

## EXHIBIT 1A PARKING

**Summary:** The community center permit for parking included only the 6,400 sq feet of the building, it did not take into consideration parking for an additional sports facility of 13,000 sq feet including a spectator area. Based on City Parking Codes 125-315 and confirmation from the planning department, the additional pickleball arena would require several additional parking spaces.

1. Fort Pierce City Code 125-315 defines off-street parking.
  - a. Paragraph D defines for a building in the class of our community center the need for 1 parking space per 200Sq Ft as verified by Ms Gilmore:

On 29 Mar 2024, at 18:19, Vennis Gilmore  
<[vgilmore@cityoffortpierce.com](mailto:vgilmore@cityoffortpierce.com)> wrote:

Good Afternoon,

The code says 1 space per 200 sq ft, that's what we go by. It does not matter whether it is indoor or outdoor.

**Vennis Gilmore | Assistant Planning Director | City of Fort Pierce**  
Planning Department  
Phone: 772.467.3741 100 North U.S. 1 Fort Pierce, FL 34950

2. The permit for the Community Center required a minimum of 35 parking places based upon 6,400 sq feet. (note there seems to be a math error in the table " Proposed " should say 1space not 2?

For the Ocean Village Community Center  
Parcel id 2507-321-0001-000-5

Permit 22-721april 18, 2022

the parking calculations in the original application were presented as :

PARKING CALCULATIONS:

EXISTING: RECREATION/CLUBHOUSE: 1 SPACE PER 200 SF  
EXISTING 2,370 SF CLUBHOUSE WITH ADJACENT PARKING SPACES  
2,370 SF X 1 SPACES / 200 SF = 12 SPACES  
14 EXISTING PARKING SPACES TO THE SOUTH OF CLUBHOUSE

PROPOSED: RECREATION/CLUBHOUSE: 2 SPACE PER 200 SF  
PROPOSED 6,426 SF CLUBHOUSE WITH ADJACENT PARKING SPACES  
6,426 SF X 1 SPACES / 200 SF = 32 SPACES

PROVIDED: 14 EXISTING PARKING SPACES  
18 PROPOSED PARKING SPACES  
32 TOTAL PARKING SPACES

3. The City does not have a ratio for courts, however, as verified by Ms. Gilmore of the planning department, there is accommodation in code 125-315 for using the ratio of the most similar facility.
  - a. The facility type "other residential indoor recreation" (since Ms Gimore stated that it does not matter if indoor or outdoor) is the most similar that specifies 1 parking space per 200 sq feet. This would require an **additional 32 parking spaces**. Even if one discounts the number of people who might be driving as opposed to walking or riding their bikes significantly, there would still be a need for several additional parking places for the pickleball arena.

Ocean Village Pickleball Appeal- Amended Exhibit 1


**Vennis Gilmore** 27 March 2024 at 17:04  
 RE: Parking requirement question  
 To: Kevin Freeman, Cc: Trudi Schifter [Details](#)

Good Morning,

I confirm that the parking calculations are correct. We do not have a parking ratio for courts. However, I do see a City Code Section 125-315. – Off-Street Parking and Loading. (3) Other d. Places of public assembly, including theaters could be applied.

See below:

(3)	Other	
a.	Manufacturing, wholesale trade and warehouse establishments	One space for each 600 square feet of gross floor area
b.	Public and semipublic offices	One space for each 300 square feet of gross floor area
c.	Indoor amusement, entertainment or recreation establishments	One space for each 200 square feet of gross floor area
d.	Places of public assembly, including theaters	One space for each 20 square feet of gross floor area
e.	Elementary schools, junior high schools and day care centers	Two spaces per classroom

**Vennis Gilmore | Assistant Planning Director | City of Fort Pierce**  
 Planning Department  
 Phone: 772.467.3741 100 North U.S. 1 Fort Pierce, FL 34950  
[Website](#) | [Facebook](#) | [Survey](#)

4. Paragraph C shows a requirement of 2 handicapped spaces for a total number of 32 parking spaces. We only have one presently.

