

LAW OFFICES
NEILL, GRIFFIN, TIERNEY, NEILL & MARQUIS

CHARTERED

311 SOUTH SECOND STREET

SUITE 200

FORT PIERCE, FLORIDA 34950

RICHARD V. NEILL^o
J. STEPHEN TIERNEY, III
RICHARD V. NEILL, JR.^{+o}
RENÉE MARQUIS-ABRAMS*

*BOARD CERTIFIED WILLS, TRUSTS & ESTATES LAWYER
^oCERTIFIED CIRCUIT CIVIL/COUNTY COURT MEDIATOR
+BOARD CERTIFIED CIVIL TRIAL LAWYER
oOF COUNSEL

MAILING ADDRESS:
POST OFFICE BOX 1270
FORT PIERCE, FL 34954
TELEPHONE (772) 464-8200
FAX (772) 464-2566

March 17, 2017

Mayor William G. Thiess
2512 Lightlewood Lane
Fort Pierce, Florida 34946

Mr. Dale Reed
2811 North Indian River Drive
Fort Pierce, FL 34946

Mr. James Grimes
3203 North Indian River Drive
Fort Pierce, FL 34946

Mr. John Langel
2511 North Indian River Drive
Fort Pierce, FL 34946

Ms. Ingrid M. Van Hekken
304 Anchor Way
Fort Pierce, FL 34946

Mr. Timothy Ritter
2513 Lightlewood Lane
Fort Pierce, Florida 34946

RE: Town of St. Lucie Village

Gentlemen and Ms. Van Hekken:

Please accept the following as our attorney's report for the March 21 meeting.

1. Boatyard canal: Enclosed is a copy of my letter to Danny and Sally Gooch and Gerald and Iris Concannon regarding the ditch along Riverside Marina property. I have spoken with Ms. Gooch and Bill is following up with her. The owners seem to be willing to sign off on the project.
2. Estimate for road repairs: Enclosed is a proposal from Environmental Land Development for culvert replacement at River Woods, which will be on the agenda.
3. Election: Please remember that the qualifying period for the May election is March 3 through April 2. Everyone up for election needs to submit all the paperwork during this time frame. I'll drop this item from the report next month.
4. Marshal: I anticipate that we'll discuss compensation this time, and then I'll drop this matter.

5. Caribee Colony: Enclosed are a public records request, and my follow up letter.

Also, I have spoken with, and emailed, the DEP and understand that, in light of failure to complete RAI, the dock permit will be denied and removal of the dock will be required

6. All Aboard Florida: In relation to the South Florida Water Management District permitting, Bill and I participated in a mediation between the counties and the railroad, and the Village. Mediation proceedings and discussions are confidential, so I can't say anything further publicly.

In relation to the Section 106 Consultation, we did timely submit a further submittal which has been shared with you under separate cover.

7. 2970 US 1 (Kurusis - Marine Connection): Concern had been expressed about the growth from the Old Dixie side of this property into the right of way. I will follow up with the owner, Ronnie Kurusis, on that. You should, however, remember that Ronnie is a client of me and my office.
8. 2815 N. Indian River Drive (Mary Casper): Nothing new is shown in the court file at this point.
9. 2928 Indian River Drive (Jones): I need to follow up with the lender's attorney.
10. 474 Peninsula Drive (King): An Order transferring this matter to County Court was entered on March 9, 2017, so the matter can proceed.
11. 3463 Old Dixie Highway (Danks): The house has been demolished.
12. 2879 Old Dixie (Shore/Davignon): Mr. Davignon agreed to move forward on permitting. I am keeping this item on my report as a reminder.
13. 2450 N. US Highway 1 (Top Notch Marine): Bill has spoken with Jim Sabia and one issue to address will be the fence.
14. Mangroves in River Prado canal: Have not heard back from the DEP on this.
15. Comprehensive Plan/Village Marina: I have contacted Tallahassee and believe I understand the process to move forward with amending the Land Use map.

