursue attendance on this committee, the County Administrator could be asked to appoint a resident.

Council Member Docherty stated that for the last two years, he represented the Town's interest on this committee and added that when road projects were planned, they would ask the committee members to provide input regarding bicycle paths/lanes. He stated that any Council Member who was interested in this committee would need to present themselves to the committee and fill out a form.

Mr. O'Neil stated that staff would look into whether there was any interest from Seawalk or Ocean Breeze Resort, come back before the Town Council for an appointment, and then contact Don Donaldson, Martin County Administrator.

Council Member Heller volunteered to attend the (#12) Martin County/Jensen Beach Community Redevelopment Area (CRA) Neighborhood Advisory Committee (NAC) meetings as the Town's liaison.

Council Member Docherty, seconded by Vice-President Reese, made a motion to appoint Council Member Heller as the designated liaison to the NAC.

Vice-President Reese volunteered to attend the CRA and NAC meetings as the Town's alternate.

Council Member Heller, seconded by Council Member Kent, made a motion to appoint Vice-President Reese as the designated alternate to the NAC.

Ann Kagdis, resident of Ocean Breeze Resort, stated that the meetings were not well attended.

All in favor: Yes: Kelley, Reese, Docherty, Heller, Kent, Squires, No: None; motion passed – 6-0

9. Request for a \$100.00 contribution from the History Museum of Jensen Beach – Ann Kagdis gave a brief history of the History Museum of Jensen Beach and asked for a membership sponsor donation of \$100.00.

10. Request for a \$200.00 contribution from the Entrepreneurship Foundation – Ann Kagdis explained the Adopt-A-Class program and asked for a donation of \$200.00 to sponsor a class at Jensen Beach High School.

She also asked for a donation of a gift basket to the Art & Music Auction which would be auctioned off to raise money for the Art & Music programs in Martin County schools.

President Kelley, seconded by Council Member Docherty, made a motion for a \$100.00 donation to the History Museum of Jensen Beach.

President Kelley asked for public comments.

There were none.

Roll Call Vote: Yes: Kent, Reese, Kelley, Squires, Heller, Docherty; No: None; motion passed – 6-0

Vice-President Reese, seconded by Council Member Heller, made a motion for a \$200.00 donation to the Entrepreneurship Foundation.

President Kelley asked for public comments.

There were none.

Roll Call Vote: Yes: Docherty, Reese, Squires, Kent, Kelley; No: Heller; motion passed – 5-1

11. Comments from the public on topics not on the Agenda – Matthew Biondolillo, resident of Ocean Breeze, spoke about landscaping, irrigation systems, vertical infrastructure and structural stress issues, off-ridge ventilation and cooling systems. He spoke about the Town procurement of Wojcieszak and Associates to perform an inspection of air-conditioning systems in some of the houses within the Seawalk development. He stated that he submitted comments to the Town of Ocean Breeze with respect to his initial review of the reports and he gave his printed comments to Pam Orr, Permit Processor, to establish them as part of the record. He continued to speak about his encounter with Mr. Wojcieszak and requested that the Town provide a formal response to his emails. He stated that in his dealings with D.R. Horton, they refused to offer a written response and as a result nothing has been accomplished. He stated that he has a leaking roof, windows that are broken with the seal on the inside are completely gone for a year and a half. He stated that he had cracked floors and a laundry list of construction defects that have not been resolved by D.R. Horton. He spoke about the off-ridge vents and that D.R. Horton decided to retrofit them with an attachable baffle instead of replacing them. He stated that he followed the Town's Building Official's advice after an inspection of his home and submitted a response to D.R. Horton in which he advised them that four (4) out of the six (6) off-ridge vents were defective and missing the external baffles. He added that he reached out to the Town and the Seawalk HOA and the Seawalk HOA suggested that he obtain an inspection or survey of all the off-ridge vents. He added that it seemed like there was not much interest but that two individuals from the Seawalk community stepped up and performed a survey of every home. He continued that the data showed that sixty-nine percent (69%) of the homes (which was approximately 99 homes out of 143) had defective off-ridge vents. He continued that he had

shared a video with the Town of Ocean Breeze that showed that the reason they were considered defective was because wind-driven rain could enter those off-ridge vents. He added that D.R. Horton was not required to obtain a building permit for the repairs, but that he wished that they had been required. He stated that he had reached out to D.R. Horton to gather a scope of work and they refused to supply him with this. He remarked that it had been nine to eleven months since these defective off-ridge vents were discovered. He added that he had contacted the manufacturer and they had told him that they only manufacture the off-ridge vent as a single unit which consisted of the frame and the baffle. He commented that the manufacturer of the baffle told him that if the external baffle was missing, that would be a violation of the warranty. He stated that D.R. Horton was in the process of retrofitting each one of the off-ridge vents, which he believed was a temporary fix and not a permanent fix. He stated that he shared with Mr. O'Neil and others that he went up into his attic one rainy day, prior to the baffles being installed, and water was coming into his attic. He commented that 99 homes (that had defective off-ridge vents) had water entering the attic space for an extended period, which is a large problem. He made the point that the manufacturer warranty would not be effective if these vents were not installed as designed. He spoke about his concerns regarding these defective off-ridge vents, hurricanes, and their warranty. He spoke about the requirements of the Florida Building Code. He asked Pam Orr, if Absolute Engineering had performed the inspections yet.

Pam Orr answered, not to her knowledge.

Mr. Biondolillo stated that these off-ridge vents would require a wind test and that he would rather have had a replacement instead of a retrofit of all the off-ridge vents. He stated that according to Florida Building standards, Absolute would need to perform a wind standard on each of the retrofitted off-ridge vents.

President Kelley asked if Mr. Biondolillo planned to have a meeting with Town staff later in the week.

Mr. Biondolillo stated that was a good idea and that he requested a written response prior to the meeting. He stated that once he received a written response from Mr. Wojcieszak, he would be happy to meet with staff.

Mr. O'Neil confirmed that the Town had a written, fixed contract with Wojcieszak and Associates and that Mr. Biondolillo had received a copy of the written reports. He stated that Mr. Wojcieszak was not at liberty to create additional observations or answer questions. He commented that Mr. Wojcieszak had completed his review and produced reports. He added that he could not commit that Mr. Wojcieszak would answer his questions. He asked if Mr. Biondolillo needed to postpone the meeting. He stated that because the Town was not asking for permits for the remedial efforts, did not mean that documentation was not being requested by the Town for all jobs being performed to be placed in the files of each home. He remarked that the Town had made a judgment that the paperwork, time and costs involved did not make sense as long as they were under an obligation to the Town's Building Official to document all the work that had been performed. He continued that he believed some of the issues would fall under the issue of warranty. He added that he was not sure that the Town would be able to cover all of Mr. Biondolillo's concerns as a Town's related initiative.

Pam Orr added that the baffles would be inspected by Absolute Engineering once the work had been completed.

Mr. O'Neil confirmed that, and that the Town did not want to lose the thread of responsibility for who inspected these homes. He stated that the Town's Building Official, Mr. Nicolosi, was inserting himself into that process. Even though D.R. Horton chose to use a private provider, they were responsible for providing a certification that the code had been met. He added that this was the private provider's responsibility under the statute.

President Kelley asked if a meeting were going to take place with Mr. Biondolillo.

Mr. O'Neil answered "yes", even though the Town did not have some of the information, it made sense to meet.

Mr. Biondolillo stated that in the Florida Building code Chapter 15, stated that all ridge vents shall follow TAS100A for wind-driven water (undecipherable) and all ridge vents shall be restricted to roof (undecipherable) as tested with TAS100A (undecipherable) and shall be listed in the system manufacturer's product approval. He added that the manufacturer told him that if the product was sent (to the builder) not as a single unit, then something is very, very wrong. (undecipherable).

Vice-President Reese asked if the manufacturer was saying that it is not his product if it came to you that way.

Mr. Biondolillo stated that the manufacturer was stating that it had been tampered with.

Vice-President Reese asked if the manufacturer was saying that the product was tampered with if it came to us like that.

Mr. Biondolillo stated that not according to their current design and manufacturing standards, that the code changed in 2008.

Council Member Kent asked if this were the case if it would fall under warranty.

Vice-President Reese remarked that if the manufacturer stated that they did not make those at this time, or since the new law came into effect, somebody had done something very strange.

Council Member Heller asked if Mr. Biondolillo spoke directly with the roofing company.

Mr. Biondolillo answered that he did while they were at his house.

Council Member Heller stated that he spoke directly with Treasure Coast Roofing and that during Covid there were assorted products installed because there was a shortage of everything, so they did not have the same roof vents for everybody and that some of them had the baffles and that some of them did not. He added that the ones that did not have the baffles, were retrofitted with a baffle.

Mr. Biondolillo stated that the baffles that were installed were retrofitted and that the Florida Building Code was extremely specific as to what requirements they must meet. He added that it stated that all off-ridge vents shall be tested in compliance with TAS100A for wind-driven water, and that it was extremely specific.

Council Member Heller stated that it was a different statement than "somebody tampered" with the roof vents and then installed them. He added that they were different roof vents.

Mr. Biondolillo answered that the roof vents that the manufacturer made would have already met TAS100A because it is designed and manufactured in accordance with (undecipherable) tested. He stated that the roof vents that showed up without external baffles were never evaluated.

Council Member Heller stated that the baffles may have been improper, but that they could not have been tampered with if they were the original.

Mr. Biondolillo stated that the manufacturer told him that if something was installed and the baffles were not there, then somehow it was tampered with and that the warranty would no longer be honored.

Council Member Docherty asked if this could be brought up with staff rather than discussing it at a Town meeting.

Mr. O'Neil answered "yes" but that he was interested in what Mr. Biondolillo had to share. He added that in his view, the private provider, licensed by the State, whatever the remedies were, had to be compliant with the applicable building code. He stated that the private provider had that obligation, as does the builder, to provide the Town with that certification and the Town was obliged to accept it.

Council Member Kent asked if this issue applied to the close-out.

Mr. O'Neil commented that the issue was related but that most of the close-out issues had to do with the PUD and the bond, and that this was the building code, which dealt with each individual homeowner's situation versus the HOA. He stated that it is a third area having to do with the close-out issues and that this issue is in the realm of the Building Official and the building code.

Council Member Kent asked if the HOA attorney was Deborah Ross.

Mr. O'Neil answered yes, and that the HOA would be keenly interested in these building issues but that it was the individual homeowner that must collaborate with the developer builder in terms of ...

Council Member Kent stated that she was referring to Michael Cristoforo, Esquire, and Deborah Ross, Esquire, and the memo that Attorney Ross wrote.

Mr. O'Neil remarked that the document was an outline of the close-out list that was created over a year ago and the HOA attorney was emphasizing expectations of the HOA, that the developer would provide the certifications and make the remedial efforts. He added that it was a good thing that the Town had received that letter from the HOA attorney because it stressed their interests, and it was pushing the Town to push the developer. He commented that the Town was pushing the HOA to push the developer as well.

Mr. Biondolillo spoke about the exterior and interior cracking along the walls and (undecipherable). He added that he was stating this for awareness purposes and if there were other homeowners within the community, he wanted to hear collectively from them. He commented that he had tile floors in the master bedroom that were cracking, and the structural cracking extended into the shower.

President Kelley stated that those were all warranty issues.

Mr. Biondolillo stated that they were warranty issues but that he was getting into something else. He commented that he had submitted warranty claims to D.R. Horton and that D.R. Horton had cancelled them. He remarked that two other residents in the community had asked for the (inaudible) tests, and the Town had provided those, but he wanted it noted that before Forestar was (inaudible) sidewalks and everything, the reports look good, and everything passed – the soil and (inaudible) tests. He added that he did notice that when the work switched over to D.R. Horton as it related to the vertical construction, that many of the reports provided by Universal Engineering Sciences Company (inaudible) serial number and make and model of the serial number of the equipment itself. He stated that the ASTM standard is required in which the serial numbers are included on the draft and the final reports. He added that it is purposeful, and he likened it to the analogy of a breathalyzer test that is traced to a serial number to ensure that the equipment was properly calibrated. He stated that was the reason the ASTM, American Standard, existed and for some reason, none of the reports that were done through Universal Engineering Sciences Company include the serial numbers so it cannot be tracked back to some level of calibration.

President Kelley stated that there would be more discussion on the issue.

Mr. Biondolillo stated that he would talk about the irrigation and watering during another time.

(Unknown individual from the audience) asked a question of Mr. Biondolillo.

Discussion ensued regarding original roof vents model numbers.

Mr. O'Neil asked the individual to come forward to keep an accurate record.

Linda Capobianco, resident of Ocean Breeze, asked how they were going to evaluate all the baffles; were they going to come physically and perform this duty or...

Mr. Biondolillo stated that he had asked that question and did not receive an answer but that he did know that D.R. Horton had been given the ability to hire Absolute Civil Engineering to perform these inspections. He added that he wanted to make sure that the work was performed in accordance with the Florida Building Codes.

Ms. Capobianco asked when that would take place.

Mr. Biondolillo remarked that nobody knew.

Mayor Ostrand stated that...

Mr. Biondolillo commented that the Town originally communicated with D.R. Horton, and it had been determined that approximately two (2) homes could get done per day. He commented that he noticed that he had four (4) off-ridge vents that were defective and that were retrofitted and it took approximately one (1) to two (2) minutes per off-ridge vent so for a total of eight (8) to ten (10) minutes and so the reality was with going up and down the ladder, that was about fifteen (15) minutes per home amounting to four (4) homes per hour and in about an eight (8) hour day, one would expect to get thirty-two (32) homes done per day. He added that D.R. Horton's initial focus was two (2) homes per day and that they could actually do up to thirty-two (32) homes a day and that something changed during the installation of the off-ridge vents. He stated that his concern was no oversight and no quality control.

Mayor Ostrand answered that the Town had inspectors investigating this. She added that the Town will get back with Mr. Biondolillo.

President Kelley stated that she would like to move the meeting forward.

12. Comments from the Council on topics not on the Agenda – Council Member Heller thanked the Town Clerk and Permit Processor for copying the information at the last-minute regarding train horns and the noise, decibels and how far it traveled. He added that almost the entire community had experienced almost thirty (30) times per day more than ninety (90) decibels of noise. He stated that something needed to be done about this.

13. Comments from Town Management Consultant, Terry O'Neil – Mr. O'Neil stated that Staff had distributed to the Council a document just received from the Town Engineer. He stated that in the past, there were issues regarding stormwater inlets in the Seawalk development as well as some roadway buckling that had occurred. He advised that Town Engineer, Scott Montgomery, had inspected it and deemed it to be material and covered by the bond. He added that it would be communicated to the developer and that they must deal with these issues.

14. Comments from Mayor Ostrand – Mayor Ostrand spoke about advocacy and stated that Council Member Docherty participated in advocacy with the State Tax and Finance Committee. She stated that his allotted finances would not cover his stay in Tallahassee for the Legislative Action Days, and the conference in August. She added that he would need a thousand dollars (\$1,000.00) to be able to go to these events.

Council Member Kent asked if this was per year or per trip.

Mayor Ostrand answered that it was per year. She added that his involvement was important because of the upcoming laws. He asked the Council to transfer the dollars to him and that these things were not considered during the budget season. She apologized for it being so late and explained that the legislative conference was at the end of the month in Tallahassee, and that it was important. She added that there are four (4) bills currently that the Florida League of Cities opposed.

Vice-President Reese asked if each individual Council Member received a stipend of two hundred dollars (\$200.00).

Mayor Ostrand answered two hundred dollars (\$200.00) was correct.

Vice-President Reese asked if both the Mayor and Council Member Docherty were attending this conference.

Mayor Ostrand answered “yes” but that they were on different committees and dealt with different subjects. She stated that Council Member Docherty was on the Tax and Finance Committee, and she was on Municipal Administration. She added that the trips were twice a year to Tallahassee and two to three times per year in Orlando. She stated that the Orlando trips at times were limited to one day.

Discussion ensued regarding these trips, days involved and hotels.

Council Member Reese asked for a spreadsheet with the costs of these trips are to document to the Council so that they can decide.

Mayor Ostrand asked if we could email that to the Council.

Pam Orr answered that there was not enough time before the next Town Council meeting.

Attorney Crary stated that no decisions outside of a public meeting could be made on Town business. He added that the decision would need to be made right now for the subject at hand or hold a special meeting that was noticed, etc.

Council Member Docherty explained that in previous years, each Council Member had one thousand dollars (\$1,000.00) allotted to them for conferences and travel. He stated that because no one was interested in attending these meetings, the allotted amount got reduced from five hundred (\$500), now to two hundred (\$200.00). He commented that this Council wanted to get involved. He stated that he believed that Council Members would learn something new to bring back and improve this community. He spoke about Ann Kagdis being on the Florida Municipal Insurance Trust (FMIT) board and that FMIT paid for her travel expenses. He stated that he was attempting to get on that Board. He added that he spent four and one-half (4 ½) hours today in meetings in which he volunteered.

Discussion ensued regarding taking the extra dollars from the general fund, budget adjustment, etc.

Mr. O'Neil explained that it was highly likely that the dollars could be found within the operational general budget because there have routinely been surpluses. He added that if that were not the case, a budget amendment request would be brought before the Council, to move money from reserves to cover any shortfall. He commented that that did not usually happen. He directed the Town Council to the Financial Consultant's report in which the revenues were more than expected. He stated that he did not believe it would be difficult to absorb into the budget without touching the individual allotted Conferences and Travel amounts. He concluded that the Council could direct staff to find the one thousand dollars (\$1,000.00) within the budget without a budget amendment at this time.

Vice-President Reese, seconded by Council Member Kent, made a motion to allocate one thousand dollars (\$1000.00) to Council Member Docherty's travel.

All in favor: Yes: Kelley, Reese, Docherty, Heller, Kent, Squires, No: None; motion passed – 6-0

President Kelley asked for public comment.

Pam Hurlock, resident of Ocean Breeze, stated that she believed it was inappropriate to be allotting these types of funds at the last minute and that if, in the future, any travel dollars are needed, they should be submitted in a timely manner. She remarked that this was thrown at the Council and the public at the last moment when it had been known for some time.

Council Member Kent stated that this was just discovered because Council Member Docherty was assisting the Mayor at the Florida League of Cities.

Discussion ensued regarding when Council Member Docherty knew about his travel, various trips, legislative session starting earlier than usual, budget for FY 2024/2025, and the importance of Council Member Docherty's attendance, the number of vacancies on the FMIT board, explanations of the FMIT, rotating Board of Directors on the FMIT Board, Council Member Docherty's qualifications, volunteerism, and benefits to the Town for Council Member Docherty's volunteerism.

Roll Call Vote: Yes: Heller, Kent, Squires, Kelley, Docherty, Reese, No: None; motion passed – 6-0

15. Announcements – Regular Town Council Meeting – Monday, February 12, 2024, at 10:30 am to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

16. Adjourn – Council Member (unable to hear), seconded by Vice-President Reese, made a motion to adjourn the meeting at 9:15 pm

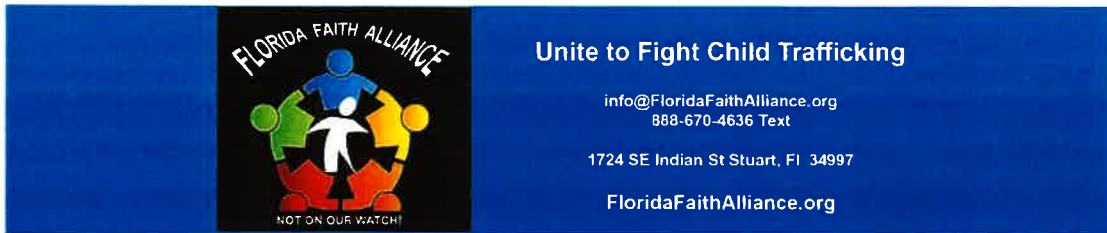
All in favor, Yes: Heller, Docherty, Reese, Squires, Kent, Kelley; No: None; Motion Passed 6-0

Respectfully Submitted,

Kim Stanton

Town Clerk

Minutes approved: _____



Thank you for your interest in helping to save children and fight child trafficking. Florida Faith Alliance (FFA) has been asked to create multiple videos collaborating with Visionary School of Arts to equip students, teachers, and staff to recognize the signs of Child Sex Trafficking, how to turn in tips to law enforcement, how to protect children, and teach all students and staff how to resist the methods and approaches of traffickers and predators. There will be 3 videos produced, one for elementary school, one for middle and high school, and one for teachers and staff. The videos will include curriculum hand-outs for classroom use and discussion. FFA is a registered DBA non-profit under Visionary Centers International, EIN number 65-1084179

Florida Faith Alliance current projects:

- **Awareness presentations in churches, synagogues, schools, and organizations**
- **Liaisons with Law Enforcement and Homeland Security in all Florida counties for turning in tips.**
- **Establishment of state-wide prayer groups and coordinated prayer**
- **Work with state legislators to inform and help write new anti-trafficking bills**
- **Organizing volunteers to place boots on the ground in each county for awareness and victim needs**
- **Teach and train teachers in The Power of Art for Trafficked and Abused Survivors and for At-Risk Children.**
- **Teaching teams are currently teaching over 450 trafficked and abused children with Sandy Pines Mental Health Facility and Martin County Public Schools.**
- **FFA presents to county and city commissioners with awareness and anti-trafficking campaigns.**
- **The Florida State Alliance to End Human Trafficking and the Florida State Council under Attorney General Ashleigh Moody is helping to train FFA presenters.**
- **A long-term plan to work with other like-minded organizations throughout our state and help establish homes for trafficked children.**

FFA is asking for donor consideration to sponsor the school videos, which are packed with information to protect children from predators and traffickers. The videos are fast moving with strong graphics and over 5 students, educated in trafficking, share the content. The Martin County Sheriff's office appears in the video to speak about sexting and sextortion, the fastest growing gateway to sex trafficking, which is now in every school. Training is provided through the Florida State Alliance to End Human Trafficking, under Attorney General Ashley Moody, and through our CEO Lynne Barletta, who has been working with trafficked children and served as the expert on child trafficking on South Florida news for over 10 years.

Your donation will help save the lives of children, as child trafficking is now the fastest growing crime in the world!

Thank you for your consideration,

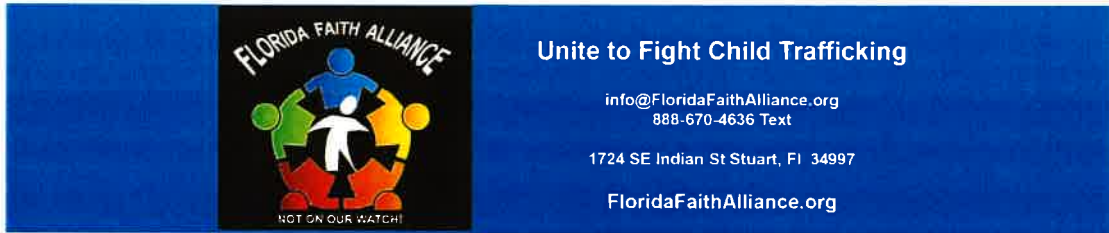
Lynne Barletta

CEO Florida Faith Alliance

Please make checks out to Florida Faith Alliance and mail to 1724 SE Indian St Stuart, FL 34990

Credit Card Donations: FloridafaithAlliance.org/donate Call or text: 888-670-4638

FloridaFaithAlliance.org VisionarySchoolofArts.org



BE A SPONOR FOR SCHOOL VIDEOS!

“Don’t Take the Bait” video for elementary school students in public schools.
“Don’t Take the Bait” video for middle school and high school students in public schools.
Child Trafficking Awareness training 1 hour video for teachers and staff.



Diamond Sponsor Receives *full social media* solo recognition with multiple posts, Website Headline, announcements at events, signage, and scrolling credit headline (Seen at each viewing) Video trailers on social media. Live awareness training for your entire company with Founder / CEO Lynne Barletta \$100,000.00+



Platinum Sponsor Receives Facebook posts with solo recognition, website recognition, announcements at events, signage, and scrolling credit headline below Diamond Sponsor. Video Trailer on Social Media) \$50,000.00 +



Gold Sponsor Receives Facebook post, Website recognition, Signage at events, announcements at events, scrolling credit Included in multiple sponsor video trailer . (Seen at each viewing) \$25,000.00



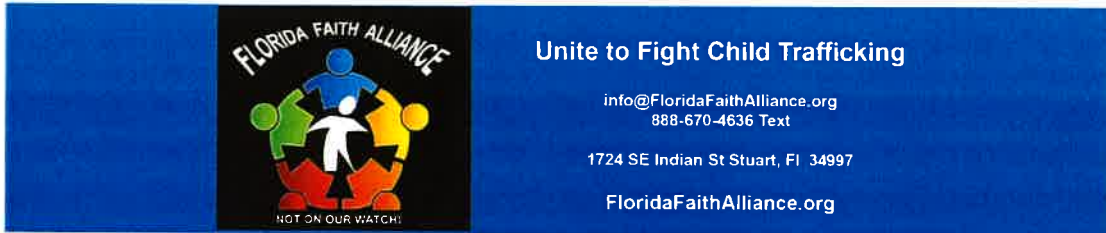
Silver Sponsor Receives Facebook posts, Website recognition, Signage at events, scrolling credit (Seen at each viewing) Included in multiple sponsor video trailer \$10,000.00

Heroes Receives Facebook post, Website recognition, Signage at events, scrolling credit (Seen at each viewing) \$5,000.00+

Lifeguards \$500 + Website recognition, Signage at events, scrolling credit

Phone _____ Email _____

Please make checks out to Florida Faith Alliance and mail to 1724 SE Indian St Stuart, FL 34990
 Credit Card Donations: FloridafaithAlliance.org/donate Call or text: 888-670-4638



Projected Budget for Public School Awareness Videos:

Teacher Video 1 Hour

Middle School / High School 20 Minutes

Elementary School 15 minutes

Hand out study sheet curriculum with each video for class discussion.

Production	\$32,000.00
Online Hosting	\$3,600.00
Tech Support Staff for Schools	\$35,000.00
Marketing state-wide first year:	\$40,000.00
First year total	\$110,600.00

Each Year videos will be updated and reproduced. Production costs includes staff, licensing, plug ins, research, creation, training, and filming. All sponsorships will be applied directly to video costs as listed.

Saving children from the travesty of the worst form of slavery on earth is our mission, and we thank you for joining us as we unite to fight child trafficking!

Lynne Barletta
CEO Visionary School of Arts and Florida Faith Alliance



Matthew Biondolillo <matthewbiondolillo3@gmail.com>

Wojcieszak & Associates Engineering Report Air Conditioners at Seawalk

Matthew Biondolillo <matthewbiondolillo3@gmail.com>

1 November 2023 at 07:55

To: Permits <permits@townofoceanbreeze.org>

Cc: david@dwogo.com

Pam

Thank you for providing a copy of the Preliminary Reports related to an HVAC and insulation inspection conducted by Mr. Wojcieszak, P.E. I plan to review the report in detail. Meanwhile, I wanted to address the following two concerns regarding elevated humidity at the thermostat.

- dryer vent in the wall cavity
- air leak adjoining the HVAC plenum inside the utility closet

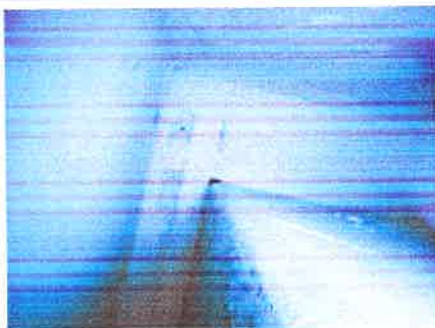
First, in Section 2.1.4, Mr. Wojcieszak stated that the humidity reading at the thermostat increases when the dryer is on. While this is true, I'd like to understand the basis of the stated 90%. As the homeowner, the stated percentage is significantly higher than anything we've ever observed. Mr. Wojcieszak suggests that this observation indicates that the dryer duct is leaking into the wall. I concur with Mr. Wojcieszak. I've also observed that while the humidity reading at the thermostat increases when the dryer is on, the humidity reading quickly decreases quickly when an outside door is opened. This suggests that the thermostat reading may be influenced by the air pressure (positive/negative) within the indoor space.

Second, in Section 2.1.4, I noticed that the presence of an air leak adjoining the HVAC plenum inside the utility closet (at 2680 NE Breezeway Circle) was omitted in the Preliminary Report. Mr. Wojcieszak and I discussed this issue and he took a photograph. I have attached a photograph that I took of the air leak for your reference. It's a bit disheartening that this condition was excluded from the report.

Following Mr. Wojcieszak's assessment, the air leak was temporarily dressed using caulk. However, please note that we're still waiting for D.R. Horton to implement a permanent repair associated with the drywall and plenum. Since the temporary fix, we've noticed that humidity levels within the living space have decreased notably. As a result, we no longer have to constantly use a dehumidifier to remove moisture to keep humidity within a comfortable and safe range. Is it possible that the HVAC unit is/was pulling air (with high humidity and particulates) from the attic space? In addition, we've noticed that the HVAC air filters are lasting much longer.

Kind regards,
Matthew

[Quoted text hidden]



IMG_5101.jpeg
2683K



Matthew Biondolillo <matthewbiondolillo3@gmail.com>

Wojcieszak & Associates Engineering Report Air Conditioners at Seawalk

Matthew Biondolillo <matthewbiondolillo3@gmail.com>

1 January 2024 at 10:12

To: Permits <permits@townofoceanbreeze.org>

Cc: Zachary Griffin <ZacharyGriffin@forestar.com>, Gary W Brunk <gwbrunk@drhorton.com>, "Michael J. Cristoforo" <MCristoforo@crarybuchanan.com>, "Teresa G. Schriver" <Teresa@crarybuchanan.com>, "Nicole M. Laliberte" <Nicole@crarybuchanan.com>, Rick Crary <RCII@crarybuchanan.com>, "steve.buildingofficial@gmail.com" <steve.buildingofficial@gmail.com>, "Terry O'Neil (terracewoneil@gmail.com)" <terracewoneil@gmail.com>, Town Clerk <townclerk@townofoceanbreeze.org>, "shaun@mackenzieengineeringinc.com" <shaun@mackenzieengineeringinc.com>, Alexander Pope <seawalkalexpoppe@gmail.com>, Deborah Ross <dir@reblawpa.com>, "klittle@haleyward.com" <klittle@haleyward.com>, Melissa Corbett <mcorbett@haleyward.com>, "zkolenut@aol.com" <zkolenut@aol.com>, "josofia08@gmail.com" <josofia08@gmail.com>, "barbrichmond143@hotmail.com" <barbrichmond143@hotmail.com>, "kelleygreeninc@gmail.com" <kelleygreeninc@gmail.com>, "jenna.cocorullo@gmail.com" <jenna.cocorullo@gmail.com>, "nicole.manna21@yahoo.com" <nicole.manna21@yahoo.com>, "vaughn6368@gmail.com" <vaughn6368@gmail.com>, "tvecellio40@yahoo.com" <tvecellio40@yahoo.com>, "j.beert@yahoo.com" <j.beert@yahoo.com>, "jennmigs@gmail.com" <jennmigs@gmail.com>, "hnursing1@gmail.com" <hnursing1@gmail.com>, "jarodspades@gmail.com" <jarodspades@gmail.com>, "prodiver48@yahoo.com" <prodiver48@yahoo.com>, "billnissen23@gmail.com" <billnissen23@gmail.com>, "pjl256sr@gmail.com" <pjl256sr@gmail.com>, "amigs22@gmail.com" <amigs22@gmail.com>, "miramarmario@comcast.net" <miramarmario@comcast.net>, "mikeheller1231@gmail.com" <mikeheller1231@gmail.com>, "gailandalley@yahoo.com" <gailandalley@yahoo.com>, "reese.liz53@yahoo.com" <reese.liz53@yahoo.com>, "tmetz.music@gmail.com" <tmetz.music@gmail.com>, "hlsloan14@gmail.com" <hlsloan14@gmail.com>, "mnav2@snet.net" <mnav2@snet.net>, "mattsquires@live.com" <mattsquires@live.com>, "cindyslost@gmail.com" <cindyslost@gmail.com>, "toniann.panetta@gmail.com" <toniann.panetta@gmail.com>, "bdavido@yahoo.com" <bdavido@yahoo.com>, "bill.hoblitzell@yahoo.com" <bill.hoblitzell@yahoo.com>, "hlyle2@gmail.com" <hlyle2@gmail.com>, Jason H <harbolic@gmail.com>, Liz Reese <ereese@townofoceanbreeze.org>, Gina Kent <gkent@townofoceanbreeze.org>, Ken De Angeles <kdeangeles@townofoceanbreeze.org>, Kevin Docherty <kdocherty@townofoceanbreeze.org>, Karen Ostrand <mayor@townofoceanbreeze.org>, Sandy Kelley <skelley@townofoceanbreeze.org>

Bcc: Julie Biondolillo <juliebiondo1@gmail.com>

Pam and others

We hope everybody had a safe and happy holiday season. We're reaching out to you because we never received a response to the email dated November 1, 2023 related to the HVAC inspection conducted by Mr. Wojcieszak. The former email message is attached for your convenience. As part of this followup correspondence, we have cast a broader net on the original email distribution list to encourage input from others with similar experience(s).