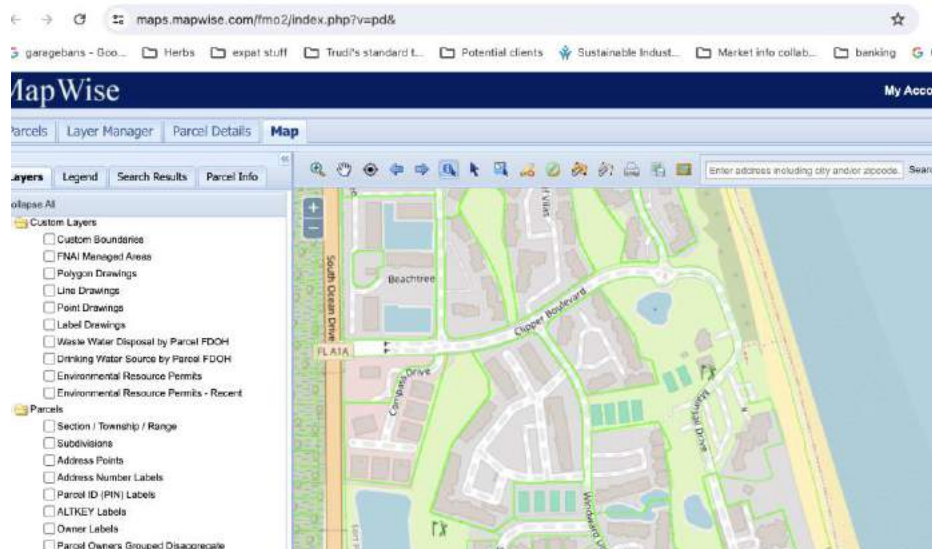
 EXPAND

Number of Required Off-Street Parking Spaces for All People	Portion of All Required Spaces to be Set Aside for Persons with a Disability
Up to 25	1
25 to 50	2

5. Pickleball players and the Ocean Village Pickleball Committee members have historically stated that sufficient parking for players near the courts was a major issue.
6. The Community Center Permit (maximum capacity of 190) did not indicate external usage of the facility.
  - a. Actual usage allows for any resident to hold an event and invite external non resident guests). Since Renters have the same rights as owners, this means

## Ocean Village Pickleball Appeal- Amended Exhibit 1

- that someone could rent a unit and hold a wedding or other event, inviting guests from outside the community.
- b. The pickleball committee have advertised Ocean Village as a pickleball location and plan on running tournaments.
  - c. Unlike tennis where tournaments bring in a maximum of 12 players, pickleball tournaments have the potential to exceed 100.
  - d. The seating area of the planned Pickleball Arena accommodates 95 players and spectators (a 50% increase to the maximum capacity of the community center building), but has no additional parking.
7. Events in 2024 have already been held with hundreds of attendees. In several cases parking was already identified as an issue- WITHOUT the addition of a 13,000 sq ft pickleball Arena whose documented capacity is 95 spectators and players.
  8. Paragraph 6 of the off-street parking code requires the total parking requirements to be the sum of the separate use cases for the parcel of land. The Community Center and proposed Pickleball Arena occupy a single parcel of land. This means that the evidence submitted by applicant of adjacent parking in other parcels is not applicable to determining the parking need for parcel id 2507-321-0001-000-5.



- (6) If several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the separate uses computed separately except that, as to the churches and related structures on the same parcel of property, the parking shall be based upon the size of the largest assembly area plus 15 percent of such area.
9. Below is evidence of the need that Pickleball players have indicated for parking.

Ocean Village Pickleball Appeal- Amended Exhibit 1

Forwarded message  
From: **Stu King** <[wingman5103@gmail.com](mailto:wingman5103@gmail.com)>  
Date: Sun, Aug 28, 2022, 3:09 PM  
Subject: Re: Rod Lechtenberger  
To: ROD LECHTENBERGER <[rod\\_lechtenberger@yahoo.com](mailto:rod_lechtenberger@yahoo.com)>

Thank you for understanding Rod.

Unfortunately it will be getting worse as POA has reversed their original decision to build 8 Pickleball Courts in the North field near the clubhouse that we provided \$409,000 to pay for! Instead they give pickleball players a substandard court area adjacent to Catamaran III! This will only become more challenging

There will be No More Warnings!

I have to and will Tow any vehicle that doesn't belong here.

Even more disappointed should be the Pickleball Community Players. They have been given the short shaft, and so have we! When Catamaran II owners return they will be furious!

I don't blame the pickleball players and I support their right to have a better playing field, that we paid for! No facilities here, no parking here, no room for spectators here.....!

It doesn't make any sense!

