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June 11, 2020

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 June 16th meeting.

1. North Indian River Drive Project—Lighting selection. I am enclosing for reference the materials from last time. More recently, Bill worked with Michael Chidgey up information on the Colonial Decorative Lights; and, we are enclosing a related email and attachments.

2. Business Hours/Hours for Alcohol Sales. Tim Ritter suggested we discuss this issue; so, I'll recite and attach previously provided information as a "refresher".

I had drafted the enclosed ordinance. Scott Dennis felt the better approach was a blanket ordinance requiring businesses close at a certain time. When I last reported on this, I mentioned an alternative:

> I do have a memo from Ian on point which I am attaching. I wouldn't get too bogged down in the basic argument, but consider the last point which is that, Section 562.14 provides that, "Except as otherwise provided by county or municipal ordinance, no alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license under the division between the hours of midnight and 7 a.m. of the following day." Consider whether that might be acceptable.

Ian's referenced memo is attached for your info. And, I've attached Scott's memo too.

At this point, Tim and I are interested in your thoughts on the right approach.

3. Continuing Virtual v. In-person Meetings. This what addressed in a somewhat confusing fashion in Ethics Class. Please see my enclosed email exchanges with Ms. Kowalsky and Bill. The bottom line is that virtual meetings are still allowed, but we may well have to go back to in-person meetings next month.

4. Ad Valorem Taxes. The Budget Committee needs to meet before our July meeting, so we can discuss a tentative millage rate in July.

5. Problems at the Monument. Per our discussion at the last meeting, we are considering how to approach this. I'll plan to update you in the attorney's report at the meeting.

6. Airport. Bill reached out to Stan Payne regarding the airport traffic noise issues. Stan Payne reached out to the Aviator College and also had a lengthy meeting with the new FAA tower manager and Aviator College's head of operations. Copies of related email exchanges are enclosed.

7. Cargo/shipping Containers. I had shared what we got from the County last time, and we are reaching out for an update. The County is actively working on a draft ordinance at this point.

8. All Aboard Florida. For your info, I am enclosing an email with permit requests and my response. Note that they are suggesting work might commence in August.

9. Comprehensive Plan Amendment. We need to follow up with Javier Cisneros on the Future Land Use Maps.

Our EAR (Evaluation and Appraisal Report) is due in Tallahassee by July 1st. Ian has drafted the enclosed after review by him and our other associate, Brandon Hale, of statutory changes since 2013. I'll ask your approval this month to submit this letter.

10. Caribee Colony/IRLWC. We don't see any activity in the DEP file. If anyone hears or receives anything, please let me know.

11. Audit. Ingrid, Donna and I still need to meet to discuss matters that might be included in a resolution—once we're done social distancing. I had asked the accountant for suggestions. I had my assistant, Laura, send a follow up email to Jim Hartley. Mr. Hartley got back to her and provided a sample ordinance provision adopting minimum internal controls for a governmental district, and suggestions if there is minimum staff. A copy of the ordinance together with his email is enclosed.

12. Zoning Queries. I received a query from Andrea Suarez regarding the permitted use at 2304 N. U.S. 1. I spoke to her and suggested she talk to the Board, but she has decided to drop it.

13. Northside Nursery Variances. We will plan to update you at our next physical meeting, but I can tell you that it appears the properties are not in compliance with the variances granted.

14. 2450 N. U.S. 1 (Top Notch). I've reviewed and given Scott input on the Top Notch situation. You will need to address this at some point after we return to regular meetings.

15. Codification of Zoning Amendment. I need to move this forward with Florinda.

16. Vacation Rentals. My intention remains to bring this forward when we next meet in person.

17. TNT Construction (Information Request). Ms. Kairalla is a realtor with TNT Construction, the company is requesting information regarding developmental approvals for 2018-2019, and they seem mostly concerned with residential development. I'll follow up on this item.

18. Sarasola Generator. I think that this is still under review.

19. Occupational Licenses. I am carrying forward this note that it is probably time to update and revise the governing Village ordinance.

20. Ethics Class. I'll drop this item.

21. Wetland Proposal. This was approved last time and I'll drop this item.

22. 3250 N. U.S. 1 (Blue Water Storage/Bonner Bar). I have not heard anything further and will drop this item.

23. Board of Adjustment. I sent letters to the Board of Adjustment confirming their re-appointments and term lengths, and will drop this item.

24. Referrals to Special Magistrate:

    a. 4050/4058 N US 1 (Zito)
    b. 2450 N US 1 (Top Notch Marine) – is under review
    c. 3429-3463 Old Dixie (Danks) – has been given notice
    d. 3100 N. US 1 (Sarasola)

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/mk
Enclosures

cc: Donna Dennis, Clerk (w/encls.)
Scott Dennis (w/encls.)
Wesley Taylor (w/encls.)
Cathy Townsend (w/encls.)

Laura Marotta

From: Richard Neill <richard.neill@stlucievillagefl.gov>
Sent: Thursday, May 07, 2020 4:36 PM
To: Laura Marotta
Subject: FW: New Village lighting
Attachments: Rental Lighting Catalog (002).pdf; St Lucie Village Lights.pdf; Light-Distribution-Modified (002).png; L403-L404_LED_SAL.pdf

From: William Thiess <william.thiess@stlucievillagefl.gov>
Sent: Thursday, May 7, 2020 2:15 PM
To: Donna Dennis <donna.dennis@stlucievillagefl.gov>; Scott Dennis <scott.dennis@stlucievillagefl.gov>; Richard Neill <richard.neill@stlucievillagefl.gov>
Cc: Michael Chidgey <mchidgey@fpua.com>; Larry Lammers <lammers@fpua.com>; tkgrimes1@aol.com
Subject: New Village lighting

Greetings all,

I have been in contact with Michael Chidgey at FPUA regarding replacement lighting on the North Indian River Drive underground electric project. FPUA has agreed to replace the lighting at a spacing similar to what we have today on wood poles at no additional cost to the residents or the Village. There are three basic decisions to be made by the Board:

1. Type of fixture
2. Spacing and location of lights, and
3. Choice of wood or concrete poles.

I will address these three items separately.

Type of Fixture

The catalog cut of available standard choices is attached. In Michael's opinion, the best choice among these options is the "Area Large LED". The decorative lights at the bottom of the catalog look nice, but they emit light in a 360-degree pattern, which may be offensive to residents (shining in windows, etc.). These fixtures also have low output and will not be very effective in putting light on the road. Other options have too low or too high output, higher cost, etc. The cut sheet for the recommended fixture is also attached ("L403-L404_LED_SAL". The specific fixture Michael is recommending is L404, 240W, with Type 3 distribution (see attached "Light-Distribution-Modified (002)"). Our current lighting is Type V distribution, which has generated complaints from residents and blacking out of the west sides of the fixtures to keep light from shining in the residents' windows. FPUA is only stocking the gray fixtures. The light fixtures would be mounted on 6-foot arms, which will get more light on the road while allowing the pole to be set back off the road. The monthly base cost for these lights will be $20.41 each, excluding any applicable taxes and power cost adjustments. Board members can discuss these FPUA-recommended choices at our next meeting.

Spacing and Location of Lights

Michael's diagram of recommended spacing is attached (see attached "St Lucie Village Lights"). This spacing is based on locations where lights can be installed without making changes to the pipe FPUA has already installed. There is a large gap between the light at St. Lucie Lane and the next new light to the north. A sixth light placed on the SW corner of NIRD and Yachtview Lane (NE corner of Tim Grimes' residence) would split this distance nicely and it would be consistent with the spacing to the north. FPUA will have to shoot another conduit on the south side of Yachtview to put a light on this corner. The Village will have to pay for this extra light and it will cost $858.14 on a wood pole or $1,281.84 on a concrete

pole. FPUA is planning to relocate the lights at the end of Chamberlain Boulevard and St. Lucie Lane from the east side of the road to the west side. They will be upgraded to LED when FPUA installs the other lights.

Choice of Wood or Concrete Poles

Upgrading to concrete poles will cost $423.70 per pole. With this cost difference, the entire project will cost $858.14 on wood poles (Yachtview light addition only) or $4,247.74 on concrete poles. All poles are 35 feet long with 10% of the length plus two feet in the ground (5.5 feet total), which leaves 29.5 feet above grade. The 6-foot arms will add another couple of feet to the fixture height, which will increase the length of illumination on the road a bit.

We will need to wait for a public meeting to discuss this among Board members. My intent with this email is to get this information to Board and staff so that they can be informed on the choices and more prepared to discuss this at our next meeting. The Board should make the decision at that meeting to avoid delaying the project.

Bill

Fort Pierce Utilities Authority
Electric & Gas Engineering
1701 South 37th Street (PO Box 3191)
Fort Pierce, FL 34947 (34948)

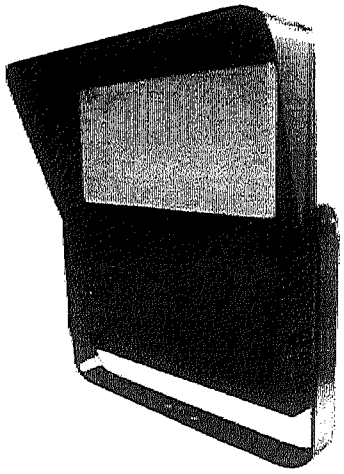
FPUA Rental Light Catalog

Flood Large (LED – 1000W HID Equivalent)

Manufacturer: Howard

Catalog#: UF-A-MD-7-4-Y-G-2-R7-N-A (AOU set at 8)

Monthly Cost: $43.29

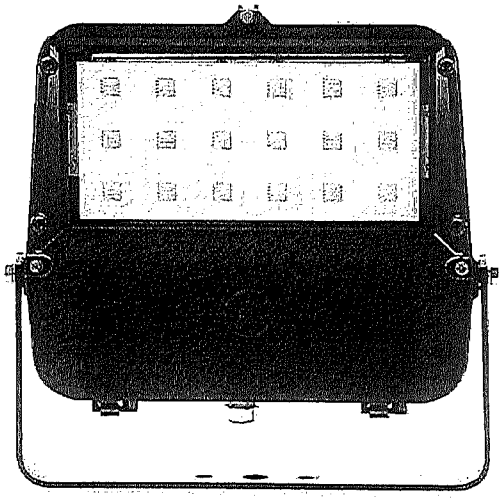


Flood Small (LED – 400W HID Equivalent)

Manufacturer: G.E.

Catalog#: EFM1-01-0-EE-66-7-40-A-A-T1-GRAY-L-T

Monthly Cost: $20.72

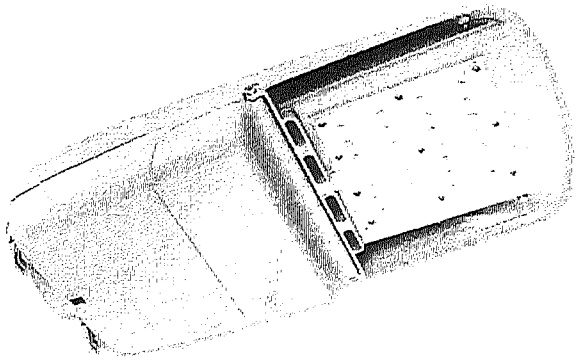


Area Large (LED – 400W HID Equivalent)

Manufacturer: Howard

Catalog#: L404-L-240W-40K-T3-10-GR-M

Monthly Cost: $20.41



Area Small (LED – 150W HID Equivalent)

Manufacturer: Howard

Catalog#: L402-L-80W-40K-T3-10-GR-M

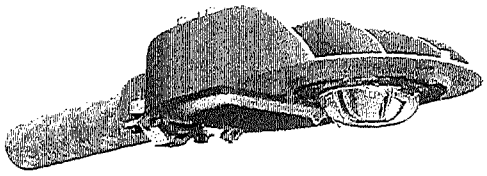
Monthly Cost: $11.30

Security (LED – 100W HID Equivalent)

Manufacturer: Acuity

Catalog#: WL1-B-PRM-R5-MP-TL-PW5-P7

Monthly Cost: $8.62



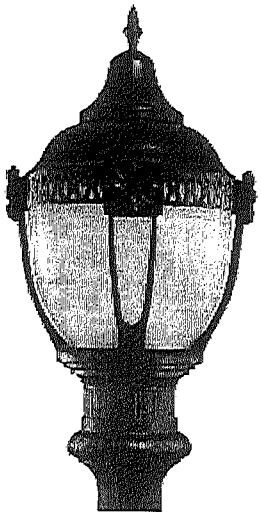
Acorn Decorative (LED – 175W HID Equivalent)

Manufacturer: Eaton Cooper

Catalog#: ACN-080LED-D-U-33-X-4-3-BK-4N7

Monthly Cost: $28.55

Note: FPUA currently offers this fixture without the cage shown here.