As it relates to the suspected air leak associated with the dryer vent pipe, we have the following questions:

- While the dryer is operating, is hot air and moisture escaping into our home through the vent pipe?
- Can a leaking dryer vent pipe cause dust, mildew, and/or mold to build up?
- Can this condition cause or agitate respiratory issues or allergies?
- Does this condition create negative or positive air pressure inside our home?
- Is relative humidity depicted on the thermostat influenced by air pressure?
- Should this issue be addressed promptly?

As it relates to the air leak adjoining the HVAC plenum inside the utility closet (photograph was provided previously), our questions are as follows:

- Does the air leak affect the air supply to the HVAC air handler?
- Given this condition, will the air handler pull hot, humid, dusty, unconditioned air from the attic into the living space of our home?
- Could contaminants introduced within the air supply from the attic affect indoor air quality?
- Can contaminants within an air supply cause or agitate respiratory issues or allergies?
- Could this leak cause the air handler to work less efficiently, translating to higher cooling costs?
- Does this condition create negative or positive air pressure inside our home?
- Was this compromise in the building walls (drywall, painted per Section 3.1) factored into the heat load calculations?
- Should this issue be addressed promptly?

The heat load calculations are based on equipment specifications and common features associated with the permitted air conditioning plans. However, the effective energy efficiency of the as-built structure was not factored as part of the calculations. For example, an assumed roof insulation rating of R-30 was used as a basis of the heat load calculation. However, at 2680 NE Breezeway Circle, Mr. Wojcieszak neither inspected the building materials within the attic space nor assessed the presence and/or thickness of the roof insulation. Based on communications with numerous homeowners, it's evident that roof insulation may not have been installed according to the permitted air conditioning plans. For example, following a period of time after purchasing a house and moving in, one homeowner observed that no roof insulation was installed in the attic. Other homeowners have observed that roof insulation wasn't installed to the proper thickness (e.g., photograph IMG_4214) required to achieve the R-30 rating. A few questions are as follows:

- Can you please explain what the actual R-rating would be for blown-in roof insulation that's on average thickness of 6-inches according to the manufacturer's specifications?
- Is it possible that roof insulation could have been installed improperly and/or been impacted, such as compressed, by water entering through an off-ridge vent (missing external baffle) within the roofing system?
- Would a revised R-rating based on as-built conditions of the structure affect the heat load calculation?
- When roof insulation is less than R-30, would this represent poor workmanship or failure to follow industry standards and/or manufacturer's installation instructions?
- When roof insulation is less than R-30, would this represent a violation of Florida Building Code and/or the Town's Building Official permitting process?

As it pertains to other building materials used as the basis for the heat load calculations, was the wall insulation rating of R-4 assumed based on permitted air conditioning plans or was it assessed as part of the onsite evaluation? While we understand the difficulties with assessing the wall insulation at this time by means of visual observation, are there other methods commonly used within the industry?

During the on-site inspection, Mr. Wojcieszak assessed the windows in the Master bedroom, a major component of the building envelope and a significant factor pertaining to energy efficiency. He observed that the double-hung windows had cracked glass and/or broken seals. However, similar to the matter related to the air supply above, it's noted that these observations were omitted from the report. Can you please provide justification for exclusion of this said information related to the building envelope? Particularly, because these windows, which have been compromised since construction of the home, remain as an incomplete item on the construction punch-list as well as are a component of the heat load calculation. And, it's evident that windows significantly influence the energy efficiency of any home. The attached photographs (IMG_1842, IMG_1843 and IMG_1853) illustrate that water intrusion is evident through the window(s). Our comments and/or questions are as follows:

- Do double-pane glass and window seals provide an insulating barrier between the inside and outside of our home?
- Does cracked glass allow indoor conditioned air to escape and outdoor air to enter the conditioned space within our home?
- When a seal is broken, is the window's insulating capacity reduced?
- If water intrusion is evident through a window, is the likelihood of increased heat loss and/or gain through air movement a reasonable assumption?
- How does the observed compromised condition of the double hung windows affect the U-value and SHGC used as the basis of the heat load calculations?
- Does a cracked window and/or compromised seal make it difficult to maintain a constant temperature and/or humidity within a home?
- Could this defect cause higher cooling costs?
- Should this window with cracked glass and/or compromised seal be repaired promptly?

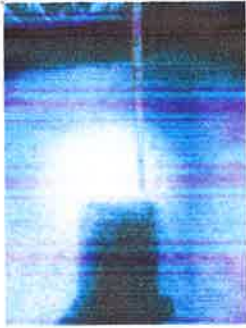
In Section 1.4.4, Mr. Wojcieszak stated that "WA did not observe any specific locations of mold and mildew." Can you, please, elaborate on what specific surfaces were assessed and/or tested and how specifically? While Mr. Wojcieszak is a licensed Mechanical Engineer in the State of Florida, is he also a Licensed Mold Assessor in the State of Florida? The requested details will be useful to share with other inspectors.

We thank you for your time and look forward to your response. Happy new year!

Sincerely,
Matthew Biondolillo

On Wed, 25 Oct 2023 at 13:35, Permits <permits@townofcoceanbreeze.org> wrote:
[Quoted text hidden]

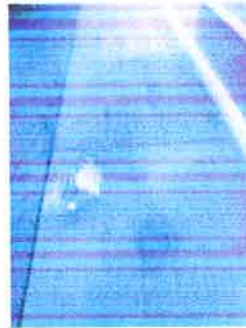
5 attachments



IMG_4214.jpeg
2851K



IMG_1842.jpeg
2127K



IMG_1852.jpeg
1449K



IMG_1843.jpeg
2441K

 **20231101_Gmail - Wojcieszak & Associates Engineering Report Air Conditioners at Seawalk.pdf**
131K



**A Universal
Engineering
Sciences
Company**

**UES Project No: 3310.2100080.0000
Workorder No: 249735-1
Report Date: 10/26/2021**

607 Northwest Commodity Cove, Port St. Lucie, FL 34986 - P: 772-824-3575 - F: 772-824-3580

In-Place Density Test Report

Client: D. R. Horton America's Builder
6123 Lyons Rd Suite 100
Coconut Creek, FL 33073

UES Technician: Nakia Sutton
Date Tested: 10/25/2021

Project: CSD/CMT Seawalk - DR HORTON
Hickory Ridge Ave, South of NE 29th Terrace, Hope Sound, County, FL

Type of Test:

Area Tested: Lot 24 / 2670 NE Breezeway Circle,
Ocean Breeze

Field: ASTM D-6938 Nuclear Gauge Method

Material: Fill

Laboratory: ASTM D1557 Modified Proctor

Reference Datum: 0 = Top of Fill

The tests below meet the 95% minimum compaction requirement.

Test No.	Location of Test	Range	Maximum Density (pcf)	Optimum Moisture (%)	Field Dry Density (pcf)	Field Moisture (%)	Soil Compaction (%)	Pass or Fail
1	NW / Corner	0-1 ft	108.1	11.4	103.0	10.6	95	Pass
2	SE / Corner	0-1 ft	108.1	11.4	102.9	9.9	95	Pass
3	Center	0-1 ft	108.1	11.4	102.7	10.7	95	Pass

Remarks: 2ft below stripped surface plumbing form present HCP=50+, > 95 % Compaction, PASS. HCP tests are empirically correlated to the relative density of the soil.

Permit # 2022300

Reviewed By
GFA International, Inc
FBPE Registry No.4930



Digitally signed by
Alexander Albandoz
Date: 2021.10.26
12:32:01 -04'00'

Alex Albandoz, P.E.

STATE OF FLORIDA
Professional Engineer No. 92555

This item has been digitally signed and sealed by Alex Albandoz, P.E. on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

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A Universal
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Sciences
Company

UES Project No: 3310.1800066.0000
Workorder No: 225929-1
Report Date: 02/26/2021

607 Northwest Commodity Cove, Port St. Lucie, FL 34986 - P: 772-924-3575 - F: 772-924-3580

In-Place Density Test Report

Client: FORESTAR (USA) REAL ESTATE GROUP, INC.
10700 Pecan Park Blvd., Suite 150
Austin, TX 78750

UES Technician: Mark Rogers
Date Tested: 02/25/2021

Project: 18-3811 OCEAN BREEZE PARK WEST AKA SEAWAL
GFA Proposal #18-3811.00 NAEtwaru@drhorton.com, REServices@forestar.com, County,

Area Tested: Ocean Breeze Lot 14

Material: Backfill

Reference Datum: 0 = Top of Fill

Type of Test:

Field: ASTM D-6938 Nuclear Gauge Method

Laboratory: ASTM D1557 Modified Proctor

The tests below meet the 95% minimum compaction requirement.

Test No.	Location of Test	Range	Maximum Density (pcf)	Optimum Moisture (%)	Field Dry Density (pcf)	Field Moisture (%)	Soil Compaction (%)	Pass or Fail
1	Northeast corner of lot	0-1 ft	107.2	11.3	106.5	11.1	99	Pass
2	Southwest corner of lot	0-1 ft	107.2	11.3	105.4	11.0	98	Pass
3	Center of lot	0-1 ft	107.2	11.3	104.6	11.0	98	Pass

Remarks: Above stripped surface 1-2', 2-3' HCP=60+, > 95 % Compaction, PASS. HCP tests are empirically correlated to the relative density of the soil.

Reviewed By
GFA International, Inc
Certificate of Authorization No. 4930



To establish a mutual protection to Universal's clients, the Public and ourselves, all reports are submitted as confidential property of our clients and authorization for publication of statements, conclusions or extracts from or regarding Universal's reports is reserved pending our written approval.



Designation: D 6938 – 07

Standard Test Methods for In-Place Density and Water Content of Soil and Soil- Aggregate by Nuclear Methods (Shallow Depth)¹

This standard is issued under the fixed designation D 6938; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

1. Scope*

1.1 This test method describes the procedures for measuring in-place density and moisture of soil and soil-aggregate by use of nuclear equipment. The density of the material may be measured by direct transmission, backscatter, or backscatter/air-gap ratio methods. Measurements for water (moisture) content are taken at the surface in backscatter mode regardless of the mode being used for density. It is the intent of this subcommittee that this standard replaces D2922 and D3017.

1.1.1 For limitations see Section 5 on Interferences.

1.2 The total or wet density of soil and soil-aggregate is measured by the attenuation of gamma radiation where, in direct transmission, the source is placed at a known depth up to 300 mm (12 in.) and the detector (s) remains on the surface (some gauges may reverse this orientation); or in backscatter or backscatter/air-gap the source and detector (s) both remain on the surface.

1.2.1 The density of the test sample in mass per unit volume is calculated by comparing the detected rate of gamma radiation with previously established calibration data.

1.2.2 The dry density of the test sample is obtained by subtracting the water mass per unit volume from the test sample wet density (Section 11). Most gauges display this value directly.

1.3 The gauge is calibrated to read the water mass per unit volume of soil or soil-aggregate. When divided by the density of water, and then multiplied by 100, the water mass per unit volume is equivalent to the volumetric water content. The water mass per unit volume is determined by the thermalizing or slowing of fast neutrons by hydrogen, a component of water. The neutron source and the thermal neutron detector are both located at the surface of the material being tested. The water content most prevalent in engineering and construction activities is known as the gravimetric water content, w , and is the ratio of the mass of the water in pore spaces to the total mass of solids, expressed as a percentage.

1.4 Two alternative procedures are provided.

1.4.1 *Procedure A* describes the direct transmission method in which the gamma source rod extends through the base of the gauge into a pre-formed hole to a desired depth. The direct transmission is the preferred method.

1.4.2 *Procedure B* involves the use of a dedicated backscatter gauge or the source rod in the backscatter position. This places the gamma and neutron sources and the detectors in the same plane.

1.5 *SI Units*—The values stated in SI units are to be regarded as the standard. The values in inch-pound units (ft-lb units) are provided for information only.

1.6 All observed and calculated values shall conform to the guide for significant digits and rounding established in Practice D 6026.

1.6.1 The procedures used to specify how data are collected, recorded, and calculated in this standard are regarded as the industry standard. In addition, they are representative of the significant digits that should generally be retained. The procedures used do not consider material variation, purpose for obtaining the data, special purpose studies, or any considerations for the user's objectives; and it is common practice to increase or reduce significant digits of reported data to be commensurate with these considerations. It is beyond the scope of this standard to consider significant digits used in analysis methods for engineering design.

1.7 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

2. Referenced Documents

2.1 *ASTM Standards*:²

D 653 Terminology Relating to Soil, Rock, and Contained Fluids

D 698 Test Methods for Laboratory Compaction Characteristics of Soil Using Standard Effort (12,400 ft-lbf/ft³ (600 kN-m/m³))

¹ This test method is under the jurisdiction of ASTM Committee D18 on Soil and Rock and is the direct responsibility of Subcommittee D18.08 Special and Construction Control Tests.

Current edition approved May 1, 2007. Published June 2007. Originally approved in 2006. Last previous edition approved in 2006 as D 6938-06¹.

² For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For *Annual Book of ASTM Standards* volume information, refer to the standard's Document Summary page on the ASTM website.

*A Summary of Changes section appears at the end of this standard.

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- D 1556** Test Method for Density and Unit Weight of Soil in Place by the Sand-Cone Method
- D 1557** Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lbf/ft³ (2,700 kN-m/m³))
- D 2167** Test Method for Density and Unit Weight of Soil in Place by the Rubber Balloon Method
- D 2487** Practice for Classification of Soils for Engineering Purposes (Unified Soil Classification System)
- D 2488** Practice for Description and Identification of Soils (Visual-Manual Procedure)
- D 2216** Test Methods for Laboratory Determination of Water (Moisture) Content of Soil and Rock by Mass
- D 2937** Test Method for Density of Soil in Place by the Drive-Cylinder Method
- D 3740** Practice for Minimum Requirements for Agencies Engaged in the Testing and/or Inspection of Soil and Rock as Used in Engineering Design and Construction
- D 4253** Test Methods for Maximum Index Density and Unit Weight of Soils Using a Vibratory Table
- D 4254** Test Methods for Minimum Index Density and Unit Weight of Soils and Calculation of Relative Density
- D 4643** Test Method for Determination of Water (Moisture) Content of Soil by the Microwave Oven Method
- D 4718** Practice for Correction of Unit Weight and Water Content for Soils Containing Oversize Particles
- D 4944** Test Method for Field Determination of Water (Moisture) Content of Soil by the Calcium Carbide Gas Pressure Tester
- D 4959** Test Method for Determination of Water (Moisture) Content of Soil By Direct Heating
- D 6026** Practice for Using Significant Digits in Geotechnical Data
- D 7013** Guide for Nuclear Surface Moisture and Density Gauge Calibration Facility Setup

3. Terminology

3.1 Definitions - See Terminology **D 653** for general definitions.

3.2 *Definitions of Terms Specific to This Standard:*

3.2.1 *Nuclear Gauge*—A device containing one or more radioactive sources used to measure certain properties of soil and soil-aggregates.

3.2.2 *In-place Density*—The total mass (solids plus water) per total volume of soil or soil-aggregates measured in place.

3.2.3 *Gamma (Radiation) Source*—A sealed source of radioactive material that emits gamma radiation as it decays.

3.2.4 *Neutron (Radiation) Source*—A sealed source of radioactive material that emits neutron radiation as it decays.

3.2.5 *Compton Scattering*—The interaction between a gamma ray (photon) and an orbital electron where the gamma ray loses energy and rebounds in a different direction.

3.2.6 *Detector*—A device to detect and measure radiation.

3.2.7 *Source Rod*—A metal rod attached to a nuclear gauge in which a radioactive source or a detector is housed. The rod can be lowered to specified depths for testing.

3.2.8 *Thermalization*—The process of “slowing down” fast neutrons by collisions with light-weight atoms, such as hydrogen.

3.2.9 *Water Content*—The ratio of the mass of water contained in the pore spaces of soil or soil-aggregate, to the solid mass of particles in that material, expressed as a percentage (*this is sometimes referred to in some scientific fields as gravimetric water content to differentiate it from volumetric water content*).

3.2.10 *Volumetric Water Content*—the volume of water as a percent of the total volume of soil or rock material.

3.2.11 *Test Count, N*—The measured output of a detector for a specific type of radiation for a given test.

3.2.12 *Prepared Blocks*—Blocks prepared of soil, solid rock, concrete, and engineered materials, that have characteristics of various degrees of reproducible uniformity.

4. Significance and Use

4.1 The test method described is useful as a rapid, nondestructive technique for in-place measurements of wet density and water content of soil and soil-aggregate and the determination of dry density.

4.2 The test method is used for quality control and acceptance testing of compacted soil and soil-aggregate mixtures as used in construction and also for research and development. The non-destructive nature allows repetitive measurements at a single test location and statistical analysis of the results.

4.3 *Density*—The fundamental assumptions inherent in the methods are that Compton scattering is the dominant interaction and that the material is homogeneous.

4.4 *Water Content*—The fundamental assumptions inherent in the test method are that the hydrogen ions present in the soil or soil-aggregate are in the form of water as defined by the water content derived from Test Methods **D 2216**, and that the material is homogeneous. (See **5.2**)

NOTE 1—The quality of the result produced by this standard test method is dependent on the competence of the personnel performing it, and the suitability of the equipment and facilities used. Agencies that meet the criteria of Practice **D 3740** are generally considered capable of competent and objective testing/sampling/inspection, and the like. Users of this standard are cautioned that compliance with Practice **D 3740** does not in itself assure reliable results. Reliable results depend on many factors; Practice **D 3740** provides a means of evaluating some of those factors.

5. Interferences

5.1 *In-Place Density Interferences*

5.1.1 Measurements may be affected by the chemical composition of the material being tested.

5.1.2 Measurements may be affected by non-homogeneous soils and surface texture (see **10.2**).

5.1.3 Measurements in the Backscatter Mode are influenced more by the density and water content of the material in close proximity to the surface.

5.1.4 Measurements in the Direct Transmission mode are an average of the density from the bottom of the probe in the ground back up to the surface of the gauge.

5.1.5 Oversize particles or large voids in the source-detector path may cause higher or lower density measurements. Where lack of uniformity in the soil due to layering, aggregate or voids is suspected, the test site should be excavated and

visually examined to determine if the test material is representative of the in-situ material in general and if an oversize correction is required in accordance with Practice D 4718.

5.1.6 The measured volume is approximately 0.0028 m³ (0.10 ft³) for the Backscatter Mode and 0.0057 m³ (0.20 ft³) for the Direct Transmission Mode when the test depth is 150 mm (6 in.). The actual measured volume is indeterminate and varies with the apparatus and the density of the material.

5.1.7 Other radioactive sources must not be within 9 m (30 ft.) of equipment in operation.

5.2 *In-Place Water (Moisture) Content Interferences*

5.2.1 The chemical composition of the material being tested can affect the measurement and adjustments may be necessary (see Section 10.6). Hydrogen in forms other than water and carbon will cause measurements in excess of the true value. Some chemical elements such as boron, chlorine, and cadmium will cause measurements lower than the true value.

5.2.2 The water content measured by this test method is not necessarily the average water content within the volume of the sample involved in the measurement. Since this measurement is by backscatter in all cases, the value is biased by the water content of the material closest to the surface. The volume of soil and soil-aggregate represented in the measurement is indeterminate and will vary with the water content of the material. In general, the greater the water content of the material, the smaller the volume involved in the measurement. Approximately 50 % of the typical measurement results from the water content of the upper 50 to 75 mm (2 to 3 in.).

5.2.3 Other neutron sources must not be within 9 m (30 ft) of equipment in operation.

6. Apparatus

6.1 *Nuclear Density / Moisture Gauge*—While exact details of construction of the apparatus may vary, the system shall consist of:

6.1.1 *Gamma Source*—A sealed source of high-energy gamma radiation such as cesium or radium.

6.1.2 *Gamma Detector*—Any type of gamma detector such as a Geiger-Mueller tube(s).

6.1.3 *Fast Neutron Source*—A sealed mixture of a radioactive material such as americium, radium and a target material such as beryllium, or a neutron emitter such as californium-252.

6.1.4 *Slow Neutron Detector*—Any type of slow neutron detector such as boron trifluoride or helium-3 proportional counter.

6.2 *Reference Standard*—A block of material used for checking instrument operation, correction of source decay, and to establish conditions for a reproducible reference count rate.

6.3 *Site Preparation Device*—A plate, straightedge, or other suitable leveling tool that may be used for planing the test site to the required smoothness, and in the Direct Transmission Method, guiding the drive pin to prepare a perpendicular hole.

6.4 *Drive Pin*—A pin of slightly larger diameter than the probe in the Direct Transmission Instrument used to prepare a hole in the test site for inserting the probe.

6.4.1 *Drive Pin Guide*—A fixture that keeps the drive pin perpendicular to the test site. Generally part of the site preparation device.

6.5 *Hammer*—Heavy enough to drive the pin to the required depth without undue distortion of the hole.

6.6 *Drive Pin Extractor*—A tool that may be used to remove the drive pin in a vertical direction so that the pin will not distort the hole in the extraction process.

6.7 *Slide Hammer*, with a drive pin attached, may also be used both to prepare a hole in the material to be tested and to extract the pin without distortion to the hole.

7. Hazards

7.1 These gauges utilize radioactive materials that may be hazardous to the health of the users unless proper precautions are taken. Users of these gauges must become familiar with applicable safety procedures and government regulations.

7.2 Effective user instructions, together with routine safety procedures and knowledge of and compliance with Regulatory Requirements, are a mandatory part of the operation and storage of these gauges.

8. Calibration

8.1 Calibration of the gauge will be in accordance with Annex A1 and Annex A2.

8.2 For further reference on gauge calibration, see Guide D 7013, Standard Guide for Nuclear Surface Moisture and Density Gauge Calibration Facility Setup.

9. Standardization

9.1 Nuclear moisture density gauges are subject to long-term aging of the radioactive sources, which may change the relationship between count rates and the material density and water content. To correct for this aging effect, gauges are calibrated as a ratio of the measurement count rate to a count rate made on a reference standard or to an air-gap count (for the backscatter/air-gap ratio method).

9.2 Standardization of the gauge shall be performed at the start of each day's use, and a record of these data should be retained for the amount of time required to ensure compliance with either subsection 9.2.2 or 9.2.3, whichever is applicable. Perform the standardization with the gauge located at least 9 m (30 ft) away from other nuclear moisture density gauges and clear of large masses of water or other items which can affect the reference count rates.

9.2.1 Turn on the gauge and allow for stabilization according to the manufacturer's recommendations. If the gauge is to be used either continuously or intermittently during the day, it is best to leave it in the "power on" condition to prevent having to repeat the stabilization (refer to manufacturer's recommendations). This will provide more stable, consistent results.

9.2.2 Using the reference standard, take at least four repetitive readings at the normal measurement period and obtain the mean. If available on the gauge, one measurement at four or more times the normal measurement period is acceptable. This constitutes one standardization check.

Use the procedure recommended by the gauge manufacturer to establish the compliance of the standard measurement to the accepted range. Without specific recommendations from the gauge manufacturer, use the procedure in 9.2.3.

9.2.3 If the value of the current standardization count is outside the limits set by Eq 1, repeat the standardization check.

If the second standardization check satisfies Eq 1, the gauge is considered in satisfactory operating condition. If the second standardization check does not satisfy Eq 1, the gauge calibration should be checked and verified according to **Annex A1 and Annex A2**, Sections **A1.2 and A2.2**. If the verification shows that the gauge meets the requirements of both **Annex A1 and Annex A2**, Sections **A1.2 and A2.2**, then, a new reference standard count, N_o , should be established.

If the verification check shows that the gauge fails to meet the requirements of both **Annex A1 and Annex A2**, Section **A1.2 and A2.2**, then repair and recalibrate the gauge.

$$N_s = N_o + 1.96 \sqrt{(N_o / F)} \quad (1)$$

where:

N_s = value of current standardization count,

N_o = average of the past four values of N_s taken for prior usage.

F = factory pre-scale factor. The pre-scale value (F) is a divisor which reduces the actual value for the purpose of display. The manufacturer will supply this value if other than 1.0. Some instruments may have provisions to compute and display this value

9.2.3.1 If a gauge has not had a standard count taken for three months or more, the user should repeat the standardization procedure in this section or follow the recommendations of the manufacturer. If for any reason the measured density becomes suspect during the day's use, perform another standardization check.

10. Procedure

10.1 Always select a test location where the gauge will be placed at least 150 mm (6 in.) away from any vertical mass; and anytime the measurements are going to be conducted within 600 mm (24 inches) of a vertical projection, such as in a trench, follow the gauge manufacturer's correction procedures.

10.2 *Prepare the test site in the following manner:*

10.2.1 Remove all loose and disturbed material and additional material as necessary to expose the true surface of the material to be tested.

10.2.2 Prepare a horizontal area sufficient in size to accommodate the gauge by grading or scraping the area to a smooth condition so as to obtain maximum contact between the gauge and material being tested.

10.2.3 The depth of the maximum void beneath the gauge shall not exceed 3 mm ($1/8$ in.). Use native fines or fine sand to fill the voids and smooth the surface with a rigid straight edge or other suitable tool. The depth of the filler should not exceed approximately 3 mm ($1/8$ in.).

10.2.4 The placement of the gauge on the surface of the material to be tested is critical to accurate density measurements. The optimum condition is total contact between the bottom surface of the gauge and the surface of the material being tested. The total area filled should not exceed approximately 10 percent of the bottom area of the gauge.

10.3 Turn on and allow the gauge to stabilize (warm up) according to the manufacturer's recommendations (see Section 9.2.1).

10.4 *Procedure A - The Direct Transmission Procedure:*

10.4.1 Select a test location where the gauge in test position will be at least 150 mm (6 in.) away from any vertical projection

10.4.2 Make a hole perpendicular to the prepared surface using the rod guide and drive pin. The hole should be a minimum of 50 mm (2 inches) deeper than the desired measurement depth and of an alignment that insertion of the probe will not cause the gauge to tilt from the plane of the prepared area.

10.4.3 Mark the test area to allow the placement of the gauge over the test site and to align the source rod to the hole. Follow the manufacturer's recommendations if applicable.

10.4.4 Remove the hole-forming device carefully to prevent the distortion of the hole, damage to the surface, or loose material to fall into the hole.

NOTE 2—Care must be taken in the preparation of the access hole in uniform cohesionless granular soils. Measurements can be affected by damage to the density of surrounding materials when forming the hole.

10.4.5 Place the gauge on the material to be tested, ensuring maximum surface contact as described previously in 10.2.4.

10.4.6 Lower the probe into the hole to the desired test depth. Pull the gauge gently toward the back, or detector end, so that the back side of the probe is in intimate contact with the side of the hole in the gamma measurement path.

NOTE 3—As a safety measure, it is recommended that a probe containing radioactive sources not be extended out of its shielded position prior to placing it into the test site. When possible, align the gauge so as to allow placing the probe directly into the test hole from the shielded position.

10.4.7 Keep all other radioactive sources at least 9 m (30 feet) away from the gauge to avoid any effect on the measurement.

10.4.8 If the gauge is so equipped, set the depth selector to the same depth as the probe.

10.4.9 Secure and record one or more one-minute density and water content readings. Read the in-place wet density directly or determine one by use of the calibration curve or table previously established.

10.4.10 Read the water content directly or determine the water content by use of the calibration curve or table previously established.

10.5 *Procedure B -The Backscatter or Backscatter/Air-Gap Ratio Procedure:*

10.5.1 Seat the gauge firmly (see Note 2).

10.5.2 Keep all other radioactive sources at least 9m (30 ft) away from the gauge to avoid affecting the measurement.

10.5.3 Set the gauge into the Backscatter (BS) position.

10.5.4 Secure and record one or more set(s) of one-minute density and water content readings. When using the backscatter/air-gap ratio mode, follow the manufacturer's instructions regarding gauge setup. Take the same number of readings for the normal measurement period in the air-gap position as in the standard backscatter position. Calculate the air-gap ratio by dividing the counts per minute obtained in the air-gap position by the counts per minute obtained in the standard position. Many gauges have built-in provisions for automatically calculating the air-gap ratio and wet density.

10.5.5 Read the in-place wet density or determine one by use of the calibration curve or table previously established.

10.5.6 Read the water content or determine one by use of the calibration curve or previously established table (see Section 10.6).

10.6 *Water Content Correction and Oversize Particle Correction*

10.6.1 For proper use of the gauge and accurate values of both water content and dry density, both of these corrections need to be made when applicable.

Prior to using the gauge-derived water content on any new material, the value should be verified by comparison to another ASTM method such as Test Methods **D 2216**, **D 4643**, **D 4944**, or **D 4959**. As part of a user developed procedure, occasional samples should be taken from beneath the gauge and comparison testing done to confirm gauge-derived water content values. All gauge manufacturers have a procedure for correcting the gauge-derived water content values.

10.6.2 When oversize particles are present, the gauge can be rotated about the axis of the probe to obtain additional readings as a check. When there is any uncertainty as to the presence of these particles it is advisable to sample the material beneath the gauge to verify the presence and the relative proportion of the oversize particles. A rock correction can then be made for both water content and wet density by the method in Practice **D 4718**.

10.6.3 When sampling for water content correction or oversize particle correction, the sample should be taken from a zone directly under the gauge. The size of the zone is approximately 200 mm (8 in.) in diameter and a depth equal to the depth setting of the probe when using the direct transmission mode; or approximately 75 mm (3 in.) in depth when using the backscatter mode.

11. Calculation of Results

11.1 *Determine the Wet Density*

11.1.1 On most gauges read the value directly in kg/m³(lbm/ft³). If the density reading is in “counts”, determine the in-place wet density by use of this reading and the previously established calibration curve or table for density.

11.1.2 Record the density to the nearest 1 kg/m³(0.1 lbm/ft³).

11.2 *Water Content*

11.2.1 Use the gauge reading for w(%) of dry weight of soil, if the gauge converts to that value.

11.2.2 If the gauge determines water mass per unit volume in kg/m³(lbm / ft³), calculate *w* using the formula:

$$w = \frac{M_m \times 100}{\rho_d} \quad (2)$$

or,

$$w = \frac{M_m \times 100}{\rho - M_m} \quad (3)$$

where:

- w* = water content in percent of dry density
- ρ_d = dry density in kg/m³ or (lbm/ft³),
- ρ = wet density in kg/m³ or (lbm/ft³), and
- M_m = water mass per unit volume in kg/m³ or (lbm/ft³)

11.2.3 If the water content reading was in “counts”, determine the water mass per unit volume by use of this reading and previously established calibration curve or table. Then convert to gravimetric water content as per 11.2.2.

11.2.4 Record water content to the nearest 0.1 %.

11.3 *Determine the Dry Density of the soil by one of the following methods:*

11.3.1 If the water content is obtained by nuclear methods, use the gauge readings directly for dry density in kg/m³(lbm/ft³). The value can also be calculated from:

$$\rho_d = \rho - M_m \quad (4)$$

11.3.2 If the water content is to be determined from a sample of soil taken as prescribed in (10.6.3), follow the procedures and perform the calculations of the chosen Test Method (**D 2216**, **D 4643**, **D 4944**, or **D 4959**).

11.3.3 With a water content value from 11.3.2 calculate the dry density from:

$$\rho_d = \frac{100 \times \rho}{100 + w} \quad (5)$$

11.3.4 Report the dry density to the nearest 1 kg/m³(0.1 lbm/ft³).

11.4 *Determine the Percent Compaction:*

11.4.1 It may be desired to express the in-place dry density as a percentage of a laboratory density such as Test Methods **D 698**, **D 1557**, **D 4253**, or **D 4254**. This relationship can be calculated by dividing the in-place dry density by the laboratory maximum dry density and multiplying by 100. Procedures for calculating relative density are provided in Test Method **D 4254** which requires that Test Method **D 4253** also be performed. Corrections for oversize material, if required, should be performed in accordance with Practice **D 4718**.

12. Report: Test Data Sheet(s)/Form(s)/Final Report(s)

12.1 *The Field Data Records shall include, as a minimum, the following:*

- 12.1.1 Test Number or Test Identification.
- 12.1.2 Location of test (e.g.-Station number or GPS or Coordinates or other identifiable information).
- 12.1.3 Visual description of material tested.
- 12.1.4 Lift number or elevation or depth.
- 12.1.5 Name of the operator(s).
- 12.1.6 Make, model and serial number of the test gauge
- 12.1.7 Test mode, Method A (direct transmission and test depth), or Method B (backscatter, backscatter/air-gap),
- 12.1.8 Standardization and adjustment data for the date of the tests.
- 12.1.9 Any corrections made in the reported values and reasons for these corrections (i.e. over-sized particles, water content)
- 12.1.10 Maximum laboratory density value in kg/m³ or lbm/ft³.
- 12.1.11 Dry density in kg/m³ or lbm/ft³.
- 12.1.12 Wet density in kg/m³ or lbm/ft³.
- 12.1.13 Water content in percent
- 12.1.14 Percent Compaction.