Stu

Begin forwarded message:

**From:** Chris Savino <[chrisno33@yahoo.com](mailto:chrisno33@yahoo.com)>  
**Date:** March 6, 2021 at 9:48:32 AM EST  
**To:** Bill Thorne <[billthorne@att.net](mailto:billthorne@att.net)>, Stu King <[wingman5103@gmail.com](mailto:wingman5103@gmail.com)>, Shirley <[ssipe2003@yahoo.com](mailto:ssipe2003@yahoo.com)>, Sue Thew <[susanthew1953@gmail.com](mailto:susanthew1953@gmail.com)>, John Hoben <[john.hoben@comcast.net](mailto:john.hoben@comcast.net)>  
**Subject:** Fw: Pickle ball parking

See below the email I sent to the co chair.

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Saturday, March 6, 2021, 9:46 AM, Chris Savino <[chrisno33@yahoo.com](mailto:chrisno33@yahoo.com)> wrote:

This is a friendly reminder to let the pickle ball players know that they cannot park their cars or trucks on Cat II property which includes the visitors parking lot. If they want to drive over they should call the POA and ask them where to park.

Sent from Yahoo Mail for iPhone

Ocean Village Pickleball Appeal- Amended Exhibit 1



**Chris Savino**

tennis & pickleball

5 February 2023 at 19:05

Re: Jim Chrulski ~ Volunteering to help

To: Trudi Schifter



Always good to hear other ideas. We have to push for low noise paddles.

Sent from Chris Savino

On Feb 5, 2023, at 12:54 PM, AquaSPE <trudi@aquaspe.com> wrote:

The ultimate solution if PB does not embrace low noise equipment, is Jaycee park. I LOVE Jim's suggestion.

I find it ironic that one of the big initial complaints about PB on courts 7-10 was lack of parking (people are driving now within OV) it is actually closer to Jaycee park from the northern Cluster of OV...



**Chris Savino**

02.06.22

Re: Pickleball courts

To: Jim Dobbin, Cc: Eileen Emery & 4 more



[Details](#)

Secondly, one of the reasons Cat II is opposed is because of the abuse of parking by Pball players. The answer is not "just tow them", by time a tow truck gets here, their game is over they leave and who pays the bill. Perhaps the Pball committee can reach out to Cat II and help them solve this issue. I also find it odd how all of a sudden there are 8 players on the courts at 430, and parking in the Cat II lot no less!!

Sent from my iPhone

As far as parking goes, the Pball community should police themselves, even in season. As long as they drive, it will be a burden on everyone anywhere.



**Thorne, Bill**

tennis & pickleball

31 May 2022 at 02:36

Conversion of tennis courts 7&8 to eight pickleball courts

To: poadobbin@gmail.com, Eileen Emery, ovbetsy@aol.com & 6 more

[Details](#)

3. It is well established that the Catamaran II leadership in the past had to deal with trash, cars taking-up resident parking and early practice rounds before 7:00 on weekend mornings after the decision was made to use tennis court 10 for pickleball. The move to 7&8 will not address the issue of trash, of non residents parking in the clusters surrounding the courts, and the impact of elevated noise levels on the surrounding homes. That is my judgement based on experience, not from a study commissioned by the very people advantaged by this decision, or the conjecture by those who have never experienced it. QUESTION: Is it up to the POA to monitor this abuse, or Catamaran II, Ocean Villas and Southpointe leaders to take action?



**R\_A Gillis**

tennis & pickleball 2 June 2022 at 22:44

Re: Pickleball courts

To: James Dobbin,

Cc: Eileen Emery, Betsy Murray, Chris Savino, Dave Strothmann, Trudi Schifter

Hide

Hi Jim,

My proposal is the board hire an independent company ( not currently associated with Proctor) that specializes in tennis/pickle ball construction. The purpose is to conduct an independent evaluation on where to build or recondition our courts. The company will be directed to consider the factors that owners are pushing back on; parking, rest rooms, sound, housing proximity, flood elevation and provide current costs.

Thanks,

Ross



**Dave Strothmann**

tennis & pickleball 15 May 2022 at 21:43

Re: Workshop Agenda

To: Trudi Schifter,

Cc: Betsy Murray, Chris Savino, Eileen Emery, Jim Dobbin, Maney Gale, R\_A Gillis

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We went out and tested the sound of playing on court 7 versus court 9 as heard from the north side OV 3 patios. It is considerably louder from court 7. Placing the courts on 9 and 10 keeps us from direct line of sight sound issues on anyone's patio and is the best location compromise since this board didn't like the north field location.

The parking situation is no different at either location, and the POA can place benches and a shaded seating area within the 10 ft boundary on the west side of the courts.

I still plan to discuss this at the workshop.

Dave

On Sun, Aug 28, 2022, 2:54 PM ROD LECHTENBERGER <rod\_lechtenberger@yahoo.com> wrote:  
Happy Weekend Stu (how do we realize it's the weekend???)