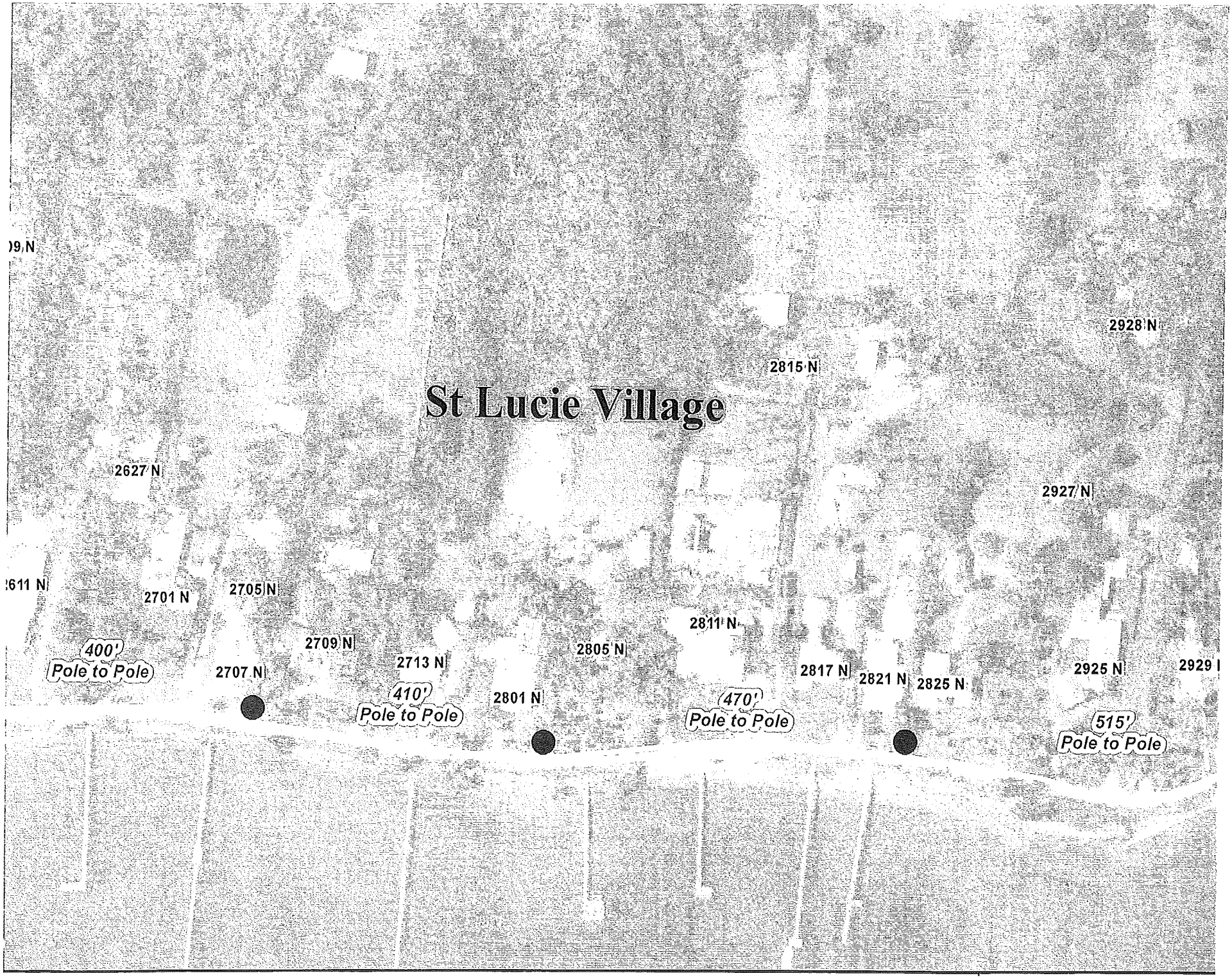


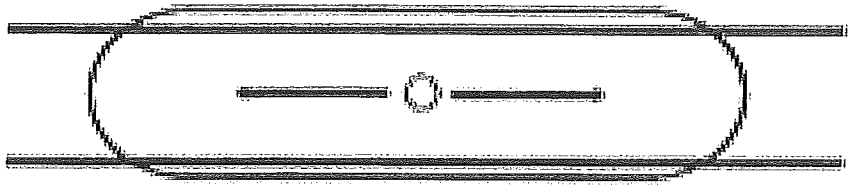
Colonial Decorative (LED – 70W HID Equivalent)

Manufacturer: G.E.

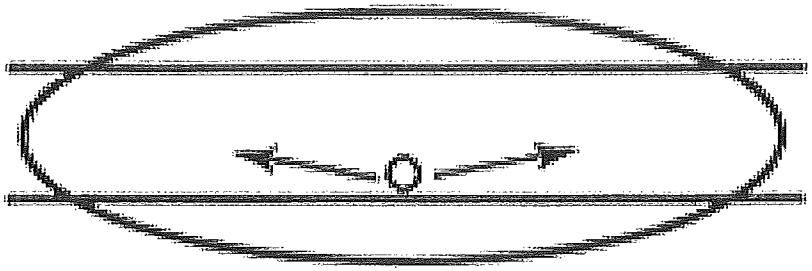
Catalog#: EPTT-01-0-05-A-A-40-A-P-BLCK-R

Monthly Cost: $12.26

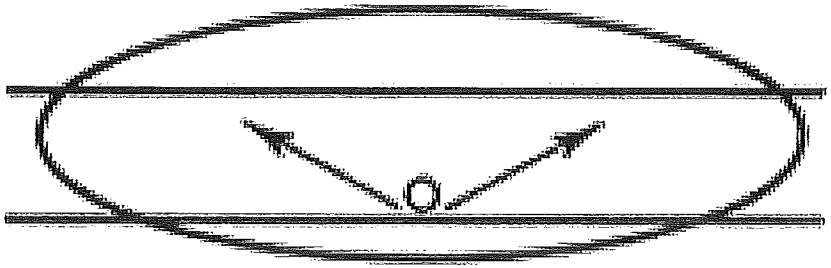

St Lucie Village
09 N
2928 N
2815 N
2627 N
2927 N
611 N
2701 N
2705 N
2811 N
2709 N
2805 N
400'
Pole to Pole
2713 N
2707 N
2817 N
2821 N
2825 N
2925 N
2929
410'
Pole to Pole
2801 N
470'
Pole to Pole
515'
Pole to Pole

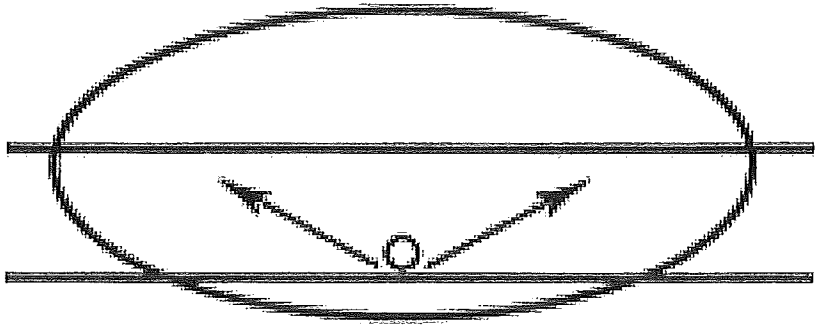


TYPE III

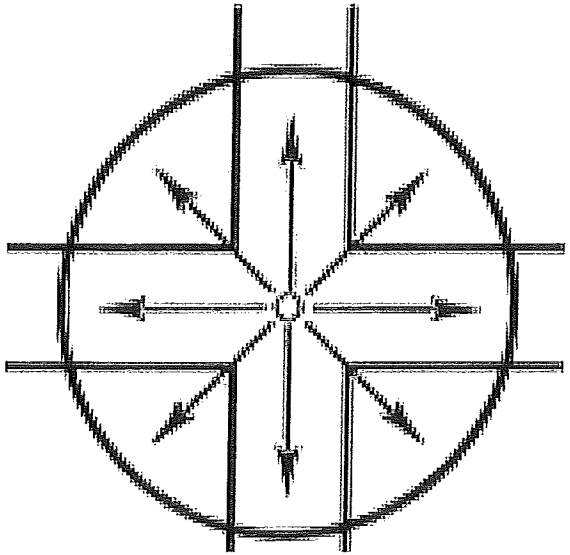


TYPE IV

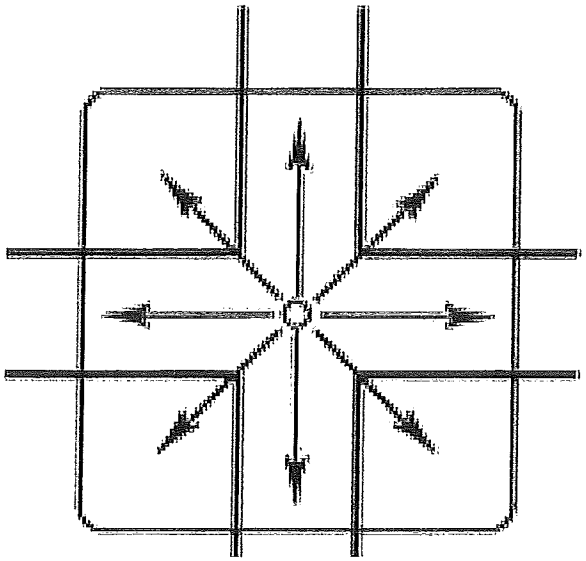




TYPE V
(CIRCULAR)



TYPE V
(SQUARE)

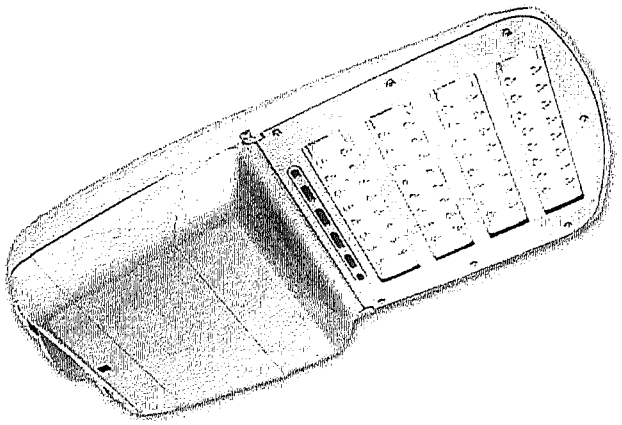


HOWARD LIGHTING PRODUCTS

LED Street & Area Light

L400 Series

L403/L404 Models
LED Street and Area Light

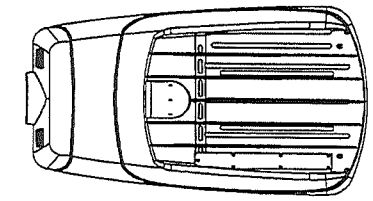


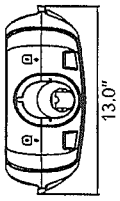
The L400 Series captures the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire. The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. The L400 Series is the better alternative for traditional street and area lighting with quick payback and improved performance.

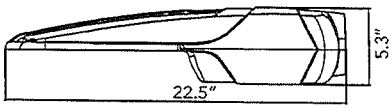
Applications: Roadway, parking lots, walkways and general area spaces.

Warranty:

- Ten year limited warranty.