12.2 *Final Report (minimum required information):*

12.2.1 Test Number.

12.2.2 **Gauge Serial number.**

12.2.3 Location of test (eg.-Station number or GPS or Coordinates or other identifiable information).

12.2.4 Lift number or elevation or depth.

12.2.5 Moisture (Water) content as a percent.

12.2.6 Maximum laboratory density value in kg/m³ or lbm/ft³.

12.2.7 Dry Density result in kg/m³ or lbm/ft³.

12.2.8 Percent Compaction.

12.2.9 Name of Operator(s).

13. Precision and Bias

13.1 Precision:

13.1.1 *Precision – Wet Density*—Criteria for judging the acceptability of wet density test results obtained by this test method are given in Table 1. The figure in column three represents the standard deviations that have been found to be appropriate for the materials tested in column one. The figures given in column four are the limits that should not be exceeded by the difference between the results of two properly conducted tests. The figures given are based upon an interlaboratory study in which five test sites containing soils, with wet densities as shown in column two were tested by eight different nuclear gauges and operators. The wet density of each test site was measured three times by each device.

13.1.2 *Precision – Water Content*—Criteria for judging the acceptability of the water content results obtained by this test method are given in Table 2. The value in column two is in the units actually reported by the nuclear gauge. The figures in column three represent the standard deviations that have been found to be appropriate for the materials tested in column one. The figures given in column four are the limits that should not be exceeded by the difference between the results of two properly conducted tests. The figures given are based upon an inter-laboratory study in which five test sites containing soils, with water content as shown in column two were tested by eight different nuclear gauges and operators. The water content of each test site was measured three times by each device.

13.2 Bias:

13.2.1 There are no accepted reference values for these test methods, therefore, bias cannot be determined

14. Keywords

14.1 Compaction test; acceptance testing; construction control; quality control; field density; in-place density; wet density; water content; dry density; nuclear methods, nuclear gauge

TABLE 1 Results of Statistical Analysis (Wet Density)^A

Precision and Soil Type ^B	Average kg/m ³ or (lbm/ft ³)	Standard Deviation kg/m ³ or (lbm/ft ³)	Acceptable Range ^C of Two Results kg/m ³ or (lbm/ft ³)
Single Operator Precision:			
Direct Transmission:			
CL	1837 (114.7)	5.4 (0.3)	15.1 (0.9)
SP	1937 (120.9)	4.3 (0.3)	11.8 (0.7)
ML	2084 (130.1)	7.4 (0.5)	20.5 (1.3)
Backscatter:			
ML	1996 (124.6)	19.4 (1.2)	54.3 (3.4)
Multi-laboratory Precision:			
Direct Transmission:			
CL	1837 (114.7)	10.6 (0.7)	29.8 (1.9)
SP	1937 (120.9)	10.9 (0.7)	30.6 (1.9)
ML	2084 (130.1)	12.3 (0.8)	34.4 (2.1)
Backscatter:			
ML	1996 (124.6)	38.1 (2.4)	106.8 (6.7)

^AThe data used to establish this precision statement is contained in a Research Report available from ASTM Headquarters. Request RR: D18-1004.

^BFor definitions of soil types see Practices D 2487 and 2488.

^CTwo separate readings at a singular site with constant gauge orientation and settings.

TABLE 2 Results of Statistical Analysis of % Water Content^A

Precision and Soil Type ^B	Average %	Standard Deviation %	Acceptable Range of Two Results ^C
Single Operator Precision:			
CL	11.8	0.38	0.9
SP	18.3	0.45	1.2
ML	17.7	0.32	0.9
Multi-laboratory Precision:			
CL	11.8	0.50	1.4
SP	18.3	0.73	2.0
ML	17.7	0.52	1.5

^AThe data used to establish this precision statement is contained in a Research Report available from ASTM Headquarters. Request RR: D18-1004.

^BFor definitions of soil types see Practices D 2487 and 2488.

^CTwo separate readings at a singular site with constant gauge orientation and settings.

ANNEXES

(Mandatory Information)

A1. WET DENSITY CALIBRATION & VERIFICATION

A1.1 Calibration: Gauges shall be calibrated initially and after any repairs that can affect the gauge geometry or the existing calibration. To be within specified tolerances by procedures described in A1.2, calibration curves, tables, or equivalent coefficients shall be verified, at periods not to exceed 12 months. At any time these tolerances cannot be met, the gauge shall be calibrated to establish new calibration curves, tables, or equivalent coefficients. If the owner does not establish a verification procedure, the gauge shall be calibrated at a period not to exceed 12 months.

A1.1.1 Gauge Calibration Response shall be within $\pm 16 \text{ kg/m}^3 (\pm 1.0 \text{ lbm/ft}^3)$ on the block(s) on which the gauge was calibrated. This calibration may be done by the manufacturer, the user, or an independent vendor. Nuclear gauge response is influenced by the chemical composition of measured materials. This response must be taken into account in establishing the block density. The method used for calibration shall be capable of generating a general curve covering the entire density range of the materials to be tested in the field. The density of the block(s) shall be determined in such a manner that the estimated standard deviation of the measurement results shall not exceed 0.2 % of the measured block density.

A1.1.2 Reestablish or verify the density of the block(s) used to calibrate or verify calibrations at a period not to exceed 5 years. The density values of the established block(s) of materials that have the potential for changes over time in density or moisture content, such as soil, concrete, or solid rock, shall be reestablished or verified at periods not exceeding 12 months.

NOTE A1.1—Changes in background conditions or locations of blocks used for gauge calibrations or verification of calibrations can impact measurements on those blocks. Care must be taken to ensure uniform conditions when performing gauge calibrations or verifying gauge calibrations.

A1.1.3 Sufficient data shall be taken on each density block to ensure a gauge count precision of at least one-half the gauge

count precision required for field use assuming field use measurement of one minute duration and four-minute duration used for calibration, or an equivalent relationship. The data may be presented in the form of a graph, table, equation coefficients, or stored in the gauge, to allow converting the count rate data to density.

A1.1.4 The method and test procedures used in establishing the calibration count rate data shall be the same as those used for obtaining the field count rate data.

A1.1.5 The material type, actual density, or established density of each calibration block used to establish or verify the gauge calibration shall be stated as part of the calibration data for each measurement depth. If the actual or established block density varies with measurement depth, then the density data for each measurement depth shall be stated as part of the calibration.

A1.1.6 The calibration blocks should be sufficient in size so that the count rate will not change if the block is enlarged in any dimension.

NOTE A1.2—Minimum surface dimensions of approximately 610 mm by 430 mm (24 × 17 inches), have proven satisfactory. For the backscatter method a minimum depth of 230 mm (9 inches) is adequate; while for the direct transmission method the depth should be at least 50 mm (2 inches) deeper than the deepest rod penetration depth. A larger surface area should be considered for the backscatter/air-gap method. For blocks with widths or lengths smaller than the sizes specified, follow the block manufacturer's recommendations for proper installation and use.

The most successful blocks that have been established for calibration have been made of magnesium, aluminum, aluminum/magnesium, granite, and limestone. These blocks have been used in combination with each other, with historical curve information, and with other prepared block(s) to produce accurate and reliable calibration.

A1.2 Verification: The method used for verification should be capable of verifying the general calibration curve representing the density range of the materials to be tested in the field. The verification process and the resulting tolerances obtained over the depths at which the gauge will be used, shall be

formally recorded and documented. If this verification process indicates a variance beyond the specified tolerances, the gauge shall be calibrated

A1.2.1 Gauge verification response shall be within $\pm 32 \text{ kg/m}^3 (\pm 2.9 \text{ lbm/ft}^3)$ on block(s) of established density at each calibration depth.

A1.2.2 Using the procedure described in either A3.1.1 or A3.1.2, ensure a gauge count precision of at least one-half the gauge count precision required for field use, assuming field use measurement of one-minute duration and four-minute duration are used for calibration, or an equivalent relationship.

A1.2.3 The gauge calibration may be verified on calibration block(s) which were used for calibration of the gauge, or prepared blocks.

A1.2.4 Prepared block(s) of soil, solid rock, concrete, and engineered block(s) that have characteristics of reproducible

uniformity may be used, but care must be taken to establish density values and to minimize changes in density and water content over time.

A1.2.5 Density values of prepared block(s) shall be determined in such a manner that the estimated standard deviation of the measurement results shall not exceed 0.5 % of the measured block density value.

A1.2.6 Reestablish or verify density values for prepared block(s) of soil, solid rock, or concrete that have the potential of changes over time in density or moisture content at periods not exceeding 12 months.

A1.2.7 The method used to establish or verify the block(s) density values shall be stated as part of the verification data.

A1.2.8 All gauges shall be verified or calibrated at a minimum frequency of 12 months.

A2. WATER CONTENT CALIBRATION and VERIFICATION

A2.1 **Calibration:** Gauges shall be calibrated initially and after any repairs that can affect the gauge geometry or the existing calibration. Calibration curves, tables, or equivalent coefficients shall be verified at periods, not exceeding 12 months, to be within specified tolerances by procedures described in A2.2. At any time these tolerances cannot be met, the gauge shall be calibrated to establish new calibration curves, tables, or equivalent coefficients. If the owner does not establish a verification procedure, the gauge shall be calibrated at a period not to exceed 12 months.

A2.1.1 Gauge Calibration Response shall be within $16 \text{ kg/m}^3 (1 \text{ lbm/ft}^3)$ on the block(s) on which the gauge was calibrated. This calibration may be done by the gauge manufacturer, the user, or an independent vendor. The block(s) used for calibration should be capable of generating a general curve covering the entire water content range of the materials to be tested in the field. The calibration curve can be established using counts and water contents of standard blocks, previous factory curve information, or historical data. Due to the effect of chemical composition, the calibration supplied by the manufacturer with the gauge will not be applicable to all materials. It shall be accurate for silica and water; therefore, the calibration must be verified and adjusted, if necessary, in accordance with section A2.2

A2.1.2 Reestablish or verify the assigned water content of blocks used to calibrate or verify calibrations at periods which shall be recommended by the block manufacturer. The water content values of blocks prepared of materials that have the potential of changes over time in density or moisture content, such as soil, concrete, or solid rock, shall be reestablished or verified at periods not exceeding 12 months.

A2.1.3 All calibration blocks should be sufficient in size so that the count rate will not change if the block is enlarged in any dimension.

NOTE A2.1—Dimensions of approximately 610 mm long by 460 mm wide by 200 mm deep (approximately 24 by 18 by 8 inches) have proven

satisfactory. For blocks with width or length smaller than the sizes specified, follow block manufacturer's recommendations for proper installation and use.

A2.1.4 Prepare a homogeneous block of hydrogenous materials having an equivalent water content, determined by comparison (using a nuclear instrument), with a saturated silica sand standard prepared in accordance with A2.1.3. Metallic blocks used for wet density calibration such as magnesium or aluminum are a convenient zero water content block. A block of alternating sheets of aluminum or magnesium and polyethylene is convenient for a high water content block.

A2.1.5 Prepare containers of compacted material with a water content determined by oven dry (Test Method D 2216) and a wet density calculated from the mass of the material and the inside dimensions of the container. The water mass per unit volume may be calculated as follows:

$$M_m = \frac{\rho \times w}{100 + w} \quad (\text{A2.1})$$

Where:

M_m = water mass per unit volume, kg/m^3 or lbm/ft^3 ,

w = water content, percent of dry mass, and

ρ = wet (total) density, kg/m^3 or lbm/ft^3 .

A2.1.6 Where neither of the previous calibration standards are available, the gauge may be calibrated by using a minimum of three selected test sites in an area of a compaction project where material has been placed at several different water contents. The test sites shall represent the range of water contents over which the calibration is to be used. At least three replicate nuclear measurements shall be made at each test site. The density at each site shall be verified by measurements with calibrated equipment in accordance with the procedures described in this standard, Test Methods D 1556, D 2167, or D 2937. The water content of the material at each of the test sites shall be determined using Test Method D 2216. Use the mean value of the replicate readings as the calibration point value for each test site.

A2.2 **Verification:** The method used for verification should

be capable of verifying the general calibration curve representing the water content of the materials to be tested in the field. The verification process and resultant tolerances obtained shall be formally recorded and documented. If the verification process indicates a variance beyond the specified tolerances, new calibration curves, tables, or equivalent coefficients shall be established.

A2.2.1 Verify an existing calibration by taking sufficient number of counts on one or more blocks of established water content to ensure the accuracy of the existing calibration within $\pm 16 \text{ kg/m}^3$ or ($\pm 1 \text{ lbm/ft}^3$). The water content block(s) should be prepared in accordance with section A2.1.4 and A2.1.5

A2.2.2 Sufficient data shall be taken to ensure a gauge count precision of at least one half the gauge count precision required

for field use assuming field use measurement of one minute duration and four minute duration used for calibration, or an equivalent relationship.

A2.2.3 Calibration block(s) used to establish calibration parameters and prepared blocks can be used to verify calibration.

A2.2.4 Prepared block(s) that have characteristics of reproducible uniformity can be used, but care must be taken to minimize changes in density and water content over time.

A2.2.5 The established water content of the block(s) used for verification of the gauge shall be stated as part of the verification data.

A2.2.6 All gauges shall be verified or calibrated at a minimum frequency of 12 months.

A3. GAUGE PRECISION

A3.1 Gauge precision is defined as the change in density or water mass per unit volume that occurs corresponding to a one standard deviation change in the count due to the random decay of the radioactive source. The density of the material and time period of the count must be stated.

Calculate using the methods in either A3.1.1 or A3.1.2. For wet density, use a material having a density of $2000 \pm 80 \text{ kg/m}^3$ ($125.0 \pm 5.0 \text{ lbm/ft}^3$). Typical values of P are $< 10 \text{ kg/m}^3$ (0.6 lbm/ft^3) in backscatter or backscatter/air-gap; and $< 5 \text{ kg/m}^3$ (0.3 lbm/ft^3) for direct transmission measured at a 15 cm (6 in) depth. Use a water mass per unit volume value of $160 \pm 10 \text{ kg/m}^3$ ($10.0 \pm 0.6 \text{ lbm/ft}^3$) for determining slope and count rates. The value of P is typically less than 4.8 kg/m^3 (0.3 lbm/ft^3).

A3.1.1 Gauge Precision - Slope Method

Determine the gauge precision of the system, P , from the slope of the calibration curve, S , and the standard deviation, σ ,

of the signals (detected gamma rays or detected neutrons) in counts per minute (cpm), as follows:

$$P = \sigma/S \quad (\text{A3.1})$$

where:

P = precision

σ = standard deviation, cpm

S = slope, cpm/kg/m^3 or cpm/lbm/ft^3

NOTE: A3.1—Displayed gauge counts may be scaled. Contact the manufacturer to obtain the appropriate pre-scale factor.

A3.1.2 Gauge Precision - Repetitive Method

Determine the standard deviation of a minimum of 20 repetitive readings of one minute each, without moving the gauge between readings. Calculate the standard deviation of the resulting readings. This is the gauge precision.

A4. FIELD MOISTURE CONTENT ADJUSTMENTS

A4.1 The calibration should be checked prior to performing tests on materials that are distinctly different from material types previously used in obtaining or adjusting the calibration. Sample materials may be selected by either A2.1.5 or A2.1.6. The amount of water shall be within $\pm 2\%$ of the water content established as optimum for compaction for these materials. Determine the water content w . A microwave oven or direct heater may be utilized for drying materials that are not sensitive to combustion of organic material, in addition to the method listed in A2.1.6. A minimum of three comparisons is recommended and the mean of the observed differences used as the correction factor.

A4.2 Container(s) of compacted material taken from the test site shall be prepared in accordance with A2.1.5.

A4.3 Test site(s) or the compacted material shall be selected in accordance with the procedures in A2.1.6.

A4.4 The method and test procedures used in obtaining the count rate to establish the error must be the same as those used for measuring the water content of the material to be tested.

A4.5 The mean value of the difference between the moisture content of the test samples as determined in A2.1.5 or A2.1.6 and the values measured with the gauge shall be used as a correction to measurements made in the field. Many gauges utilizing a microprocessor have provision to input a correction factor that is established by the relative values of water content as a percentage of dry density, thus eliminating the need to determine the difference in mass units of water.



D 6938 – 07

SUMMARY OF CHANGES

In accordance with Committee D18 policy, this section identifies the location of changes to this standard since the last published edition (06^{e1}) that may impact the use of this standard.

- (1) Section 12 was added because users of this test method have correctly indicated that there are two reports that should be addressed: the “field data record”, or the report containing the data that are acquired in the field, and the “final report”, or the data that are ultimately supplied to the customer for their use. The field data record and the final report contain much of the same information, but they are distinct in some of the information that they contain and disseminate.

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Soil Nuclear Gauge

Report Date: 10/14/2019
 Test Method: ASTM D 6938

Port St. Lucie
 607 NW Commodory Cove
 Port St. Lucie, FL 34986
 Phone: 772-924-3575 | Fax: 772-924-3580

Client:

Forestar (USA) Real Estate Group, Inc.
 10700 Pecan Park Blvd., Suite 150
 Austin, TX 78750

Project:

18-3811.00
 Ocean Breeze Park West AKA Seawalk
 NE Skyline Drive (Just South of Jensen Beach ...
 Jensen Beach, FL

Test Results													
Test #	Retest Of	Test Date	Proctor ID	Method	Soil Classification	Optimum Moisture (%)	Maximum Dry Density (pcf)	In Place Moisture (%)	In Place Dry Density (pcf)	Probe Depth (in)	Percent Compaction	Mini/Max Comp. (%)	Remark
735		10/1/19	9671 - T180		N/A	11.3	107.2	13.0	106.2	12	99	98 / 105	Pass
736		10/1/19	9671 - T180		N/A	11.3	107.2	12.1	105.3	12	98	98 / 105	Pass
737		10/1/19	9671 - T180		N/A	11.3	107.2	12.8	105.8	12	99	98 / 105	Pass
738		10/1/19	9671 - T180		N/A	11.3	107.2	13.2	107.0	12	100	98 / 105	Pass
739		10/2/19	9671 - T180		N/A	11.3	107.2	10.9	106.5	12	98	98 / 105	Pass
740		10/2/19	9671 - T180		N/A	11.3	107.2	11.7	106.9	12	100	98 / 105	Pass
741		10/2/19	9671 - T180		N/A	11.3	107.2	11.2	105.5	12	98	98 / 105	Pass
742		10/1/19	9671 - T180		N/A	11.3	107.2	10.8	107.0	12	100	98 / 105	Pass

Test Information					
Test #	Test Location	Elevation	Reference	Gauge Make / Model / SN / Calibrated	Field Technician
735	Above Bottom of Structure: Drainage, At C-46, North Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn
736	Above Bottom of Structure: Drainage, At C-46, South Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn
737	Above Bottom of Structure: Drainage, At C-46, South Side of Structure		1-2	Troxler / 3430 / 34151 /	Guarnieri, Masonn
738	Above Bottom of Structure: Drainage, At C-46, North Side of Structure		2-3	Troxler / 3430 / 34151 /	Guarnieri, Masonn
739	Above Bottom of Structure: Drainage, At C-46, North Side of Structure		3-4	Troxler / 3430 / 34151 /	Guarnieri, Masonn
740	Above Bottom of Structure: Drainage, At C-46, South Side of Structure		4-5	Troxler / 3430 / 34151 /	Guarnieri, Masonn
741	Above Bottom of Structure: Drainage, At C-46, South Side of Structure		5-6	Troxler / 3430 / 34151 /	Guarnieri, Masonn
742	Above Bottom of Pipe: Drainage, Between C-46 And C-47, 10' East of C-46, North Side of Pipe		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn

Remarks	Comments
Pass: Tests results comply with specifications	Tests are "Direct Transmission" (Method A) unless probe depth is noted as "Backscatter". Gauge calibration data on file with the testing agency.



Soil Nuclear Gauge

Report Date: 10/14/2019
 Test Method: ASTM D 6938

Port St. Lucie
 FBPE CA # 4930
 607 NW Commodity Cove
 Port St. Lucie, FL 34986
 Phone: 772-924-3575 | Fax: 772-924-3580

Client: Forestar (USA) Real Estate Group, Inc.
 10700 Pecan Park Blvd., Suite 150
 Austin, TX 78750

Project: 18-3811.00
 Ocean Breeze Park West AKA Seawalk
 NE Skyline Drive (Just South of Jensen Beach ...
 Jensen Beach, FL

Test Results

Test #	Retest Of	Test Date	Proctor ID	Method	Soil Classification	Optimum Moisture (%)	Maximum Dry Density (pcf)	In Place Moisture (%)	In Place Dry Density (pcf)	Probe Depth (in)	Percent Compaction	Min/Max Comp. (%)	Remark
743		10/1/19	9671 - T180		N/A	11.3	107.2	10.4	106.8	12	100	98 / 105	Pass
744		10/1/19	9671 - T180		N/A	11.3	107.2	11.7	105.8	12	99	98 / 105	Pass
745		10/2/19	9671 - T180		N/A	11.3	107.2	10.9	105.6	12	99	98 / 105	Pass
746		10/2/19	9671 - T180		N/A	11.3	107.2	11.3	107.1	12	100	98 / 105	Pass
747		10/2/19	9671 - T180		N/A	11.3	107.2	12.8	106.4	12	99	98 / 105	Pass
748		10/1/19	9671 - T180		N/A	11.3	107.2	12.2	105.4	12	98	98 / 105	Pass
749		10/1/19	9671 - T180		N/A	11.3	107.2	13.4	106.0	12	99	98 / 105	Pass
750		10/1/19	9671 - T180		N/A	11.3	107.2	10.1	106.8	12	100	98 / 105	Pass

Test Information

Test #	Test Location	Elevation	Reference	Gauge Make / Model / SN / Calibrated	Field Technician
743	Above Bottom of Pipe: Drainage, Between C-46 And C-47, 15' East of C-46, South Side of Pipe		1-2	Troxler / 3430 / 34151 /	Guarnieri, Massonn
744	Above Bottom of Pipe: Drainage, Between C-46 And C-47, 25' East of C-46, South Side of Pipe		2-3	Troxler / 3430 / 34151 /	Guarnieri, Massonn
745	Above Bottom of Pipe: Drainage, Between C-46 And C-47, 35' West of C-47, North Side of Pipe		3-4	Troxler / 3430 / 34151 /	Guarnieri, Massonn
746	Above Bottom of Pipe: Drainage, Between C-46 And C-47, 20' West of C-47, South Side of Pipe		4-5	Troxler / 3430 / 34151 /	Guarnieri, Massonn
747	Above Bottom of Pipe: Drainage, Between C-46 And C-47, 10' West of C-47, South Side of Pipe		5-6	Troxler / 3430 / 34151 /	Guarnieri, Massonn
748	Above Bottom of Structure: Drainage, At C-47, North Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Massonn
749	Above Bottom of Structure: Drainage, At C-47, South Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Massonn
750	Above Bottom of Structure: Drainage, At C-47, South Side of Structure		1-2	Troxler / 3430 / 34151 /	Guarnieri, Massonn

Remarks	Comments
Pass: Tests results comply with specifications	Tests are "Direct Transmission" (Method A) unless probe depth is noted as "Backscatter". Gauge calibration data on file with the testing agency.

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Port St. Lucie
 FBPE CA # 4930
 607 NW Commodity Cove
 Port St. Lucie, FL 34986
 Phone: 772-924-3575 | Fax: 772-924-3580

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 NE Skyline Drive (Just South of Jensen Beach ...
 Jensen Beach, FL

Test Results

Test #	Retest Of	Test Date	Proctor ID	Method	Soil Classification	Optimum Moisture (%)	Maximum Dry Density (pcf)	In Place Moisture (%)	In Place Dry Density (pcf)	Probe Depth (in)	Percent Compaction	Min/Max Comp. (%)	Remark
751		10/1/19	9671 - T180		N/A	11.3	107.2	11.3	105.9	12	99	98 / 105	Pass
752		10/2/19	9671 - T180		N/A	11.3	107.2	12.3	105.6	12	99	98 / 105	Pass
753		10/2/19	9671 - T180		N/A	11.3	107.2	10.4	106.6	12	99	98 / 105	Pass
754		10/2/19	9671 - T180		N/A	11.3	107.2	10.9	105.9	12	99	98 / 105	Pass
755		10/1/19	9671 - T180		N/A	11.3	107.2	11.2	106.7	12	100	98 / 105	Pass
756		10/1/19	9671 - T180		N/A	11.3	107.2	12.1	105.2	12	98	98 / 105	Pass
757		10/1/19	9671 - T180		N/A	11.3	107.2	13.3	106.1	12	99	98 / 105	Pass
758		10/1/19	9671 - T180		N/A	11.3	107.2	11.3	105.9	12	99	98 / 105	Pass

Test Information

Test #	Test Location	Elevation	Reference	Gauge Make / Model / SN / Calibrated	Field Technician
751	Above Bottom of Structure: Drainage, At C-47, North Side of Structure		2-3	Troxler / 3430 / 34151 /	Guarnieri, Masonn
752	Above Bottom of Structure: Drainage, At C-47, North Side of Structure		3-4	Troxler / 3430 / 34151 /	Guarnieri, Masonn
753	Above Bottom of Structure: Drainage, At C-47, South Side of Structure		4-5	Troxler / 3430 / 34151 /	Guarnieri, Masonn
754	Above Bottom of Structure: Drainage, At C-47, South Side of Structure		5-6	Troxler / 3430 / 34151 /	Guarnieri, Masonn
755	Above Bottom of Structure: Drainage, At C-39, North Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn
756	Above Bottom of Structure: Drainage, At C-39, South Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn
757	Above Bottom of Structure: Drainage, At C-39, South Side of Structure		1-2	Troxler / 3430 / 34151 /	Guarnieri, Masonn
758	Above Bottom of Structure: Drainage, At C-39, North Side of Structure		2-3	Troxler / 3430 / 34151 /	Guarnieri, Masonn

Remarks	Comments
Pass: Tests results comply with specifications	Tests are "Direct Transmission" (Method A) unless probe depth is noted as "Backscatter". Gauge calibration data on file with the testing agency.



Soil Nuclear Gauge

Report Date: 10/14/2019
 Test Method: ASTM D 6938

Port St. Lucie
 FBPE CA # 4930
 607 NW Commodity Cove
 Port St. Lucie, FL 34986
 Phone: 772-924-3575 | Fax: 772-924-3580

Client:

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 10700 Pecan Park Blvd., Suite 150
 Austin, TX 78750

Project:

18-3811.00
 Ocean Breeze Park West AKA Seawalk
 NE Skyline Drive (Just South of Jensen Beach ...
 Jensen Beach, FL

Test Results

Test #	Retest Of	Test Date	Proctor ID	Method	Soil Classification	Optimum Moisture (%)	Maximum Dry Density (pcf)	In Place Moisture (%)	In Place Dry Density (pcf)	Probe Depth (In)	Percent Compaction	Min/Max Comp. (%)	Remark
759		10/2/19	9671 - T180		N/A	11.3	107.2	12.0	107.0	12	100	98 / 105	Pass
760		10/2/19	9671 - T180		N/A	11.3	107.2	10.6	105.9	12	99	98 / 105	Pass
761		10/2/19	9671 - T180		N/A	11.3	107.2	12.1	105.6	12	99	98 / 105	Pass
762		10/1/19	9671 - T180		N/A	11.3	107.2	13.0	106.0	12	99	98 / 105	Pass
763		10/1/19	9671 - T180		N/A	11.3	107.2	10.8	105.5	12	98	98 / 105	Pass
764		10/1/19	9671 - T180		N/A	11.3	107.2	11.0	106.5	12	99	98 / 105	Pass
765		10/2/19	9671 - T180		N/A	11.3	107.2	12.3	105.4	12	98	98 / 105	Pass
766		10/2/19	9671 - T180		N/A	11.3	107.2	13.3	106.3	12	99	98 / 105	Pass

Test Information

Test #	Test Location	Elevation	Reference	Make / Model / SN / Calibrated	Field Technician
759	Above Bottom of Structure: Drainage, At C-39, North Side of Structure		3-4	Troxler / 3430 / 34151 /	Guarnieri, Masonn
760	Above Bottom of Structure: Drainage, At C-39, South Side of Structure		4-5	Troxler / 3430 / 34151 /	Guarnieri, Masonn
761	Above Bottom of Structure: Drainage, At C-39, South Side of Structure		5-6	Troxler / 3430 / 34151 /	Guarnieri, Masonn
762	Above Bottom of Pipe: Drainage, Between C-39 And C-40, 10' East of C-39, North Side of Pipe		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn
763	Above Bottom of Pipe: Drainage, Between C-39 And C-40, 15' East of C-39, South Side of Pipe		1-2	Troxler / 3430 / 34151 /	Guarnieri, Masonn
764	Above Bottom of Pipe: Drainage, Between C-39 And C-40, 25' East of C-39, North Side of Pipe		2-3	Troxler / 3430 / 34151 /	Guarnieri, Masonn
765	Above Bottom of Pipe: Drainage, Between C-39 And C-40, 35' West of C-40, North Side of Pipe		3-4	Troxler / 3430 / 34151 /	Guarnieri, Masonn
766	Above Bottom of Pipe: Drainage, Between C-39 And C-40, 20' West of C-40, North Side of Pipe		4-5	Troxler / 3430 / 34151 /	Guarnieri, Masonn

Remarks	Comments
Pass: Testis results comply with specifications	Tests are "Direct Transmission" (Method A) unless probe depth is noted as "Backscatter". Gauge calibration data on file with the testing agency.



Port St. Lucie
 FBPE CA # 4930
 607 NW Commodity Cove
 Port St. Lucie, FL 34986
 Phone: 772-924-3576 | Fax: 772-924-3580

Soil Nuclear Gauge

Report Date: 10/14/2019
 Test Method: ASTM D 6938

Client:

Forestar (USA) Real Estate Group, Inc.
 10700 Pecan Park Blvd. Suite 150
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18-3811.00
 Ocean Breeze Park West AKA Seawalk
 NE Skyline Drive (Just South of Jensen Beach ...
 Jensen Beach, FL

Test Results

Test #	Retest Of	Test Date	Proctor ID	Method	Soil Classification	Optimum Moisture (%)	Maximum Dry Density (pcf)	In Place Moisture (%)	In Place Dry Density (pcf)	Probe Depth (In)	Percent Compaction	Min/Max Comp. (%)	Remark
767		10/2/19	9671 - T180		N/A	11.3	107.2	12.4	105.9	12	99	98 / 105	Pass
768		10/1/19	9671 - T180		N/A	11.3	107.2	10.8	106.8	12	100	98 / 105	Pass
769		10/1/19	9671 - T180		N/A	11.3	107.2	10.5	107.0	12	100	98 / 105	Pass
770		10/1/19	9671 - T180		N/A	11.3	107.2	11.2	105.2	12	98	98 / 105	Pass
771		10/1/19	9671 - T180		N/A	11.3	107.2	11.9	105.7	12	99	98 / 105	Pass
772		10/2/19	9671 - T180		N/A	11.3	107.2	12.1	106.7	12	100	98 / 105	Pass
773		10/2/19	9671 - T180		N/A	11.3	107.2	12.5	106.2	12	99	98 / 105	Pass
774		10/2/19	9671 - T180		N/A	11.3	107.2	12.0	106.8	12	100	98 / 105	Pass

Test Information

Test #	Test Location	Elevation	Reference	Gauge Make / Model / SN / Calibrated	Field Technician
767	Above Bottom of Pipe: Drainage, Between C-39 And C-40, 10' West of C-40, South Side of Pipe		5-6	Troxler / 3430 / 34151 /	Guarnieri, Masonn
768	Above Bottom of Structure: Drainage, At C-40, North Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn
769	Above Bottom of Structure: Drainage, At C-40, South Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn
770	Above Bottom of Structure: Drainage, At C-40, South Side of Structure		1-2	Troxler / 3430 / 34151 /	Guarnieri, Masonn
771	Above Bottom of Structure: Drainage, At C-40, North Side of Structure		2-3	Troxler / 3430 / 34151 /	Guarnieri, Masonn
772	Above Bottom of Structure: Drainage, At C-40, North Side of Structure		3-4	Troxler / 3430 / 34151 /	Guarnieri, Masonn
773	Above Bottom of Structure: Drainage, At C-40, South Side of Structure		4-5	Troxler / 3430 / 34151 /	Guarnieri, Masonn
774	Above Bottom of Structure: Drainage, At C-40, South Side of Structure		5-6	Troxler / 3430 / 34151 /	Guarnieri, Masonn

Remarks

Pass: Tests results comply with specifications	Comments
	Tests are "Direct Transmission" (Method A) unless probe depth is noted as "Backscatter". Gauge calibration data on file with the testing agency.