I just wanted to say that I'm sorry that you need to be on parking control. I have been playing more pickleball than tennis since there's more of those players than tennis players this time of year. I try my best to notice if people walk over, bike in or drive a vehicle. I have seen two arrive in cars and I've told them to park in a different area and they complied.

Clearly they had plans for outsider tournaments prior to shutting them down.





**Island Beach Bar and Restaurant-Ocean Village**

February 21 at 1:39 PM · 🌐



We want to take a moment to express our heartfelt gratitude to each and every one of our customers who have supported us over the past three years. Your patronage, loyalty, and friendship have meant the world to us, and we have cherished every moment spent serving you and creating memories together.

However, it is with a heavy heart that we must share some difficult news with you all. Despite our best efforts to overcome numerous challenges, including issues with the pool, elevator, dumbwaiter, constant AC problems, the new clubhouse with no parking for our patrons and the SIGNIFICANT lack of support from the management company and the POA in addressing essential repairs and maintenance, we have reached a point where running our restaurant has become unfeasible.



**Kristina O'Brien**

March 2, 2023 · 🌐



**Where is the parking for the planned courts on the NF? Certainly not Capstan 800 or 100 guest spots correct?**



**VilmaBeatriz VB OV**

April 19, 2022 · 🌐



The other one said that these 8 pickleball courts were on the table forever and now it is being pushed back ( well it was only in their head because it was never in the permits)

The guy just complaining about the location of the pickleball ... that his "friends " have to park in the clubhouse and then meet them in the courts "needs to meet his buddies " in the parking lot and then showing where the bathrooms are and then bringing them to the pickeball courts ...wow so he is trying to accommodate his friends ???!

## Exhibit 2A Noise Ordinance Compliance – April 1 Final

**Summary:** Compliance with the Fort Pierce Noise Ordinance is based on the study and recommendations therein of the Pickleball Sound Mitigation LLM (PSM) study, dated Dec 8 2023. This study is not provided by an expert witness of this hearing. We have provided expert witness written testimony (see exhibit 2B attached) that this study is not valid, and does not address properly compliance with the Fort Pierce Noise Ordinance in the measurement of ambient noise, the absence of the measurement of resident annoyance or the mitigation of owner annoyance per city noise ordinance 26-43.

Below are the paragraphs of the noise ordinance for which this project is not in compliance:

### 1. Section 26-37- Purpose

#### Sec. 26-37. - Purpose.



- (a) Excessive, unnecessary or unusually loud noise is a detriment to the public health, comfort, convenience, safety, welfare and prosperity of city residents.
- (b) It is in the public interest that the regulations contained in this article be adopted as public policy to promote the public health, comfort, safety, welfare and repose of the city and its inhabitants.

(Code 1983, § 11-52.1; [Ord. No. 14-033, § 1, 12-1-2014](#))

### 2. Not to exceed 3db above ambient

Per exhibit “2B expert testimony, Ambient was not properly measured.

### 3. Section 26-43 of the Fort Pierce noise Ordinance is not met and specifically excluded by Bob Unetich’s PSM report and the submitted plan.

- a. Section 26-43 of the Fort Pierce noise ordinance states: Noises prohibited, unnecessary noise

(a) Sounds may be such that they may be excessive, unnatural, prolonged, unusual and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the city as deemed by a reasonable person are prohibited.

(b) With the exception of those exemptions provided by state law, noises prohibited by this section are unlawful notwithstanding the fact that no violation of this article is involved and notwithstanding the fact that the activity complained about is exempted in this article.

(c) A sound level meter or sound level reading shall not be necessary for the enforcement of this section.

- b. Bob Unetich, Author of the PSM Study publicly states "No one is claiming that the barriers can reduce the pitch which is the 1200 Hz frequency of a garbage truck backup."

No one is claiming that the barriers can take away the impulsiveness that triggers the human flight or fight response. No one is claiming that the barriers can reduce the pop rate of 15 pops per minute for each court, applied for many hours a day, every day, or annoyance to those within line of sight.

- 4. **Measurements of distances:** The Ordinance states that measurements should be made to the property line (black line) The application to the city and claim of 250 was measured from the building, not the property line and to the middle of the court, not the nearest player (red line). See screen shot from the noise study below.