EPA: 0.8 ft² (0.08m²)

Weight: 14.5 lbs (6.5 kgs)

Ordering Information

Model	Options	Power	Color	Distribution	Control Options	Finish	Input Voltage
L403	L: No Photocontrol* LC: With Long Life Photocontrol	120W	30K: 3000 K 40K: 4000 K*	T2: Type 2 T3: Type 3 T4: Type 4 T5: Type 5	10: 0-10V Dimming*	GR: Grey* WH: White BL: Black BR: Brown	M: 120-277VAC* H: 347-480VAC
		180W					
L404		150W					
		240W					

*Standard Configuration

Standard Features:

- Standard 7-Pin Photocontrol Receptacle (per ANSI C136.41)
- Stand-alone 10KV/10KA Surge Suppression Device (consult factory for 20KV / 20KA option)
- Terminal block accepts 14-6 AWG conductors (Line, Neutral, Ground) (consult factory for 600V, 85A, 14-2AWG terminal block)
- Four Bolt Mounting accommodates 1 ¼" NPS to 2" NPS horizontal tenon (pre-configured for 2" NPS)
- Integral Tilt-adjustment Steps ±5°
- Bird-guard
- Tool-Less Entry
- Input Voltage: 120-277V or 347-480V, 50/60Hz
- Power Factor : > 0.9 at full load and Total Harmonic Distortion: < 20% at full load
- Ambient Operating Temperatures -40°C to +50°C

DLC OPL LISTED

c UL us LISTED

Howard Lighting Products | 580 Eastview Drive | Laurel, MS 39443
(toll free) 800.956.3456 | (direct) 601.422.0033 | (fax) 601.422.1652
www.HowardLightingProducts.com

L400 Series

L403/L404 Models

LED Street and Area Light

Performance Data

Lumen Output:

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data are considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Actual performance may differ as a result of end user environment and application. Actual wattage may differ by +/- 10%. Contact factory for performance data on any configurations not shown here.

Model	LEDs	LED Current	Sysem Watts	Dist Type	30K (3000K,70CRI) Lumens	B	U	G	LPW	40K (4000K,70CRI) Lumens	B	U	G	LPW
L403	48	0.7 A	120 W	T2	12566	2	0	2	112	13169	3	0	3	118
				T3	12730	3	0	3	113	13251	3	0	3	110
				T4	12782	2	0	2	113	13305	3	0	3	117
				T5	13108	3	0	0	116	13748	3	0	0	115
		1.0 A	180 W	T2	17081	3	0	3	100	18542	3	0	3	103
				T3	17058	3	0	3	100	17989	3	0	3	104
				T4	17219	3	0	2	101	18175	3	0	3	105
				T5	17385	4	0	1	102	18492	4	0	1	103
L404	64	0.7 A	150W	T2	16768	3	0	3	115	16984	3	0	3	115
				T3	16768	3	0	3	115	17437	3	0	3	116
				T4	16525	2	0	2	114	17184	3	0	3	119
				T5	17233	4	0	1	117	17148	4	0	1	114
		1.0 A	240W	T2	21717	3	0	3	101	24376	3	0	3	103
				T3	21742	3	0	3	98	24837	3	0	3	138
				T4	21570	3	0	3	99	24641	3	0	3	104
				T5	22261	5	0	1	102	24473	5	0	1	136

Electrical Data:

Model	LEDs	LED Drive Current	System Watts	Operating Current (A) 120V	208V	240V	277V	347V	480V
L403L	48	700mA	120W	1.00	0.59	0.53	0.47	0.35	0.27
		1000mA	180W	1.50	0.89	0.79	0.71	0.53	0.41
L404L	64	700mA	150W	1.25	0.74	0.66	0.59	0.44	0.34
		1000mA	240W	2.00	1.19	1.05	0.94	0.71	0.55

Lumen Ambient Temperature (LAT) Multipliers:

Ambient		Lumen Multiplier
0°C	32°F	1.02
10°C	50°F	1.01
20°C	68°F	1.00
25°C	77°F	1.00
30°C	86°F	1.00
40°C	104°F	0.99

Certifications:

- cULus Listed
- Suitable for wet locations
- Certified to ANSI C136.31-2001, 3G vibration standards.
- Surge suppression protection tested in accordance with IEEE/ANSI C62.41.2
- Precision molded optical assembly tested to IP65
- Meets FCC Part 15 standards for conducted and radiated emissions
- Luminaire finish tested to withstand 3,000 hours (per ASTM Standard B 117)
- RoHS compliant. Consult factory for additional details

Luminaire Lumen Maintenance Factors (LMF)

Data references the extrapolated performance projections for the platforms noted in a25°C ambient, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below.

For other lumen maintenance values, contact factory.

Operating Hours	0	25000	50000	75000	100000
Lumen Maintenance Factor	L403L 48 LEDs 0.7A				
	1	0.92	0.85	0.8	0.75
	L404L 64 LEDs 1.0A				
	1	0.91	0.85	0.79	0.73

Howard Lighting Products | 580 Eastview Drive | Laurel, MS 39443
(toll free) 800.956.3456 | (direct) 601.422.0033 | (fax) 601.422.1652
www.HowardLightingProducts.com

Laura Marotta

From: Richard Neill <richard.neill@stlucievillagefl.gov>
Sent: Thursday, June 11, 2020 8:57 AM
To: Laura Marotta
Subject: FW: Village Lighting
Attachments: SLV - Deco Lighting Locations.pdf

Importance: High

From: William Thiess <william.thiess@stlucievillagefl.gov>
Sent: Wednesday, June 10, 2020 5:54 PM
To: Donna Dennis <donna.dennis@stlucievillagefl.gov>; Scott Dennis <scott.dennis@stlucievillagefl.gov>; Richard Neill <richard.neill@stlucievillagefl.gov>
Cc: Carl Peterson <carl.peterson@stlucievillagefl.gov>; Michael Chidgey <mchidgey@fpua.com>; Larry Lammers <lammers@fpua.com>; Bo Hutchinson <bhutchinson@fpua.com>
Subject: Village Lighting

Good evening all,

I received the attached layout from Michael Chidgey for installing Colonial Decorative lights on the east side or the west side of North Indian River Drive. The yellow circles and lines in that attachment are for placing lights on the east side of the road. The dollar figures represent the cost to put lights at those locations. These decorative lights are typically installed at no cost to the customer if power is readily available at the desired location. The installation cost in those cases is recovered through the monthly rental fee of $12.26 per light. To provide coverage on the south end of the drive for this nine-light configuration, two lights would need to be added where power is not readily available. Adding those two lights would cost $8,700 and that would be the total cost for this option. We can discuss the pros and cons of the "east side" option at Tuesday's meeting.

The green circles and lines show locations on the west side of the road that are feasible for locating these decorative lights. FPUA used a spacing that ranges from 121 feet to 339 feet but is consistently closer to the 220-foot average spacing (see my notes on spacing, attached). That is a reasonable spacing for this type of light if the objective is to put some light on most of the road. Eight of these lights can be installed at zero cost, but the other six would involve significant cost ($17,100 total). The monthly rate for each of these decorative lights is $12.26, so the 14 lights would cost $171.64 per month (plus taxes or power cost adjustments, if applicable) versus $163.28 for the 8 taller LED lights we discussed at the last meeting.

If we opted to only install the eight Colonial Decorative lights that cost $0 on the west side of the road, the spacing would be very irregular, ranging from 121 feet to 956 feet. This arrangement would provide accent lighting at the $0 locations but would result in much of the road being dark.

I contacted Michael Chidgey to see if he or someone from FPUA can connect to our June 16 meeting via GoToMeeting to answer questions, and he said that they would be willing to do that.

I think it would be appropriate to forward this email to the Board so they will have this information to discuss the lighting agenda item at our June 16 meeting.

Bill

NORTH
Cost: $0
Cost: $0
Cost: $0
Cost: $0
Cost: $3500
Cost: $0
Cost: $0
Cost: $2600
Cost: $0
Cost: $0
Cost: $0
Cost: $0
Cost: $0
Cost: $0
Cost: $2600
Cost: $0
Cost: $0
Cost: $1400
Cost: $3700
Cost: $4200
Cost: $4500
Cost: $4500
Cost: $0
Cost: $0
FPUA
SLV Lighting
Colonial Estates

Light Location	#0	Distance Between
St. Lucie Lane (Replacement)	0	~~#~~0
		240'
Tim G. south PL		4500
		220'
Aliff SE corner	956'	3700
		264'
Road N. of Bruno		1400
		232'
Rohm/Orme PL		0
		200'
Peed just S. of house	377'	2000
		177'
Just S. of Summerlin	213	0
		213'
North PL of	121	0
		121'
Dale S. PL		0
		198'
SE corner of Amy/Ken Flick	360'	2000
		162'
SE corner of Louis		0
		251'
S. side Lien driveway	486	3500
		235'
Hoskins driveway	339	0
		339
Chamberlin (replacement)		0

ORDINANCE 2020-1

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ST. LUCIE VILLAGE, FLORIDA, REGULATING THE HOURS FOR SERVING ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION TO PROHIBIT SALE OF ALCOHOL FOR ON-PREMISES CONSUMPTION DURING THE HOURS FROM 11:00 P.M. IN THE EVENING THROUGH 7:00 A.M. IN THE MORNING.

WHEREAS, the Board of Aldermen of the Town of St. Lucie Village, Florida has not previously regulated the hours during which alcoholic beverages may be sold within the municipal limits for on-premises consumption;

WHEREAS, it appears to the Board of Aldermen that a limitation on the permitted hours of sale of alcoholic beverages for on-premises consumption is both consistent with the residential nature of the Town of St. Lucie Village, Florida, and would promote the health, safety and welfare of its residents and those doing business and traveling through the Town of St. Lucie Village, Florida.

NOW, THEREFORE, the Board of Aldermen of the Town of St. Lucie Village, Florida hereby ordains:

1. The sale of alcoholic beverages for on-premises consumption within the municipal limits of the Town of St. Lucie Village, Florida, is hereby prohibited from the hours of 11:00 p.m. in the evening until 7:00 a.m. in the morning.

2. This Ordinance shall be effective upon passage.

PASSED AND APPROVED by the Board of Aldermen of the Town of St. Lucie Village on this _____ day of _____, 2020.

APPROVED:
BOARD OF ALDERMEN OF THE TOWN OF
ST. LUCIE VILLAGE, FLORIDA

By: _____
William G. Thiess, Mayor

ATTESTED:

By:_____
Donna Dennis, Clerk

I, Donna Dennis, Acting Clerk of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, do hereby certify that this is a true and accurate copy of Ordinance **2020-1** which was duly introduced, read and adopted at the regular meeting of the Board of Aldermen of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, held this _____ day of _____, 2020.

_____
Donna Dennis, Clerk

Memo

To: RVNjr

From: IEO

Date: 3-30-2020

Subject: SLV- Across the board prohibition of being open past a certain time

---

I found an academic article on this subject (although it does not discuss blanket restrictions) that I have saved under my St. Lucie Village files under Bars and Nightclubs.

In regards to whether or not the Village can (properly) enact legislation which forces all businesses to close a designated time of the night, there are multiple considerations to take into account.

The first point is the Commerce Clause of the United States Constitution. It is unconstitutional for a municipality to enact an ordinance that interferes with interstate trade (a blanket ordinance would most definitely be seen as such). That does not mean that you cannot regulate local trade or even interstate trade, but there has to be a legitimate purpose (and it is always best to use the least restrictive means possible). Crime prevention is a legitimate purpose, but prohibiting all business I believe would be over reaching and overbroad.

Also, as with any governmental regulation, it must serve a legitimate purpose and the legislation must be (at a minimum) rationally related to achieving the goal sought. I do not know of a rational basis that we would have for a ban on all business past a certain time of night. (You would be hard pressed to argue that closing Grimes for all purposes (including emergency repairs) serves a rational purpose.) Also, you have to look at the intent of the legislation and what the legislation is trying to prevent or regulate. Are we trying to prevent commerce (if so that would be pre-empted by the commerce clause and we would move into a stricter test to survive a constitutional challenge). If the goal is to prevent dangerous or illegal behavior, then we may have a legitimate police purpose. But, there must be some support for why it needs to apply to all business (and I do not think that it would).