Mayor and Board of Aldermen
Page 3
March 17, 2017

16. Riverside Marina: I've had another DEP call, regarding the marina, and, other than testing paint chips, they don't seem to see anything that needs attention.
17. 305 Chamberlin: Enclosed is a copy of my letter to George Smith and Milton Dicks.
18. 3229 N. Old Dixie (Baker): Enclosed is a copy of my letter to Benjamin Baker.
19. Outdoor Storage: You have decided to revisit the Zoning Ordinance provision on outdoor storage.
20. 3695 River Woods (Dickens): This was resolved and will be dropped.
21. North US Highway 1 (Malgeri): I have not heard anything further and will drop this matter.

Do feel free to call if there's anything you want to discuss with me before the meeting.

With best regards.

Yours very truly,

Richard V. Neill, Jr.

RVNjr/hg
Enclosures

cc: Ms. Diane C. Orme, Clerk (w/encls.)
Cathy Townsend (w/encls.)
Wesley Taylor (w/encls)

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March 3, 2017

Danny and Sally Gooch
Gerald and Iris Concannon
2350 N. Old Dixie Highway
Fort Pierce, Florida 34946

RE: St. Lucie Village - ditch clearing

Dear Mr. and Mrs. Gooch and Mr. and Mrs. Concannon:

I am writing as the Town Attorney for St. Lucie Village.

At this point, the Village is working on various drainage projects, one of which would be to clear the ditch along the north side of the Riverside Marina property.

The Property Appraiser's aerial suggests that parts of this ditch may lie within the boundaries of your company's property. Accordingly, we are requesting your permission to clear the ditch.

We are in the process of confirming an exemption from the DEP in order to cut and pull mangroves. For your ready reference, including as to a description of the project, I'm including a copy of the exemption request and attachment.

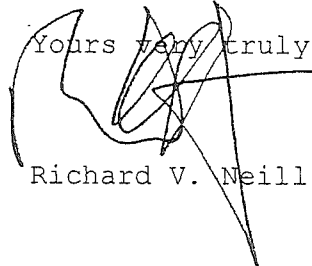
This is an important drainage feature which serves the property east and west of Old Dixie Highway, and the work would be done at the sole expense and liability of the Village; however, in light of the apparent location of a portion of the ditch on your property, we ask your permission to undertake the work.

By agreeing to allow St. Lucie Village to do this ditch clearing, you are not undertaking any expense or liability. Nor shall this be deemed a conveyance of any interest in your property.

Danny and Sally Gooch
Gerald and Iris Concannon
March 3, 2017
Page 2

If you agree the Village may proceed, please sign and return the extra copy of this letter in the enclosed stamped, addressed envelope.

Yours very truly,



Richard V. Neill, Jr.

RVNjr/hg
Enclosure

cc: William G. Thiess, Mayor
Diane C. Orme, Clerk

AGREED:

Gerald Concannon

Iris Concannon

Danny Gooch

Sally Gooch

HAYSKAR, WALKER, SCHWERER, DUNDAS & McCAIN, P.A.
ATTORNEYS AT LAW

GARRISON M. DUNDAS
STEPHEN G. HAYSKAR
STEVEN R. McCAIN (1949-2016)
ROBERT V. SCHWERER
JAMES T. WALKER

RENAISSANCE FINANCIAL CENTER
130 SOUTH INDIAN RIVER DRIVE, SUITE 304
FORT PIERCE, FLORIDA 34950
TELEPHONE: (772) 461-2310
FAX (772) 461-6790

February 22, 2017
Via e-mail and U.S. Postage
First Class Mail
meilljr@neillgriffin.com

Town of St. Lucie Village
c/o Richard V. Neill, Jr., Esquire
311 South Second Street
Suite 200
Fort Pierce, FL 34950

RE: ROBERT PRUITT/CARIBEE COLONY/INDIAN RIVER LAGOON
WATER FRONT COTTAGES
PUBLIC RECORD REQUEST

TO WHOM IT MAY CONCERN:

Please consider this letter a formal request for Public Records pursuant to Chapter 119, Florida Statutes. As used in this letter, the term "Public Records" shall have the same definition as stated in Florida Statute 119.011(12) to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business of the Town of St. Lucie Village.