Quasi-Judicial Hearing – Exhibit 2A Noise Ordinance Compliance

Actual distances per noise ordinance, to property line:





Monday, April 1, 2024

Allen Reinwasser  
2400 S Ocean Dr, C121  
Fort Pierce, FL 34949

Dear Mr. Reinwasser,

This letter discusses the noise impact assessment methods needed to comply with the Fort Pierce Code of Ordinances and the noise impact assessment report prepared by Pickleball Sound Mitigation LLC (PSM) [Unetich 2023] in regard to five proposed pickleball courts on Mainsail Drive at Ocean Village.

It is important to begin with the understanding the noise impact assessment is based on the measure of annoyance, not simply loudness. This means that the sound pressure level measurement procedures in Code Sections 26-38(c) and 26-40 cannot be used to meet the psychoacoustic requirements of Sections 26-43 and 26-40(1). The latter assessment should utilize a standard procedure for the assessment of noise-induced annoyance such as ANSI S12.9 Part 4. This is necessary to get an accurate assessment of the short duration impulsive sound produced by the impact of pickleballs and paddles.

The acoustical testing performed by PSM has some procedural and equipment related deficiencies that do not comply with Code Sections 26-38(c) and 26-40. The noise abatement plan prepared using this data cannot therefore be relied on to provide sufficient mitigation of the pickleball courts to comply with the Code requirements. Further, the requirements of Sections 26-43 and 26-40(1) have not been addressed at all in the assessment.

## **Characteristics of Pickleball Sound**

The main concern in regard to noise from the pickleball courts is the sound produced by the impact of the hard plastic ball on the paddles. This sound is characterized by a rapid onset and brief duration, typically on the order of two to ten thousandths of a second (2 to 10 milliseconds) for the direct path sound (see Figure 1) thus classifying it as impulsive sound. The spectral content of the paddle impact is narrowband with a center frequency typically between 1,000 and 2,000 Hertz. This is near the most sensitive frequency range of human hearing. Although it does not meet most guidelines for tonal prominence such Annex C of ANSI S12.9 Part 4 or ANSI

April 1, 2024

Spendiarian & Willis Acoustics & Noise Control LLC

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S1.13, it does impart a vague sensation of pitch. The acoustic radiation pattern of the paddle is more or less a dipole or figure eight pattern.

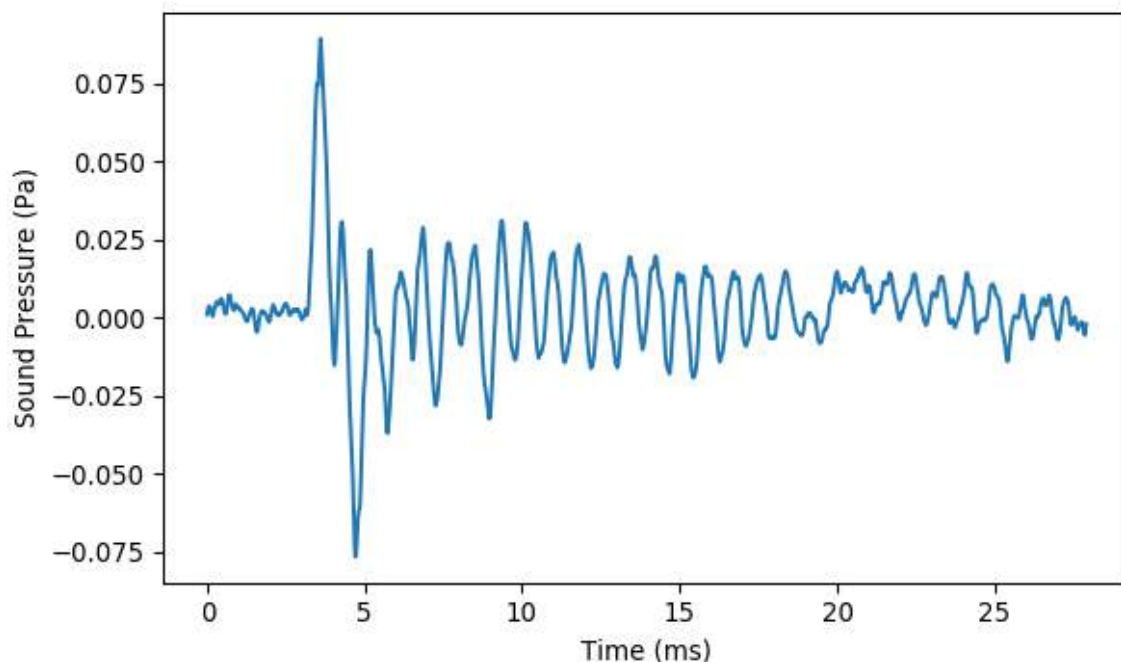


Figure 1. Sound Pressure Impulse Produced by Pickleball and Paddle Impact. Time is in milliseconds (0.001 seconds)