The easiest way to think about blanket legislation is to consider how it would affect existing businesses that do not cause any harm to the public (like the storage facilities or Grimes A/C, or basically all of the business in the Village).

The flip side of the coin is that you could make blanket legislation that then makes exceptions for those types of businesses that do not cause an issue. But, again, how do you choose which business is exempt and which is not? Also, that type of legislation would be very cumbersome to enact and would have to be quite the lengthy document.

If we must pass legislation, then it should be specifically tailored to the issue at hand and would be best to apply as narrowly as possible.

But, Fla. Stat. §562.14 already regulates the selling of alcohol for onsite consumption. Pursuant to that statute, the magic hour is Midnight (that statute does give the municipalities the authority to expand that time frame (or decrease it) if you wanted to).

MEMORANDUM

Date: March 8, 2020

To: Bill Thiess, Mayor and
Honorable Board of Alderman
Town of St Lucie Village

From: Scott Dennis, Marshal
Town of St Lucie Village

Subject: Proposed Ordinance Regulating Hours of Operation

The following is respectfully presented to provide insight and share my professional concern to the issues surrounding the contemplated ordinance limiting the hours of operation of Village businesses and associated liquor sales.

BACKGROUND:

The proposed ordinance is a prudent step in the right direction to preserve the integrity of our neighborhoods. We are a bedroom community, with the exception of a narrow commercial corridor. The Village is not dependent upon commercial property income for sustainability. Our business corridor is made up of sub-prime retail and a disproportionate number of storage facilities. There are currently at least two vacant, defunct restaurant, properties being marketed to prospective businesses in the Village's city limits.

RESTAURANTS:

The fact that both of the vacant properties have been empty of functioning restaurants for over five years (Norris's Ribs) and at least 15-20 years (Naco Road Property) showing that a new restaurant at either of these locations will be more challenging than the average start up restaurant which nationally has a five year failure rate of 80% (CNN 03/15/16). While the prospective restauranteurs will have honest commitment to maintaining the tranquility of our community initially, when faced with such odds, a struggling restaurant owner will be forced to find alternative revenue sources. Many restaurants that have liquor licenses are approached by promotors (*Elks Club of Fort Pierce operating as a Nightclub;WPTV 03/17/18*) who will lease out the restaurant (with the liquor licenses) and provide a venue for pop-up clubs. These folks become Village Businesses without the requirement of coming before Council for approval as they function under the umbrella of the vetted host business. Moreover, often times, there is an entry cover charge that provides for unlimited alcohol with entry. Even if the entry ticket could be viewed as "sales" once sold the alcohol could continue to flow after 11:00 pm further making the proposed ordinance totally toothless.

ENFOREMENT:

In my years with the Miami Dade Police Department, I had three cases where neighborhood restaurants and local bars where in these situations and were forced to sub-lease to promotors and/or stayed open beyond the hours permitting liquor sales.

(ENFORCEMENT (continued):

We conducted numerous undercover operations expending thousands of dollars in resources only to find infiltration into these locations all but impossible.

Should the proposed ordinance be approved as is, the enforcement of this ordinance would be extremely challenging with total control of enforcement resources. Our situation is we have to beg for enforcement and on a broader scale our issues pale in comparison to problems faced in other areas of the County.

A blanket ordinance requiring businesses to close at a certain hour could be easily enforced through our Magistrate process, since a violation would be determined by mere presence of being open beyond the hours of operation.

RECOMMENDATION:

That the Board of Aldermen amend the proposed ordinance to read that No Businesses may be open beyond the 11:00 pm limits. There could be a provision for such businesses as convenient stores (not recommended) and self-service type businesses to include after hours access to storage locations, etc. with specific approval of the Council and subject to revocation for violations in addition to any code enforcement penalties.

I respectfully implore the Board to not create yet another rule that is un-enforceable and limits the "rule followers" while allowing others to operate with near impunity. This move would serve potential restauranteurs by clearly delineating the rules of the Village PRIOR to their investing considerable funds without a clear indication of the Village's policies. A blanket business closure ordinance would also prevent any appearance of unfair treatment to restaurants that would be the sole scope of the proposed liquor sales ordinance. The amended ordinance would also address any future attempts to use Village properties as an event venue, further protecting the peace and tranquility of our community.

C: Richard Neill jr, Village Attorney

Donna Dennis, Village Clerk

Laura Marotta

From: Richard V. Neill, Jr.
Sent: Thursday, June 11, 2020 9:14 AM
To: Laura Marotta
Subject: FW: Meetings

From: William Thiess <william.thiess@stlucievillagefl.gov>
Sent: Monday, June 8, 2020 5:11 PM
To: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Cc: Donna Dennis <donna.dennis@stlucievillagefl.gov>; Scott Dennis <scott.dennis@stlucievillagefl.gov>; Laura Marotta <LMarotta@neillgriffin.com>; Carl Peterson <carl.peterson@stlucievillagefl.gov>
Subject: RE: Meetings

Richard,

All good questions. It would be a whole lot easier to stay virtual until the social distancing recommendations go away.

We could probably do an in-person with distancing as far as the public is concerned if the turnout is no more than it has been in the recent past. Getting the Board, me, you and Donna adequately spaced up on that small raised area would be difficult. Perhaps we could put Donna down on the lower level on the east side and you at the lower level on the west side or in the front pew so the mic would pick you up. We could block off the first 2 rows of pews from the public so you and Carl could sit in that front row. Scott would be over on the west side where he usually sits. That would leave 6 of us on the raised area, which might work if we spread the tables.

Bill

From: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Sent: Saturday, June 6, 2020 11:01 AM
To: William Thiess <william.thiess@stlucievillagefl.gov>
Cc: Donna Dennis <donna.dennis@stlucievillagefl.gov>; Scott Dennis <scott.dennis@stlucievillagefl.gov>; Laura Marotta <LMarotta@neillgriffin.com>
Subject: RE: Meetings

Bill,

Whether we can stay virtual in July will probably be determined by the Governor later in the month.

We'll look at options from the legal end; but, maybe we should all think about the practical aspects of what happens if the governor doesn't extend his order so we can't stay virtual—how would we handle that?

I don't think that we can tell the public not to come. Having a physical quorum but locked doors doesn't seem right—it seems contrary to the intent of requiring physical

attendance. But, we could *ask* them to attend by phone. In theory, we could limit attendance or dictate seating spacing . . . .

How would we actually provide for access and public comment if some are there and some are not? Can we provide phone access for some of the public and a board member or two (who might not want to attend), in a practical and functional way when we are at the Village Hall? Should we get someone to figure out how to stream the meeting live so people could watch?

Regards,

Richard

Richard V. Neill, Jr., of
Neill Griffin Marquis, PLLC
Post Office Box 1270
Ft. Pierce, FL 34954
Telephone: 772-464-8200
Fax: 772-464-2566
rneilljr@neillgriffin.com

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From: William Thiess <william.thiess@stlucievillagefl.gov>
Sent: Saturday, June 6, 2020 5:55 AM
To: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Cc: Donna Dennis <donna.dennis@stlucievillagefl.gov>; Scott Dennis <scott.dennis@stlucievillagefl.gov>; Laura Marotta <LMarotta@neillgriffin.com>
Subject: RE: Meetings

I agree that we are good to go for virtual in June, but if we are going to put a discussion of the July meeting on the agenda we need to know what our options are for July. I think we are on the same page.

From: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Sent: Friday, June 5, 2020 2:33 PM
To: William Thiess <william.thiess@stlucievillagefl.gov>
Cc: Donna Dennis <donna.dennis@stlucievillagefl.gov>; Scott Dennis <scott.dennis@stlucievillagefl.gov>; Laura Marotta <LMarotta@neillgriffin.com>
Subject: RE: Meetings

Bill,

That discussion was confusing and, I think, a little confused. I think that the pre-emergency and emergency standards got all mixed up.

The standard speech would have been state agencies have been able to do virtual, but counties and municipalities have not because they have to have a quorum physically present (although a member could call in if a quorum was physically present); so, our speakers edited the speech to include the governor's order relieving us from the "quorum physically present" requirement, but it was not always clear when they were talking about emergency versus non-emergency.

I don't believe that the executive order has been undone, so I think we have the virtual meeting option still; and, it's July that we may have to worry about.

But, I will double check with them.

Regards,

Richard

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From: William Thiess <william.thiess@stlucievillagefl.gov>
Sent: Friday, June 5, 2020 1:36 PM
To: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Cc: Donna Dennis <donna.dennis@stlucievillagefl.gov>; Scott Dennis <scott.dennis@stlucievillagefl.gov>; Laura Marotta <LMarotta@neillgriffin.com>
Subject: RE: Meetings

Richard,

I agree we should go virtual for the June meeting(s).

Did you receive my email yesterday afternoon regarding the Phase 2 guidelines? I think the question we need to have answered before the June meeting is can we still go virtual in Phase 2 if we are not comfortable with in-person meetings? Our small town hall makes it very difficult to have social distancing if we have a large turnout and it would not be without some difficulty for a small turnout. It makes little sense to have 3 board members and me in the town hall and everyone else attending virtually just to satisfy the state guidelines. It seems to me that the coronavirus is no less prevalent now than it was back in March or April when the social distancing thing started. Until we have some info stating otherwise, it is better to play it safe.

Bill

From: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Sent: Friday, June 5, 2020 9:56 AM
To: William Thiess <william.thiess@stlucievillagefl.gov>
Cc: Donna Dennis <donna.dennis@stlucievillagefl.gov>; Scott Dennis <scott.dennis@stlucievillagefl.gov>; Laura Marotta <LMarotta@neillgriffin.com>
Subject: RE: Meetings

Bill,

Looks like the limit is up to 50 now. I suspect that there is still some real level of discomfort remaining among Villagers about gathering in a group, so why don't we plan on being virtual this month but agenda the issue of going back to in-person meetings?

Richard

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From: William Thiess <william.thiess@stlucievillagefl.gov>
Sent: Thursday, June 4, 2020 10:12 AM
To: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Cc: Donna Dennis <donna.dennis@stlucievillagefl.gov>; Scott Dennis <scott.dennis@stlucievillagefl.gov>; Laura Marotta <LMarotta@neillgriffin.com>
Subject: RE: Meetings

Richard,

I think the June Board meeting and meetings for other boards should be on the GoToMeeting format until the 10-person constraint is lifted. At that point, we could decide what to do. If the constraint is increased to 20 or 25, we may want to still use GoToMeeting.

I prefer to stay on the side of caution. It hopefully will only be for a few more meetings (maybe one). I do not want to exceed guidelines recommended by the state, and we can also be more stringent than those guidelines if we chose to be.

Bill

From: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Sent: Wednesday, June 3, 2020 3:16 PM
To: William Thiess <william.thiess@stlucievillagefl.gov>
Cc: Donna Dennis <donna.dennis@stlucievillagefl.gov>; Laura Marotta <LMarotta@neillgriffin.com>; Scott Dennis <scott.dennis@stlucievillagefl.gov>
Subject: Meetings

Bill,

Jim stated at the last meeting that he was hoping to go back to in person meetings. I also had a question about that from Ingrid, to whom I separately responded. And, I had been wondering about Code Enforcement and Board of Adjustment hearings; so, I asked Ian to update me on current orders related to municipal/municipal boar meetings. Our emails are below.

My understanding is that the health advisory about 10 or more people meeting remains in effect through July 7, that the Governor's order suspending the requirement to have a quorum present (in-person) and meet at a public place remains in place, and that the basic state of emergency declaration is currently set to expire on July 7.

I think that's consistent with us remaining cautious and deferring in person meetings until July.

I think that we can legally meet in person, but we would need to meet the 10 person and social distancing standards, which would mean that perhaps some of us could meet in person but, unless no more than 10 people, total, actually appeared, we will still have to provide remote/virtual access for those who don't fit in the room, which seems impractical.

Thoughts at this point?