Soil Nuclear Gauge

Report Date: 10/14/2019
 Test Method: ASTM D 6938

Port St. Lucie
 FBPE CA # 4930
 607 NW Commodity Cove
 Port St. Lucie, FL 34986
 Phone: 772-924-3575 | Fax: 772-924-3580

Client:

Forestar (USA) Real Estate Group, Inc.
 10700 Pecan Park Blvd., Suite 150
 Austin, TX 78750

Project:

18-3811.00
 Ocean Breeze Park West AKA Seawalk
 NE Skyline Drive (Just South of Jensen Beach ...
 Jensen Beach, FL

Test Results

Test #	Retest Of	Test Date	Proctor ID	Method	Soil Classification	Optimum Moisture (%)	Maximum Dry Density (pcf)	In Place Moisture (%)	In Place Dry Density (pcf)	Probe Depth (in)	Percent Compaction	Mini/Max Comp. (%)	Remark
775		10/1/19	9671 - T180		N/A	11.3	107.2	11.8	106.5	12	99	98 / 105	Pass
776		10/1/19	9671 - T180		N/A	11.3	107.2	10.7	107.0	12	100	98 / 105	Pass
777		10/1/19	9671 - T180		N/A	11.3	107.2	12.3	106.3	12	99	98 / 105	Pass
778		10/1/19	9671 - T180		N/A	11.3	107.2	12.3	106.3	12	99	98 / 105	Pass
779		10/2/19	9671 - T180		N/A	11.3	107.2	12.1	106.2	12	99	98 / 105	Pass
780		10/2/19	9671 - T180		N/A	11.3	107.2	10.8	105.5	12	98	98 / 105	Pass
781		10/2/19	9671 - T180		N/A	11.3	107.2	11.5	106.8	12	100	98 / 105	Pass
782		10/3/19	9671 - T180		N/A	11.3	107.2	11.3	106.4	12	99	98 / 105	Pass

Test Information

Test #	Test Location	Elevation	Reference	Make / Model / SN / Calibrated	Field Technician
775	Above Bottom of Structure: Drainage, At C-34, North Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn
776	Above Bottom of Structure: Drainage, At C-34, South Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn
777	Above Bottom of Structure: Drainage, At C-34, South Side of Structure		1-2	Troxler / 3430 / 34151 /	Guarnieri, Masonn
778	Above Bottom of Structure: Drainage, At C-34, North Side of Structure		2-3	Troxler / 3430 / 34151 /	Guarnieri, Masonn
779	Above Bottom of Structure: Drainage, At C-34, North Side of Structure		3-4	Troxler / 3430 / 34151 /	Guarnieri, Masonn
780	Above Bottom of Structure: Drainage, At C-34, South Side of Structure		4-5	Troxler / 3430 / 34151 /	Guarnieri, Masonn
781	Above Bottom of Structure: Drainage, At C-34, South Side of Structure		5-6	Troxler / 3430 / 34151 /	Guarnieri, Masonn
782	Above Bottom of Structure: Drainage, At C-34, North Side of Structure		6-7	Troxler / 3430 / 34151 /	Guarnieri, Masonn

Remarks	Comments
Pass: Tests results comply with specifications	Tests are "Direct Transmission" (Method A) unless probe depth is noted as "Backscatter". Gauge calibration data on file with the testing agency.



Soil Nuclear Gauge

Report Date: 10/14/2019
 Test Method: ASTM D 6938

Port St. Lucie
 FBPE CA # 4830
 607 NW Commodore Cove
 Port St. Lucie, FL 34986
 Phone: 772-924-3575 | Fax: 772-924-3580

Client:

Forestar (USA) Real Estate Group, Inc.
 10700 Pecan Park Blvd., Suite 150
 Austin, TX 78750

Project:

18-3811.00
 Ocean Breeze Park West AKA Seawalk
 NE Skyline Drive (Just South of Jensen Beach ...
 Jensen Beach, FL

Test Results

Test #	Retest Of	Test Date	Proctor ID	Method	Soil Classification	Optimum Moisture (%)	Maximum Dry Density (pcf)	In Place Moisture (%)	In Place Dry Density (pcf)	Probe Depth (in)	Percent Compaction	Min/Max Comp. (%)	Remark
783		10/3/19	9671 - T180		N/A	11.3	107.2	12.7	105.8	12	99	98 / 105	Pass
784		10/1/19	9671 - T180		N/A	11.3	107.2	13.7	105.2	12	98	98 / 105	Pass
785		10/1/19	9671 - T180		N/A	11.3	107.2	10.2	106.0	12	99	98 / 105	Pass
786		10/1/19	9671 - T180		N/A	11.3	107.2	10.5	106.7	12	100	98 / 105	Pass
787		10/2/19	9671 - T180		N/A	11.3	107.2	11.4	105.5	12	98	98 / 105	Pass
788		10/2/19	9671 - T180		N/A	11.3	107.2	12.4	107.0	12	100	98 / 105	Pass
789		10/2/19	9671 - T180		N/A	11.3	107.2	10.7	106.6	12	99	98 / 105	Pass
790		10/3/19	9671 - T180		N/A	11.3	107.2	10.9	105.5	12	98	98 / 105	Pass

Test Information

Test #	Test Location	Elevation	Reference	Make / Model / SN / Calibrated	Field Technician
783	Above Bottom of Structure: Drainage, At C-34, South Side of Structure		7-8	Troxler / 3430 / 34151 /	Guarnieri, Masonn
784	Above Bottom of Pipe: Drainage, Between C-34 And C-35, 10' East of C-34, North Side of Pipe		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn
785	Above Bottom of Pipe: Drainage, Between C-34 And C-35, 15' East of C-34, South Side of Pipe		1-2	Troxler / 3430 / 34151 /	Guarnieri, Masonn
786	Above Bottom of Pipe: Drainage, Between C-34 And C-35, 25' East of C-34, South Side of Pipe		2-3	Troxler / 3430 / 34151 /	Guarnieri, Masonn
787	Above Bottom of Pipe: Drainage, Between C-34 And C-35, 35' West of C-34, North Side of Pipe		3-4	Troxler / 3430 / 34151 /	Guarnieri, Masonn
788	Above Bottom of Pipe: Drainage, Between C-34 And C-35, 50' West of C-34, South Side of Pipe		4-5	Troxler / 3430 / 34151 /	Guarnieri, Masonn
789	Above Bottom of Pipe: Drainage, Between C-34 And C-35, 50' West of C-34, South Side of Pipe		5-6	Troxler / 3430 / 34151 /	Guarnieri, Masonn
790	Above Bottom of Pipe: Drainage, Between C-34 And C-35, 50' West of C-35, South Side of Pipe		6-7	Troxler / 3430 / 34151 /	Guarnieri, Masonn

Remarks	Comments
Pass: Tests results comply with specifications	Tests are "Direct Transmission" (Method A) unless probe depth is noted as "Backscatter". Gauge calibration data on file with the testing agency.



Port St. Lucie
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Soil Nuclear Gauge

Report Date: 10/14/2019
 Test Method: ASTM D 6938

Client:

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 10700 Pecan Park Blvd., Suite 150
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Project:

18-3811.00
 Ocean Breeze Park West AKA Seawalk
 NE Skyline Drive (Just South of Jensen Beach ...
 Jensen Beach, FL

Test Results

Test #	Retest Of	Test Date	Proctor ID	Method	Soil Classification	Optimum Moisture (%)	Maximum Dry Density (pcf)	In Place Moisture (%)	In Place Dry Density (pcf)	Probe Depth (in)	Percent Compaction	Min/Max Comp. (%)	Remark
791		10/3/19	9671 - T180		N/A	11.3	107.2	11.0	106.1	12	99	98 / 105	Pass
792		10/1/19	9671 - T180		N/A	11.3	107.2	12.3	106.1	12	99	98 / 105	Pass
793		10/1/19	9671 - T180		N/A	11.3	107.2	13.0	106.8	12	100	98 / 105	Pass
794		10/3/19	9671 - T180		N/A	11.3	107.2	12.6	105.5	12	98	98 / 105	Pass
795		10/1/19	9671 - T180		N/A	11.3	107.2	12.1	105.9	12	99	98 / 105	Pass
796		10/2/19	9671 - T180		N/A	11.3	107.2	11.8	105.4	12	98	98 / 105	Pass
797		10/2/19	9671 - T180		N/A	11.3	107.2	12.6	106.3	12	99	98 / 105	Pass
798		10/2/19	9671 - T180		N/A	11.3	107.2	11.5	106.8	12	100	98 / 105	Pass

Test Information

Test #	Test Location	Elevation	Reference	Gauge Make / Model / SN / Calibrated	Field Technician
791	Above Bottom of Pipe: Drainage, Between C-34 And C-35, 50' East of C-34, South Side of Pipe		7-8	Troxler / 3430 / 34151 /	Guarnieri, Massonn
792	Above Bottom of Structure: Drainage, At C-35, North Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Massonn
793	Above Bottom of Structure: Drainage, At C-35, South Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Massonn
794	Above Bottom of Structure: Drainage, At C-35, South Side of Structure		5-6	Troxler / 3430 / 34151 /	Guarnieri, Massonn
795	Above Bottom of Structure: Drainage, At C-35, South Side of Structure		1-2	Troxler / 3430 / 34151 /	Guarnieri, Massonn
796	Above Bottom of Structure: Drainage, At C-35, North Side of Structure		2-3	Troxler / 3430 / 34151 /	Guarnieri, Massonn
797	Above Bottom of Structure: Drainage, At C-35, North Side of Structure		3-4	Troxler / 3430 / 34151 /	Guarnieri, Massonn
798	Above Bottom of Structure: Drainage, At C-35, South Side of Structure		4-5	Troxler / 3430 / 34151 /	Guarnieri, Massonn

Remarks

Remarks	Comments
Pass: Tests results comply with specifications	Tests are "Direct Transmission" (Method A) unless probe depth is noted as "Backscatter". Gauge calibration data on file with the testing agency.



Soil Nuclear Gauge

Report Date: 10/14/2019
 Test Method: ASTM D 6938

Port St. Lucie
 FBPE CA # 4930
 607 NW Commodity Cove
 Port St. Lucie, FL 34986
 Phone: 772-924-3575 | Fax: 772-924-3580

Client:

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 10700 Pecan Park Blvd., Suite 150
 Austin, TX 78750

Project:

18-3811.00
 Ocean Breeze Park West AKA Seawalk
 NE Skyline Drive (Just South of Jensen Beach ...
 Jensen Beach, FL

Test Results

Test #	Retest Of	Test Date	Proctor ID	Method	Soil Classification	Optimum Moisture (%)	Maximum Dry Density (pcf)	In Place Moisture (%)	In Place Dry Density (pcf)	Probe Depth (in)	Percent Compaction	Min/Max Comp. (%)	Remark
799		10/3/19	9671 - T180		N/A	11.3	107.2	13.2	107.0	12	100	98 / 105	Pass
800		10/3/19	9671 - T180		N/A	11.3	107.2	10.9	106.2	12	99	98 / 105	Pass
801		10/1/19	9671 - T180		N/A	11.3	107.2	13.0	106.2	12	99	98 / 105	Pass
802		10/1/19	9671 - T180		N/A	11.3	107.2	12.2	105.8	12	99	98 / 105	Pass
803		10/1/19	9671 - T180		N/A	11.3	107.2	11.1	106.8	12	100	98 / 105	Pass
804		10/2/19	9671 - T180		N/A	11.3	107.2	11.1	106.8	12	100	98 / 105	Pass
805		10/2/19	9671 - T180		N/A	11.3	107.2	11.7	105.9	12	99	98 / 105	Pass
806		10/3/19	9671 - T180		N/A	11.3	107.2	10.8	105.4	12	98	98 / 105	Pass

Test Information

Test #	Test Location	Elevation	Reference	Make / Model / SN / Calibrated	Field Technician
799	Above Bottom of Structure: Drainage, At C-35, North Side of Structure		6-7	Troxler / 3430 / 34151 /	Guarnieri, Masonn
800	Above Bottom of Structure: Drainage, At C-35, North Side of Structure		7-8	Troxler / 3430 / 34151 /	Guarnieri, Masonn
801	Above Bottom of Pipe: Drainage, Between C-35 And C-36, 10' East of C-35, North Side of Pipe		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn
802	Above Bottom of Pipe: Drainage, Between C-35 And C-36, 15' East of C-35, North Side of Pipe		1-2	Troxler / 3430 / 34151 /	Guarnieri, Masonn
803	Above Bottom of Pipe: Drainage, Between C-35 And C-36, 25' East of C-35, South Side of Pipe		2-3	Troxler / 3430 / 34151 /	Guarnieri, Masonn
804	Above Bottom of Pipe: Drainage, Between C-35 And C-36, 35' West of C-36, South Side of Pipe		3-4	Troxler / 3430 / 34151 /	Guarnieri, Masonn
805	Above Bottom of Pipe: Drainage, Between C-35 And C-36, 50' West of C-36, South Side of Pipe		4-5	Troxler / 3430 / 34151 /	Guarnieri, Masonn
806	Above Bottom of Pipe: Drainage, Between C-35 And C-36, 40' West of C-36, North Side of Pipe		5-6	Troxler / 3430 / 34151 /	Guarnieri, Masonn

Remarks	Comments
Pass: Tests results comply with specifications	Tests are "Direct Transmission" (Method A) unless probe depth is noted as "Backscatter". Gauge calibration data on file with the testing agency.



Soil Nuclear Gauge

Report Date: 10/14/2019
 Test Method: ASTM D 6938

Port St. Lucie
 FBPE CA # 4930
 607 NW Commodore Cove
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Test Results

Test #	Retest Of	Test Date	Proctor ID	Method	Soil Classification	Optimum Moisture (%)	Maximum Dry Density (pcf)	In Place Moisture (%)	In Place Dry Density (pcf)	Probe Depth (in)	Percent Compaction	Min/Max Comp. (%)	Remark
807		10/3/19	9671 - T180		N/A	11.3	107.2	12.8	106.3	12	99	98 / 105	Pass
808		10/3/19	9671 - T180		N/A	11.3	107.2	13.2	106.7	12	100	98 / 105	Pass
809		10/1/19	9671 - T180		N/A	11.3	107.2	12.5	106.0	12	99	98 / 105	Pass
810		10/1/19	9671 - T180		N/A	11.3	107.2	11.7	105.5	12	98	98 / 105	Pass
811		10/1/19	9671 - T180		N/A	11.3	107.2	11.0	105.7	12	99	98 / 105	Pass
812		10/2/19	9671 - T180		N/A	11.3	107.2	10.5	106.7	12	100	98 / 105	Pass
813		10/2/19	9671 - T180		N/A	11.3	107.2	11.0	105.8	12	99	98 / 105	Pass
814		10/2/19	9671 - T180		N/A	11.3	107.2	13.0	106.7	12	100	98 / 105	Pass

Test Information

Test #	Test Location	Elevation	Reference	Gauge Make / Model / SN / Calibrated	Field Technician
807	Above Bottom of Pipe: Drainage, Between C-35 And C-36, 20' West of C-36, South Side of Pipe		6-7	Troxler / 3430 / 34151 /	Guarnieri, Masonn
808	Above Bottom of Pipe: Drainage, Between C-35 And C-36, 10' West of C-36, South Side of Pipe		7-8	Troxler / 3430 / 34151 /	Guarnieri, Masonn
809	Above Bottom of Structure: Drainage, At C-36, North Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn
810	Above Bottom of Structure: Drainage, At C-36, South Side of Structure		0-1	Troxler / 3430 / 34151 /	Guarnieri, Masonn
811	Above Bottom of Structure: Drainage, At C-36, South Side of Structure		1-2	Troxler / 3430 / 34151 /	Guarnieri, Masonn
812	Above Bottom of Structure: Drainage, At C-36, North Side of Structure		2-3	Troxler / 3430 / 34151 /	Guarnieri, Masonn
813	Above Bottom of Structure: Drainage, At C-36, South Side of Structure		3-4	Troxler / 3430 / 34151 /	Guarnieri, Masonn
814	Above Bottom of Structure: Drainage, At C-36, North Side of Structure		4-5	Troxler / 3430 / 34151 /	Guarnieri, Masonn

Remarks	Comments
Pass: Tests results comply with specifications	Tests are "Direct Transmission" (Method A) unless probe depth is noted as "Backscatter". Gauge calibration data on file with the testing agency.



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Soil Nuclear Gauge

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 Ocean Breeze Park West AKA Seawalk
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Test Results

Test #	Retest Of	Test Date	Proctor ID	Method	Soil Classification	Optimum Moisture (%)	Maximum Dry Density (pcf)	In Place Moisture (%)	In Place Dry Density (pcf)	Probe Depth (in)	Percent Compaction	Min/Max Comp. (%)	Remark
815		10/3/19	9671 - T180		N/A	11.3	107.2	12.9	105.8	12	99	98 / 105	Pass
816		10/3/19	9671 - T180		N/A	11.3	107.2	10.9	107.0	12	100	98 / 105	Pass
817		10/3/19	9671 - T180		N/A	11.3	107.2	11.2	106.3	12	99	98 / 105	Pass

Test Information

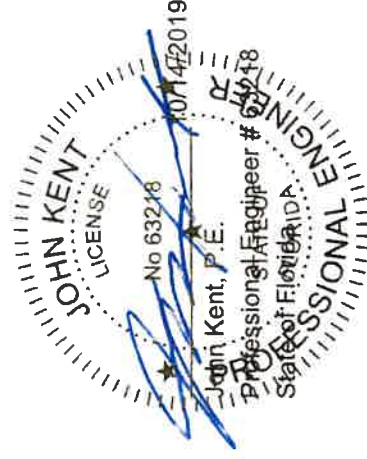
Test #	Test Location	Elevation	Reference	Make / Model / SN / Calibrated	Gauge	Field Technician
815	Above Bottom of Structure: Drainage, At C-36, South Side of Structure		5-6	Troxler / 3430 / 34151 /		Guarnieri, Masonn
816	Above Bottom of Structure: Drainage, At C-36, South Side of Structure		6-7	Troxler / 3430 / 34151 /		Guarnieri, Masonn
817	Above Bottom of Structure: Drainage, At C-36, North Side of Structure		7-8	Troxler / 3430 / 34151 /		Guarnieri, Masonn

Remarks

Pass: Tests results comply with specifications

Tests are "Direct Transmission" (Method A) unless probe depth is noted as "Backscatter". Gauge calibration data on file with the testing agency.

Comments



Memorandum

TO: **TOWN COUNCIL AND MAYOR**

FROM: **HOLLY VATH, FINANCIAL CONSULTANT**

SUBJECT: **QUARTERLY FINANCIAL REPORT**

DATE: **FEBRUARY 12, 2024**

Attached is the quarterly financial report for the first quarter of fiscal year 2024. The quarterly report indicates the fiscal activity is trending as expected with no unplanned expenses at this time.

Revenue

The total budgeted revenues for the quarter were \$101,163, the Town received \$102,247 which is \$1,084 more than budgeted. State Revenue sharing and ½ Cent sales tax is less than budgeted. These revenues have a one-month lag, so we anticipate receiving the budgeted revenue. Building permit revenue is above budget by \$\$1,139. Interest income continues to exceed budgetary expectations. The federal funds rate remains high. When the federal funds rate declines, the Town will see a decrease in interest earnings.

Expenditures

The total budgeted expenditures for the quarter were \$101,501. The Town expended \$75,321 which is \$26,179 less than budgeted. Several quarterly invoices were not received until January. Some of the positive variance will be utilized later in the fiscal year. The total net income for the year was \$27,264. The positive net income will reverse with the utilization of budgeted reserves.

Town of Ocean Breeze General Fund Profit & Loss Budget vs. Actual October through December 2023

	Oct - Dec 23	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
6001 · Taxes from other Governments			
312300 · State Fuel Tax	1,083.82	4,749.99	-3,666.17
312410 · Local Option Gas Tax	6,856.26	0.00	6,856.26
314200 · New Local Option Gas Tax	5,038.85	0.00	5,038.85
335120 · Local Communications Svc Tax	1,247.75	949.98	297.77
335150 · State Revenue Sharing	4,305.73	5,749.98	-1,444.25
335180 · Mobile Home Tags	929.99	724.98	205.01
335180 · Alcoholic Beverage Licenses	0.00	499.98	-499.98
335180 · 1/2 Cent Sales Tax	8,653.55	15,249.99	-6,596.44
Total 6001 · Taxes from other Governments	28,115.95	27,924.90	191.05
6002 · Licenses & Permits			
322000 · Building Permits	6,139.82	4,999.98	1,139.84
338200 · Occupational Licenses	59.71	99.99	-40.28
Total 6002 · Licenses & Permits	6,199.53	5,099.97	1,099.56
6003 · Other Fees for Services			
322001 · Fire Inspections	0.00	124.98	-124.98
322004 · Charges for Services	0.00	0.00	0.00
Total 6003 · Other Fees for Services	0.00	124.98	-124.98
6004 · Investment & Other Earnings			
361000 · Interest Income	6,257.95	3,999.99	2,257.96
Total 6004 · Investment & Other Earnings	6,257.95	3,999.99	2,257.96
6005 · Ad Valorum Revenue			
312100 · Ad Valorum	61,674.05	63,938.00	-2,263.95
Total 6005 · Ad Valorum Revenue	61,674.05	63,938.00	-2,263.95
6007 · Miscellaneous Income			
369000 · Misc Inc - MCSB Admin Fee, Etc.	0.00	75.00	-75.00
Total 6007 · Miscellaneous Income	0.00	75.00	-75.00
Total Income	102,247.48	101,162.84	1,084.64
Expense			
6101 · General Government			
513150 · Gross Payroll	13,421.50	16,899.99	-3,478.49
513155 · PTO Accrual	0.00	0.00	0.00
513301 · Management Consultant	0.00	7,000.00	-7,000.00
513302 · Rent	5,389.24	3,543.75	1,845.49
513304 · Communications / Website	3,326.78	4,038.75	-711.97
513305 · Engineering	0.00	1,249.98	-1,249.98
513306 · Accountant	0.00	1,999.98	-1,999.98
513308 · Insurance W/C	1,557.00	5,000.00	-3,443.00
513309 · Insurance Package	23,331.00	24,300.00	-969.00
513311 · Public Advertising Notices	463.50	999.99	-536.49

Town of Ocean Breeze General Fund Profit & Loss Budget vs. Actual October through December 2023

	Oct - Dec 23	Budget	\$ Over Budget
513312 · Office Equipment & Supplies	2,323.18	2,557.50	-234.32
513313 · Postage	0.00	199.98	-199.98
513314 · Petty Cash	0.00	0.00	0.00
513315 · Audit	0.00	4,125.00	-4,125.00
513316 · Utilities	156.75	180.00	-23.25
513317 · Dues	952.00	381.24	570.76
513318 · Mileage Reimb. - Clerks	0.00	174.99	-174.99
513319 · Conferences & Travel - Council	1,575.15	1,449.99	125.16
513320 · Bank Fees	94.16		
513321 · Election Expenses	0.00	499.98	-499.98
513322 · Safety Deposit Box	0.00	0.00	0.00
513324 · Special Project-Digitizing	0.00	0.00	0.00
513325 · Meeting Security	0.00	0.00	0.00
513326 · Special Projects	1,717.00	1,249.98	467.02
513820 · Contributions	0.00	249.99	-249.99
514100 · Legal Counsel	4,869.50	6,000.00	-1,130.50
514200 · Computer Services	1,272.17	1,725.00	-452.83
531110 · Payroll Taxes - Fica	832.15	1,050.00	-217.85
531111 · Payroll Taxes - Medicare	194.62	249.99	-55.37
531112 · Benefits	0.00	0.00	0.00
Total 6101 · General Government	61,475.70	85,126.08	-23,650.38
6102 · Public Safety			
524200 · Building Official Services	4,375.00	6,750.00	-2,375.00
524210 · Building Code Compliance Ser	1,915.00	1,999.98	-84.98
524220 · Code Compliance Legal	3,511.00	1,249.98	2,261.02
524300 · Fire Safety Inspector	0.00	124.98	-124.98
524310 · Permit Processing Services	3,802.50	4,999.98	-1,197.48
Total 6102 · Public Safety	13,603.50	15,124.92	-1,521.42
6104 · Transportation			
541300 · Road and Street Maintenance	0.00	624.99	-624.99
541301 · Street Lights	241.94	624.99	-383.05
541400 · Sheriff Road Patrol	0.00	0.00	0.00
Total 6104 · Transportation	241.94	1,249.98	-1,008.04
Total Expense	75,321.14	101,500.98	-26,179.84
Net Ordinary Income	26,926.34	-338.14	27,264.48
Net Income	26,926.34	-338.14	27,264.48



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

RESOLUTION NO. 345-2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA, ENCOURAGING THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS AND THE STUART CITY COMMISSION TO SEEK COUNTY-WIDE “QUIET ZONE” STATUS -- AS PERMITTED BY SECTION 49, PART 222 OF THE CODE OF FEDERAL REGULATIONS -- THEREBY CURTAILING INTRUSIVE TRAIN HORN NOISE STEMMING FROM INCREASED FREIGHT AND HIGH SPEED PASSENGER RAIL TRAFFIC ON THE FLORIDA EAST COAST RAILROAD (FEC) RIGHT-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the Florida East Coast Railroad (FEC) recently double tracked its right-of-way to accommodate ever-increasing freight traffic, as well as Brightline’s high speed passenger rail service between Miami and Orlando; and

WHEREAS, fully seventy-five percent of Ocean Breeze residents live within a half mile of the FEC right-right-of-way and are substantially burdened by FEC/Brightline’s enthusiastic use of train horns at all hours of the day and night; and

WHEREAS, in light of recently-completed safety improvements at several FEC railroad interesections, Martin County and the City of Stuart are strongly positioned to jointly seek county-wide “quiet zone” status, thereby benefiting Ocean Breeze, Stuart and Martin County residents alike; and

WHEREAS, mitigating against the negative impacts of increased railroad traffic is wholly within the Public’s best interest.

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

SECTION 1. The Martin County Board of County Commissioners and the Stuart City Commission are hereby encourage to jointly seek county-wide “quiet zone” status for the FEC right-of-way, including any other noise-abatement measures that may be appropriate.

SECTION 2. This resolution shall take effect immediately upon its adoption.

SECTION 3. The Ocean Breeze Town Clerk is hereby directed to promptly transmit this resolution to the Martin County Board of County Commissioners, the Stuart City Commission and to their senior staff.

APPROVED AND ADOPTED this 12TH day of February, 2024.

SANDY KELLEY, PRESIDENT
LIZ REESE, VICE-PRESIDENT
GINA KENT, COUNCIL MEMBER
KEVIN DOCHERTY, COUNCIL MEMBER
MICHAEL HELLER, COUNCIL MEMBER
MATTHEW SQUIRES, COUNCIL MEMBER

YES	NO	ABSENT

ATTEST:

KIM STANTON
TOWN CLERK

SANDY KELLEY
COUNCIL PRESIDENT

WILLIAM F. CRARY, II
TOWN ATTORNEY

KAREN M. OSTRAND
MAYOR

APPROVED AS TO FORM



GUIDE TO THE QUIET ZONE ESTABLISHMENT PROCESS

AN INFORMATION GUIDE

Federal Railroad Administration

1200 New Jersey Avenue S.E.

Washington, DC 20590

Telephone: 202-493-6299

www.fra.dot.gov

Federal Railroad Administration

Highway-Rail Crossing and Trespasser Programs Division

Follow FRA on [Facebook](#) and [Twitter](#)

Purpose of the Guide

This brochure was developed to serve as a guide for local decision makers seeking a greater understanding of train horn sounding requirements and how to establish quiet zones. Its purpose is to provide a general overview and thus does not contain every detail about the quiet zone establishment process. For more detailed and authoritative information, the reader is encouraged to review the official regulations governing the use of locomotive horns at public highway-rail grade crossings and the establishment of quiet zones that are contained in 49 CFR Part 222. A copy of the rule can be downloaded or printed at <http://www.fra.dot.gov/eLib/Details/L02809>.

About Quiet Zones



FRA is committed to reducing the number of collisions at highway-rail grade crossings, while establishing a consistent standard for communities who opt to preserve or enhance quality of life for their residents by establishing quiet zones within which routine use of train horns at crossings is prohibited.

Federal regulation requires that locomotive horns begin sounding 15–20 seconds before entering public highway-rail grade crossings, no more than one-quarter mile in advance. Only a public authority, the governmental entity responsible for traffic control or law enforcement at the crossings, is permitted to create quiet zones.

A quiet zone is a section of a rail line at least one-half mile in length that contains one or more consecutive public highway-rail grade crossings at which locomotive horns are not routinely sounded when trains are approaching the crossings. The prohibited use of train horns at quiet zones only applies to trains when approaching and entering crossings and does not include train horn use within passenger stations or rail yards. Train horns may be sounded in emergency situations or to comply with other railroad or FRA rules even within a quiet zone. Quiet zone regulations also do not eliminate the use of locomotive bells at crossings. Therefore, a more appropriate description of a designated quiet zone would be a “reduced train horn area.”

Communities wishing to establish quiet zones must work through the appropriate public authority that is responsible for traffic control or law enforcement at the crossings.

Historical Context

Historically, railroads have sounded locomotive horns or whistles in advance of grade crossings and under other circumstances as a universal safety precaution. Some States allowed local communities to create whistle bans where the train horn was not routinely sounded. In other States, communities created whistle bans through informal agreements with railroads.

In the late 1980's, FRA observed a significant increase in nighttime train-vehicle collisions at certain gated highway-rail grade crossings on the Florida East Coast Railway (FEC) at which nighttime whistle bans had been established in accordance with State statute. In 1991, FRA issued Emergency Order #15 requiring trains on the FEC to sound their horns again. The number and rate of collisions at affected crossings returned to pre-whistle ban levels.



In 1994, Congress enacted a law that required FRA to issue a Federal regulation requiring the sounding of locomotive horns at public highway-rail grade crossings. It also gave FRA the ability to provide for exceptions to that requirement by allowing communities under some circumstances to establish "quiet zones."

The Train Horn Rule became effective on June 24, 2005. The rule set nationwide standards for the sounding of train horns at public highway-rail grade crossings. This rule changed the criteria for sounding the horn from distance-based to time-based. It also set limits on the volume of a train horn. The rule also established a process for communities to obtain relief from the routine sounding of train horns by providing criteria for the establishment of quiet zones. Locomotive horns may still be used in the case of an emergency and to comply with Federal regulations or certain railroad rules.

Because the absence of routine horn sounding increases the risk of a crossing collision, a public authority that desires to establish a quiet zone usually will be required to mitigate this additional risk. At a minimum, each public highway–rail crossing within a quiet zone must be equipped with active warning devices: flashing lights, gates, constant warning time devices (except in rare circumstances) and power out indicators.

In order to create a quiet zone, one of the following conditions must be met

1. ***The Quiet Zone Risk Index (QZRI) is less than or equal to the Nationwide Significant Risk Threshold (NSRT)*** with or without additional safety measures such as Supplementary Safety Measures (SSMs) or Alternative Safety Measures (ASMs) described below. The QZRI is the average risk for all public highway-rail crossings in the quiet zone, including the additional risk for absence of train horns and any reduction in risk due to the risk mitigation measures. The NSRT is the level of risk calculated annually by averaging the risk at all of the Nation’s public highway-rail grade crossings equipped with flashing lights and gates where train horns are routinely sounded.
2. ***The Quiet Zone Risk Index (QZRI) is less than or equal to the Risk Index With Horns (RIWH)*** with additional safety measures such as SSMs or ASMs. The RIWH is the average risk for all public highway-rail crossings in the proposed quiet zone when locomotive horns are routinely sounded.
3. ***Install SSMs at every public highway-rail crossing.*** This is the best method to reduce to reduce risks in a proposed quiet zone and to enhance safety.

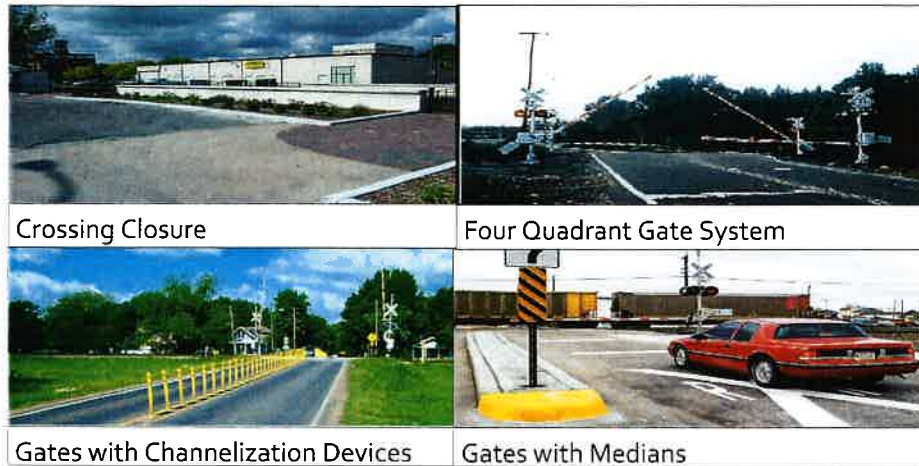
SSMs are pre-approved risk reduction engineering treatments installed at certain public highway-rail crossings within the quiet zone and can help maximize safety benefits and minimize risk. SSMs include: medians or channelization devices, one-way streets with gates, four quadrant gate systems, and temporary or permanent crossing closures. Examples of SSMs are shown on the next page.