## Comparison of Pickleball to Other Activities

There is a common misconception that pickleball is acoustically equivalent to tennis, volleyball, or many of the other activities typically found at outdoor recreation centers and parks. Numerous news articles covering disputes over pickleball noise, many of which originate when existing tennis courts are converted to pickleball, demonstrate that this is not the case:

- Yang, Tami, “Pickleball is wreaking havoc across the US — and it’s only going to get worse,” New York Post, New York, New York. October 2, 2023.  
<<https://nypost.com/2023/10/02/pickleball-is-wreaking-havoc-across-the-us/>>

## EXPERT TESTIMONY EXHIBIT 2B

- Cutler, Amy, “Rise of pickleball pitting neighbor against neighbor, leading to lawsuits,” Arizona's Family, Phoenix, Arizona. February 13, 2023. <<https://www.azfamily.com/2023/02/13/rise-pickleball-pitting-neighbor-against-neighbor-leading-lawsuits/>>
- Arden, Amanda, “Lake Oswego shuts down city pickleball courts indefinitely due to noise complaints.” KION 6 News, Portland, Oregon. January 23, 2023. <<https://www.koin.com/local/lake-oswego-shuts-down-city-pickleball-courts-indefinitely-due-to-noise-complaints/>>
- Columbo, Mike, “Pickleball plan pits Kirkwood residents against neighboring country club.” Fox 2 Now, Saint Louis, Missouri. January 26, 2023. <<https://fox2now.com/news/contact-2/pickleball-plan-pits-kirkwood-residents-against-neighboring-country-club/>>
- Sheets, Connor, “Pickleball noise is fueling neighborhood drama from coast to coast.” Los Angeles Times, Los Angeles, California. March 3, 2022. <<https://www.latimes.com/california/story/2022-03-03/pickleball-noise-fueling-neighborhood-drama>>
- Adler, Erin, “Apple Valley neighbors in a pickle over pickleball noise.” Star Tribune, Minneapolis, Minnesota. March 27, 2019. <<http://www.startribune.com/apple-valley-neighbors-in-a-pickle-over-pickleball-noise/507726242/>>
- Bartel, Mario, “Pickleball banished from Port Moody court after neighbours complain of rising stress, anxiety.” The Tri-City News, Coquitlam, British Columbia, Canada. April 24, 2021. <<https://www.tricitynews.com/local-sports/these-games-are-loud-port-moody-pickleball-neighbours-revolt-against-rising-stress-anxiety-3662369>>
- City of Lakewood, “Green Mountain Courts Closure.” <[https://www.lakewoodtogether.org/pickleball/news\\_feed/green-mountain-courts-update](https://www.lakewoodtogether.org/pickleball/news_feed/green-mountain-courts-update)>
- Higgins, Sean, “No vote on residential pickleball until city adopts new land management code.” KPCW News, Park City, Utah. January 27, 2022. <<https://www.kpcw.org/park-city/2022-01-27/no-vote-on-residential-pickleball-until-city-adopts-new-land-management-code>>
- Maryniak, Paul, “Pickleball lights plan puts two HOAs at loggerheads.” Ahwatukee Foothills News, Tempe, Arizona. November 29, 2017.

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## EXPERT TESTIMONY EXHIBIT 2B

<[https://www.ahwatukee.com/news/article\\_9056a946-d48e-11e7-9838-8b69fb2d50b2.html](https://www.ahwatukee.com/news/article_9056a946-d48e-11e7-9838-8b69fb2d50b2.html)>