Regards,

Richard

Laura Marotta

From: Richard V. Neill, Jr.
Sent: Tuesday, June 09, 2020 2:39 PM
To: William Thiess (william.thiess@stlucievillagefl.gov)
Cc: Donna Dennis; Laura Marotta; Scott Dennis
Subject: FW: Ethics Class

Bill, this response from the speaker is really just for the file. Carlyn agreed with my basic thought process on the physical quorum issue. And, I see that she has also emailed the attendees to similar effect. Richard

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From: Carlyn H. Kowalsky <CKowalsky@nasonyeager.com>
Sent: Tuesday, June 9, 2020 11:13 AM
To: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Cc: Laura Marotta <LMarotta@neillgriffin.com>; John Fumero <JFumero@nasonyeager.com>
Subject: RE: Ethics Class

Hello Richard

Thank you for your note to make sure everyone is clear on this point. I will be sending an email to the group to clarify. Here is my response.

Yes, I concur that:

1. Executive Order 20-69 allows public meetings using communications media technology and suspends the requirement in 166.04(4) that "an affirmative vote of a majority of a quorum present is necessary to enact any ordinance or adopt any resolution."

2. Executive Order 20-139 extends Executive Order 20-69 until June 30, 2020.

3. Therefore, municipalities may continue to operate using communications media technology without a physical quorum until June 30.

4. The Governor's Task Force Report issued at the end of April 2020 is a Plan for Florida's Recovery ("the Plan") and includes recommendations to the Governor for re-opening the state. Because it is a plan, not every recommendation gets enacted in an Executive order in exactly the same sequence or timing as the plan envisioned. There have been other Executive Orders that have deviated from the recommendations in the Plan. So, it is not surprising that Executive Order 20-139 is not in completely in sync with it.

5. Attorney General Opinion 2020-03 provides a good analysis and history of the issue of public meeting quorums.

I hope this is helpful. Thanks for your note to make sure we all clear.

Carlyn

From: Richard V. Neill, Jr. [mailto:RNeillJr@neillgriffin.com]
Sent: Tuesday, June 9, 2020 8:46 AM
To: Carlyn H. Kowalsky <CKowalsky@nasonyeager.com>
Cc: Laura Marotta <LMarotta@neillgriffin.com>
Subject: RE: Ethics Class

Thanks so much. I appreciate it.

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From: Carlyn H. Kowalsky <CKowalsky@nasonyeager.com>
Sent: Monday, June 8, 2020 4:27 PM
To: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Cc: Laura Marotta <LMarotta@neillgriffin.com>
Subject: RE: Ethics Class

Hi Richard

Thanks for reaching out. I generally agree. However, I want to send you a more complete response, which I hope to do tomorrow. Maybe we can touch base verbally as well.

Carlyn

Carlyn H. Kowalsky
Attorney at Law

Email: CKowalsky@nasonyeager.com
Tel: 561-982-7114 | Fax: 561-982-7116
Mobile: 561-248-3922
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From: Richard V. Neill, Jr. [mailto:RNeillJr@neillgriffin.com]
Sent: Saturday, June 6, 2020 11:43 AM
To: Carlyn H. Kowalsky <CKowalsky@nasonyeager.com>
Cc: Laura Marotta <LMarotta@neillgriffin.com>
Subject: Ethics Class

Ms. Kowalsky,

Thank you for participating in the Ethics Class for the TCRLC.

I have had several questions since then from my participating Board members in relation to our Board meetings this month and next.

My understanding was that you were explaining that, before the emergency, a municipal board could not meet without a quorum physically present and that was changed by executive order. The discussion included an explanation of how a quorum could be present and other board members could possibly call in and participate, and that left an impression that we should be doing that currently.

It was also pointed out to me that the Governor's Task Force Report indicates that, in Phase 2, which the Governor just adopted, the requirement of a physical quorum should be restored.

Noting that the current Order, EO 20-139, specifically states that EO 20-69 remains in effect through June 30, I think it's clear that the particular portion of the Task Force Report on Phase 2 is not in effect and that a physical quorum will not be required for a meeting taking place before June 30.

Do you concur?

I really appreciate your input clarifying, confirming or correcting. Thank you so much.

Regards,

Richard

Richard V. Neill, Jr.
Town Attorney
Town of St. Lucie Village, Florida

Neill Griffin Marquis, PLLC
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richard.neill@stlucievillagefl.gov

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Laura Marotta

From: Richard Neill <richard.neill@stlucievillagefl.gov>
Sent: Friday, June 05, 2020 3:17 PM
To: Laura Marotta
Subject: FW: Spreadsheet to track air traffic

From: William Thiess <william.thiess@stlucievillagefl.gov>
Sent: Friday, May 29, 2020 8:09 PM
To: Donna Dennis <donna.dennis@stlucievillagefl.gov>; Scott Dennis <scott.dennis@stlucievillagefl.gov>
Cc: Richard Neill <richard.neill@stlucievillagefl.gov>; Patty Weiner <peweiner@comcast.net>
Subject: FW: Spreadsheet to track air traffic

FYI

From: Stan Payne <PayneS@stlucieco.org>
Sent: Friday, May 29, 2020 2:22 PM
To: William Thiess <william.thiess@stlucievillagefl.gov>
Cc: Howard Tipton <TiptonH@stlucieco.org>
Subject: Re: Spreadsheet to track air traffic

Bill
A couple of things in followup-
-the noise monitoring system is now state-of-the-art, which is a major shift from what had been contemplated without progress for years. It shows noise and flightpaths
-we are still working with the FAA on extending tower hours. When open, the tower directs the flights, so the longer it is open, the less discretion the student pilots have. (That being said, the spreadsheet you sent reflects mostly flights when the tower was operating-this means that it was directing flightpaths, and because of weather or activity or both, it resulted in overflight.)
-Aviator is reaching out to other schools. They all have a vested, collective interest in being good neighbors wherever they fly-especially from Melbourne, Vero Beach and Treasure Coast, where the airspace is vey heavily used and cooperation is critical
A lot of moving parts but with a commitment by all to finally seeing things through.
Have a good weekend.
Stan

Sent from my iPhone

On May 29, 2020, at 1:15 PM, William Thiess <william.thiess@stlucievillagefl.gov> wrote:

SECURITY WARNING: This email originated from outside the County systems. Please show caution when clicking links or opening attachments unless you recognize the sender and know the content is safe. Questions, call Customer Service at 772-462-2146.

Thanks, Stan. Hopefully things will improve.

From: Stan Payne <PayneS@stlucieco.org>
Sent: Friday, May 29, 2020 10:32 AM
To: William Thiess <william.thiess@stlucievillagefl.gov>
Subject: Re: Spreadsheet to track air traffic

Bill
I have reached out to Aviator College to discuss their operations and the best way to involve the other schools (Aviator and the other area schools remain in the direct contact with each other due to the fact that they share airspace that is heavily used)
The area flight schools are well aware of the noise abatement procedures at every airport their students fly into. An issue, of course, is that compliance with the procedures is and will always be voluntary.
I will be in touch.
Stan
Sent from my iPad

On May 29, 2020, at 9:55 AM, William Thiess <william.thiess@stlucievillagefl.gov> wrote

SECURITY WARNING: This email originated from outside the County systems. Please show caution when clicking links or opening attachments unless you recognize the sender and know the content is safe. Questions, call Customer Service at 772-462-2146.

Stan,

Please see email form Patty Weiner below.

We do appreciate that the fact that the County is working toward a long-term solution that will give you the tools to address the noise issues we are experiencing in the Village more effectively, but there really needs to be something done in the interim to address the problem. Continuing months or years of the constant disregard for the Voluntary Noise Abatement Procedures is more than our residents should have to endure.

As Patty stated below, the only time we saw direct results on curbing these overflights is when the county had a part-time noise abatement officer. I understand the budget constraints the county has, which are probably getting worse with revenue loss from the COVID 19 mess. However, there must be an effective way to reach out to all these offending flight schools in an effective manner to get their pilots to respect residential areas around airports. That respect should be an integral part of their training so they don't turn out pilots that continue these bad habits when they move on.

Please let me know what the county can do to help us with this problem.

Bill Thiess

From: Patty <peweiner@comcast.net>
Sent: Thursday, May 28, 2020 3:26 PM
To: William Thiess <william.thiess@stlucievillagefl.gov>
Cc: Donna Dennis <donna.dennis@stlucievillagefl.gov>; Scott Dennis

<scott.dennis@stlucievillagefl.gov>; Richard Neill <richard.neill@stlucievillagefl.gov>
Subject: Re: Spreadsheet to track air traffic

Hi Bill, has Stan gotten back to you about meeting with Christiansen aviation?
They started again last night after midnight and went into the hours of the morning. I was woken up and I did not have the energy to get out of bed at that time to write this stuff down on the Spread sheet. The last response from Stan made it seem like he didn't feel like it was their responsibility because it wasn't one of their flight schools. He also mentioned once again the up and coming noise monitoring system that we have heard about for years. It sounds great when it actually happens, but, in the meantime they need to be monitoring this and dealing with the problem. It is gotten to the point where this is happening nightly and interrupts my sleep. The noise abatement officers in the past were able to track down pilots educate them and flight schools on the voluntary noise abatement protocols and it made a difference. Since the airport has dismantled everything and no longer seems to feel the need to keep up with this, we are once again living below constant air traffic.
As an essential employee of the state, I have been dealing with COVID 19 since the Beginning of the pandemic. I do not fee I should have to deal with this additional stress. Please let me know what Stan's plan is to reduce the number of overflights until the time that this "miracle" noise monitoring system is in place.

Thanks

Patty

On May 26, 2020, at 5:04 PM, Patty <peweiner@comcast.net> wrote:

The airport staff has always contacted Outside flight schools in the past, so when do they plan on meeting with Christensen to inform them of the noise abatement procedures?

Patty

On May 26, 2020, at 4:50 PM, William Thiess <william.thiess@stlucievillagefl.gov> wrote:

Stan's response.

From: Stan Payne <PayneS@stlucieco.org>
Sent: Tuesday, May 26, 2020 2:30 PM
To: William Thiess <william.thiess@stlucievillagefl.gov>
Subject: Re: Spreadsheet to track air traffic

Hi Bill-
Our flight school was closed the entire month of April and has had only limited flights since then. I don't know who Christianson Aviation is but I do know that some flight schools did not close during this period. My guess

is that many used our airport for training flights from their home airports to take advantage of the empty airspace.
We're working on the noise monitoring system specs and bidding right now, so progress has been made.
Stan

Sent from my iPad

On May 26, 2020, at 2:19 PM, William Thiess <william.thiess@stlucievillagefl.gov> wrote:

SECURITY WARNING: This email originated from outside the County systems. Please show caution when clicking links or opening attachments unless you recognize the sender and know the content is safe. Questions, call Customer Service at 772-462-2146.

Stan,

I agree with these residents under the flight path that the Voluntary Noise Abatement Procedures are being completely ignored by most training pilots. I get a lot of these low overflights at my home on the south end when Runway 14/32 is being used. We had hoped for a meeting with you and the flight school(s), but the coronavirus situation has made that difficult for the time being. Isn't there something that can be done about these repetitive overflights? We can provide lots of this sort of documentation, but our residents should not have to bear the brunt of an extensive documentation effort to get some positive action on this issue.

Bill Thiess

From: Donna Dennis <donna.dennis@stlucievillagefl.gov>
Sent: Tuesday, May 26, 2020 10:24 AM
To: William Thiess <william.thiess@stlucievillagefl.gov>
Cc: Ingrid Vanhekken <ingrid.vanhekken@stlucievillagefl.gov> ; Patty Weiner <peweiner@comcast.net>
Subject: Re: Spreadsheet to track air traffic

Bill,

Here is one overflight log sheet I have completed. I have countless screenshots of planes with repetitive paths over our house - 7 to go with this sheet but too heavy to attach here.

Patty is right, Christiansen Aviation is the leading culprit. Ari Ben Aviation isn't far behind.

The overflights are out of control and the County must do something.

Thanks,
Donna

From: William Thiess
Sent: Thursday, May 7, 2020 8:15 AM
To: Patty; Donna Dennis
Cc: Ingrid Vanhekken
Subject: RE: Spreadsheet to track air traffic

Here are Excel and pdf versions

From: Patty <peweiner@comcast.net>
Sent: Thursday, May 7, 2020 7:20 AM
To: Donna Dennis <donna.dennis@stlucievillagefl.gov>
Cc: William Thiess <william.thiess@stlucievillagefl.gov>; Ingrid Vanhekken <ingrid.vanhekken@stlucievillagefl.gov>
Subject: Re: Spreadsheet to track air traffic

Last night was pretty bad.