ASMs are safety systems, other than SSMs, that are used to reduce risk in a quiet zone. ASMs typically are improvements that do not fully meet the requirements to be SSMs and their risk reduction effectiveness must be submitted in writing and approved by FRA.

FRA strongly recommends that all crossings in the quiet zone be reviewed by a diagnostic team. A diagnostic team typically consists of representatives from the public authority, railroad, and State agency responsible for crossing safety and FRA grade crossing managers.

Public Safety Considerations continued

Examples of SSMs



Wayside Horns The train horn rule also provides another method for reducing the impact of routine locomotive horn sounding when trains approach public highway-rail grade crossings. A wayside horn may be installed at highway-rail grade crossings that have flashing lights, gates, constant warning time devices (except in rare circumstances), and power out indicators. The wayside horn is positioned at the crossing and will sound when the warning devices are activated. The sound is directed down the roadway, which greatly reduces the noise footprint of the audible warning. Use of wayside horns is not the same as establishing a quiet zone although they may be used within quiet zones.

Cost Considerations

The enabling Federal statute did not provide funding for the establishment of quiet zones. Public authorities seeking to establish quiet zones should be prepared to finance the installation of SSMs and ASMs used. Costs can vary from \$30,000 per crossing to more than \$1 million depending on the number of crossings and the types of safety improvements required.

Legal Considerations

The courts will ultimately determine who will be held liable if a collision occurs at a grade crossing located within a quiet zone, based upon the facts of each case, as a collision may have been caused by factors other than the absence of an audible warning. FRA's rule is intended to remove failure to sound the horn as a cause of action in lawsuits involving collisions that have occurred at grade crossings within duly established quiet zones.

The Quiet Zone Establishment Process

Under the Train Horn Rule, only public authorities are permitted to establish quiet zones. Citizens who wish to have a quiet zone in their neighborhood should contact their local government to pursue the establishment of a quiet zone. The following is a typical example of the steps taken to establish a quiet zone:

1. **Determine** which crossings will be included in the quiet zone. All public highway-rail crossings in the quiet zone must have, at a minimum, an automatic warning system consisting of flashing lights and gates. The warning systems must be equipped with constant warning time devices (except in rare circumstances) and power out indicators. The length of the quiet zone must be at least one-half mile in length.
2. **Identify** any private highway-rail grade crossings within the proposed quiet zone. If they allow access to the public or provide access to active industrial or commercial sites, a diagnostic review must be conducted and the crossing(s) treated in accordance with the recommendations of the diagnostic team.
3. **Identify** any pedestrian crossings within the proposed quiet zone and conduct a diagnostic review of those crossings too. They also must be treated in accordance with the diagnostic team's recommendations. *NOTE:* While it is not required by the regulations, FRA recommends that every crossing within a proposed quiet zone be reviewed for safety concerns.
4. **Update** the U.S. DOT Crossing Inventory Form to reflect current physical and operating conditions at each public, private, and pedestrian crossing located within a proposed quiet zone.
5. **Provide** a Notice of Intent (NOI) to all of the railroads that operate over crossings in the proposed quiet zone, the State agency responsible for highway safety and the State agency responsible for crossing safety. The NOI must list all of the crossings in the proposed quiet zone and give a brief explanation of the tentative plans for implementing improvements within the quiet zone. Additional required elements of the NOI can be found in 49 CFR 222.43(b). The railroads and State agencies have 60 days in which to provide comments to the public authority on the proposed plan.
6. **Alternative Safety Measures** – If ASMs are going to be used to reduce risk, an application to FRA must be made. The application must include all of the elements provided in 49 CFR 222.39(b)(1) and copies of the application must be sent to the entities listed in 49 CFR 222.39(b)(3). They will have 60 days to provide comments to FRA on the application. FRA will provide a written decision on the application typically within three to four months after it is received.

The Quiet Zone Establishment Process continued

7. **Determine** how the quiet zone will be established using one of the following criteria: (Note that Options 2 through 4 will require the use of the FRA Quiet Zone Calculator available at <http://safetydata.fra.dot.gov/quiet/>.)

1. Every public highway-rail crossing in the proposed quiet zone is equipped with one or more SSMs.
2. The Quiet Zone Risk Index (QZRI) of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT) without installing SSMs or ASMs.
3. The QZRI of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT) after the installation of SSMs or ASMs.
4. The QZRI of the proposed quiet zone is less than or equal to the Risk Index with Horns (RIWH) after the installation of SSMs or ASMs.



8. **Complete** the installation of SSMs and ASMs and any other required improvements determined by the diagnostic team at all public, private, and pedestrian crossings within the proposed quiet zone.
9. **Ensure** that the required signage at each public, private, and pedestrian crossing is installed in accordance with 49 CFR Sections 222.25, 222.27, and 222.35, and the standards outlined in the Manual on Uniform Traffic Control Devices. These signs may need to be covered until the quiet zone is in effect.
10. **Establish** the quiet zone by providing a Notice of Quiet Zone Establishment to all of the parties that are listed in 49 CFR Section 222.43(a)(3). Be sure to include all of the required contents in the notice as listed in 49 CFR Section 222.43(d). The quiet zone can take effect no earlier than 21 days after the date on which the Notice of Quiet Zone Establishment is mailed.

*****Appendix C to the Train Horn Rule provides detailed, step by step guidance on how to create a quiet zone.*****

Required Documentation

Public authorities interested in establishing a quiet zone are required to submit certain documentation during the establishment process. FRA has provided checklists for the various documents that can be found at <http://www.fra.dot.gov/Elib/Details/L03055>.

FRA's Regional Grade Crossing Managers are available to provide technical assistance. A State's department of transportation or rail regulatory agency also may be able to provide assistance to communities pursuing quiet zones.

Public authorities are encouraged to consult with the agencies in their State that have responsibility for crossing safety. Some States may have additional administrative or legal requirements that must be met in order to modify a public highway-rail grade crossing.

Role of Railroads

Communities seeking to establish a quiet zone are required to send a Notice of Intent and a Notice of Quiet Zone Establishment to railroads operating over the public highway-rail grade crossings within the proposed quiet zone. Railroad officials can provide valuable input during the quiet zone establishment process and should be included on all diagnostic teams. Listed below are links to the Class I Railroads and Amtrak.

BNSF Railway (BNSF)	Canadian Pacific (CP)
CSX Transportation (CSX)	Norfolk Southern (NS)
Canadian National (CN)	Union Pacific (UP)
Kansas City Southern (KCS)	Amtrak (ATK)

FINAL NOTE

The information contained in this brochure is provided as general guidance related to the Quiet Zone Establishment Process and should not be considered as a definitive resource. FRA strongly recommends that any public authority desiring to establish quiet zones take the opportunity to review all aspects of safety along its rail corridor. Particular attention should be given to measures that prevent trespassing on railroad tracks since investments made to establish a quiet zone may be negated if the horn has to be routinely sounded to warn trespassers.

POINTS OF CONTACT

General Questions:

Inga Toye, 202-493-6305

Debra Chappell, 202-493-6018

Ron Ries, 202-493-6285

Regional Contacts

Region 1 Connecticut, Maine, Massachusetts, New Hampshire, New Jersey,
New York, Rhode Island, and Vermont

1-800-724-5991

Region 2 Delaware, Maryland, Ohio, Pennsylvania, Virginia, West Virginia ,
and Washington, D.C.

1-800-724-5992

Region 3 Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina,
South Carolina, and Tennessee

1-800-724-5993

Region 4 Illinois, Indiana, Michigan, Minnesota, and Wisconsin

1-800-724-5040

Region 5 Arkansas, Louisiana, New Mexico, Oklahoma, and Texas

1-800-724-5995

Region 6 Colorado, Iowa, Kansas, Missouri, and Nebraska

1-800-724-5996

Region 7 Arizona, California, Nevada, and Utah

1-800-724-5997

Region 8 Alaska, Idaho, Montana, North Dakota, South Dakota, Oregon,
Washington, and Wyoming

1-800-724-5998



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U.S. Department of Transportation Federal Railroad Administration

1200 New Jersey Avenue S.E.

Washington, DC 20590

Telephone: 202-493-6299

www.fra.dot.gov

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September 2013

Memorandum

TO: MAYOR AND TOWN COUNCIL

FROM: HOLLY VATH, FINANCIAL CONSULTANT

SUBJECT: 2024 BUDGET AMENDMENT #1

DATE: FEBRUARY 12, 2024

The Town would like to engage Attorney Paul J. Nicoletti for legal services related to the Ocean Breeze Resort and Seawalk development projects. Attorney Nicoletti will coordinate the close-out process between the developers and the Town. The Seawalk closeout has been a challenge to bring to resolution. Attorney Nicoletti has extensive experience working as a City Attorney and City Manager in Martin County. An agreement for Attorney Nicoletti's services is another agenda item for this meeting. The amendment will utilize \$10,000 of reserves. It should be noted that Attorney Nicoletti's rate is \$50 less an hour than the cost the Town is currently paying for closeout related legal services.

Resolution 346-2045 amends the 2024 budget.



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

RESOLUTION NUMBER 346 - 2024

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING
BUDGET AMENDMENT #1, TO THE GENERAL FUND IN
THE AMOUNT OF \$10,000 FOR ADDITIONAL PUBLIC
SAFETY EXPENSES, PROVIDING FOR AN EFFECTIVE
DATE, AND FOR OTHER PURPOSES.**

* * * * *

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

SECTION 1: For the purpose of increasing the 2024 budget for additional legal expenses related to the closeout of development projects. Amending the General Fund Budget of the Town of Ocean Breeze adopted by Resolution No. 341-2023 of the Town Council of the Town of Ocean Breeze, is hereby amended, as follows:

FROM:	Reserves	\$10,000
TO:	Code Compliance Legal	\$10,000

SECTION 3: This resolution shall take effect on adoption.

ADOPTED this 12th day of February 2024.

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

SANDY KEBLBECK-KELLEY, PRESIDENT
 ELIZABETH REESE, VICE-PRESIDENT
 KEVIN DOCHERTY, COUNCIL MEMBER
 MICHAEL HELLER, COUNCIL MEMBER
 GINA KENT, COUNCIL MEMBER
 MATTHEW SQUIRES, COUNCIL MEMBER

YES	NO	ABSENT

ATTEST:

 KIM STANTON
 TOWN CLERK

 SANDY KEBLBECK-KELLEY
 PRESIDENT

 KAREN M. OSTRAND
 MAYOR

APPROVED AS TO FORM:

 WILLIAM F. CRARY II
 TOWN ATTORNEY



PAUL J. NICOLETTI
Attorney at Law
1445 SE Lark Boulevard
Stuart, Florida 34996-2609

January 31, 2024

Mayor Karen Ostrand
Council President Sandy Kelley,
and Members of the Town Council
Town of Ocean Breeze
1508 NE Jensen Beach Blvd.
Jensen Beach, FL 34957

Subject: LETTER OF ENGAGEMENT AND FEE AGREEMENT AS LEGAL CONSULTANT

Dear Mayor Ostrand, President Kelley, and Town Council Members:

I am pleased to be considered by the Town of Ocean Breeze as its legal consultant for the purpose of closing out various development projects and for other legal duties requested by the Mayor, Town Council and staff. I anticipate entering into the following agreement:

1. **PROFESSIONAL WORK AND FEES:** The Town agrees to pay me \$300.00 per hour for professional time, and up to \$150.00 per hour for paralegal time representing the Town.

I understand the engagement is to assist the Town with the "closeout" of two development orders granted to developers by the Town, which have outstanding requirements not yet fulfilled by the developers, and which are now delinquent. As such, I will be reviewing the development orders, along with the Town Code, Florida Statutes and case law, to provide the Town with viable alternatives for enforcement and hopefully, successful conclusion for each development project. I will work directly with the developers to accomplish the completion of the projects. In addition, and if necessary, I will look at the potential economic, constituent, and other impacts to the Town for various enforcement alternatives.

Along the way, I am more than pleased to assist the Town with whatever other issues the Town requires of me.

LETTER OF ENGAGEMENT AND FEE AGREEMENT AS LEGAL CONSULTANT

“Professional” time includes but is not limited to my legal research, legal drafting, opinion letters, attendance at Town meetings, attendance at court or administrative hearings, emails, letters, memoranda, and phone calls to and from the Town, and working with any consultants, vendors, staff, development applicants, their legal counsel, employees, or the like, and any other work performed by me on behalf of the Town of Ocean Breeze.

“Paralegal” time includes but is not limited to work performed at my direction by a paralegal for completion of legal forms, compilation and coordination of evidence and exhibits, working with development applicants and their staff and vendors to obtain required results, and to coordinate documents with the town clerk, the clerk of court or administrative tribunal, or with other public officials, and any other work performed by a paralegal on behalf of the Town of Ocean Breeze. It is understood that rather than hire a paralegal, the Town and I each prefer to work directly with Town staff. However, if it becomes necessary to hire a paralegal, because of time or talent constraints, I will be free to so, but only as necessary.

2. **BILLING:** Payments are due upon receipt of an invoice from me, which will normally be made on a monthly basis, and which shall become delinquent 30 days thereafter. If not timely paid, the Town agrees to pay a penalty of 5% of the payment due, and statutory daily interest, until paid.

3. **MISCELLANEOUS TERMS:** The terms and conditions in this letter are the full understanding of the parties concerning this representation, and no prior oral or written agreements shall be effective. Jurisdiction and venue for this Agreement shall be only in state court in Martin County, Florida. If any part of this Agreement is deemed unenforceable, the other parts of the Agreement shall remain in full force and effect. In the event it becomes necessary to litigate this Agreement or any parts of this Agreement, the successful party shall be entitled to reasonable attorneys’ fees and costs at all levels of proceeding. I may withdraw from this engagement at any time, and for any reason, or no reason, in a writing delivered to you. Likewise the Town Council may terminate my services at any time, for any reason or no reason, in a writing signed by you, on behalf of a majority of the Town Council, and received by me. The Town agrees to pay me for all work performed through the date of withdrawal or termination. I further advise the Town that while generally available throughout the work week for phone calls, emails, meetings, reviews, correspondence and the like, I do conduct Magistrate Hearings for up to six (6) local jurisdictions during the third (3rd) week of each month, or as otherwise required.

4. **FAILURE TO EXECUTE:** In the event that this Letter of Engagement is not approved and executed by both parties on or before February 29, 2024, it shall become null and void, and no “legal representation” shall be created, and neither the Town nor I shall have any further obligation to each other, except for any actual work performed by me, at the request of the Town staff.

LETTER OF ENGAGEMENT AND FEE AGREEMENT AS LEGAL CONSULTANT

WE AGREE TO THE ABOVE TERMS AND CONDITIONS, AND INTEND TO BE BOUND BY THEM, AND WE ARE EXECUTING THIS ENGAGEMENT LETTER AND FEE AGREEMENT ON THE DATE WRITTEN BESIDE EACH OF OUR NAMES.

DATE SIGNED: FEBRUARY 2, 2024



PAUL J. NICOLETTI, Legal Consultant

DATE SIGNED: _____

KAREN OSTRAND, Mayor

DATE SIGNED: _____

SANDY KELLEY, President of Town Council

PAUL J. NICOLETTI



Paul Nicoletti has received a Bachelor of Arts degree from LaSalle University in Philadelphia, a Master of Public Administration degree from Florida Atlantic University, and a Juris Doctor degree from Nova Southeastern University.

Mr. Nicoletti has been Board Certified in City, County and Local Government Law since the program's inception in 1996 by The Florida Bar, and he Chaired the Board Certification Committee for The Florida Bar from 2012-2014. He served as full time City Attorney for the City of Stuart, Florida, from 2005 to 2011, having formerly been the part-time municipal attorney for the Town of South Palm Beach, the Village of Palm Springs, and the Town of Ocean Ridge, in Palm Beach County. From 2011 until 2017 he served as City Manager for the City of Stuart. In 2018 he was Interim Village Attorney for 8 months in the newly formed Village of Indiantown. In 2023, served as Interim City Attorney for the City of Stuart for six months, and continues to serve as a contracted Special Magistrate for Martin County, , the City of Stuart, the Town of Lake Park, and the Village of Indiantown.

He has been honored by The Florida Bar with the Clayton B. Burton Award for his significant work in Military Law and Legal Assistance. He served in the United States Army Reserve for over 32 years and retired at the rank of Colonel. Mr. Nicoletti is admitted to The Florida Bar, The District of Columbia Bar, and all federal and military bars, including the United States Supreme Court. He is married to Paula Nicoletti, a Physical Therapist, and has two adult sons.

PAUL J. NICOLETTI

1445 SE Lark Boulevard
Stuart, Florida 34996-2609

Tel. 772-260-3276 (cell)
Tel. 772-600-5581 (office)
Email: pnicoletti@comcast.net

PROFESSIONAL EXPERIENCE

PAUL J. NICOLETTI

August, 2017 to Present

Attorney at Law

**1445 SE Lark Boulevard
Stuart, Florida 34996-2609**

Sole Practitioner. Individually rated "AV Pre-Eminent" by Martindale-Hubbell (highest category); and Board Certified by The Florida Bar in City, County and Local Government Law from the inception of the designation in 1996; now practicing part-time, specializing in administrative, corporate, local governmental and land use law including representation of individuals and corporations; serving as a part-time magistrate for five jurisdictions, and providing legal services in the areas of local government law, commercial and residential real estate, business transactions, wills, trusts and probate, and administrative trials.

CITY OF STUART, FLORIDA

September, 2005 to July, 2017

**121 SW Flagler Avenue
Stuart, Florida 34994**

Interim City Attorney. April 1, 2023 to October 9, 2023.

City Manager. May 28, 2011 to July 7, 2017. Appointed by the City Commission and responsible for all operational activities of the City government including control and direction of 350 employees and a \$45 million combined budget; directly supervised 11 department heads and senior staff members. Responsible for the preparation of the Annual Budget for the City; enforced all city codes and laws; and performed other duties according to the City Charter, and City Commission direction.

Interim City Manager. April 1, 2006 to September 1, 2006.

City Attorney. September 1, 2005 to May 28, 2011. Responsible to the City Commission for all legal activities of the City government. Drafted all ordinances and resolutions; prepared or reviewed all contracts; conducted or supervised all litigation; give legal opinions to Commission and staff members; prosecute code enforcement and county court violations; and supervised legal office staff.

MOYLE FLANIGAN KATZ

December, 2003 to August, 2005

RAYMOND & SHEEHAN, P.A.

West Palm Beach, Florida

Shareholder. Individually rated "AV Pre-Eminent" by Martindale-Hubbell (highest category) within a law firm with 20 attorneys, specializing in administrative, corporate, governmental and land use law including general representation of individuals, corporations, municipalities and other governmental entities; commercial & residential real estate, business transactions, wills, trusts and probate, and administrative trial practice.

PAUL J. NICOLETTI, P.A.
and as NICOLETTI BLOCK DUFFY PONCY
KOHN & EDWARDS, P.A.
West Palm Beach, Florida

June 1991 to December, 2003

Sole Shareholder. Martindale-Hubbell "AV" rated law firm of up to six (6) attorneys, specializing in administrative, corporate, governmental and land use law including general representation of individuals, corporations, municipalities and other governmental entities; commercial & residential real estate, business transactions, wills, trusts and probate, and administrative trial practice.

UNITED STATES ARMY (ACTIVE DUTY)
Fort Stewart, Georgia

August 1990 to May 1991

Chief, Administrative Law. Commanded operations of a six (6) attorney Administrative Law office in support of *Operations Desert Shield and Desert Storm*, including governmental contracting, employment practices, and environmental law; served as chief administrative legal counsel for the Post Senior Commander at Fort Stewart, Georgia, and the senior staff.

SCHNEIDER, SULLIVAN AND NICOLETTI, P.A.
and SULLIVAN AND NICOLETTI, P.A.
West Palm Beach, Florida

November 1986 to August 1990

Shareholder. Administrative, corporate and governmental law practice, including representation of several municipalities and other governmental agencies; commercial & residential real estate, banking, probate, commercial and trial practice.

GIBSON & ADAMS, P.A.
West Palm Beach, Florida

April 1984 to November 1986

Associate. Administrative and governmental law practice, including representation of several municipalities and other governmental agencies; real estate, banking, commercial and trial practice.

EASLEY, MASSA & WILLITS, P.A.
West Palm Beach, Florida

March 1983 to March 1984

Associate. General trial practice, including construction, commercial, personal injury and probate litigation; plus general real estate, probate and commercial practice.

VILLAGE OF NORTH PALM BEACH
North Palm Beach, Florida.

December 1975 to August 1980

Village Manager. Chief Administrative Officer; responsible for directing all activities of the municipal government including planning, budgeting, staffing, operations and administrative policy for 200 employees and \$3.5 million annual budget, which included a country club, building and zoning, public works, and a unified public safety department.

CITY OF WEST PALM BEACH
West Palm Beach, Florida.

March 1973 to December 1975

Assistant City Manager. Assisted City Manager in daily operations; conducted research; liaison with Planning, Building and Zoning, Engineering, Public Works and Finance Departments; recommended and carried out operational and planning policy; reviewed, analyzed and proposed departmental budgets, and was **Acting City Manager** during an extended medical absence of the City Manager.

CITY OF BOWIE
Bowie, Maryland

August, 1970 to September, 1972

Administrative Assistant. Assisted City Manager in daily operations; conducted research, and helped prepare two annual budgets; wrote the original Animal Control Ordinance.

DEPARTMENT OF COMMUNITY AFFAIRS
State of New Jersey

April, 1969 to August, 1970

Community Affairs Officer. Conducted studies for local governments regarding human resources allocations, special needs, and management topics.

WHITEMARSH TOWNSHIP
Lafayette Hill, Pennsylvania

November, 1967 to April, 1969

Administrative Assistant. Assisted Township Manager for 30 hours per week in grant writing and funding; worked with department heads to refine procedures, while attending college.

EDUCATION

NOVA SOUTHEASTERN UNIVERSITY
Fort Lauderdale, Florida

1980-1983

- **Juris Doctor;** Graduated top 20% of class

FLORIDA ATLANTIC UNIVERSITY
Boca Raton, Florida

1972-1975

- **Master of Public Administration;** Graduate Teaching Assistant with GPA 3.9

La SALLE UNIVERSITY
Philadelphia, Pennsylvania

1964-1969

- **Bachelor of Arts** in Political Science (Minor in Theology)

MILITARY

United States Army Reserve
Colonel, Judge Advocate General's Corps

January 1970 to September 2002
(Retired 1 Sep 2002)

Enlisted in the New Jersey National Guard in January, 1970 as a **Private**; transferred to the Army Reserve in Riverdale, MD, and received a Direct Commission in **August, 1972 as a Second Lieutenant**. Relocated to West Palm Beach, and was assigned to the 3220th US Army Garrison. In 1990-1991, called to Active Duty at Fort Stewart, Georgia for **Operation Desert Shield/Desert Storm**; returned to West Palm Beach in June, 1991 and became the Deputy Staff Judge Advocate for the reconstituted 3220th USA Garrison Support Unit. In 1993, promoted to Lieutenant Colonel, and became the Staff Judge Advocate in 1995. In 1999, promoted to **Colonel**, and assigned to **El Salvador** in Central America as the Staff Judge Advocate of **Joint Task Force New Hope** providing humanitarian relief following Hurricane Mitch. Later in 1999, I was selected as **Commander, 174th Legal Support Organization** with Legal Teams in Ft. Myers, Jacksonville, Miami, Orlando, St. Petersburg, and Tallahassee, Florida, and San Juan, Puerto Rico. In September, 2002, retired with nearly 33 years of service, and awarded the **Legion of Merit** medal.

SIGNIFICANT MEMBERSHIPS, ACTIVITIES AND BAR ADMISSIONS

PAUL J. NICOLETTI

Attorneys Title Insurance Fund - Agent Member #7765 (Not Active)	1984-2011
Boy Scouts of America, Gulf Stream Council - Executive Committee - District Commissioner, Tradewinds District	1985-92 1988-90
District of Columbia Bar #418545 (Active, in good standing)	Admission date: 1989
Florida City-County Management Association - Full Member - Emeritus Member	1973-1980 2011-2017 2017-Present
Federal Court Bars - United States District Court, Southern District of Florida - United States Army Court of Military Review - United States Court of Appeals for the Armed Forces - United States Court of Appeals, Eleventh Judicial Circuit - United States Supreme Court	Admission dates: 1983 1985 1989 1985 1989
The Florida Bar #366269 (Active, in good standing) - Board Certified in City, County & Local Government Law - Member, Local Government Law Section - Member, Real Property, Probate and Trust Law Section - Member, Local Government Law Certification Committee - Chair, Local Government Law Certification Committee	Admission date: 1983 1996-Present 1983-Present 1983-2006 2007-2014 2012-2013
First American Title Insurance Company - Title Insurance Agent #FL073-2099A (Not Active)	2003-06
Guild of Catholic Lawyers of Palm Beach Diocese - Member - President	1985-2007 1989-1990
Other Religious Activities: - Eucharistic Minister and Lector - Order of St. John, Commander Knight of Grace	1979-Present 2001-Present
Inns of Court - The Justice Major B. Harding American Inns of Court	2006-2021
International City Management Association - Affiliate Member - Full Member	1967-75 1975-80 & 2011-12
Leadership Palm Beach County - Class of 2000	1999-06
Mariner Sands Country Club Board of Governors -Member & Secretary	2007-10
Martin County Bar Association	

PAUL J. NICOLETTI

- Member	2005-Present
Mental Health Associations in Florida, Inc.	
- President	1992-93
- Board of Directors	1991-92
Mental Health Association of Palm Beach County	
- President	1991-93
- Board of Directors	1987-97
- Presented the Annual "Golden Bell" Award	1993 & 1994
National Mental Health Association	
- National Board Member	1994-97
Palm Beach County Solid Waste Authority	
- Citizens Advisory Board Member	1979-83
Palm Beach County-City Management Association	
- President	1977-78
- Vice President	1976-77

PERSONAL

Married to **Paula P. Nicoletti**, a Florida licensed Physical Therapist; two sons, **Peter A. Nicoletti**, Managing Director of a financial investment firm in Palm Beach and married to Tara (Callaghan) Nicoletti; and **Andrew M. Nicoletti**, a Deputy Sheriff (Sergeant) and Pilot with Palm Beach County Sheriff's Office, and a Major, U.S. Air Force Reserve, married to Nicole (Musco) Nicoletti, and all together have five (5) grandchildren.

GOVERNMENTAL CLIENTS

City of Stuart – Special Magistrate	2018-Present
Loxahatchee Council of Governments - General Counsel	1990-2000
Martin County – Special Magistrate	2004-Present
Town of Jupiter – Special Magistrate	2004-Present
Town of Jupiter Island – Special Magistrate	2023-Present
Town of Lake Park - Special Magistrate	2001-2005 & 2021
Town of Loxahatchee Groves – Special Magistrate	2016-2020
Town of Ocean Ridge – Town Attorney	1984-1999
Town of South Palm Beach - Town Attorney	1990-2005
Village of Indiantown – Village Attorney	2018
Village of Indiantown – Special Magistrate	2019-Present
Village of Palm Springs - Village Attorney	1994-2005

Town Clerk

From: Kevin Docherty
Sent: Friday, February 2, 2024 2:18 PM
To: MSolis@flcities.com
Cc: Karen Ostrand; Terry O'Neil (terrancewoneil@gmail.com); Town Clerk
Subject: Fw: Solicitation of Nominations for Election to the Florida Municipal Insurance Trust (FMIT) Board of Trustees
Attachments: FMIT Trust Nomination Memo and Form.pdf

Melissa,

Thank you for forwarding me the information for the Solicitation of Nominations for Election to the FMIT BOT. I will review the data and respond to you by March 7, 2024.

Respectfully,

*Kevin Docherty
Town Council
Town of Ocean Breeze*

From: Kevin Docherty <kdocherty@TownofOceanBreeze.org>
Sent: Friday, February 2, 2024 12:02 PM
To: Kevin Docherty <kevindocherty2323@gmail.com>
Subject: Fw: Solicitation of Nominations for Election to the Florida Municipal Insurance Trust (FMIT) Board of Trustees

From: Melissa Solis <MSolis@flcities.com>
Sent: Friday, February 2, 2024 8:41 AM
To: Melissa Solis <MSolis@flcities.com>
Subject: Solicitation of Nominations for Election to the Florida Municipal Insurance Trust (FMIT) Board of Trustees

Some people who received this message don't often get email from msolis@flcities.com. [Learn why this is important](#)

Good morning,

Please be advised that the Florida Municipal Insurance Trust (FMIT) is soliciting nominations for election to the FMIT Board of Trustees. A nominee must be an elected official of the municipality participating in the Trust.

Should you wish to submit a nomination to the Board of Trustees, please complete the attached nomination form and return it, along with a resume or biographical sketch no later than **March 7, 2024**.

Please let me know if you have any questions.

Thank you,
Melissa

Melissa J. Solis, CPCU, RMPE, CPM
Insurance Member Services Manager
Florida League of Cities, Inc.
PO Box 538135
Orlando FL 32853-8135
[direct] 407.367.1831
[toll free] 800.445.6248 x1831
[email] msolis@flcities.com
www.flcities.com



Confidentiality Notice: This E-Mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited, and that you have received this E-Mail and any accompanying files in error. You should notify Florida League of Cities immediately by replying to this message and deleting them from your system. Florida League of Cities does not accept responsibility for changes to E-Mails that occur after they have been sent.

Date: 2/2/2024

To: Participating Municipalities of the Florida Municipal Insurance Trust

From: The Florida League of Cities, as Administrator

RE: Nomination of Trustee(s)

The Florida Municipal Insurance Trust (FMIT) is a pooled self-insurance program whose membership consists of local government entities. The FMIT's Board of Trustees oversees the FMIT's operations, and the Florida League of Cities serves as its Administrator. The purpose of this letter is to solicit nominations for election to the FMIT Board of Trustees.

To qualify as a Trustee, a nominee at the time of appointment and throughout their tenure must be an elected municipal official from a municipality participating in the Trust. Trustee vacancies are filled by the Trust's current Board of Trustees, by majority vote, from the nominees offered by participating municipalities. A nominee may be appointed to fill either a current unexpired term or a full three-year term. Trustees are limited to serving two consecutive three-year terms. (Service in an unexpired term is not counted.)

New Trustees will receive an orientation from the Administrator. The Trust typically meets four times a year, once each quarter; however, special meetings may be scheduled as needed. Trustees are reimbursed for travel, meal and accommodation expenses incurred in attending Trust meetings and also receive a meeting fee.

No Trustee may be selected or continue to serve as a Trustee after becoming an owner, officer, employee or agent of a business entity having a contractual relationship or otherwise doing business with the Trust. A Trustee must relinquish their office or may be removed when they no longer serve as an elected official of the member from which they were selected or when the municipality from which they were selected ceases to participate as a member of the Trust.

The election of Trustees requires a formal nomination process. ***As nominations must come from participating municipalities of the Trust, your nomination should reflect that your municipality's governing body (Council, Commission, etc.) has endorsed or otherwise approved the nominee as a prospective Trustee. In addition, please include a resume or a biographical sketch reflecting the nominee's background and qualifications to serve.***

Should you wish to submit a nomination to the Board of Trustees, please complete the enclosed nomination form and return it, along with a resume or biographical sketch, to Melissa Solis, Insurance Member Services Manager, no later than **Thursday, March 7, 2024**. Thank you.

FLORIDA MUNICIPAL INSURANCE TRUST TRUSTEE NOMINATION FORM

Please indicate the name, title and municipality of your nominee below, along with your name, title and municipality. Nominations should be emailed to msolis@flicities.com.

NOTE: NOMINATIONS MUST BE RECEIVED NO LATER THAN THURSDAY, MARCH 7, 2024.

Nominee Name: Kevin Docherty
(Nominee must be an elected official of the municipality participating in the Trust)

Nominee's Title: Council Member

Municipality: Town of Ocean Breeze

Cell Phone Number: (617) 997-8024

Email Address: kdocherty@townofoceanbreeze.org

Has the nominee (above) been informed of this nomination? Yes No

Has the nominee's municipal governing body (Council, Commission, etc.) endorsed or otherwise approved the nominee as a prospective Trustee? Yes No

Nominated by: _____

Title: _____

Municipality: Town of Ocean Breeze

Date: February 12, 2024

**PLEASE EMAIL THIS NOMINATION FORM AND A RESUME OR BIOGRAPHICAL SKETCH
BY THURSDAY, MARCH 7, 2024 TO:**

Melissa Solis
Insurance Member Services Manager
msolis@flicities.com

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.