For purposes of this request, please consider the time frame for these Public Records to be January 1, 2012 to the date of your response to this request; except that the records identified in Paragraph 5 below shall be the past ten (10) years from the date of your response.

Request is made that you provide the undersigned all Public Records which in any way relate to the following:

F-2/27

1. Any and all Agendas and Meeting Minutes which in any way mention Robert Pruitt, Caribee Colony, Indian River Lagoon Waterfront Cottages, or the dock and waterfront property associated with said individual or entities.
2. All documents, including, but not limited to correspondence, memos, emails, text messages, notes, etc., relating to the Vacation Rentals, the property, or the entities operating the Vacation Rentals, including documents in any way referring to Robert Pruitt, Caribee Colony, Indian River Lagoon Waterfront Cottages, or the dock and waterfront property associated with said individuals or entities.
3. All documents, correspondence, emails, text messages, and the like received by St. Lucie Village from any individual, firm, or entity relating to or in any way mentioning Robert Pruitt, Caribee Colony, or Indian River Lagoon Waterfront Cottages.
4. All correspondence, emails, text messages, and the like by and between St. Lucie Village or any of its representatives and the Florida Department of Environmental Protection (FDEP) and any other governmental entities or agencies in any way relating to Robert Pruitt, Caribee Colony, Indian River Lagoon Waterfront Cottages, or the dock and waterfront property associated with said individuals or entities.
5. Each and every permit application filed with St. Lucie Village for the construction, alteration, repair, or replacement of any dock or related waterfront structure.

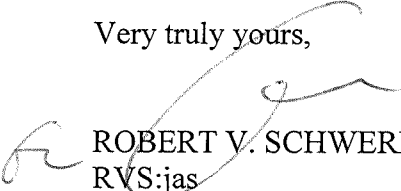
The custodian of these Public Records is requested to provide the undersigned with a good faith estimate of the cost of copying the above records and to communicate such cost estimates within a reasonable time. After such estimate of copying charges at the statutory rate, the undersigned may elect not to have the custodian copy such records, but instead, personally inspect such records at the offices of Indian River County as are identified by the record custodian(s). Every person who has custody of the Public Records specified herein shall permit the records to be inspected and copied by the undersigned upon request, under reasonable conditions, and if necessary, under the supervision of the custodian of the Public Records.

If the nature or volume of Public Records requested to be inspected or copied herein requires extensive use of information technology resources or extensive clerical or supervisory assistance over and above the statutory copying fees for such records, please immediately notify the undersigned of the anticipated cost thereof and provide a breakdown of the estimate of such charges. In all respects, the inspection and copying of these records shall be conducted in accordance with Florida Statute 119.07.

Additionally, if you have any questions concerning the requests in this letter, you may contact the undersigned at the above.

Thank you for your anticipated cooperation.

Very truly yours,



ROBERT V. SCHWERER, ESQUIRE

RVS:jas

cc: Robert Pruitt – via email

robert.pruitt@pruittindustrial.com

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March 13, 2017

Robert V. Schwerer, Esquire
Hayskar, Walker, Schwerer,
Dundas & McCain
Renaissance Financial Center
130 S. Indian River Drive, Suite 304
Fort Pierce, Florida 34950

RE: RECORDS REQUEST re Robert Pruitt/Caribee Colony/
Indian River Lagoon Waterfront Cottages

Dear Rob:

Our Clerk has started pulling/identifying responsive documents, but I've been slow to follow up with you on a cost estimate. I apologize.

In relation to the cost estimate, I am guided by our Resolution 2016-9, copy enclosed. It tells us that, after 15 minutes of routine time and after six copies being made without charge, that we are to collect the expenses of the production, including for the Clerk's time at \$25.00 per hour with standard copies at the statutory rate. (At this point, I don't anticipate that there will be any odd size or plan type documents to be copied.)