Christianson and a private pilot were up there. I would appreciate another copy too,

Because I only printed 1 sheet

Patty

Please Note: Florida has a broad public records law. As a result, any written communication created or received by Town of St. Lucie Village officials and employees will be made available to the public and media upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in person.

Please Note: Florida has very broad public records laws. Most written communications to or from County officials regarding County business are public records

Laura Marotta

From: Richard Neill <richard.neill@stlucievillagefl.gov>
Sent: Friday, June 05, 2020 3:07 PM
To: Laura Marotta
Subject: FW: FW: Spreadsheet to track air traffic

From: Stan Payne <PayneS@stlucieco.org>
Sent: Thursday, June 4, 2020 4:01 PM
To: William Thiess <william.thiess@stlucievillagefl.gov>
Cc: Howard Tipton <TiptonH@stlucieco.org>
Subject: RE: Spreadsheet to track air traffic

Hi Bill-

I just had a lengthy meeting with the new FAA tower manager and Aviator College's head of operations.

Dana Bunch, the new tower manager, has broad experience at multiple airports, including noise sensitive communities such as Palm Beach and Boca Raton.

Some takeaways from the meeting as far as the path forward-

-Dana started the meeting by advocating for a noise monitoring system of the type we are pursuing without knowing we were pursuing it, so I am confident we have made some good decisions about the technology.

-Both would be pleased to meet with you or your group when circumstances allow.

-Dana offered a tour of the tower to actually view its flight operations.

-Brian was going to check on possibility of "experiencing" Aviator's flight simulator.

-We expect our tower to gain its hour back from the Covid-driven reduction by Monday and a survey will soon be started to support extending the hours to 11pm.

-The second radio frequency that would add to flight safety was within 2 weeks of installation when the pandemic stopped it.

I think the addition of Dana Bunch and his experience in dealing with noise issues in other communities and his ability to explain the tower processes, challenges and possibilities very clearly will be of great benefit as we move forward.

Stan

Laura Marotta

From:	Richard V. Neill, Jr.
Sent:	Thursday, June 04, 2020 9:31 AM
To:	'Dana McSweeney'; William Thiess (william.thiess@stlucievillagefl.gov); Carl Peterson
Cc:	Donna Dennis; Laura Marotta; Don West
Subject:	: Brightline Permits
Attachments:	020-087 - Brightline - St. Lucie Lane.pdf; 020-088 - Brightline - Chamberlain Blvd.pdf; 020-089 - Brightline - Rouse Road.pdf; 020-090 - Brightline - Michigan Street.pdf; 020-091 - Brightline - Wilcox Road.pdf; 020-092 - Brightline - Harbor Branch Road.pdf; 020-093 - Brightline - Kennedy Groves.pdf; 020-094 - Brightline - Torpey Road.pdf; 020-095 - Brightline - Milton Road.pdf
Importance:	High

Thank you, Dan. I am forwarding to the Mayor and Building Official.

Two things strike me. One is that we must remember that the Village crossings are often the sole access to the neighborhood so a permit should require that temporary access be provided—as they typically do when they redo a crossing. Second is that I don't whether or not the Village should be directly involved in permitting. I'm not sure that we want to be.

At least one crossing agreement is with the Village; but, I don't think that we ever incorporated any of the FEC right of way into the Village.

I'm copying Don West. Maybe he, Bill and Carl can discuss how we should proceed together.

Regards,

Richard

Richard V. Neill, Jr., of
Neill Griffin Marquis, PLLC
Post Office Box 1270
Ft. Pierce, FL 34954
Telephone: 772-464-8200
Fax: 772-464-2566
rneilljr@neillgriffin.com

CONFIDENTIALITY

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any dissemination, distribution, or copying of this e-mail or any attachment is strictly prohibited. If you have received this transmittal in error, please reply to the sender that you have received it in error and then delete it. Thank you.

From: Daniel McIntyre <MCIND@stlucieco.org>
Sent: Thursday, June 4, 2020 9:01 AM
To: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Subject: FW: Brightline Permits
Importance: High

From: Peter DePasquale <depasqualep@stlucieco.org>
Sent: Thursday, June 04, 2020 8:41 AM
To: Don West <westd@stlucieco.org>
Cc: Patrick Dayan <DayanP@stlucieco.org>; Daniel McIntyre <MCIND@stlucieco.org>
Subject: Brightline Permits
Importance: High

Don,

Yesterday afternoon we received 9 Brightline permits for the following roads:

1. St. Lucie Lane
2. Chamberlain Blvd
3. Rouse Road
4. Michigan Street
5. Wilcox Road
6. Harbor Branch Road
7. Kennedy Groves
8. Torpey Road
9. Milton Road

I do not have the contact information for our consult, so I was not able to Cc him on this email. I will begin reviewing these and will then provide my list of comments.

Pete DePasquale | Project Manager | Engineering Division
Office: 772-462-2742 | Cell: 772-200-8492 | 2300 Virginia Ave. Fort Pierce 34982
facebook.com/stluciegov | twitter.com/stluciegov | instagram.com/stluciegov | youtube.com/stluciegov

Please Note: Florida has very broad public records laws. Most written communications to or from County officials regarding County business are public records available to the public and media upon request. It is the policy of St. Lucie County that all County records shall be open for personal inspection, examination and / or copying. Your e-mail communications will be subject to public disclosure unless an exemption applies to the communication. If you received this email in error, please notify the sender by reply e-mail and delete all materials from all computers.

RECEIVED
06/03/2020
ENGINEERING DIVISION

RIGHT-OF-WAY PERMIT APPLICATION FORM
ST.LUCIE COUNTY ENGINEERING DIVISION

2300 VIRGINA AVENUE, 2ND FLOOR, FT. PIERCE, FL 34982 (772) 462-1707

Submit via email at: RightofWayPermit@stlucieco.org

NAME OF APPLICANT MAYRA ALMAZAN
MAILING ADDRESS 300 NORTH DRIVE SUITE 100
CITY MELBOURNE STATE FL ZIP 34934
EMAIL MALMAZAN@HSRCJV.COM PHONE NO. 602-290-9837

TYPE OF PROJECT (CHECK ONE) ☒ UTILITY ☒ COMMERCIAL ☐ RESIDENTIAL ☐ DEVELOPMENT ORDER (other)

Name of OWNER responsible for facility after installation VIRGIN TRAINS USA FLORIDA, LLC (VTUSA)
Phone No. 407-304-8432 EMAIL RWHITE@HNTB.COM

PERMITTEE'S REPRESENTATIVE RESPONSIBLE FOR ADMINISTERING WORK WITHIN COUNTY RIGHT-OF-WAY AND NOTIFYING ST. LUCIE COUNTY A MINIMUM OF 24 HOURS PRIOR TO COMMENCEMENT OF WORK.

NAME MAYRA ALMAZAN **PHONE NO** 602-290-9837

Work shall commence on or about AUGUST 2020 **with a duration of** 7 **days.** *(24-hours prior notice required)*

CONTRACTOR'S NAME HSR CONSTRUCTORS
MAILING ADDRESS 300 NORTH DRIVE SUITE 100, MELBOURNE, FL 34934
EMAIL MALMAZAN@HSRCJV.COM PHONE NO. 602-290-9837

As the Applicant, we request permission to construct improvement(s) within a County maintained Right-of-Way or easements deeded to or maintained by St. Lucie County as public areas of the County. Below is a description of the type of work to be performed in County Right-of-Way and name of County Road:
Railroad Crossings affected would be **ST. LUCIE LANE**. They will be closed 7 days a week (including weekends) for 24 hours.
Type of work includes: Potholing & Utility Investigation, Railroad Signal Relocation, Traffic Signal Relocation, Track Reconstruction, Flatworkand Striping.

The following MUST be submitted with an original signed copy of this application:

1) Detailed maintenance of traffic plan from FDOT's "Design Standards 600 Series". If traffic control requires detours, and/or road closures, a Florida Registered Professional Engineer will be required to design, sign, and seal said plans.
2) Show on an attached plan(s) (11"x17" preferred) the location and character of the work, and detail the aspect of the work that will disturb County maintained improvements (hereinafter referred to as "**IMPROVEMENTS**").

** **This permit and all its attachments must be kept on the work site and prominently displayed or be available upon request**

Applicant/Owner MAYRA ALMAZAN Title FIELD ENGINEER

By: MAYRA ALMAZAN Date 04/16/2020 Email/Phone: MALMAZAN@HSRCJV.COM/602-290-9837

By proceeding with installation of work covered by this permit, I agree to comply with the "**GENERAL AND SPECIAL CONDITIONS OF THE RIGHT-OF-WAY PERMIT**".

OFFICE USE ONLY

RIGHT-OF-WAY DESCRIPTION: _____

REVIEWED BY ACQUISITIONS DIVISION _____ DATE _____

The aforestated installation is hereby permitted under the following provisions:

BOARD OF COUNTY COMMISIONERS, ST. LUCIE COUNTY, FLORIDA

BY _____ DATE _____ R/W PERMIT NO **020-087**
County Engineer - Representative

Rev. 8-3-18

GENERAL CONDITIONS OF RIGHT-OF-WAY PERMIT

The applicant declares that prior to filing this application, he/she has (1) ascertained the location of existing utilities that would be affected by the proposed installation, and (2) notified such affected utility owners in writing regarding same, and (3) correlated the proposed installation with owners of such utilities and determined that the proposed installation can be made without detriment to such existing utilities. If granted a permit for construction of proposed installation on County rights-of-way, the applicant agrees to the following:

1. **Access:** By application and acceptance of this permit, any employee of or person performing a duty for the County, is granted access at any time to perform inspection or such duties as determined by and for the County.
2. **Safety:** All construction work shall comply with the safety provisions of all federal, state and local laws.
3. **Traffic Control:** Measures shall be provided during construction in accordance with the FDOT Design Standards 600 Series. Traffic shall be maintained to the minimum applicable standard required for the type of site presence or by the County Engineer.
4. To Save Harmless the Board of County Commissioners and each and every member thereof from the payment of any compensation or damages resulting from the exercise of rights and privileges herein granted.
5. In the event that modification or repair of the improvements on aforestated County right-of-way becomes necessary, to promptly move/remove the installation permitted herein, as requested by the Board of County Commissioners of St. Lucie County, Florida, at no cost to the County.
6. Removal of Installation: In the case of noncompliance with the requirements stated herein, the installation permitted herein will be promptly brought into compliance or removed from County right-of-way by applicant at no cost to the County.
7. Repair of Improvements by Permittee: Applicant agrees to promptly repair any damage/injury to improvements on County right-of-way caused by reason of the exercise of rights and privileges herein granted, restoring same to a condition equal to that which existed immediately prior to the infliction of such damage or injury in a manner satisfactory to the County.
8. Permit Life: If this permit is granted, it shall be valid for a period of 180 calendar days from date of approval subject to termination by the County in the event that improvements on aforestated County right-of-way are to be constructed/reconstructed, or in the event that such right-of-way shall be closed, abandoned, vacated or discontinued.
9. The attached sketch(s) covering details of the permitted installation shall be made a part of this permit. Deviations from the approved work or maintenance of traffic plan shall require prior approval of the County Engineer.
10. Notification to County Engineer: The County Engineer's office shall be notified twenty-four (24) hours in advance of starting work on County rights-of-way. New construction that is discovered to have begun without notification will be subject to a stop work order until proper permits have been acquired. Unless the work activity is accomplished in continuous work days (excluding weekends and holidays), re- notification shall be required upon any lapses.
11. Permit on Job Site: All projects requiring a County Right-Of-Way will be required to have a copy of the permit on the job site and be able to produce said copy when requested. Failure to do so will be considered as operating without a valid permit and operations shall cease and desist. Field work that is classified as maintenance will not be subject to the above. The exception on maintenance would be in the event excavation adjacent to a roadway is to be left open overnight. The County shall be notified for the purpose of inspecting for adequate barricades, lights, etc.
12. Final Inspection: The County Engineer's office shall be notified by the applicant upon completion of the installation permitted herein, so that a final inspection may be made.
13. Issuance of this permit in no way waives the authority and/or jurisdiction of any other governmental entity or existing facility installed in accordance with applicable law. Applicant is solely responsible for ensuring that all other stakeholders affected by the work or that have ownership of the work site, or portions thereof, have been adequately notified and have given permission to perform work.