- A. Correspondence from Sun Communities, (Ocean Breeze Resort), project regarding close-out.
- B. Correspondence from Forestar regarding Seawalk project close-out, (items received are currently under review).
- C. Correspondence from Seawalk resident's attorney pertaining to Item #23 of the Seawalk December 6, 2022, close-out list.
- D. Email from Martin County Public Works Director Jim Gorton updating the status of West End Blvd. and FEC intersection improvements at Jensen Beach Blvd.
- E. Florida League of Cities University notice of educational courses, including Ethics Training.

Item A



Sun Communities, Inc.

Gena May, Regional VP of Operations & Sales

27777 Franklin Road, Suite 200

Southfield, MI 48034

January 26, 2024

Town of Ocean Breeze

Attn: Mayor Ostrand

PO Box 1025

Jensen Beach, FL 34958

RE: December 4, 2023 Correspondence

January 16, 2024 Correspondence

Dear Mayor Ostrand,

We are in receipt of your two most recent communications pertaining to the concerns regarding the infrastructure of the northern end of the resort as well as the pending closeout of the Resort's Master Site Permit (Permit , issued 10-15-15). Although I do not have a specific date in which to tell you all will be resolved, please find an update outlined below.

We are working with local attorneys, Audra Creech and Robert Raynes with Gunster Law, out of Stewart, Florida on all legal matters regarding the open Master Site Permit. There are construction related items not yet completed that require the permit to remain open. When the time comes necessary, they will be speaking on our behalf, and I predict just as before, so will Marcella. We are also working with a local vendor, CAPTEC, they have taken the lead on the infrastructure matter. They have been working diligently to survey, engineer and send out for bid the "project" that reviews the roadways, stormwater management, water main, and sanitary sewer facilities within the northern infill area.

Phase I infrastructure was not upgraded by Carefree at the time of starting their remodel to the resort. Thus, homes on the north end of the resort are operating on original sewage pipes, smaller and non-looped water lines. There is nothing that we can do in the "interim" to totally avoid low water pressure issues or an occasional water main breaks. Unfortunately, these incidents will occur from time to time

and occur in other areas of Martin County and the State of Florida, not just within our community. It happens. When a break occurs within the community, Sun is responsible for addressing the maintenance matter as quickly and as safely as possible – and we do that, without fail. That would include the one that most recently occurred near your home.

I am sorry that when the topic was first brought up it wasn't a simple fix like everyone thought it would be. Sun attempted to do a couple small things to temporarily assist in the matter but was stopped by the Town of Ocean Breeze.

The project I am describing will be a tremendous undertaking while trying not to totally disrupt the lives of every resident that calls the north side of the resort home. Tight rights-of-way and common areas will require directional boring and underground drilling to install new service lines, of which requires very modern equipment and a very specialized vendor to perform. Those vendors are hard to find and have a very long waiting list for their services. All of which adds to the delays in starting a project of this magnitude. The project will require communications and cooperations with the DEP, Martin County Utilities, and the Town of Ocean Breeze. The project, when completed, will give our resort the needed new water/sewer lines, add draining improvements as well as additional fire hydrants, a couple of which are included and required in the Master Plan Permit that is open.

Lastly, all this work may possibly need another PUD amendment, we just don't know yet. We are awaiting CAPTEK to complete their engineering and job scope before we know what actual steps will be required of us before we can put the job out to contract.

I hope this letter of clarification helps shed some light on the status of the project. I will report back as soon I can as to what the necessary steps will be needed and a timeline of which that will follow.

Respectfully,



Gena May, Regional Vice President of Sales and Operations

CC: Ocean Breeze Town Council
Anthony Herzog, Resort District Manager
Brad Pinover, SVP Construction Services

Permits

From: Permits
Sent: Tuesday, January 16, 2024 1:20 PM
To: gmay@suncommunities.com
Cc: Anthony Herzog Sun Communities General Manager (Aherzog@suncommunities.com); Terry O'Neil (terracewoneil@gmail.com); Town Clerk; Mayor; Elizabeth Reese (ereese@townofoceanbreeze.org); Gina Kent (gkent@townofoceanbreeze.org); Kevin (kdocherty@Townofoceanbreeze.org); Matthew Squires; Michael Heller; Sandy Kehlbeck-Kelley (skelley@townofoceanbreeze.org)
Attachments: Letter Gena May regarding infrastructure 1-16-24.pdf

Please see the attached letter from Mayor Ostrand.

Pam Orr
Permit Processor



Town of Ocean Breeze
P. O. Box 1025
Jensen Beach, FL 34958
772-807-2557 Cell
772-334-6826 Office



Town of Ocean Breeze

January 16, 2024

Ms. Gena May
Sun Communities
Regional Vice President
Operations and Sales
27777 Franklin Road, Suite 200
Southfield, MI 48034

Dear Ms. May:

We have not received a response from my letter dated December 4, 2023. Please see the attached email from a resident which illustrates that outstanding infrastructure issues persist in the northern section of the Resort. In addition, there was a water main break last week by my house and residents were without water for four hours.

Accordingly, the Town again expects that Sun Communities will immediately take steps to bring the project into compliance and that you provide us with a schedule for doing so.

Please contact me if you have any questions.

Sincerely,

Karen M. Ostrand
Mayor

cc: Anthony Herzog, Resort Manager
Ocean Breeze Town Council

Permits

From: Rhonda Hennessy <rhy21@icloud.com>
Sent: Monday, January 8, 2024 11:16 AM
To: Permits
Subject: Flooding at 1NE Palm Dr

[You don't often get email from rhy21@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Pam Orr

I would like to document the flooding and the times I have reported this to management and to date nothing has been done.

Flooding has been going on since Carefree. I reported it to Frieda and Gary. They kept saying we will look into it. Shortly thereafter I moved out and my husband (Andy Williams) moved in and he is not as vigilant as myself.

He did however report this to Chris and Cindy who put landscaping stones around our home in hopes this would help. In January 2023 I moved back into the cottage to do repairs on the cottage as a car had run into our home.

August 1st I got flooded and reported it to Anthony. He told me he would look into it.

August 13th flooded and reported to office.

August 28th same as above.

September 29th same as above. Spoke with Anthony as I was not happy that I had reported these incidents and to date nothing was being done. I called corporate and left a message for Jeana May, Regional Manager for Ocean Breeze and no return call has been received.

September 30th I was flooded twice in the same day.

October 1st this was one of the worst flooding as I had water from the back door all the way to the front sliding door approximately 2".

December 16th flooded.

As I mentioned above a car drove into my house and did some extensive damage. In the room that is being flooded I have replaced sheet rock, painted and put new baseboards in. The sheet rock is sucking up the water and will have to be replaced. I had a vinyl floor in the front porch that had to be lifted and thrown away.

When I look at other streets in the park they are paved so the water runs down the middle of the road where as my street the water runs on each side and flows into my home.

I'm hoping something can be done before the next rainy season.

Sincerely
Rhonda Hennessy

Sent from my iPhone



Town of Ocean Breeze

December 4, 2023

Ms. Gena May
Sun Communities
Regional Vice President
Operations and Sales
27777 Franklin Road, Suite 200
Southfield, MI 48034

RE: Closeout of the Resort's Master Site Permit (Permit #1102, issued on 10/15/15)

Dear Ms. May:

The Town of Ocean Breeze sent the attached notice to Sun Communities on June 29, 2021. The letter identifies several outstanding issues pertaining to undocumented infrastructure improvements in the northern portion of the Resort. Notwithstanding your statement in April 2022 that "... we are looking to still commence work in the next 3-4 months and hope to have completed by end of Quarter One 2023" (copy attached), there have been no documented activities in this regard.

It is my understanding that development timetable extensions granted by the state do not apply in instances of undocumented improvements. Accordingly, the Town asks that Sun Communities take steps immediately to bring the project into compliance and that you provide us with a schedule for doing so.

Please contact me if you have any questions.

Sincerely,

Karen M. Ostrand
Mayor

cc: Anthony Herzog, Resort Manager
Ocean Breeze Town Council



Town of Ocean Breeze

June 29, 2021

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

Re: Close out of the Resort's Master Site Permit (Permit # 1102, issued on 10/15/15).

Dear Chris,

The Town has received the attached letter from CAPTEC Engineering certifying the firm's final inspection and approval of certain improvements completed thus far under permit # 1102, however, the documentation provided appears to cover only the "WATERFRONT," "PHASE 1B", "PHASE 1 A", "PHASE 2" and "STORAGE AREA" portions of the resort (see attached exhibit).

To close out the site permit in its entirety, the Town will also need an engineer's certification of any work that's been completed in the "northern" area of the Resort, the general nature of which is detailed in the attached memorandum from Mac Kenzie Engineering dated June 28, 2021.

Once this information is received, we should be able to close out the site permit. Please let us know if you have any questions.

Sincerely,

Terry O'Neil
Town Management Consultant

cc: Town Clerk
CAPTEC Engineering
Mac Kenzie Engineering
Town Building Official



March 19, 2021
1543 I

Mr. Terry O'Neil
Town Management Consultant
Town of Ocean Breeze
1508 NE Jensen Beach Boulevard
Jensen Beach, Florida 34957
(772) 334-6826

RE: Ocean Breeze PUD
Final Certification of Completion

Dear Mr. O'Neil:

CAPTEC Engineering, Inc., is pleased to submit the final certification package to the Town of Ocean Breeze for the Ocean Breeze Project. Attached for your review and approval are the following items:

- Florida Department of Environmental Protection Certifications of Completion for Storage Area, Waterfront Area, Phase I and Phase II.
- South Florida Water Management Certification Letter
- Water and Wastewater As-built Plans
- Paving, Grading and Drainage As-built Plans
- Testing reports.

I hereby certify that the project has been constructed in substantial conformance with the approved plans with the following exception:

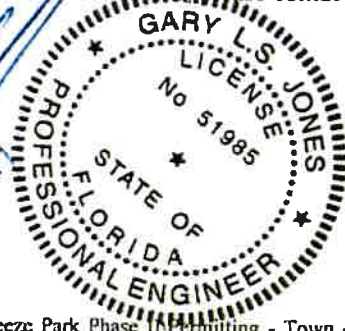
Compaction testing reports on the installation of drainage pipe, water and sanitary lines were not provided as specified in the Contract Plans and Specifications. After the fact testing was performed at locations selected by the Engineer to confirm soils were firm and compact. A summary of the compaction verification reports is attached with this certification.

If you have any questions or comments, please contact me.

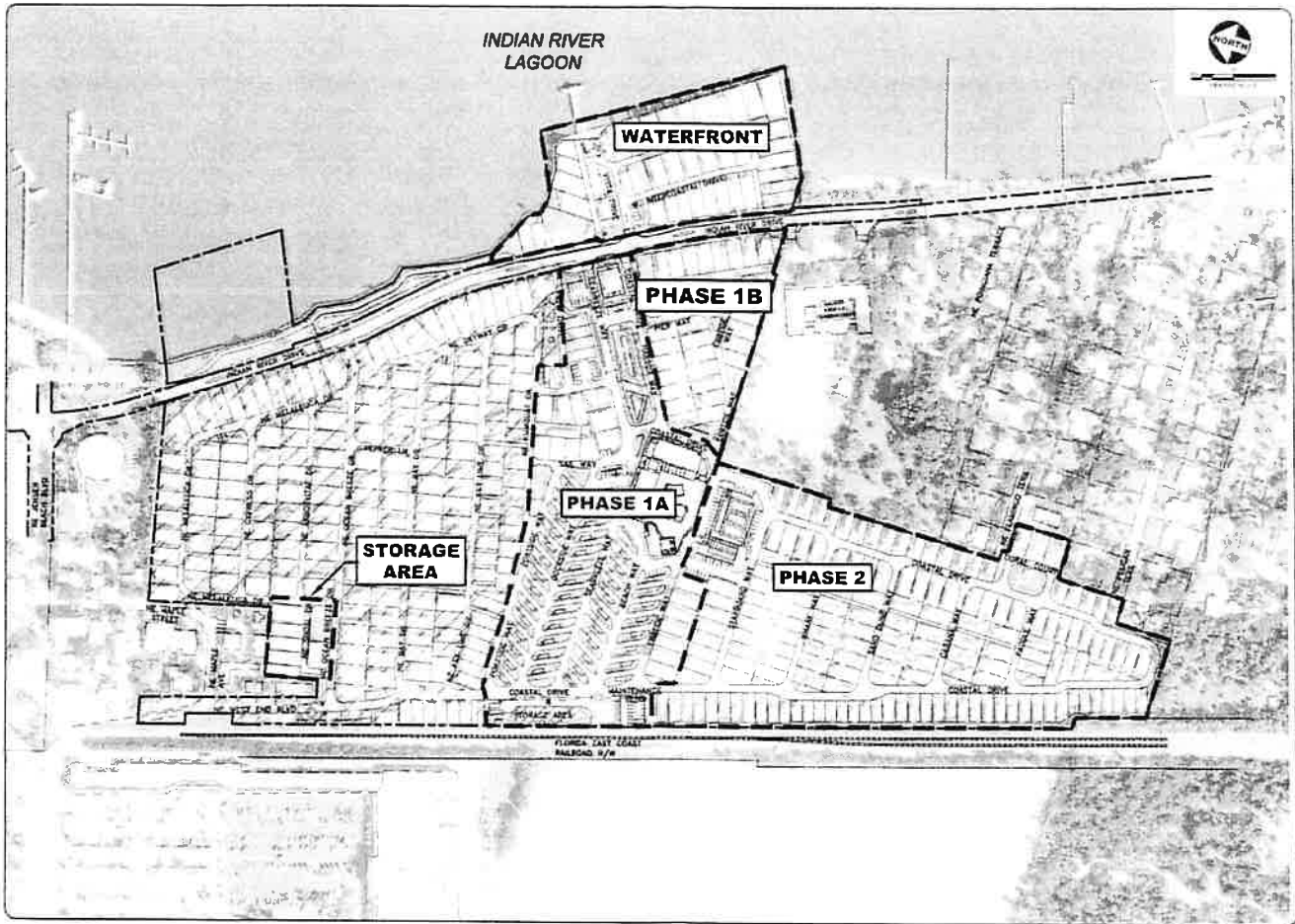
Sincerely,

Gary L. S. Jones, P.E.
Construction Director

GLSJ/kk
Attachments



P:\1500\1543.1 Ocean Breeze Park Phase I\Permitting - Town - PUD\2021-0319 Ocean Breeze Certification\2021-0319 TONeil Ocean Breeze Certification.docx



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**OCEAN BREEZE RESORTS
REDEVELOPMENT
OCEAN BREEZE, FLORIDA
OVERALL SITE PLAN**

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Engineering & Planning, Inc.

1172 SW 30th Street, Suite 500 • Palm City • Florida • 34990

(772) 286-8030 • www.mackenzieengineeringinc.com

MEMORANDUM

TO: Town of Ocean Breeze

FROM: MacKenzie Engineering & Planning Inc.

DATE: June 28, 2021

SUBJECT: Ocean Breeze Resort Redevelopment
Construction Certification

In order to close out the Ocean Breeze Resort Redevelopment permit, please provide the as-built and test results related to the construction activities performed in the infill area (generally west of Indian River Drive & north of Kumquat Drive). The construction closeout package shall include:

1. Construction as-built information, density and compaction tests related to any roadway reconstruction and stormwater improvements including any manholes, inlets, and other structures.
2. Construction as-built information, density and compaction tests, and testing results related to any water and wastewater installations including manholes, structures, cleanouts, valves, and meters.
3. Please demonstrate the improved infill areas for water and wastewater installations meet the minimum cover, vertical, and horizontal separation requirements per *Martin County minimum design and construction standards (latest edition)*.
4. Please demonstrate the improved infill areas meet the minimum fire hydrant spacing requirements per *Martin County LDR Section 4.109.B. Fire Hydrants. All development shall incorporate fire hydrants with appropriate locations including hydrant separations of not more than 500 feet.*
5. Please provide all calculations and demonstrate the improved infill areas meet the minimum fire flow requirements per *Florida Fire Protection Code N.F.P.A. 1, Chapter 18.4.5 (latest adopted edition). The Guide for Determination of Needed Fire Flow, latest edition, as published by the Insurance Service Office (ISO). 18.4.5.1.1 One- and Two-Family Dwellings. The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire flow area that does not exceed 5000 ft² (334.5 m²) shall be 1000 gpm (3785 L/min) for 1 hour.*

6. Or, as an alternative to meeting paragraphs 4. and 5. above, the County's Fire Rescue Department will accept the following improvements:
 - a. The existing exit gate located at Ocean Breeze Drive and Indian River Drive shall be reconfigured, including the addition of a "Knox Box" acceptable to MCFR, to accommodate an emergency vehicle's entrance into the community. Except for modifying the gate's operation, no other modifications to the roadway appear necessary.
 - b. The resort operator shall coordinate with Martin County Utilities to extend and install a fire hydrant within the Indian River Dr. R.O.W. adjacent to the emergency entrance referenced above. The connection point for said hydrant is estimated to be an existing 6-inch waterline at the resort's northeast corner.
 - c. The resort operator shall extend and install a fire hydrant at the intersection of NE Coastal and Bay, approximately 200 feet north of the current terminus of the existing fire protection line at NE Coastal and Portside.

Sincerely,



Shaun G. MacKenzie, P.E.
MacKenzie Engineering & Planning, Inc.
Florida Registration Number 61751
Engineering Business Number 29013

Town Clerk

From: townclerk@townofoceanbreeze.org
Sent: Wednesday, April 27, 2022 3:46 PM
To: Gena May
Subject: RE: Northern Infill Area Update for Ocean Breeze Jensen Beach

Thank you, Gena.

Have a great afternoon!

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: Gena May <GMay@suncommunities.com>
Sent: Wednesday, April 27, 2022 3:34 PM
To: townclerk@townofoceanbreeze.org
Cc: Chris Walters <CWalters@suncommunities.com>; terrancewoneil@gmail.com; Gena May <GMay@suncommunities.com>
Subject: RE: Northern Infill Area Update for Ocean Breeze Jensen Beach

To Whom It Concerns,

Just wanted to offer a quick update regarding our North-end engineering work that is underway right now. We met with CapTec today to check on their progress, and they to obtain approval on the scope of work. It was determined that additional surveying would be required, CapTec still needs to finish some calculations and finalize plans. It is only a guess, but right now we are looking to still commence work in the next 3-4 months and hope to have completed by end of Quarter One 2023. Everyone understands the priority here is to get the water and sewer issues resolved first and foremost. The scope of work we are looking at is large, and we will be communicating with our residents, when the time comes, on the inconveniences this work may create each north end homeowner.

When I receive any additional information, I will send you another update.

Respectfully,

Gena May

Regional Vice President, Operations & Sales
Sun Communities

27777 Franklin Rd. Suite 200 | Southfield, MI 48034
Email: gmay@suncommunities.com

COMMITMENT – INTENSITY –EMPOWERMENT – ACCOUNTABILITY – CUSTOMER SERVICE

From: Gena May <GMay@suncommunities.com>

Sent: Tuesday, February 8, 2022 5:39 PM

To: townclerk@townofceanbreeze.org**Subject:** Northern Infill Area Update for Ocean Breeze Jensen Beach

Pam,

I understand that the Town has reached out to our vendor and asked for an update on our properties north end in preparation of the upcoming Town Board meeting on February 14th. Please know that we expect our vendors to keep our business with them confidential and they are not authorized to be our spokesperson for property related matters. I've made it perfectly clear to the Town and Terry, multiple times, that you are more than welcome to email me at any time should you need an update or have a concern or question related to Ocean Breeze Jensen Beach. I'm more than happy to respond to your inquiries.

I'm pleased to report that we have secured an agreement with CAPTEC Engineering, Inc. and they have begun their review of the roadway, stormwater management, water main, and sanitary sewer facilities for the north end of our community.

Please let me know if I can assist you any further.

Gena May

Regional Vice President, Operations & Sales
Sun Communities

27777 Franklin Rd. Suite 200 | Southfield, MI 48034
Email: gmay@suncommunities.com

COMMITMENT – INTENSITY –EMPOWERMENT – ACCOUNTABILITY – CUSTOMER SERVICE

Permits

From: Zachary Griffin <ZacharyGriffin@forestar.com>
Sent: Thursday, January 25, 2024 5:27 PM
To: Permits; 'Terrance O'Neil'; Scott Montgomery; Karen Ostrand
Cc: Shaun G. MacKenzie, P.E.; Chris Menninger; Kevin Trepanier; Maria Camporeale; Mike Campbell
Subject: RE: Seawalk - Closeout with Town of Ocean Breeze
Attachments: Seawalk Letter Confirming Engineer Roles Item 17 1-25-2024.pdf; Ocean Breeze Park West - Stormwater Adequacy Item 18.pdf; Seawalk Close-out Working List 10-12-23 Updated 1-25-2024.pdf

Importance: High

Some people who received this message don't often get email from zacharygriffin@forestar.com. [Learn why this is important](#)

Pam, Terry, Scott, and Mayor Ostrand,

Hope all is well.

Please see attached letter from Forestar stating each engineer's role throughout the development of Seawalk (Item 17 from the attached updated Seawalk Closeout Working List) and a letter from Mackenzie Engineering confirming the Seawalk Infrastructure design took into account historical storm water flows from the Plaza site (Item 18).

Please review and confirm these items are completed on the checklist along with the others submitted last week.

Thanks,



Zachary Griffin
Land Development Director
Southeast Florida

1001 Yamato Road Suite 408
Boca Raton, FL 33431
o: 561.208.3312
c: 954.540.6456
ZacharyGriffin@Forestar.com

Forestar.com

Please note our new address!

From: Zachary Griffin
Sent: Tuesday, January 16, 2024 4:33 PM
To: 'Permits' <permits@TownofOceanBreeze.org>; 'Terrance O'Neil' <terrancewoneil@gmail.com>; 'Scott Montgomery' <scott@ccmaengineers.com>; 'Karen M Ostrand' <mayor@townofOceanBreeze.org>
Cc: 'Shaun G. MacKenzie, P.E.' <Shaun@mackenzieengineeringinc.com>; Chris Menninger <Chris@mackenzieengineeringinc.com>; Kevin Trepanier <Kevin@mackenzieengineeringinc.com>; Maria Camporeale <MariaCamporeale@forestar.com>; 'Mike Campbell' <mcampbell@wflds.com>

Subject: FW: Seawalk - Closeout with Town of Ocean Breeze
Importance: High

Pam, Terry, Scott, and Mayor Ostrand,

Happy New Year! Hope all is well!

I am pleased to present you with the following documents to address Items 2, 3, 13, 14, 15, and 16 from the Seawalk Close-out Working List (updated list attached). These are certification letters provided by Mackenzie Engineering as the third-party engineer acting on behalf of the Town. We will be sending you Items 17 and 18 shortly in a following email.

As per our previous meetings, our goal is to get the bond reduced to the maintenance period and amount (10% for 15 months) as soon as possible, so please note that these letters are being provided in accordance with the process for reduction in the bond agreement.

I noticed that there are some items that have been addressed that have not been updated (i.e., #19. Homeowners' complaints about individual lot drainage, #20. Adequacy of the entrance gates, #21. Confirmation that entrance gates are in compliance with building code). Please advise if these items are still being considered open issues.

Please confirm receipt, and please advise on status of the Close-out Working List with regards to bond reduction as soon as possible.

Thanks,



Zachary Griffin
Land Development Director
Southeast Florida

1001 Yamato Road Suite 408
Boca Raton, FL 33431

o: 561.208.3312

c: 954.540.6456

ZacharyGriffin@Forestar.com

Forestar.com

Please note our new address!



1/25/2024

Pam Orr
Permit Processor
Town of Ocean Breeze
P.O. Box 1025
Jensen Beach, FL 34958

RE: Seawalk (Ocean Breeze Park West) – Community Closeout Request: Working List Item 17

Dear Pam,

As requested by the Town of Ocean Breeze, and to facilitate the release of our performance bond for the residential community Seawalk, I would like to provide the following statement regarding the role and status of each of the civil engineers that were involved with the design, development, and completion of the community, to the best of my knowledge:

Originally, Grzelka Engineering Inc. was hired by Forestar as the Engineer of Record to design and permit project civil plans, and provide construction certifications through development completion, but their contract was terminated after design plan approvals were completed and after Water/Sewer/Paving/Drainage and Earthwork were substantially complete. Grzelka Engineering no longer has an active role in the project.

During plan approval, and due to workload issues with the Town Engineer, it was proposed and accepted by the Town that Forestar hire Mackenzie Engineering as a third-party engineer for final plan approval on behalf of the Town, or acting as the Town's Engineer, and do the same during the final certification process. Their contract included confirming the EOR's reports & certifications on behalf of the Town. Mackenzie Engineering's role is still active and has not changed.

Shortly after Grzelka's contract was terminated, MilCor Group was contracted by Forestar as the EOR to complete Water, Sewer, and Drainage certifications through the various appropriate agencies. MilCor Group was absorbed by Haley Ward mid-2022, and MilCor as a Division of Haley Ward is still actively representing Forestar as the EOR for Seawalk for all Water/Sewer/Paving & Drainage Improvements per the approved Grzelka civil plans.

At this point, all Seawalk certifications were approved and obtained by MilCor, reviewed and approved by Mackenzie on behalf of the Town, the bond agreement has been fully satisfied, and the community has had no infrastructure issues post-certification (more than 2 years). Therefore, Forestar graciously and respectfully requests the release of Performance Bond K09676235.

Sincerely,

Zachary Griffin
Director of Land Development
SEFL Division
Forestar (USA) Real Estate Group Inc.
Cell: 954-540-6456
ZacharyGriffin@Forestar.com



Engineering & Planning, Inc.

1172 SW 30th Street • Suite 500 • Palm City • Florida • 34990

(772) 286-8030 • www.mackenzieengineeringinc.com

January 18, 2024

Re: Sea Walk (Ocean Breeze Park West)
Stormwater Adequacy

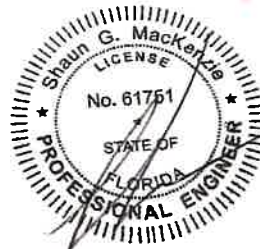
OCEAN BREEZE PARK WEST

The project's stormwater design accounted for historical off-site stormwater flows. In addition, based on the performance of the stormwater ponds during historical events over the past three years, adequate capacity is available to accommodate limited additional discharge from the plaza. However, the project should only be responsible for its stormwater requirements and historical off-site flows.

If you have any questions, please do not hesitate to contact Shaun Mackenzie at (772) 834-8909 or shaun@mackenzieengineeringinc.com.

Sincerely,

Shaun Mackenzie
Shaun G. Mackenzie, P.E.
Florida License No. 61751
CA 29013



THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY SHAUN G. MACKENZIE, P.E. ON THE DATE ADJACENT TO THE SEAL.
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.
MACKENZIE ENGINEERING AND PLANNING, INC.
1172 SW 30th STREET, SUITE 500
PALM CITY, FL 34990
CERTIFICATE OF AUTHORIZATION 29013
SHAUN G. MACKENZIE, P.E. NO. 61751

Digitally signed
by Shaun G
MacKenzie
Date:
2024.01.18
16:46:21 -05'00'

**SEAWALK CLOSE OUT -- WORKING LIST, SUBJECT TO CHANGE,
DEC 6, 2022**

Updated 1/16/24 & 1/25/24 By Z. Griffin

PUD	Issue	Status	Okayed by Mackenzie Engineering	Okayed by Town Engineer	Okayed by Town Attorney	Okayed by Town Landscape Expert	Okayed by Town Building Official	Approved by Mayor	Resolved
1	Lucido & Associates statement of overall compliance with the PUD including a recitation of all pertinent ordinances and amending resolutions. (Are any amendments needed?)	Pending							
2	Need confirmation from the Town's reviewing engineer (Mackenzie) that the project's final configuration is consistent with the PUD master site plan. (Are any amendments needed?)	Pending Submitted 1-16-2024							
3	Statement from Mackenzie Engineering that individual parcel landscaping has been installed in accordance with the PUD.	Pending Submitted 1-16-2024 Received							
4	Lucido & Associates statement of landscaping compliance.								
5	Permittent-to-condition-4-of-the-PUD-agreement; the Town will be obtaining an independent inspection of the final common area landscaping. the seat-of-which-is-to-be-borne-by-the-developer -The Town has requested a proposal from local landscape architect, Mike Flaugh, and will share and discuss the proposal with the Developer before any work proceeds. Developer shall pay Flaugh directly-	Underway				Pending			
6	Need EW (Paul Ezzo's) certification that all preserve areas are free of exotics, debris, intrusions caused by construction activities, etc., and are in compliance with the PAMP, and that all PAMP reporting obligations to the Town are up to date.	Pending							
7	With the exception of entrance landscaping features, the PUD prescribes that "there is no permanent irrigation of the common areas." Notwithstanding this provision, common areas have apparently been piped for irrigation, some of which may be connected to the water services of individual lot owners. This arrangement is not in compliance with the PUD and should be corrected or proposed as an alternative configuration possibly via a minor PUD amendment application. Whatever the resolution, it must be demonstrated that the common area vegetation will be reliably sustained in a viable condition.	Pending							
8	Confirmation that entrance lock box configurations in compliance with the County Sheriff and Emergency Services current standards?	Pending							✓
9	Has a Sheriff's Department patrol agreement been executed?	Pending							✓
10	Health Department approval of community pool.	Pending							
11	Copy of Ocean Breeze Plaza access agreement	Pending							
12	Copy of trash collection agreement	Pending							

PUD	Issue	Status	Okayed by Mackenzie Engineering	Okayed by Town Engineer	Okayed by Town Attorney	Okayed by Town Landscape Expert	Okayed by Town Building Official	Approved by Mayor	Resolved
Infrastructure & Bond									
13	Bond refund/reduction to follow the process in the bond agreement/contract and outline provided by the Town Attorney dated October 12, 2022. (See attachment # 1)	Submitted 1-16-2024							
14	Prior to Mayor's approval, Mackenzie, Town Attorney and Town Engineer to approve bond refund/reduction submittal package for completeness and content vis-a-vis the bond terms and bond contract. HOA Attorney has requested copy of documentation before Mayor affixes her signature.	Pending Submitted 1-16-2024							
15	Comprehensive statement from Mackenzie Engineering certifying that all infrastructure components have been installed, properly and in accordance with the approved infrastructure plan and are consistent with the as-built plans.	Submitted 1-16-2024							
16	Does the as-built infrastructure plan submitted by the developer's design engineer(s) of record and approved by Mackenzie Engineering, account for DR Horton's placement of fill on individual sites and is the existing configuration and what's shown by the as-builts one in the same?	Pending Submitted 1-16-2024							
17	The project's infrastructure was designed (and partially certified?) by engineer of record Grzelka Engineering before the developers advised the Town on June 15, 2021 that Grzelka was no longer under contract and that Mill Corps would be (partially?) playing that role. The Town will require a statement from the developer(s), acceptable to the Town, as to which engineer is the engineer-of-record and for which components of the infrastructure plan. There can be no ambiguity with regard to which engineer is responsible.	Pending Submitted 1-25-2024							
18	The Town has received video evidence that storm water is exiting southward from the Ocean Breeze Plaza property that may be posing an erosion risk to the Seawalk Development. Please confirm that the Seawalk Infrastructure Design took into account historical storm water flows from the Plaza site. Whether the Plaza's discharge exceeds what the Seawalk site is obliged to accommodate is not known at this time.	Pending Submitted 1-25-2024							
19	The Town is in receipt of several emails from the HOA residents that drainage on individual parcels is flawed. These issues need to be addressed in the content of the Infrastructure's overall certification. (See attachment # 2).	Pending							
20	The Town is in receipt of several emails from the HOA concerning the adequacy of entrance gates, other gates, security electronics, etc. copies attached. These issues need to be addressed in the context of the Infrastructure's overall certification. (See attachment # 3).	Pending							

PUD	Issue	Status	Okayed by Mackenzie Engineering	Okayed by Town Engineer	Okayed by Town Attorney	Okayed by Town Landscape Expert	Okayed by Town Building Official	Approved by Mayor	Resolved
21	Confirm that the project's entrance gates are in compliance with ASTM Designation F2200-20 "Standard Specification for Automatic Vehicular Gate Construction"	Pending							
22	Please address reports that the entrance call boxes are causing low voltage shacks.	Pending							
23	Parcel 1. site deficiencies. Developer, together with the lot owner and HOA, to apply for and obtain a permit to make remedial improvements to Parcel 1 that address inconsistencies with the infrastructure plan and/or the individual parcel plan, including but not limited to improper grading and slopes, risks of erosion and questionable access to perimeter landscaping. Further, to the extent that the remedial work impacts the adjoining preserve area, those impacts must be offset by new native plantings specified by EW (Paul Erzo), to be shown on the plan and approved by the Town."	Pending							
24	Confirmation that all required survey activities, including lot markers in the field, documentation, etc. have been completed per FL statute, approved, and on file with the Town.	Pending							✓
25	Confirmation that the development's fire hydrant system has been inspected and accepted by the County Fire and Utilities Department.	Pending							✓
26	Documentation needed confirming Martin County's acceptance of all off-site improvements. (sidewalk(s), signage, etc.)	Pending							✓
27	Proof of County acceptance of water line on Parcel A	Received							✓
28	SFWMD Docs	Received							✓
29	MC Utility Service Agreement	Pending							✓
30	Make the Developer, HOA and HOA Attorney aware of prior correspondence from the County Engineer's Department questioning whether the project's stormwater design was the cause of flooding on adjacent residential properties in the County, including Mackenzie Engineering's review and determination that no design or code violations exist. (See attachment # 4).	Done							
General									
31	Over the course of the project's development both individual residents and the HOA have raised several questions or concerns regarding components of both the PUD and the scope of the infrastructure improvements. (See attachment # 5). These issues need to be addressed or confirmed as resolved by the Developer.								