- Bottemiller, Kitty, “Too loud! Pickleball noise upsets neighbors.” Green Valley News, Green Valley, Arizona. August 28, 2013. <[https://www.gvnews.com/news/local/too-loud-pickleball-noise-upsets-neighbors/article\\_542c2aac-0f91-11e3-acdc-0019bb2963f4.html](https://www.gvnews.com/news/local/too-loud-pickleball-noise-upsets-neighbors/article_542c2aac-0f91-11e3-acdc-0019bb2963f4.html)>
- Clay, Joanna, “Woman sues Newport Beach over pickleball noise at park near her home.” Orange County Register, California. April 7, 2016. <<https://www.ocregister.com/2016/04/07/woman-sues-newport-beach-over-pickleball-noise-at-park-near-her-home/>>
- Wheatley, Mike, “Noisy pickleball courts cause upset with homeowners.” Realty Biz News. March 15, 2022. <<https://realtybiznews.com/noisy-pickleball-courts-cause-upset-with-homeowners/98768719/#:~:text=In one lawsuit in Newport Beach%2C Calif.%2C a,are causing them less enjoyment of their home.>>
- Lazaruk, Susan, “Pickleballers face off with residents over noise in Metro Vancouver.” Vancouver Sun, Toronto, Ontario, Canada. February 2, 2022. <<https://vancouversun.com/news/local-news/pickleballers-face-off-with-residents-over-noise-in-metro-vancouver>>
- Shanes, Alexis, “Village in a pickle: How Ridgewood plans to tone down the pickleball court noise.” northjersey.com, California. January 16, 2020. <<https://www.northjersey.com/story/news/bergen/ridgewood/2020/01/16/ridgewood-nj-pickleball-noise-reduction-measures/4480463002/>>
- Monterey Herald Staff, “Pickleball noise controversy goes before city leaders Pacific Grove neighbors object to game at nearby tennis courts.” The Mercury News, California. September 19, 2019. <<https://www.mercurynews.com/2019/09/19/pickleball-noise-controversy-goes-before-city-leaders/>>
- Fraser, Patrick and Rodriguez, Ambar, “What to do about constant pickleball noise?” WSVN 7 News Miami, Miami, Florida. March 27, 2019. <<https://wsvn.com/news/help-me-howard/what-to-do-about-constant-pickleball-noise/>>
- Sutphin, Daniel, “Nixing the noise: Sound fence construction underway at Gilchrist pickleball courts.” Port Charlotte Sun, Charlotte Harbor, Florida. May 20, 2019. <[https://www.yoursun.com/charlotte/news/nixing-the-noise-sound-fence-construction-underway-at-gilchrist-pickleball/article\\_79a764de-7b1c-11e9-b4d4-6bcaa919f3f3.html](https://www.yoursun.com/charlotte/news/nixing-the-noise-sound-fence-construction-underway-at-gilchrist-pickleball/article_79a764de-7b1c-11e9-b4d4-6bcaa919f3f3.html)>

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- Corrigan, James, “York residents complain noise from pickleball club is hurting quality of life.” WMTW News 8, Portland, Maine. November 16, 2021.  
<<https://www.wmtw.com/article/york-residents-complain-noise-from-pickleball-club-is-hurting-quality-of-life/38271921>>

It should be clear from the above list of references that pickleball constitutes a significant change in the acoustic environment of the area surrounding the courts in comparison to tennis and must be planned for accordingly. In particular, the impulsive sound produced by the impact of the hard plastic ball on the paddle can cause significant noise impact for those living near the courts.

## Effects of Impulsive Sound

Persistent impulsive sounds create annoyance because they are similar to sounds that contain important information about our environment such as footsteps, a door opening, a tap at the window, or speech. We are sensitive to these types of sounds because they alert us to events occurring nearby that we may need to respond to. Continuous false alarms such as the popping sound created by pickleball paddle impacts make it difficult to relax, concentrate, or sleep soundly without disturbance as each time a pop is heard it draws the attention, creating distraction.

While it is well known that high amplitude acoustical pressures can cause hearing impairment as well as other types injury to the body, lower amplitude sound can also have adverse long term physiological effects. The World Health Organization recognizes that low level noise exposure has measurable health effects.

Sound/noise is a psychosocial stressor that activates the sympathetic and endocrine system. Acute noise effects do not only occur at high sound levels in occupational settings, but also at relatively low environmental sound levels when, more importantly, intended activities such as concentration, relaxation or sleep are disturbed. [WHO p. 61]

The sympathetic nervous system is part of the autonomic nervous system and is involved in the body's fight or flight arousal response. Chronic activation of the sympathetic system leads to stress, fatigue, and anxiety.

In addition to nervous system activation, sleep disturbance from noise can involve difficulty in falling asleep as well as awakenings that occur during sleep. Frequent awakenings lead to sleep fragmentation. This disrupts the normal stages of sleep and may lead to further neurocognitive

manifestations not limited to daytime tiredness, loss of concentration, morning confusion, irritability, anxiety, and depression. [WHO p. 48, 26]

Environmental noise also has implications for the cardiovascular system, metabolism, and homeostasis, the ability of the body to regulate itself.