SPECIAL CONDITIONS OF RIGHT-OF-WAY PERMIT

1. Applicant agrees that in case of future damage (test of time) to the right-of-way or pavement due to subject installation, the applicant shall repair and restore same to condition acceptable to the County Engineer.

2. Applicant agrees that the expense for any modifications to subject utility installation required before, during or after any future right-of-way, drainage or roadway improvements are implemented shall be borne solely by the applicant, including but not limited to: removal, relocation, manhole adjustments, etc.

3. All work done within right-of-way shall be done Monday through Friday, 8:00 AM - 5:00 PM, excluding County observed holidays and County closures, unless otherwise approved by the County Engineer. **Any work performed after hours shall be supervised by a County Inspector, for which the Contractor shall reimburse the County at the current Inspector rate.**

4. Any road closures shall be requested in writing, along with an accompanying traffic detour plan for review, to the County Engineer twenty-one (21) days prior to requested closure. The County Engineer reserves the right to modify the maintenance of traffic (MOT) as needed based upon performance.

5. Any approved open pavement cut or trench cut in proposed limits of future pavement shall be restored to FDOT and St. Lucie County standards.

6. No excavation shall take place within a minimum of five (5) feet of the edge of pavement or within the Clear Recovery Zone (CRZ). This distance may be increased by County Engineer dependent upon posted speed limit of roadway.

7. Minimum cover of 36" under the travelway and 30" elsewhere, including swales/ditches, shall be maintained over the utility. Conflicting utilities shall maintain 18" separation unless specifically approved by County Engineer.

8. Jack & Bore or Directional Bore installations shall be done per FDOT specifications. Casings under the travelway shall extend a minimum of eight (8) feet beyond the edge of the travelway. Bentonite or drilling fluid shall be removed from Right-of-Way/project site same days as drilling operations.

9. Driveways, roadways, trenches and/or sidewalks shall be restored per the detail approved on the plans or specified in this permit. Proof of compaction shall be copied to the County Engineer.

10. **Two (2) sets of certified record drawings shall be submitted to this office immediately upon completion of subject utility installation.**

11. Dependent upon the type of project, additional permit(s) and/or agreement(s) may be required prior to approval of the right-of-way permit.

RECEIVED
06/03/2020
ENGINEERING DIVISION

RIGHT-OF-WAY PERMIT APPLICATION FORM
ST.LUCIE COUNTY ENGINEERING DIVISION
2300 VIRGINA AVENUE, 2ND FLOOR, FT. PIERCE, FL 34982 (772) 462-1707

Submit via email at: RightofWayPermit@stlucieco.org

NAME OF APPLICANT MAYRA ALMAZAN
MAILING ADDRESS 300 NORTH DRIVE SUITE 100
CITY MELBOURNE STATE FL ZIP 34934
EMAIL MALMAZAN@HSRCJV.COM PHONE NO. 602-290-9837

TYPE OF PROJECT (CHECK ONE) ☒ **UTILITY** ☒ **COMMERCIAL** ☐ **RESIDENTIAL** ☐ **DEVELOPMENT ORDER (other)**

Name of OWNER responsible for facility after installation VIRGIN TRAINS USA FLORIDA, LLC (VTUSA)
Phone No. 407-304-8432 EMAIL RWHITE@HNTB.COM

PERMITTEE'S REPRESENTATIVE RESPONSIBLE FOR ADMINISTERING WORK WITHIN COUNTY RIGHT-OF-WAY AND NOTIFYING ST. LUCIE COUNTY A MINIMUM OF 24 HOURS PRIOR TO COMMENCEMENT OF WORK.

NAME MAYRA ALMAZAN **PHONE NO** 602-290-9837

Work shall commence on or about MID AUGUST 2020 **with a duration of** 7 **days.** *(24-hours prior notice required)*

CONTRACTOR'S NAME HSR CONSTRUCTORS
MAILING ADDRESS 300 NORTH DRIVE SUITE 100, MELBOURNE, FL 34934
EMAIL MALMAZAN@HSRCJV.COM PHONE NO. 602-290-9837

As the Applicant, we request permission to construct improvement(s) within a County maintained Right-of-Way or easements deeded to or maintained by St. Lucie County as public areas of the County. Below is a description of the type of work to be performed in County Right-of-Way and name of County Road:
Railroad Crossings affected would be **CHAMBERLAIN BLVD**. They will be closed 7 days a week (including weekends) or 24 hours. Type of work includes: Potholing & Utility Investigation, Railroad Signal Relocation, Traffic Signal Relocation, Track Reconstruction, Flatworkand Striping.

The following MUST be submitted with an original signed copy of this application:

1) Detailed maintenance of traffic plan from FDOT's "Design Standards 600 Series". If traffic control requires detours, and/or road closures, a Florida Registered Professional Engineer will be required to design, sign, and seal said plans.
2) Show on an attached plan(s) (11"x17" preferred) the location and character of the work, and detail the aspect of the work that will disturb County maintained improvements (hereinafter referred to as "**IMPROVEMENTS**").

** **This permit and all its attachments must be kept on the work site and prominently displayed or be available upon request**

Applicant/Owner MAYRA ALMAZAN Title FIELD ENGINEER

By: MAYRA ALMAZAN Date 04/16/2020 Email/Phone: MALMAZAN@HSRCJV.COM/602-290-9837

By proceeding with installation of work covered by this permit, I agree to comply with the "**GENERAL AND SPECIAL CONDITIONS OF THE RIGHT-OF-WAY PERMIT**".

OFFICE USE ONLY

RIGHT-OF-WAY DESCRIPTION: _____

REVIEWED BY ACQUISITIONS DIVISION _____ DATE _____

The aforestated installation is hereby permitted under the following provisions:

BOARD OF COUNTY COMMISIONERS, ST. LUCIE COUNTY, FLORIDA

BY _____ DATE _____ R/W PERMIT NO **020-088**
County Engineer - Representative

Rev. 8-3-18

RECEIVED
06/03/2020
ENGINEERING DIVISION

RIGHT-OF-WAY PERMIT APPLICATION FORM
ST.LUCIE COUNTY ENGINEERING DIVISION

2300 VIRGINA AVENUE, 2ND FLOOR, FT. PIERCE, FL 34982 (772) 462-1707

Submit via email at: RightofWayPermit@stlucieco.org

NAME OF APPLICANT MAYRA ALMAZAN
MAILING ADDRESS 300 NORTH DRIVE SUITE 100
CITY MELBOURNE STATE FL ZIP 34934
EMAIL MALMAZAN@HSRCJV.COM PHONE NO. 602-290-9837

TYPE OF PROJECT (CHECK ONE) ☒ **UTILITY** ☒ **COMMERCIAL** ☐ **RESIDENTIAL** ☐ **DEVELOPMENT ORDER (other)**

Name of OWNER responsible for facility after installation VIRGIN TRAINS USA FLORIDA, LLC (VTUSA)
Phone No. 407-304-8432 EMAIL RWHITE@HNTB.COM

PERMITTEE'S REPRESENTATIVE RESPONSIBLE FOR ADMINISTERING WORK WITHIN COUNTY RIGHT-OF-WAY AND NOTIFYING ST. LUCIE COUNTY A MINIMUM OF 24 HOURS PRIOR TO COMMENCEMENT OF WORK.

NAME MAYRA ALMAZAN **PHONE NO** 602-290-9837

Work shall commence on or about END AUGUST 2020 **with a duration of** 7 **days.** *(24-hours prior notice required)*

CONTRACTOR'S NAME HSR CONSTRUCTORS
MAILING ADDRESS 300 NORTH DRIVE SUITE 100, MELBOURNE, FL 34934
EMAIL MALMAZAN@HSRCJV.COM PHONE NO. 602-290-9837

As the Applicant, we request permission to construct improvement(s) within a County maintained Right-of-Way or easements deeded to or maintained by St. Lucie County as public areas of the County. Below is a description of the type of work to be performed in County Right-of-Way and name of County Road:
Railroad Crossings affected would be **ROUSE ROAD**. They will be closed 7 days a week (including weekends) for 24 hours.
Type of work includes: Potholing & Utility Investigation, Railroad Signal Relocation, Traffic Signal Relocation, Track Reconstruction, Flatworkand Striping.

The following MUST be submitted with an original signed copy of this application:

1) Detailed maintenance of traffic plan from FDOT's "Design Standards 600 Series". If traffic control requires detours, and/or road closures, a Florida Registered Professional Engineer will be required to design, sign, and seal said plans.
2) Show on an attached plan(s) (11"x17" preferred) the location and character of the work, and detail the aspect of the work that will disturb County maintained improvements (hereinafter referred to as "**IMPROVEMENTS**").

** **This permit and all its attachments must be kept on the work site and prominently displayed or be available upon request**

Applicant/Owner MAYRA ALMAZAN Title FIELD ENGINEER

By: MAYRA ALMAZAN Date 04/16/2020 Email/Phone: MALMAZAN@HSRCJV.COM/602-290-9837

By proceeding with installation of work covered by this permit, I agree to comply with the "**GENERAL AND SPECIAL CONDITIONS OF THE RIGHT-OF-WAY PERMIT**".

OFFICE USE ONLY

RIGHT-OF-WAY DESCRIPTION: _____

REVIEWED BY ACQUISITIONS DIVISION _____ DATE _____

The aforestated installation is hereby permitted under the following provisions:

BOARD OF COUNTY COMMISIONERS, ST. LUCIE COUNTY, FLORIDA

BY _____ DATE _____ R/W PERMIT NO **020-089**
County Engineer - Representative

Rev. 8-3-18

RECEIVED
06/03/2020
ENGINEERING DIVISION

RIGHT-OF-WAY PERMIT APPLICATION FORM
ST.LUCIE COUNTY ENGINEERING DIVISION
2300 VIRGINA AVENUE, 2ND FLOOR, FT. PIERCE, FL 34982 (772) 462-1707

Submit via email at: RightofWayPermit@stlucieco.org

NAME OF APPLICANT MAYRA ALMAZAN
MAILING ADDRESS 300 NORTH DRIVE SUITE 100
CITY MELBOURNE STATE FL ZIP 34934
EMAIL MALMAZAN@HSRCJV.COM PHONE NO. 602-290-9837

TYPE OF PROJECT (CHECK ONE) ☒ UTILITY ☒ COMMERCIAL ☐ RESIDENTIAL ☐ DEVELOPMENT ORDER (other)

Name of OWNER responsible for facility after installation VIRGIN TRAINS USA FLORIDA, LLC (VTUSA)
Phone No. 407-304-8432 EMAIL RWHITE@HNTB.COM

PERMITTEE'S REPRESENTATIVE RESPONSIBLE FOR ADMINISTERING WORK WITHIN COUNTY RIGHT-OF-WAY AND NOTIFYING ST. LUCIE COUNTY A MINIMUM OF 24 HOURS PRIOR TO COMMENCEMENT OF WORK.

NAME MAYRA ALMAZAN **PHONE NO** 602-290-9837

Work shall commence on or about AUGUST 2020 **with a duration of** 7 **days.** *(24-hours prior notice required)*

CONTRACTOR'S NAME HSR CONSTRUCTORS
MAILING ADDRESS 300 NORTH DRIVE SUITE 100, MELBOURNE, FL 34934
EMAIL MALMAZAN@HSRCJV.COM PHONE NO. 602-290-9837

As the Applicant, we request permission to construct improvement(s) within a County maintained Right-of-Way or easements deeded to or maintained by St. Lucie County as public areas of the County. Below is a description of the type of work to be performed in County Right-of-Way and name of County Road:

Railroad Crossings affected would be TORPEY ROAD. They will be closed 7 days a week (including weekends) for 24 hours.

Type of work includes: Potholing & Utility Investigation, Railroad Signal Relocation, Traffic Signal Relocation, Track Reconstruction, Flatworkand Striping.