Permits

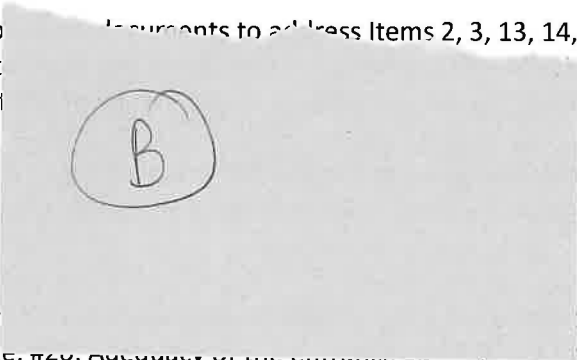
From: Zachary Griffin <ZacharyGriffin@forestar.com>
Sent: Tuesday, January 16, 2024 4:26 PM
To: Permits; 'Terrance O'Neil'; Scott Montgomery; Karen Ostrand
Cc: Shaun G. MacKenzie, P.E.; Chris Menninger; Kevin Trepanier; Maria Camporeale; Mike Campbell
Subject: FW: Seawalk - Closeout with Town of Ocean Breeze
Attachments: Item #2 - Ocean Breeze Park West - PUD consistency.pdf; Item #3 - Revised Ocean Breeze Park West - Landscaping.pdf; Item #15 - Revised Ocean Breeze Park West - Infrastructure As-Builts.pdf; Item 15&16 - Revised Ocean Breeze Park West - Infrastructure As-Builts.pdf; ITEM#13-14 Revised Ocean Breeze Park West - Bond Reduction 9-21-22.pdf; Seawalk Close-out Working List 10-12-23 Updated 1-16-24.pdf

Importance: High

Pam, Terry, Scott, and Mayor Ostrand,

Happy New Year! Hope all is well!

I am pleased to present you with the following documents to address Items 2, 3, 13, 14, 15, and 16 from the Seawalk Close-out Working List (updated list attached) prepared by Mackenzie Engineering as the third-party engineer acting on behalf of the Town of Ocean Breeze. Item #18 is being addressed shortly in a following email.



As per our previous meetings, our goal is to complete the bond reduction process within a 6-month period and amount (10% for 15 months) as soon as possible, so please advise on the timeline for completion in accordance with the process for bond reduction in the bond agreement.

I noticed that there are some items that have not been addressed (i.e., #19. Homeowners' complaints about individual lot drainage, #20. Adequacy of the entrance gates, #21. Confirmation that entrance gates are in compliance with building code). Please advise if these items are still being considered open issues.

Please confirm receipt, and please advise on status of the Close-out Working List with regards to bond reduction as soon as possible.

Thanks,



Zachary Griffin
Land Development Director
Southeast Florida

1001 Yamato Road Suite 408
 Boca Raton, FL 33431
 o: 561.208.3312
 c: 954.540.6456
 ZacharyGriffin@Forestar.com

Forestar.com

Please note our new address!

From: Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>

Sent: Monday, January 15, 2024 6:24 PM

To: Zachary Griffin <ZacharyGriffin@forestar.com>; Maria Camporeale <MariaCamporeale@forestar.com>; Chris Menninger <Chris@mackenzieengineeringinc.com>; Kevin Trepanier <Kevin@mackenzieengineeringinc.com>

Subject: RE: Seawalk - Closeout with Town of Ocean Breeze

[External]

Zach,

See letters as discussed. Have a great evening.

Best Regards,

Shaun G. MacKenzie, PE

MacKenzie Engineering & Planning, Inc.

1172 SW 30TH Street, Suite 500

Palm City, FL 34990

OFFICE: 772-286-8030

Cel – 772-834-8909

shaun@mackenzieengineeringinc.com

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From: Zachary Griffin <ZacharyGriffin@forestar.com>

Sent: Monday, January 15, 2024 4:12 PM

To: Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>; Maria Camporeale <MariaCamporeale@forestar.com>; Chris Menninger <Chris@mackenzieengineeringinc.com>; Kevin Trepanier <Kevin@mackenzieengineeringinc.com>

Subject: RE: Seawalk - Closeout with Town of Ocean Breeze

Please.

Send for final review as soon as you can.

Thanks,



Zachary Griffin
Land Development Director
Southeast Florida

1001 Yamato Road Suite 403
Boca Raton, FL 33431
o: 561.208.3312
c: 954.540.6456
ZacharyGriffin@Forestar.com

Forestar.com

Please note our new address!

From: Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>
Sent: Monday, January 15, 2024 4:11 PM
To: Zachary Griffin <ZacharyGriffin@forestar.com>; Maria Camporeale <MariaCamporeale@forestar.com>; Chris Menninger <Chris@mackenzieengineeringinc.com>; Kevin Trepanier <Kevin@mackenzieengineeringinc.com>
Subject: RE: Seawalk - Closeout with Town of Ocean Breeze

[External]

I got your message. I will attempt to stay late tonight and finish it.

Best Regards,
Shaun MacKenzie

From: Zachary Griffin <ZacharyGriffin@forestar.com>
Sent: Monday, November 27, 2023 1:43 PM
To: Maria Camporeale <MariaCamporeale@forestar.com>; Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>; Chris Menninger <Chris@mackenzieengineeringinc.com>; Kevin Trepanier <Kevin@mackenzieengineeringinc.com>
Subject: RE: Seawalk - Closeout with Town of Ocean Breeze

A letter was not provided for Item #1 also, confirming the project's final configuration (with regards to civil infrastructure) is consistent with the PUD's Master Site Plan.

Please provide a draft of this also.

Thanks,



Zachary Griffin
Land Development Director
Southeast Florida

6123 Lyons Road Suite 103
Coconut Creek, FL 33073
o: 954.678.5127
c: 954.540.6456
ZacharyGriffin@Forestar.com

Forestar.com

From: Maria Camporeale <MariaCamporeale@forestar.com>

Sent: Monday, November 27, 2023 1:40 PM

To: Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>; Zachary Griffin <ZacharyGriffin@forestar.com>; Chris Menninger <Chris@mackenzieengineeringinc.com>; Kevin Trepanier <Kevin@mackenzieengineeringinc.com>

Subject: RE: Seawalk - Closeout with Town of Ocean Breeze

Good afternoon Shaun, you did not include item #4 from Zac's email (#16 on the attached list) but we may not need it, we are trying to incorporate in with one of the other letters. We may ask in the future depending on what the town requests.

Also, please revise/add the following:

In the Landscaping letter, please add 'individual parcel landscaping has been installed in accordance with PUD' (#3).

In the attached Bond reduction letter you previously sent, please add 'the bond reduction submittal package is approved and/or recommended for reduction, based on Developer's compliance with the terms of the bond agreement and in accordance with Grzelka Engineering's approved cost estimate' (#14).

In the Infrastructure letter, please be more detailed, as the town is looking for a 'comprehensive statement' (#15).

Thank you.



FORESTAR

Maria Camporeale
Land Acquisition Director
Southwest & Southeast Florida

1001 Yamato Road, Suite 408
Boca Raton, FL 33431
o: 561.208.3313
c: 917.847.1065

Forestar.com

From: Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>

Sent: Monday, November 20, 2023 11:39 AM

To: Zachary Griffin <ZacharyGriffin@forestar.com>; Maria Camporeale <MariaCamporeale@forestar.com>; Chris Menninger <Chris@mackenzieengineeringinc.com>; Kevin Trepanier <Kevin@mackenzieengineeringinc.com>

Subject: RE: Seawalk - Closeout with Town of Ocean Breeze

[External]

Zach – These are the proposed letters for submittal.

Best Regards,

Shaun G. MacKenzie, PE

MacKenzie Engineering & Planning, Inc.

1172 SW 30TH Street, Suite 500

Palm City, FL 34990

OFFICE: 772-286-8030

Cel – 772-834-8909

shaun@mackenzieengineeringinc.com

Expertise - Relationships - Superior Client Service

From: Zachary Griffin <ZacharyGriffin@forestar.com>

Sent: Friday, November 17, 2023 9:56 AM

To: Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>; Maria Camporeale <MariaCamporeale@forestar.com>; Chris Menninger <Chris@mackenzieengineeringinc.com>; Kevin Trepanier <Kevin@mackenzieengineeringinc.com>

Subject: RE: Seawalk - Closeout with Town of Ocean Breeze

Shaun,

Please send to us for review before submitting to Ocean Breeze.

Thanks,



Zachary Griffin
Land Development Director
Southeast Florida

6123 Lyons Road Suite 103
Coconut Creek, FL 33073

o: 954.678.5127

c: 954.540.6456

ZacharyGriffin@Forestar.com

Forestar.com

From: Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>

Sent: Friday, November 17, 2023 9:45 AM

To: Maria Camporeale <MariaCamporeale@forestar.com>; Zachary Griffin <ZacharyGriffin@forestar.com>; Chris Menninger <Chris@mackenzieengineeringinc.com>; Kevin Trepanier <Kevin@mackenzieengineeringinc.com>

Subject: RE: Seawalk - Closeout with Town of Ocean Breeze

[External]

I'll get these out today.

From: Maria Camporeale <MariaCamporeale@forestar.com>

Sent: Monday, October 30, 2023 2:30 PM

To: Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>; Zachary Griffin <ZacharyGriffin@forestar.com>; Chris Menninger <Chris@mackenzieengineeringinc.com>; Kevin Trepanier <Kevin@mackenzieengineeringinc.com>

Subject: RE: Seawalk - Closeout with Town of Ocean Breeze

Good afternoon, Shaun. Are you able to provide the letters we need (as below)?



Maria Camporeale
Land Acquisition Director
Southwest & Southeast Florida

6123 Lyons Road, Suite 103
Coconut Creek, FL 33073
o: 954.678.5128
c: 917.847.1065

Forestar.com

From: Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>
Sent: Friday, October 20, 2023 4:35 PM
To: Zachary Griffin <ZacharyGriffin@forestar.com>; Chris Menninger <Chris@mackenzieengineeringinc.com>; Kevin Trepanier <Kevin@mackenzieengineeringinc.com>
Cc: Maria Camporeale <MariaCamporeale@forestar.com>
Subject: RE: Seawalk - Closeout with Town of Ocean Breeze

[External]

Thanks we'll take a look and see if we can knock these out. I'll get together with team.

From: Zachary Griffin <ZacharyGriffin@forestar.com>
Sent: Thursday, October 19, 2023 4:51 PM
To: Chris Menninger <Chris@mackenzieengineeringinc.com>; Kevin Trepanier <Kevin@mackenzieengineeringinc.com>; Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>
Cc: Maria Camporeale <MariaCamporeale@forestar.com>
Subject: FW: Seawalk - Closeout with Town of Ocean Breeze
Importance: High

Chris, Kevin, and Shaun,

Hope all is well; it's been a little while. Please be advised Pedro Rodriguez and Kristen Northup no longer work for Forestar SEFL. I am copying Maria Camporeale because she is taking the lead on getting the Town's bond reduction and final release.

As you probably guessed, we're still trying to closeout with the Town of Ocean Breeze. We need the following items from you using the specific language below for each item to move forward:

1. Confirmation (signed and sealed certification letter) that the project's final configuration is consistent with the PUD's Master Site Plan.
2. Statement (signed and sealed certification letter) that the individual parcel (lot) landscaping has been installed in accordance with the PUD (remember, you inspected the front yard tree installation – tree count with regards to civil coordination).
3. Statement (signed and sealed certification letter) that infrastructure components have been installed properly and in accordance with and are consistent with the asbuilt plans.

4. Statement (signed and sealed certification letter) that the asbuilt infrastructure plans submitted by the developer's design engineer of record and approved by Mackenzie account for DR Horton's placement of fill on individual sites (lots) and is the existing configuration and what's shown by the asbuilts one in the same? The answer is no. My notes say "Mackenzie to correlate the 2 development stages – civil asbuilts vs lot surveys – in their letter." If you need to discuss further, let us know, but I spent an hour explaining to them that civil asbuilts do not include lot grading, and that lot grading is picked up on the individual lot survey.

We need separate letters for each item, and they need to reference the specific language for each item. Please provide drafts for review to Maria and me ASAP.

Thanks,



Zachary Griffin
Land Development Director
Southeast Florida

6123 Lyons Road Suite 103
Coconut Creek, FL 33073
o: 954.678.5127
c: 954.540.6456
ZacharyGriffin@Forestar.com

Forestar.com

From: Chris Menninger <Chris@mackenzieengineeringinc.com>

Sent: Wednesday, September 21, 2022 9:18 AM

To: KNorthupConsulting <knorthupconsulting@gmail.com>; Zachary Griffin <ZacharyGriffin@forestar.com>; Pedro Rafael Rodriguez <PedroRodriguez@forestar.com>; Victoria Perez <vperez@hjcontracting.com>

Cc: Kevin Trepanier <Kevin@mackenzieengineeringinc.com>; Shaun G. MacKenzie, P.E. <Shaun@mackenzieengineeringinc.com>

Subject: RE: Seawalk - Closeout Status

[External]

Kristen,

Please see the revised letter.

Thank you,

Chris Menninger, EI

Project Engineer (E.I.T)

MacKenzie Engineering and Planning, Inc.

1172 SW 30th Street, Suite 500

Palm City, FL 34990

Chris@mackenzieengineeringinc.com

Office: 772-286-8030

Cell: 772-631-5499

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**SEAWALK CLOSE OUT -- WORKING LIST, SUBJECT TO CHANGE,
DEC 6, 2022**

PUD	Issue	Status	Delayed by Mackenzie Engineering	Delayed by Town Engineer	Delayed by Town Attorney	Delayed by Town Landscape Expert	Delayed by Town Building Official	Approved by Mayor	Resolved
1	Lucido & Associates statement of overall compliance with the PUD including a recitation of all pertinent ordinances and amending resolutions. (Are any amendments needed?)	Pending							
2	Need confirmation from the Town's reviewing engineer (Mackenzie) that the project's final configuration is consistent with the PUD master site plan. (Are any amendments needed?)	Pending Submitted 1-16-2024							
3	Statement from Mackenzie Engineering that individual parcel landscaping has been installed in accordance with the PUD.	Pending Submitted 1-16-2024							
4	Lucido & Associates statement of landscaping compliance.	Received							
5	Pursuant to condition 4 of the PUD agreement, the Town will be obtaining an independent inspection of the final common area landscaping. The cost of which is to be borne by the developer. The Town has requested a proposal from local landscape architect, Mike Flaugh, and will share and discuss the proposal with the Developer before any work proceeds. Developer shall pay Flaugh directly.	Underway				Pending			
6	Need EVW (Paul Eric's) certification that all preserve areas are free of exotics, debris, intrusions caused by construction activities, etc., and are in compliance with the PAMP, and that all PAMP reporting obligations to the Town are up to date.	Pending							
7	With the exception of entrance landscaping features, the PUD prescribes that "there is no permanent irrigation of the common areas." Notwithstanding this provision, common areas have apparently been piped for irrigation, some of which may be connected to the water services of individual lot owners. This arrangement is not in compliance with the PUD and should be corrected or proposed as an alternative configuration possibly via a minor PUD amendment application. Whatever the resolution, it must be demonstrated that the common area vegetation will be reliably sustained in a viable condition.	Pending							
8	Confirmation that entrance lock box configurations in compliance with the County Sheriff and Emergency Services current standards?	Pending							✓
9	Has a Sheriff's Department patrol agreement been executed?	Pending							✓
10	Health Department approval of community pool.	Pending							
11	Copy of Ocean Breeze Plaza access agreement	Pending							
12	Copy of trash collection agreement	Pending							

PUD	Issue	Status	Delayed by Mackenzie Engineering	Delayed by Town Engineer	Delayed by Town Attorney	Delayed by Town Landscape Expert	Delayed by Town Building Official	Approved by Mayor	Resolved
Infrastructure									
& Bond									
13	Bond refund/reduction to follow the process in the bond agreement/contract and outline provided by the Town Attorney dated October 12, 2022. (See attachment # 1)	Submitted 1-16-2024							
14	Prior to Mayor's approval, Mackenzie, Town Attorney and Town Engineer to approve bond refund/reduction submittal package for completeness and content vs. vs the bond terms and bond contract. HOA Attorney has requested copy of documentation before Mayor affixes her signature.	Pending Submitted 1-16-2024							
15	Comprehensive statement from Mackenzie Engineering certifying that all infrastructure components have been installed properly and in accordance with the approved infrastructure plan and are consistent with the as-built plans.	2 Submitted 1-16-2024							
15	Does the as-built infrastructure plan submitted by the developer's design engineer(s) record and approved by Mackenzie Engineering, account for DR Horton's placement of fill on individual sites and is the existing configuration and what's shown by the as-builts one in the same?	Pending Submitted 1-16-2024							
17	The project's infrastructure was designed (and partially certified?) by engineer of record Grzelka Engineering before the developers advised the Town on June 15, 2021 that Grzelka was no longer under contract and that MIL Corps would be (partially?) playing that role. The Town will require a statement from the developer(s), acceptable to the Town, as to which engineer is the engineer-of-record and for which components of the infrastructure plan. There can be no ambiguity with regard to which engineer is responsible.	Pending							
18	The Town has received video evidence that storm water is exiting southward from the Ocean Breeze Plaza property that may be posing an erosion risk to the Seawalk Development. Please confirm that the Seawalk Infrastructure design took into account historical storm water flows from the Plaza site. Whether the Plaza's discharge exceeds what the Seawalk site is obliged to accommodate is not known at this time.	Pending							
19	The Town is in receipt of several emails from the HOA residents that drainage on individual parcels is flawed. These issues need to be addressed in the context of the infrastructure's overall certification. (See attachment # 2).	Pending							
20	The Town is in receipt of several emails from the HOA concerning the adequacy of entrance gates, other gates, security electronics, etc. copies attached. These issues need to be addressed in the context of the infrastructure's overall certification. (See attachment # 3).	Pending							

PUD	Issue	Status	Checked by Mackenzie Engineering	Checked by Town Engineer	Checked by Town Attorney	Checked by Town Landscape Expert	Checked by Town Building Official	Approved by Mayor	Resolved
21	Confirm that the project's entrance gates are in compliance with ASTM Designation F12200-20 "Standard Specification for Automatic Vehicular Gate Construction"	Pending							
22	Please address reports that the entrance call boxes are causing low voltage shocks.	Pending							
23	Parcel 1 site deficiencies. Developer, together with the lot owner and HOA, to apply for and obtain a permit to make remedial improvements to Parcel 1 that address inconsistencies with the infrastructure plan and/or the individual parcel plan, including but not limited to improper grading and slopes, risks of erosion and questionable access to perimeter landscaping. Further, to the extent that the remedial work impacts the adjoining preserve area, those impacts must be offset by new native plantings specified by EW (Paul Erzo), to be shown on the plan and approved by the Town."	Pending							
24	Confirmation that all required survey activities, including lot markers in the field, documentation, etc. have been completed per FL statute, approved, and on file with the Town.	Pending							✓
25	Confirmation that the development's fire hydrant system has been inspected and accepted by the County Fire and Utilities Department.	Pending							✓
26	Documentation needed confirming Martin County's acceptance of all off-site improvements. (sidewalks), signage, etc.)	Pending							✓
27	Proof of County acceptance of water line on Parcel A	Received							✓
28	SFWMD Docs	Received							✓
29	MC Utility Service Agreement	Pending							✓
30	Make the Developer, HOA and HOA Attorney aware of prior correspondence from the County Engineer's Department questioning whether the project's stormwater design was the cause of flooding on adjacent residential properties in the County, including Mackenzie Engineering's review and determination that no design or code violations exist. (See attachment # 4).	Done							
General									
31	Over the course of the project's development both individual residents and the HOA have raised several questions or concerns regarding components of both the PUD and the scope of the infrastructure improvements. (See attachment # 5). These issues need to be addressed or confirmed as resolved by the Developer.								



Engineering & Planning, Inc.

1172 SW 30th Street • Suite 500 • Palm City • Florida • 34990
(772) 286-8030 • www.mackenzieengineeringinc.com

January 15, 2024

Re: Sea Walk (Ocean Breeze Park West)
Infrastructure As-Builts

OCEAN BREEZE PARK WEST

Based on our review, the infrastructure has been constructed in accordance with the approved plans and any deviation has been noted on said as-builts.

All data obtained and reviewed by MEP and all certifications provided by the project's Engineers of Record demonstrate proper installation of infrastructure components.

If you have any questions, please do not hesitate to contact Shaun Mackenzie at (772) 834-8909 or shaun@mackenzieengineeringinc.com.

Sincerely,

Shaun Mackenzie
Shaun G. Mackenzie, P.E.
Florida License No. 61751
CA 29013



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Shaun G
MacKenzie
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Engineering & Planning, Inc.

1172 SW 30th Street • Suite 500 • Palm City • Florida • 34990

(772) 286-8030 • www.mackenzieengineeringinc.com

January 15, 2024

Re: Sea Walk (Ocean Breeze Park West)
Individual Lot Landscaping

OCEAN BREEZE PARK WEST

Based on our review, all lots have been constructed with two trees in the front yard of each home in accordance with the approved landscaping plans in the PUD.

If you have any questions, please do not hesitate to contact Shaun Mackenzie at (772) 834-8909 or shaun@mackenzieengineeringinc.com.

Sincerely,

Shaun G. Mackenzie, P.E.
Florida License No. 61751
CA 29013



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Engineering & Planning, Inc.

1172 SW 30th Street • Suite 500 • Palm City • Florida • 34990

(772) 286-8030 • www.mackenzieengineeringinc.com

December 11, 2023

Re: Sea Walk (Ocean Breeze Park West)
Bond Reduction

OCEAN BREEZE PARK WEST

Based on our review of the 08/12/22 punchlist, the punchlist items previously identified were addressed. The bond reduction submittal package is recommended for reduction, based on Developer's compliance with the terms of the bond agreement and in accordance with Grzelka Engineering's approved cost estimate

If you have any questions, please do not hesitate to contact Shaun Mackenzie at (772) 834-8909 or shaun@mackenzieengineeringinc.com.

Sincerely,

Shaun G. Mackenzie, P.E.
Florida License No. 61751
CA 29013



THIS SEAL IS VALID ONLY IF IT IS REGISTERED TO THE SIGNATURE OF SHAUN G. MACKENZIE, P.E. ON THE PUBLIC ACCOUNTING SYSTEM. PRINTED FORMS OF THIS SEAL ARE NOT VALID AND SHOULD BE REJECTED. THE SIGNATURE OF THE REGISTERED PROFESSIONAL ENGINEER MUST BE FILED WITH THE COMPTON. THE SIGNATURE OF THE REGISTERED PROFESSIONAL ENGINEER MUST BE FILED WITH THE COMPTON. THE SIGNATURE OF THE REGISTERED PROFESSIONAL ENGINEER MUST BE FILED WITH THE COMPTON.

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Engineering & Planning, Inc.

1172 SW 30th Street • Suite 500 • Palm City • Florida • 34990

(772) 286-8030 • www.mackenzieengineeringinc.com

January 15, 2024

Re: Sea Walk (Ocean Breeze Park West)
Infrastructure As-Builts

OCEAN BREEZE PARK WEST

Based on our review, the infrastructure has been constructed in accordance with the approved plans and any deviation has been noted on said as-builts.

All data obtained and reviewed by MEP and all certifications provided by the project's Engineers of Record demonstrate proper installation of infrastructure components.

The as-built infrastructure plans submitted by the Engineers of Record and submitted by the Developer do not account for DR Horton's placement of fill on individual sites. Placement of fill on individual sites by DR Horton is documented separately on lot grading plans.

If you have any questions, please do not hesitate to contact Shaun Mackenzie at (772) 834-8909 or shaun@mackenzieengineeringinc.com.

Sincerely,

Shaun G. Mackenzie, P.E.
Florida License No. 61751
CA 29013



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Date:
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Engineering & Planning, Inc.

1172 SW 30th Street • Suite 500 • Palm City • Florida • 34990

(772) 286-8030 • www.mackenzieengineeringinc.com

January 15, 2024

Re: Sea Walk (Ocean Breeze Park West)
PUD Consistency

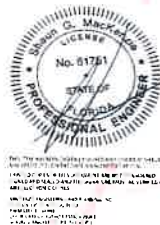
OCEAN BREEZE PARK WEST

The project's final configuration is consistent with the PUD plan. It is our professional opinion that minor adjustments related to the mail box kiosk locations and sidewalk connection to the Plaza site do not require amendments to the PUD.

If you have any questions, please do not hesitate to contact Shaun Mackenzie at (772) 834-8909 or shaun@mackenzieengineeringinc.com.

Sincerely,

Shaun G. Mackenzie, P.E.
Florida License No. 61751
CA 29013



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Date:
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Correspondence Pertaining to Resolution of Item #23 on the Seawalk Close-Out List

FYI

Item C

Permits

From: Stephanie Adams <swa@reblawpa.com>
Sent: Friday, January 19, 2024 12:44 PM
To: Town Clerk; Permits; Terry O'Neil
Subject: FW: January 18, 2024 Earle Correspondence/Report to D.R. Horton, Inc. and FORESTAR RE: RAVER; 1519 NE Skyhigh Terrace, Ocean Breeze, Florida 34957
Attachments: 2024 01 18 Demand Ltr to Horton w LaConte Report.pdf
Importance: High

Some people who received this message don't often get email from swa@reblawpa.com. [Learn why this is important](#)

Please see the attached letter, regarding Raver/ 1519 NE Skyhigh Terrace, Ocean Breeze, Florida 34957. Thank you!

Sincerely,

Stephanie Adams

**Paralegal to David B. Earle, Esquire
Ross Earle Bonan Ensor & Carrigan, P.A.**

Stuart Office:

819 S.W. Federal Hwy.
Suite 302
Stuart, FL 34994
Tel. (772) 287-1745
Fax. (772) 287-8045
Email: swa@reblawpa.com



Vero Office:

1701 Highway A1A
Suite 220
Vero Beach, Florida 32963
Tel. (772) 563-9555
Fax. (772) 287-8045
Email: swa@reblawpa.com

NOTICE: The undersigned attorney office is a debt collector attempting to collect a debt owed to the Association. Any information obtained will be used for that purpose.

Confidentiality Note: The information contained in this email transmission is sent by an attorney or his/her agent, and is intended to be confidential and for the use of the individual(s) or entity named above. This email transmission may also be for the purpose of rendering legal advice and is thereby privileged. If the reader of this message is not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copy of this transmission is strictly prohibited. If you received this email transmission in error, please immediately notify us by telephone and reply to the original email transmission sender at the above email address. Thank you.

From: Stephanie Adams
Sent: Thursday, January 18, 2024 4:23 PM
To: townclerk@townofocceanbreeze.org
Cc: Gary Simmons <GES@reblawpa.com>

Subject: January 18, 2024 Earle Correspondence/Report to D.R. Horton, Inc. and FORESTAR RE: RAVER; 1519 NE Skyhigh Terrace, Ocean Breeze, Florida 34957

Good afternoon:

Attached for your review and/or response, please find today's correspondence, together with the engineer's report, to D.R. Horton, Inc. and FORESTAR, respectively, in regards to the Raver residence. If you have any questions, please do not hesitate to contact our office. Thank you!

Sincerely,

Stephanie Adams

**Paralegal to David B. Earle, Esquire
Ross Earle Bonan Ensor & Carrigan, P.A.**

Stuart Office:

819 S.W. Federal Hwy.

Suite 302

Stuart, FL 34994

Tel. (772) 287-1745

Fax. (772) 287-8045

Email: swa@reblawpa.com



Vero Office:

1701 Highway A1A

Suite 220

Vero Beach, Florida 32963

Tel. (772) 563-9555

Fax. (772) 287-8045

Email: swa@reblawpa.com

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ROSS EARLE BONAN ENSOR & CARRIGAN, P.A.

ATTORNEYS AT LAW

DEBORAH L. ROSS*
DAVID B. EARLE +*
ELIZABETH P. BONAN*
JACOB E. ENSOR*

ROYAL PALM FINANCIAL CENTER
SUITE 302
819 SW FEDERAL HIGHWAY
STUART, FLORIDA 34994
(772) 287-1745

TRANSOCEAN BUILDING
SUITE 220
1701 HIGHWAY A1A
VERO BEACH, FLORIDA 32963
(772) 563-9555

JOHN P. CARRIGAN*
GARY E. SIMMONS, JR.
KATE E. BRADFORD
KURT A. McDAVID

+CERTIFIED CIRCUIT CIVIL MEDIATOR

BOARD CERTIFIED IN CONDOMINIUM*
& PLANNED DEVELOPMENT LAW

January 17, 2024

Via Certified Mail, Return Receipt Requested & First-Class U.S. Mail

D.R. Horton, Inc.	FORESTAR
c/o Mark J. Stempler, Esq.	c/o Zachary Griffin
Becker & Poliakoff	6123 Lyons Road, Ste.103
625 N. Flagler Dr., 7th Floor	Coconut Creek, Florida 33073
West Palm Beach, FL 33401	

Re: Sheila Raver adv. D.R. Horton, Inc. and Forestar
Seawalk by D.R. Horton – Lot 1 Unusable Land

To Whom It May Concern:

As you are aware, our firm represents Sheila Raver (“Ms. Raver”) and the purpose of this correspondence is to address the misrepresentations made to Ms. Raver inducing the sale of property and a dwelling and the resulting unusable land at 1519 NE Skyhigh Terrace, Ocean Breeze, FL 34957 (hereinafter “Lot 1”), within Seawalk by D.R. Horton.

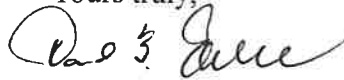
More specifically, Lot 1 has been shoehorned into the Seawalk community and is not developed to the standard of the other lots in Seawalk. Lot 1 and the area near its western boundary were not properly graded and approximately 47% of the yard of Lot 1 is unusable land. Please review the enclosed Engineering Report by Patrick LaConte for further details regarding the myriad of problems with Lot 1 and our prospective plan to cure these problems. The discovered defects are material deviations from the representations made to Ms. Raver to induce the sale of Lot 1. The survey and advertisements, as well as the verbal communication with salespersons acting as agents of D.R. Horton, made no mention of these material facts. We believe the lot is worth significantly less than my client was induced to pay. Therefore, she is entitled to relief.

You must implement retaining walls and properly grade the areas in and around Lot 1, relocate the fence in the side and back yard to the property line, remove the T-Turn around in front of Lot 1 and extend the road as originally designed. See the enclosed LaConte Engineering Report.

Consequently, consider this as an immediate demand for D.R. Horton to provide the above improvements to cure the current deficiencies of Lot 1 and to cover all expenses necessitated by D.R. Horton’s misrepresentations in the sale of the property.

I can be reached at the Stuart, Florida office noted above. I look forward to your response.

Yours truly,

A handwritten signature in cursive script, appearing to read "David B. Earle".

David B. Earle, Esq.

DBE/GES/swa

cc: Sheila Raver

Town of Ocean Breeze

Enclosure

Engineering Report & APPENDIX

FOR

RAVER – LOT 1
OCEAN BREEZE WEST PUD
OCEAN BREEZE (MARTIN COUNTY), FLORIDA

Shelia Marie Raver (Owner)
1519 NE Skyhigh Ter
Ocean Breeze, FL 34957

December 7, 2023

Prepared By:
Patrick J. LaConte, PE
FL REG #41070



2440 SE Federal Hwy, Suite W, Stuart, FL 34994
(772) 215-0354 • placonte@laconteengineering.com
FL CA License No. 30922

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Detailed Findings.....	6
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Recommendations.....	9
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A.....	Lot 1 Recovery Concept – LaConte Engineering
B.....	Boundary and Topographic Survey – NorthStar Geomatics

CERTIFICATION STATEMENT

FS 471.025 and FAC 61G15-23.002

In accordance with F.S. (Florida Statutes) Chapter 471.025 Seals, and FAC (Florida Administrative Code) 61G15-23.002 Seal, Signature and Date Shall Be Affixed.