On your request for dock permitting, please confirm that you are seeking all dock permit applications in the Village without regard to date. (This one may necessitate some work by the Building Official.)

Another question -- given that the basic issue/complaints originated in 2014, my indication to the Clerk was that (other than for dock permits) she needed to check records for the years 2014 to date. Please confirm whether that is acceptable or clarify what you are requesting as far as timeframe.

Based on what the Clerk has gathered to this point and what we expect, I am estimating 6 chargeable hours and 200 chargeable copies. Accordingly, the cost estimate for the Clerk is \$180.00.

Robert V. Schwerer, Esquire
March 10, 2017
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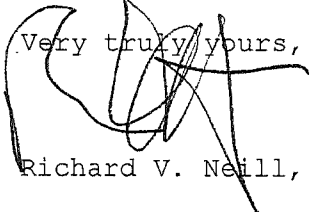
Please also confirm whether I should have Helen go through our email and files. Although the results will be largely redundant, completeness of the response to your request probably requires that effort.

The cost would, again, be as specified in the Resolution and I estimate that a similar amount of time and number of copies will be involved, provided I could give you electronic copies of emails, attorney's reports and board packages as opposed to also copying any of them that may have been printed.

So, if Helen should check our files, too, please make your check for \$360.00, the estimated cost; and do please let me have your responses on my questions -- and whether electronic versions (only) are acceptable from my office when I have both forms.

The estimates are just that -- estimates. The cost could be more or less and will be as set forth in the Resolution.

Very truly yours,



Richard V. Neill, Jr.

RVNjr/hg
Enclosure

cc: William G. Thiess, Mayor
Diane Orme, Clerk

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March 3, 2017

George B. Smith
Milton Dicks
305 Chamberlain Blvd.
Fort Pierce, Florida 34946

RE: Town of St. Lucie Village

Dear Mr. Smith and Mr. Dicks:

I am writing as the Town Attorney for St. Lucie village.

I had a call from an appraiser who asked about the legality of what she described as two separate apartments which are part of the house/garage on your property.

I had to tell her that that was not permitted under the Villages' current Zoning Ordinance; however, I also told her that I did not know the circumstances under which those were constructed or whether some permission had been granted.

I didn't hear any further from her but, at its last meeting, the Village Board of Aldermen did ask me to ask you about the accuracy of the report. Are there separate apartments incorporated into the house? Are they separately rented? Was some permission or permit granted?

Sincerely,


Richard V. Neill, Jr.

RVNjr/hg

cc: William G. Thiess, Mayor
Diane C. Orme, Clerk

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March 3, 2017

Benjamin C. Baker
3229 N. Old Dixie Highway
Fort Pierce, Florida 34946

RE: Town of St. Lucie Village

Dear Mr. Baker:

I am writing as the Town Attorney for St. Lucie Village.

Sometime ago, the Village Clerk and I both received complaints about boat motor repairs that you had done; and, it was apparent from the complaints that the work had been done at your property on Old Dixie Highway in the Village.

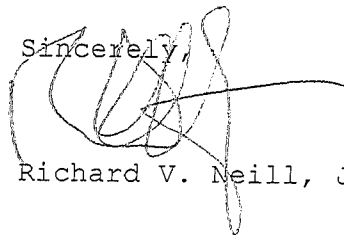
The property is, of course, zoned residential; so, such commercial activity would not be permitted.

While the Village does not address consumers' complaints, the Board was concerned about your use of the property. If you are using the property to do work for other people, you need to either cease doing that or determine whether there is an exception to allow you to engage in that activity.

If you will confirm in writing that you are not engaging in any commercial activity, that should put the matter to rest.

If you want to do business there, perhaps you could give me a description of the activity and the extent to which it involves people coming to and from the property and I could investigate whether there is a way to permit it.

Sincerely,



Richard V. Neill, Jr.

RVNjr/hg

cc: William G. Thiess, Mayor
Diane C. Orme, Clerk