The following MUST be submitted with an original signed copy of this application:

1) Detailed maintenance of traffic plan from FDOT's "Design Standards 600 Series". If traffic control requires detours, and/or road closures, a Florida Registered Professional Engineer will be required to design, sign, and seal said plans.
2) Show on an attached plan(s) (11"x17" preferred) the location and character of the work, and detail the aspect of the work that will disturb County maintained improvements (hereinafter referred to as "**IMPROVEMENTS**").

** **This permit and all its attachments must be kept on the work site and prominently displayed or be available upon request**

Applicant/Owner MAYRA ALMAZAN Title FIELD ENGINEER

By: MAYRA ALMAZAN Date 06/03/2020 Email/Phone: MALMAZAN@HSRCJV.COM/602-290-9837

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OFFICE USE ONLY

RIGHT-OF-WAY DESCRIPTION: _____

REVIEWED BY ACQUISITIONS DIVISION _____ DATE _____

The aforestated installation is hereby permitted under the following provisions:

BOARD OF COUNTY COMMISIONERS, ST. LUCIE COUNTY, FLORIDA

BY _____ DATE _____ R/W PERMIT NO **020-094**
County Engineer - Representative

Rev. 8-3-18

RECEIVED
06/03/2020
ENGINEERING DIVISION

RIGHT-OF-WAY PERMIT APPLICATION FORM
ST.LUCIE COUNTY ENGINEERING DIVISION
2300 VIRGINA AVENUE, 2ND FLOOR, FT. PIERCE, FL 34982 (772) 462-1707

Submit via email at: RightofWayPermit@stlucieco.org

NAME OF APPLICANT MAYRA ALMAZAN
MAILING ADDRESS 300 NORTH DRIVE SUITE 100
CITY MELBOURNE STATE FL ZIP 34934
EMAIL MALMAZAN@HSRCJV.COM PHONE NO. 602-290-9837

TYPE OF PROJECT (CHECK ONE) ☒ UTILITY ☒ COMMERCIAL ☐ RESIDENTIAL ☐ DEVELOPMENT ORDER (other)

Name of OWNER responsible for facility after installation VIRGIN TRAINS USA FLORIDA, LLC (VTUSA)
Phone No. 407-304-8432 EMAIL RWHITE@HNTB.COM

PERMITTEE'S REPRESENTATIVE RESPONSIBLE FOR ADMINISTERING WORK WITHIN COUNTY RIGHT-OF-WAY AND NOTIFYING ST. LUCIE COUNTY A MINIMUM OF 24 HOURS PRIOR TO COMMENCEMENT OF WORK.

NAME MAYRA ALMAZAN **PHONE NO** 602-290-9837

Work shall commence on or about AUGUST 2020 **with a duration of** 7 **days.** *(24-hours prior notice required)*

CONTRACTOR'S NAME HSR CONSTRUCTORS
MAILING ADDRESS 300 NORTH DRIVE SUITE 100, MELBOURNE, FL 34934
EMAIL MALMAZAN@HSRCJV.COM PHONE NO. 602-290-9837

As the Applicant, we request permission to construct improvement(s) within a County maintained Right-of-Way or easements deeded to or maintained by St. Lucie County as public areas of the County. Below is a description of the type of work to be performed in County Right-of-Way and name of County Road:
Railroad Crossings affected would be MILTON ROAD. They will be closed 7 days a week (including weekends) for 24 hours. Type of work includes: Potholing & Utility Investigation, Railroad Signal Relocation, Traffic Signal Relocation, Track Reconstruction, Flatworkand Striping.

The following MUST be submitted with an original signed copy of this application:
1) Detailed maintenance of traffic plan from FDOT's "Design Standards 600 Series". If traffic control requires detours, and/or road closures, a Florida Registered Professional Engineer will be required to design, sign, and seal said plans.
2) Show on an attached plan(s) (11"x17" preferred) the location and character of the work, and detail the aspect of the work that will disturb County maintained improvements (hereinafter referred to as "**IMPROVEMENTS**").

** **This permit and all its attachments must be kept on the work site and prominently displayed or be available upon request**

Applicant/Owner MAYRA ALMAZAN Title FIELD ENGINEER
By: MAYRA ALMAZAN Date 06/03/2020 Email/Phone: MALMAZAN@HSRCJV.COM/602-290-9837

By proceeding with installation of work covered by this permit, I agree to comply with the "**GENERAL AND SPECIAL CONDITIONS OF THE RIGHT-OF-WAY PERMIT**".

OFFICE USE ONLY

RIGHT-OF-WAY DESCRIPTION: _____

REVIEWED BY ACQUISITIONS DIVISION _____ DATE _____

The aforestated installation is hereby permitted under the following provisions:

BOARD OF COUNTY COMMISIONERS, ST. LUCIE COUNTY, FLORIDA

BY _____ DATE _____ R/W PERMIT NO 020-095
County Engineer - Representative

Rev. 8-3-18

June __, 2020

FEDERAL EXPRESS

Department of Economic Opportunity
Bureau of Community Planning
Caldwell Building
107 East Madison Street, MSC 160
Tallahassee, FL 32399-6545

RE: Town of St. Lucie Village

To whom it may concern,

I am the town attorney for St. Lucie Village, Florida.

Please accept this as the Evaluation and Appraisal Notification Letter from the Town of St. Lucie Village pursuant to Section 163.3191, Fla.Stat., notifying the State Land Planning Agency that the Village has determined that plan amendments are necessary to reflect changes in state requirements since the last update of the comprehensive plan. Specifically, changes are needed to reflect the changes to Fla. Stat. §163.3178(2)(f).

With best regards.

Yours very truly,

Richard V. Neill, Jr.

RVNjr/ieo/bhm

cc: Mr. Ray Eubanks (via email at ray.eubanks@deo.myflorida.com)
Mayor William G. Thiess
Donna Dennis, Clerk

Laura Marotta

From: Jim Hartley <jhartley@dmhbcpa.com>
Sent: Tuesday, June 09, 2020 4:56 PM
To: Laura Marotta
Cc: Richard V. Neill, Jr.
Subject: RE: SLV audit etc.
Attachments: Internal Controls-SLV.docx

Yes this has been a year. I have attached a sample ordinance for adopting minimum Internal Control for an governmental District. Below that I have gathered internal controls that relate to the Town and its size, some of these may not be feasible yet but these are geared towards smaller governments and I have gathered and eliminated based on need and size. Please review and let me know if you would like to discuss further.

The approach would be to take a best practice perspective and implement where possible, in cases where it is still limited we can discuss mitigating controls often accomplished with oversight (some of these are noted as well.

Thank you

Jim Hartley, CPA

DiBartolomeo, McBee, Hartley & Barnes
2222 Colonial Road, Suite 200
Fort Pierce, FL 34950
Fort Pierce: 772-461-8833
Port St Lucie: 772-878-1952
Cell Phone: 772-201-4698

From: Laura Marotta <LMarotta@neillgriffin.com>
Sent: Tuesday, June 9, 2020 3:16 PM
To: Jim Hartley <jhartley@dmhbcpa.com>
Cc: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Subject: FW: SLV audit etc.

Good afternoon Mr. Hartley,

Hope all is well with you and yours.

Mr. Neill has asked me to follow up with you in regards to his request for your recommendations about the Board's concerns with points made about additional procedures in the Management Letter.

I understand that your office has been overwhelmed lately but any input would be greatly appreciated.

Sincerely,

Laura A. Marotta

Legal Assistant to Richard V. Neill, Jr.
NEILL GRIFFIN MARQUIS, PLLC
Post Office Box 1270, Fort Pierce, FL 34954-1270
311 S. 2nd Street, Fort Pierce, FL 34950

1. Internal Controls.

1.1. Minimum Internal Controls. The District hereby establishes the following minimum Internal Controls to prevent and detect Fraud, Waste, and Abuse:

1.1.1. Preventive controls designed to forestall errors or irregularities and thereby avoid the cost of corrections. Preventive control activities shall include, but not be limited to, the following:

1.1.1.1. Identifying and segregating incompatible duties and/or implementing mitigating controls.

1.1.1.2. Performing accounting functions in accordance with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) standards.

1.1.1.3. Requiring proper authorizations to access and/or modify accounting software.

1.1.1.4. Implementing computerized accounting techniques (e.g. to help identify coding errors, avoid duplicate invoices, etc.).

1.1.1.5. Maintaining a schedule of the District's material fixed Assets.

1.1.1.6. Maintaining physical control over the District's material and vulnerable Assets (e.g. lock and key, computer passwords, network firewalls, etc.).

1.1.1.7. Retaining and restricting access to sensitive documents to the extent permitted by Florida law.

1.1.1.8. Performing regular electronic data backups.

1.1.2. Detective controls designed to measure the effectiveness of preventive controls and to detect errors or irregularities when they occur. Detective control activities shall include, but not be limited to, the following:

1.1.2.1. Compiling financial reports in accordance with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) standards.

1.1.2.2. Reviewing financial statements and investigating any material variances between budgeted expenses and actual expenses.

1.1.2.3. Establishing and implementing periodic reconciliations of bank, trust, and petty cash accounts.

1.1.2.4. Establishing an internal protocol for reporting and investigating known or suspected acts of Fraud, Waste, or Abuse.

1.1.2.5. Engaging in periodic physical inventory counts and comparisons with inventory records.

1.1.2.6. Monitoring all ACH (electronic) transactions and the sequencing of checks.

1.2. Implementation. District Management shall implement the minimum Internal Controls described herein. District Management may also implement additional Internal Controls that it deems advisable or appropriate for the District. The specific ways District Management implements these minimum Internal Controls shall be consistent with Generally Accepted Accounting Principles (GAAP) and otherwise conform to Governmental Accounting Standards Board (GASB) and American Institute of Certified Public Accountants (AICPA) standards and norms.

1.3. Training. District Management shall regularly train its employees in connection with the Internal Controls described herein and promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices. District Management shall also ensure that any changes to the Internal Controls and/or laws, rules, contracts, grant agreements, and best practices are communicated to its employees needing to know this information and the Board.

In order to accomplish this with minimum staff consider the following

1. Where possible, segregate who (1) authorizes transactions, (2) records transactions, (3) reconciles records, and (4) has custody of assets; when segregation of duties is not possible, require documented second-person review and/or surprise audits
2. Have bank statements mailed directly to someone outside of accounting; recipient should peruse bank statement activity before providing it to accounting

3. Reconcile bank statements monthly (have a second person review and initial the reconciliation)
4. Elected officials and management should review the monthly budget to actual reports (and other pertinent financial reports)
5. Periodically request from the government's bank a list of all bank accounts in the name of the government or with the government's federal tax I.D. number; compare the list to bank accounts set up in the general ledger
6. Secure computer access physically (e.g., locked doors) and electronically (e.g., passwords)
7. Deposit cash timely (preferably daily); require the composition of cash and checks to be listed on each deposit ticket (to help prevent check-for-cash substitution)
8. Immediately issue a receipt for each payment received; a duplicate of the receipt or electronic record of the receipt is to be retained by the government
9. Have journal entries reviewed for proper authorization and approval of the transaction

Cash Payments and Purchasing Controls

10. Guard all check stock (as though it were cash)
11. Do not allow the signing of blank checks
12. Limit check signing authorization to as few people as possible
13. Require approval for wire transfers
14. Persons who authorize wire transfers should not make related accounting entries
15. Limit the number of credit cards and the chargeable maximum amount on each card
16. Allow only one person to use an individual credit card; require receipts for all purchases

17. Require a street address and social security or tax I.D. numbers for each vendor added to accounts payable vendor list (P.O. box numbers without a street address should not be accepted)
18. Signed vendor checks should not be returned to those who authorized the payment; mail checks directly to vendors

Payroll Controls

19. Provide a departmental overtime budget/expense report to governing body or relevant committee
20. Use direct deposit for payroll checks
21. Payroll rates keyed into the payroll system must be supported by proper authorization in the employee personnel file
22. Immediately remove terminated employees from the payroll system
23. Check for duplicate direct-deposit bank account numbers
24. Approve overtime and PTO.