I hereby certify that I (or my agent) have visited and examined/reviewed this site and attest that I am in responsible charge of the preparation of this report, and that it has been prepared in accordance with accepted and good engineering practice.

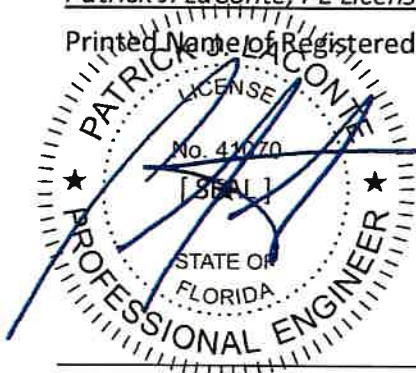
Prepared by:



2440 SE Federal Hwy, Suite J, Stuart, FL 34994
(772) 215-0354 • placonte@laconteengineering.com
FL CA License No. 30922

Patrick J. LaConte, PE License No. 41070

Printed Name of Registered Professional Engineer



Signature of Registered Professional Engineer

State Registration No. PE License No. 41070

Date 12/7/23

RAVER – LOT 1
OCEAN BREEZE WEST PUD
November 18, 2023

BACKGROUND

Shelia Marie Raver (owner) is the owner of Lot 1 of Ocean Breeze West PUD, in Martin County Florida. The Ocean Breeze West Plat is recorded in Plat Book 18 Page 1 of the Martin County Public Records. The address for Lot 1 is 1519 NE Skyhigh Terrace, and the Parcel Control Number is 22-37-41-034-00000010-0. According to the public records, Ms. Raver purchased Lot 1 from DR Horton Inc. for \$461,900 on March 25, 2022.

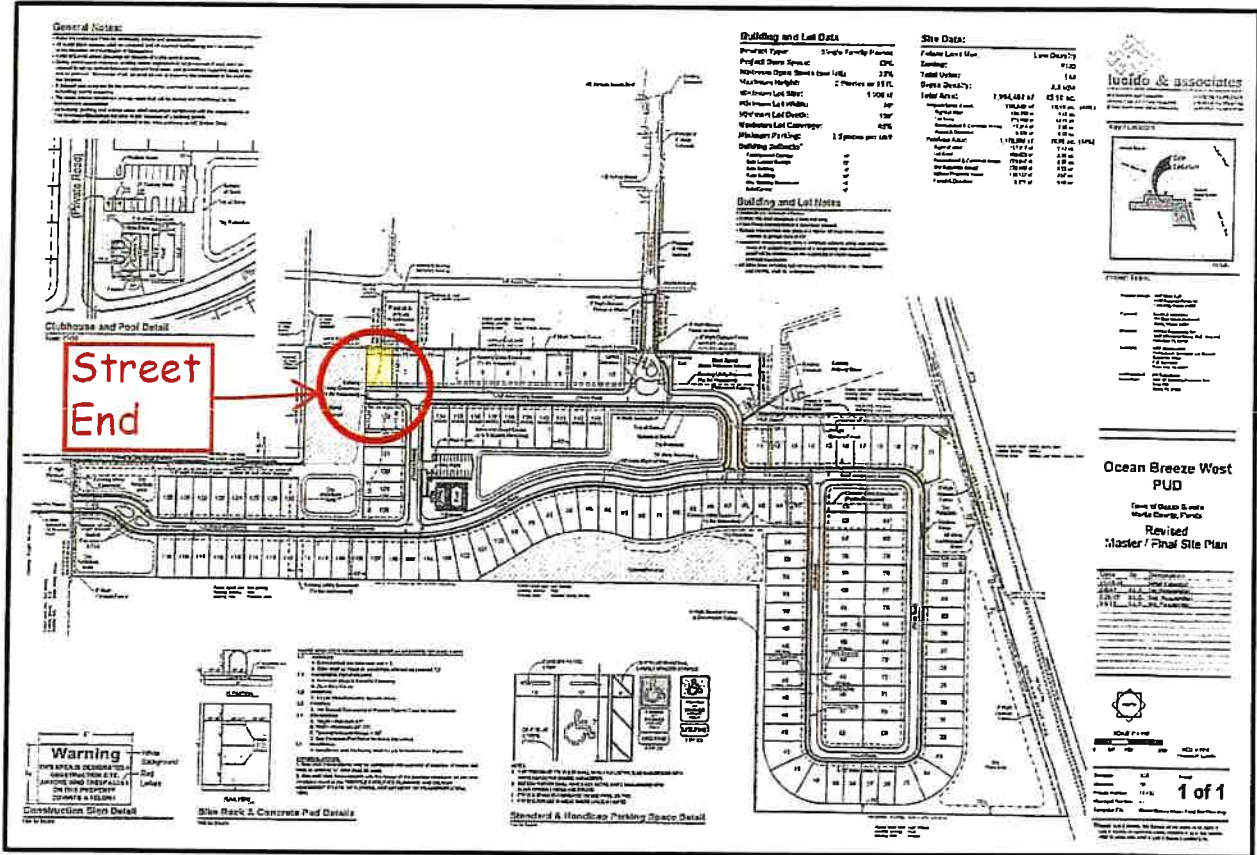
The Ocean Breeze West PUD consists of 143 residential home sites (lots). The typical lot in this PUD is 50' wide, however ONLY the 10 lots on the north side of Skyhigh Terrace (the northernmost street in the PUD) are ALL 75' wide, therefore, they are the largest lots in the PUD. Lot 1, the first of these 10 lots is located within the Ocean Breeze West PUD as shown on the map below.



LOCATION MAP

Location – (Section 22, Township 37 S, Range 41 E), Martin County, FL.

Also, as shown in the exhibit below, the ONLY dead-end street within the entire PUD is the west end of Skyhigh Terrace located at Lot 1 (highlighted yellow).



Also note that 1) the street ends at the west boundary of Lot 1, and 2) the Site Plan does not include a T-Turnaround.

Therefore, at the request of David B. Earle, Esquire of Ross Earle Bonan Ensor & Carrigan, P.A., Patrick LaConte, PE of LaConte Engineering made an initial visit of Lot 1 on June 16, 2023 with David Earle.

GENERAL CONCERNS

A summary of the conditions noted at the initial site visit of Lot 1 is as follows:

Front Yard

- The street ends abruptly into a steep slope of a mound, barely past the driveway.
- This mound appeared to begin well into the front yard of Lot 1.
- The typical and more desirable Floritam (hybrid) sod in the front yard of Lot 1 does NOT extend to the property boundary. This sod extends from the house and driveway towards the boundary; however, it discontinues at the bottom of the mound, giving the false appearance that the mound is beyond the boundary.
- A sub-standard alternative to a T-turnaround consists of small concrete pads cobbled onto the dead-end street. A standard T-turnaround would be twice the size and should be located past/beyond any front yard.

Side Yard

- The only side yard is a narrow flat sodded stretch within a fence adjacent to the house.
- A steep incline in the front yard reverses along the side yard to a steep decline at the rear yard. These slopes appear to begin on Lot 1 and extend to natural ground adjacent to Lot 1, that is higher in the front and lower in the rear.

Rear Yard

- A steep slope at the rear yard, also slopes down to the property adjacent to the subdivision's perimeter and behind Lot 1.

House Location

- The location of the house is significantly closer to the east lot line than any of the other lots of this size. The house appears to have been shifted towards the east away from the steep grades along the west boundary.

Patrick LaConte later obtained additional permits and plans for the development and Lot 1 from Attorney David Earle, and with his associate William Orazi, they reviewed the documents to confirm improvements observed, such as the PUD exhibit on the prior page. Patrick LaConte also communicated with the Town Engineer, Scott Montgomery, PE on August 2, 2023 to discuss the site observations.

DETAILED FINDINGS

As a result of our site visit and observations, our recommendation to David Earle was to obtain a boundary survey of Lot 1 with a topographic survey of the lot and the immediately adjacent property. This effort is to quantify the concerns raised in our initial site visit. Therefore, Patrick LaConte, PE met the surveyor Frank Veldhuis, PSM of NorthStar Geomatics, Inc. at the site on August 10, 2023 to identify Lot 1 and establish the scope of the survey required.

NorthStar Geomatics provided an electronic copy of the Lot 1 survey on September 27, 2023 (see **Appendix B**).

In review of the survey LaConte Engineering determined the following specific information:

Front Yard

- The street ends abruptly into a seven-foot (7') high mound with a steep slope (2 to 1), which is twice the incline of a stable slope.
- The mound encroaches twenty feet (20') into the front yard and frontage of Lot 1.
- The Floritam sod yard of Lot 1 extends only ten feet (10') from the west side of the house (it should extend around 20' further).
- The T-turnaround is less than half the size of a standard T-Turnaround.
- The T-turnaround encroaches approximately thirty-five feet (35') into the frontage of Lot 1, right up against the driveway and impeding into the driveway apron.

Side Yard

- The west fenced side yard is less than 15’ from the wall of the house, and with the house at 30’ from the west boundary, there is room for another fifteen feet (15’) of land available for the fenced yard.
- The steep slope (2 to 1) is twice the incline of a stable slope, it begins well within Lot 1 at the fence, and drops down six feet (6’) at the adjacent property.

Rear Yard

- An even steeper slope (1.8 to 1) within the backyard slopes down 4.5’ to the adjacent property on the subdivision’s perimeter at the rear yard.

House Location

- The location of the house is only 4.9’ to 5.0’ from the Lot 1 east boundary. Although they are not part of the survey, it appears from Martin County GIS maps that ALL of the other homes along this row of homes are approximately fifteen feet (15’) from their boundaries. This means that Lot 1 is approximately ten feet (10’) closer to its boundary than ANY other home on the same side of the street.

The survey indicates that Lot 1 is 110’ deep and seventy-five feet (75’) wide, or 8,250 SF, which is consistent with the Martin County Property Appraiser information that shows the size of Lot 1 as 0.19 Acres. See the area breakdown of Lot 1 below.

Lot 1 Area Analysis

<u>Description</u>	<u>Area (SF)</u>	<u>Percent</u>
Lot 1	8,250	100%
House & Driveway	2,884	35%
Open Space	5,366	65%

Per the survey, steep slopes within the total Open Space impact Lot 1 as follows:

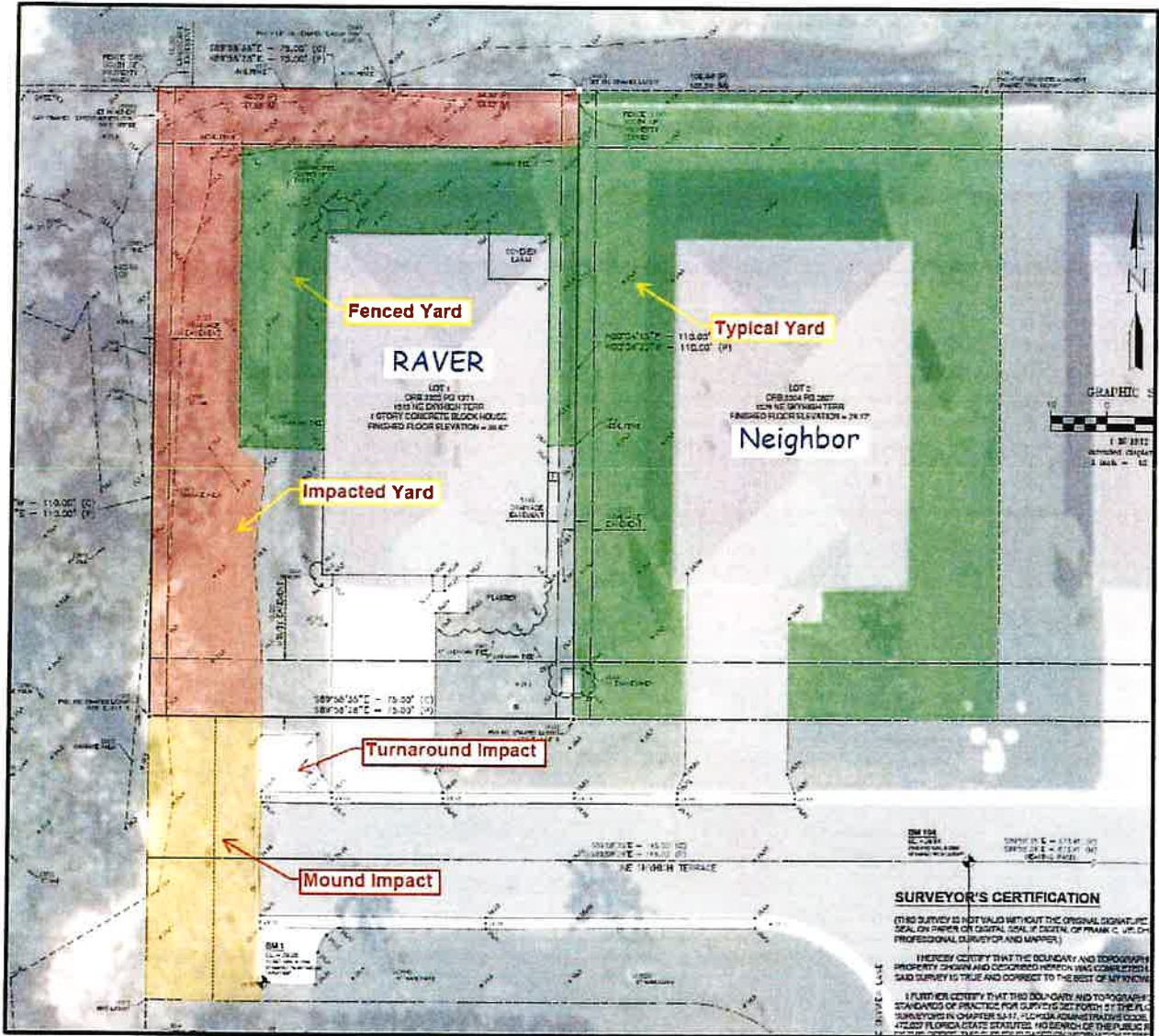
Slope Encroachments	2,500	30%
---------------------	-------	-----

A Yard is the total Open Space around the house and driveway footprint, therefore the Slope Encroachment impact on Lot 1 (*see LOT 1 ISSUES & COMPARISON – next page*), is as follows:

Yard Area Analysis

<u>Description</u>	<u>Area (SF)</u>	<u>Percent</u>
Open Space	5,366	100%
Slope Encroachments	2,500	47%

In summary, the slope encroachments impact 30% of the overall Lot 1, and 47% of the potential yard.



LOT 1 ISSUES & COMPARISON

CONCLUSIONS

In consideration of the current conditions of Lot 1, and comparison with ALL of the other larger lots on this side of the street, Lot 1 is deficient as follows:

- The T-Turnaround, mound and roadway end are located within Lot 1 frontage instead of beyond it.
- The T-Turnaround in Lot 1 frontage is grossly sub-standard (less than half the size it should be) and crowds the driveway.
- The entire yard is not level or sodded, and the fence is far short of the boundary limits.
- The fenced yard does not extend to the Lot 1 boundary because the slope encroaches into the yard, making half of the yard unusable.
- The steep slopes on Lot 1 present a risk of erosion and damage to improved property.
- The house is remarkably close to the east boundary with neighbor, a third of the distance as others.

RECOMMENDATIONS

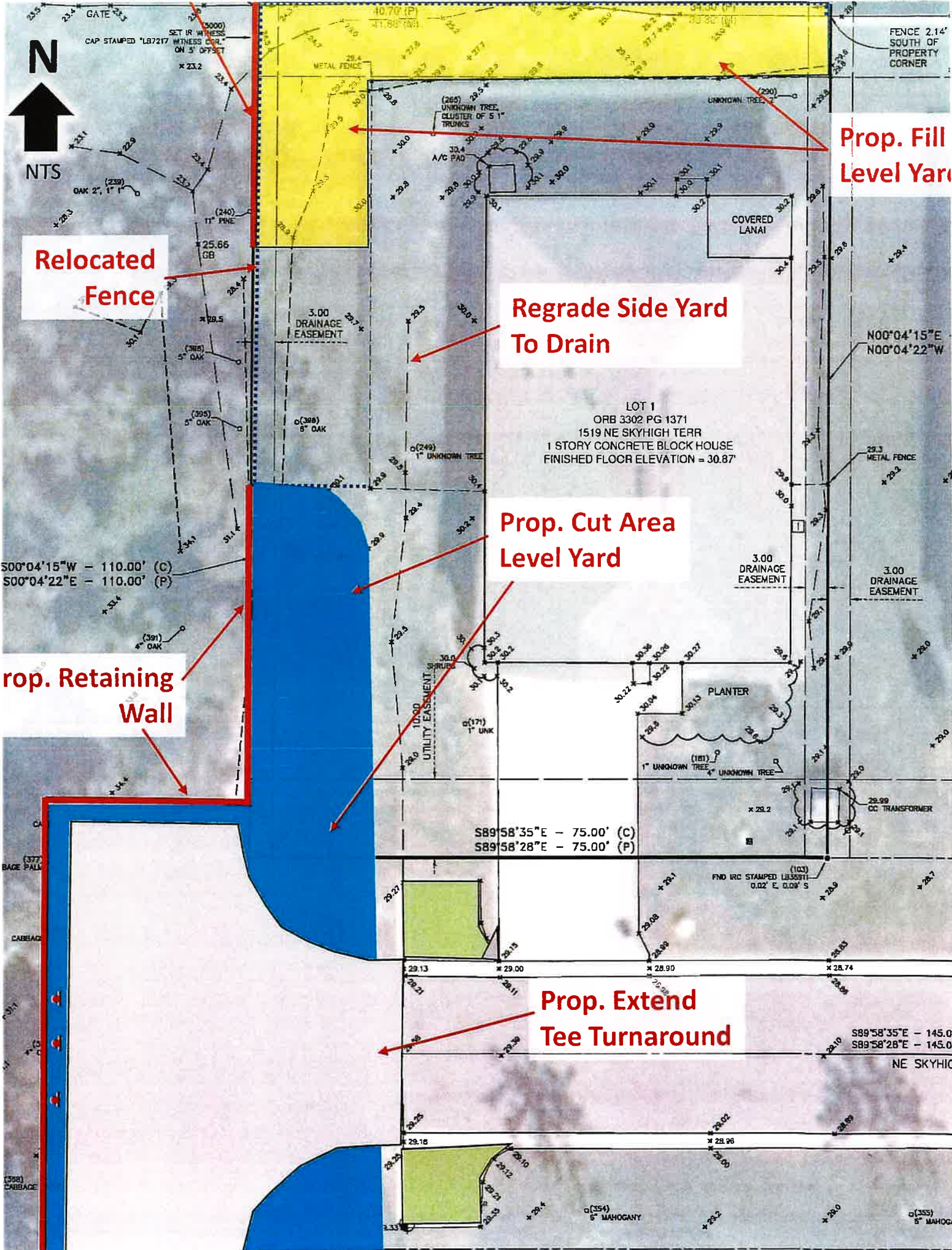
Therefore, we recommend the following remedies as shown in Appendix A of this report:

1. **Replace the existing T-Turnaround** with a standard T-Turnaround beyond the Lot 1 frontage.
2. **Implement retaining walls and regrade Lot 1** to recapture the intended useable Lot 1 area.
3. **Relocate the fence** to Expand the fenced yard area.
4. **Relocation of the house** (centered in Lot 1) though impractical is possible.

APPENDIX

A

LOT 1 RECOVERY CONCEPT
LACONTE ENGINEERING



Relocated Fence

Regrade Side Yard To Drain

Prop. Cut Area Level Yard

Prop. Retaining Wall

Prop. Fill Level Yard

Prop. Extend Tee Turnaround

LOT 1
ORB 3302 PG 1371
1519 NE SKYHIGH TERR
1 STORY CONCRETE BLOCK HOUSE
FINISHED FLOOR ELEVATION = 30.87'

S00°04'15"W - 110.00' (C)
S00°04'22"E - 110.00' (P)

S89°58'35"E - 75.00' (C)
S89°58'28"E - 75.00' (P)

S89°58'35"E - 145.00'
S89°58'28"E - 145.00'
NE SKYHIGH

CABBAGE

CABBAGE

CABBAGE

SET IR WITNESS
CAP STAMPED 'L87217'
ON 5" OFFSET

3.00 DRAINAGE EASEMENT

COVERED LANAI

PLANTER

10.00 UTILITY EASEMENT

FND IRC STAMPED L133311
0.02' E, 0.03' S

(154) 6" MAHOGANY

(353) 5" MAHOGANY

FENCE 2.14'
SOUTH OF
PROPERTY
CORNER

N00°04'15"E
N00°04'22"W

29.3 METAL FENCE

3.00 DRAINAGE EASEMENT

3.00 DRAINAGE EASEMENT

29-99 CC TRANSFORMER

GATE

METAL FENCE

A/C PAD

UNKNOWN TREES

1" UNKNOWN TREE

1" UNKNOWN TREE

1" UNKNOWN TREE

1" UNK

30.0 SHRUBS

1" UNKNOWN TREE

1" UNKNOWN TREE

1" UNKNOWN TREE

1" UNKNOWN TREE

1" UNKNOWN TREE

1" UNKNOWN TREE

1" UNKNOWN TREE

1" UNKNOWN TREE

1" UNKNOWN TREE

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1" UNKNOWN TREE

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1" UNKNOWN TREE

1" UNKNOWN TREE

1" UNKNOWN TREE

1" UNKNOWN TREE

3.00 DRAINAGE EASEMENT

3.00 DRAINAGE EASEMENT

3.00 DRAINAGE EASEMENT

3.00 DRAINAGE EASEMENT

3.00 DRAINAGE EASEMENT

3.00 DRAINAGE EASEMENT

3.00 DRAINAGE EASEMENT

3.00 DRAINAGE EASEMENT

3.00 DRAINAGE EASEMENT

3.00 DRAINAGE EASEMENT

APPENDIX

B

BOUNDARY AND TOPOGRAPHIC SURVEY

NORTHSTAR GEOMATICS

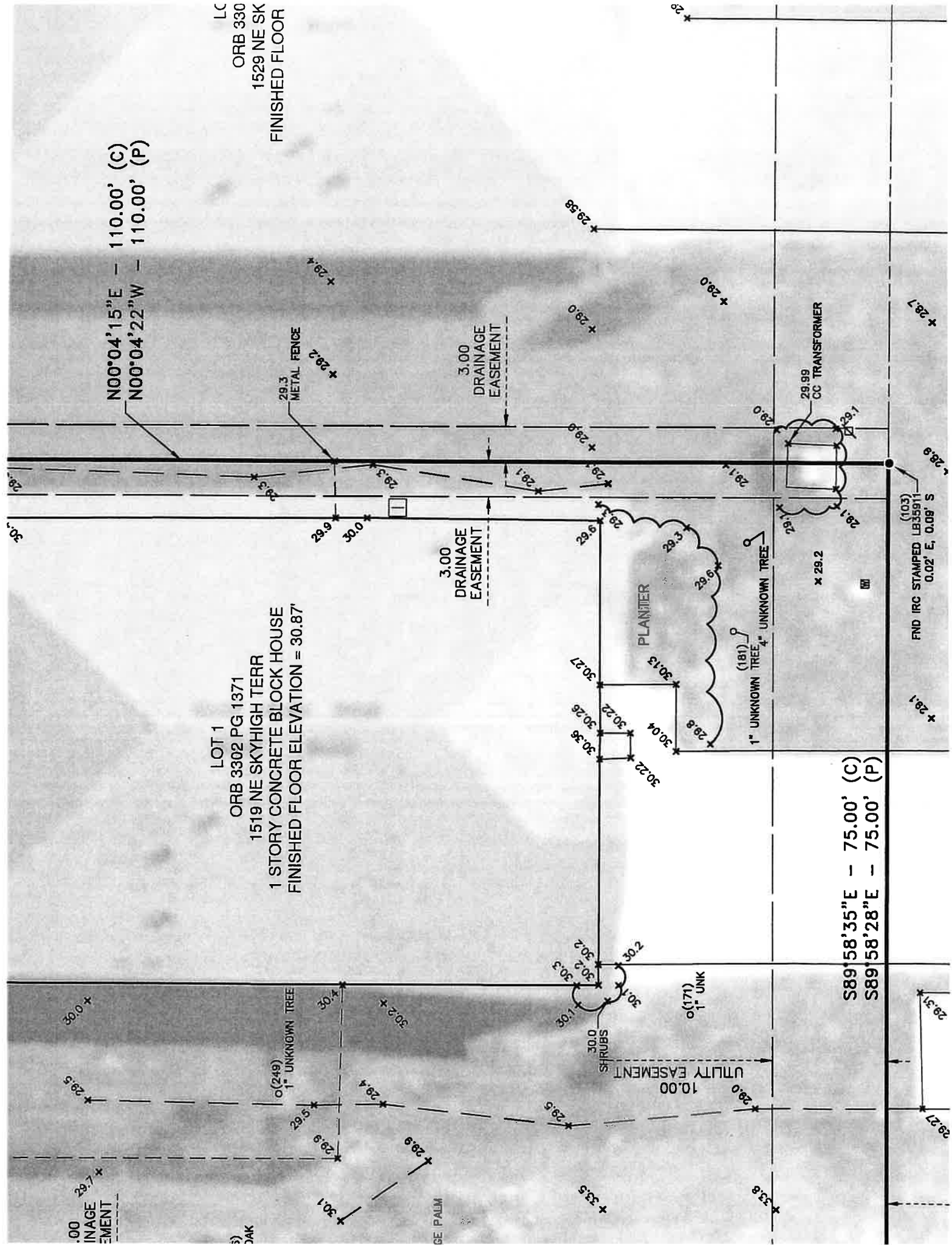
LC
ORB 330
1529 NE SK
FINISHED FLOOR

N00°04'15"E - 110.00' (C)
N00°04'22"W - 110.00' (P)

LOT 1
ORB 3302 PG 1371
1519 NE SKYHIGH TERR
1 STORY CONCRETE BLOCK HOUSE
FINISHED FLOOR ELEVATION = 30.87

S89°58'35"E - 75.00' (C)
S89°58'28"E - 75.00' (P)

FND IRC STAMPED LB35911
(103)
0.02' E, 0.08' S



From: Permits
Sent: Monday, January 29, 2024 2:24 PM
To: James Gorton
Cc: Terry O'Neil (terrancewoneil@gmail.com); Town Clerk; Elizabeth Reese (ereese@townofoceanbreeze.org); Gina Kent (gkent@townofoceanbreeze.org); Kevin (kdocherty@Townofoceanbreeze.org); Matthew Squires; Mayor; Michael Heller; Sandy Keblbeck-Kelley (skelley@townofoceanbreeze.org)
Subject: RE: West End Status

Hi Jim:

Thank you for your email, we will be sharing your comments with the Mayor and the Town Council. We will make sure you and your consultant receive any comments and concerns generated by the Ocean Breeze Community.

Have a great day!

Pam Orr
Permit Processor



Town of Ocean Breeze
P. O. Box 1025
Jensen Beach, FL 34958
772-807-2557 Cell
772-334-6826 Office

From: James Gorton <jgorton@martin.fl.us>
Sent: Monday, January 29, 2024 1:19 PM
To: Town Clerk <townclerk@townofoceanbreeze.org>
Cc: Permits <permits@Townofoceanbreeze.org>; Keith Baker <kbaker@martin.fl.us>
Subject: West End Status

You don't often get email from jgorton@martin.fl.us. [Learn why this is important](#)

Pursuant to our discussion, this is an update regarding the status of West End Blvd that was modified during the Brightline dual tracking project. As you are aware, the Brightline Engineer identified that there was not sufficient width to have 2-way traffic on West End Blvd, and designed the modified intersection and single lane roadway that is in place today. During construction of the modified intersection Martin County committed to evaluate alternatives once the Brightline project is closed out. While the project is still not closed out, we were able to commission an asbuilt survey to document existing conditions and to utilize as a design base.

To that end, we have hired a design consultant to develop alternatives for the intersection. The preliminary meeting and field review occurred in mid-January 2024. We anticipate that the design engineer will have their draft recommendation(s) complete by the end of February, 2024.

Please let me know if your community has any comments/observations that they would like for us to share with the designer. Similarly, please let me know if you have any questions in the interim.

Thanks-

Jim Gorton
Public Works Director
(772) 320-3155

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Town of Ocean Breeze

January 3, 2022

Mr. Ryan White, P.E.
Project Engineer – Zone 4
Brightline
300 North Drive
Melbourne, FL 32934

Mr. James Gorton
Public Works Director
Martin County
2401 SE. Monterey Rd.
Stuart FL 34996

Re: Public Concerns Regarding the Jensen Beach Boulevard/FEC Right-of-Way of Intersection

Dear Mr. White and Mr. Gorton:

During the Town Council meeting on December 13, 2021, the Ocean Breeze Town Council was made aware of public concerns regarding eastbound traffic at the intersection of the FEC right-of-way and Jensen Beach Boulevard. More specifically, there appears to be some fear that in the event of an oncoming train, drivers yielding to pedestrians in the West End Boulevard crosswalk may become trapped between the railroad crossing gates.

The Town feels obliged to pass this information along and trusts that any such risk is being addressed as the design for the soon-to-be-altered intersection proceeds.

Sincerely

Karen M. Ostrand
Mayor

cc: Town Clerk
Town Council
Taryn Kryzda
Don Donaldson
Lisa Wichser
Terry O'Neil Town Management Consultant

P. O. Box 1025 • Jensen Beach, FL 34958
Office: 772-334-6826 • Fax: 772-334-6823
email: townclerk@townofoceanbreeze.org • website: townofoceanbreeze.org

From: Patricia Christensen <pchristensen@tcrlc.com>
Sent: Thursday, January 25, 2024 12:11 PM
To: Patricia Christensen
Subject: SAVE THE DATE -ETHICS CLASS

Importance: High

Hi everyone,

Save the date for April 19 for your annual Ethics Class.

This is the only in person class we will have on the Treasure Coast in 2024. It will be at Indian River State College, from 9:30 to 2. Snacks and lunch will be provided.

Further details will be forthcoming in early February. But mark your calendars!!!!

Thanks,

Patricia Christensen

Patricia Christensen
Executive Director

Treasure Coast Regional League of Cities
131 NW St. Lucie West Blvd.
Port St. Lucie, FL 34986

Phone: 772.370.8122

Town Clerk

From: Lynn Tipton <lтиpton@flcities.com>
Sent: Friday, January 5, 2024 12:43 PM
To: Town Clerk
Subject: RE: Information Request from FLC website

You don't often get email from lтиpton@flcities.com. [Learn why this is important](#)

Happy New Year, Kim!

Thank you for your patience while I was out of the office.

You have mentioned the 4-hour ethics course, which we offer at no charge four (4) times per year. Our other free offerings are FLC University and FLC Legislative Affairs webinars – noted below – for any municipal officials and municipal staff.

“FLCitiesStrong” webinars are the second Monday of each month at 10 AM. These are recorded and available on the FLC website one day after the webinar to help those who miss it (it takes about 24 hours to be recorded and posted).

Stand-alone webinars: you can find these listed by date and topic under the ‘events and education’ tab, under ‘Online Library’ and these are free to access.

Legislative webinars: are scheduled as needed, and advertised on the FLC E-News; these are pre-session, post-session and as needed for specific topics/issues.

At this time, we are not offering other courses free of charge; our IEMO, IEMO II and Leadership classes are fee-based.

Please let me know if I may provide additional information on the above or other subjects.

Best regards,
Lynn

Lynn S. Tipton
Director, FLC University
Phone: 407/367-4025
Email: lтиpton@flcities.com
Website: www.flcities.com



From: Town Clerk <townclerk@townofoceanbreeze.org>
Sent: Wednesday, December 27, 2023 10:18 AM
To: Lynn Tipton <lтиpton@flcities.com>
Cc: Karen Ostrand <mayor@Townofoceanbreeze.org>; Kevin Docherty <kdocherty@Townofoceanbreeze.org>; Permits

<permits@Townofoceanbreeze.org>

Subject: Information Request from FLC website

Hi Lynn,

Would you be so kind as to let us know the courses that are available free of charge. We know the annual ethics course is available free of charge and certain webinars, but we we're wondering if you could provide us with a listing of all other courses that are available to the Mayor and Town Council Members that are free of charge.

Thank you for your anticipated cooperation and assistance.

Kim Stanton
Town Clerk



Town of Ocean Breeze
Post Office Box 1025
Jensen Beach, FL 34958
Telephone: (772) 334-6826
Cell: (772)-215-2700
Fax: (772) 334-6823
www.townofoceanbreeze.org

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