The auditory system is continuously analyzing acoustic information, which is filtered and interpreted by different cortical and subcortical brain structures. The limbic system, including the hippocampus and the amygdala, plays an important role in the emotional processing pathways. It has a close connection to the hypothalamus that controls the autonomic nervous system and the hormonal balance of the body. Laboratory studies found changes in blood flow, [blood pressure] and heart rate in reaction to noise stimuli as well as increases in the release of stress hormones... Acoustic stimulation may act as an unspecific stressor that arouses the autonomic nervous system and the endocrine system... The arousal of the sympathetic and endocrine system is associated with changes in the physiological functions and the metabolism of the organism, including [blood pressure], cardiac output, blood lipids (cholesterol, triglycerides, free fatty acids, phosphatides), carbohydrates (glucose), electrolytes (magnesium, calcium), blood clotting factors (thrombocyte, aggregation, blood viscosity, leukocyte count) and others. In the long term, functional changes and dysregulation may occur, thus increasing the risk of manifest diseases. [WHO p. 62-63]

The effects of stress can take many forms as seen above. Low level noise exposure that disturbs sleep and concentration are known to produce a range of diagnosable illnesses and disorders.

## Noise Assessment Criteria

The Fort Pierce Code of Ordinances Chapter 26 contains both objective and subjective criteria that must be met for sound emissions. Section 26-40 states,

No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in Table 1 when measured from the real property line of the nearest receiving property, using the slow response setting unless otherwise noted. Such a sound source would constitute a noise disturbance.

For daytime hours, Table I prescribes a 60 dB maximum sound pressure level limit with slow exponential time weighting (1 second time constant) for A, C, and Z frequency weightings. This level limit is modified by Section 26-38(c).

## EXPERT TESTIMONY EXHIBIT 2B

It shall be unlawful to project a sound or noise, from one property into another property within the boundary of the use occupancy, which exceeds either the limiting noise spectra set forth in Table I [Sec. 26-40] below or exceeds the ambient noise level by more than three decibels when measured as specified under the noise enforcement practices as adopted by the city commission by ordinance.

As this paragraph is worded, it has the effect of lowering the sound pressure level limit to 3.0 dB above the ambient noise level as measured with slow exponential time weighting and A, C, or Z frequency weighting.

A further modification occurs in Section 26-40(2).

If the noise is an impulsive sound, the fast response setting shall be used and the daytime (7:00 a.m. to 11:00 p.m.) limits of Table 1 shall be increased by ten dBA, dBC, or dBZ.

This paragraph changes the exponential time weighting to fast (125 ms time constant); however, this type of averaging does not correlate well with the noise impact of short duration impulsive sounds resulting from impact processes such as hammering or pickleballs striking a paddle. This will be discussed in more detail below.

The noise code also includes subjective criteria. Section 26-40(1).

It shall be unlawful for any person to make, continue or cause to be made or continued within that portion of the city which has been designated as a residential or mixed use area of the city, between the hours of 11:00 p.m. and 7:00 a.m. of each day, and on Sunday from 7:00 a.m. to 1:00 p.m. any unreasonably loud, excessive, unnecessary, or unusual noise in such manner that noise produced, or the vibration made, by the same would be obvious, or cause discomfort and annoyance to an ordinary, reasonable prudent person at a distance greater than 50 feet from the real property line of the nearest receiving property. A sound level meter or sound level reading shall not be necessary for the enforcement of this subsection.

This paragraph specifically mentions discomfort and annoyance in the context of excessive and unusual noise.

Section 26-43 provides additional subjective requirements that are not limited to any time period.

(a) Sounds may be such that they may be excessive, unnatural, prolonged, unusual and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the city as deemed by a reasonable person are prohibited.

(c) A sound level meter or sound level reading shall not be necessary for the enforcement of this section.

It is important to understand that noise impact assessment is based on, and noise complaints are driven by, annoyance, and not simply loudness alone. Annoyance is a multidimensional psychoacoustic quantity that is influenced not only by loudness, but other characteristics of sound. Paragraph (a) does not mention loudness, but "excessive," "prolonged," and "detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents." These are attributes of annoyance and are a function of more factors than loudness. In the case of impulsive sound onset rate is particularly important, but is not included in exponential time weighted averages such as fast or slow time weighting.

## **Problems with Fast Exponential Time Weighting**

Maximum fast exponential time weighted sound pressure level ( $L_{max}$ ) is often recommended for assessing impulsive sound. For impulsive sounds having short durations this metric does not work well. When the averaging time of the time weighting filter is longer than the duration of the impulse, the impulse is in the stopband of the filter. In other words, the time weighting is filtering out the impulsive sound source being measured.

Fast time weighted metrics such as  $L_{max}$  are a rough approximation to loudness level; however, loudness is not the same as annoyance. Noise impact assessments that are based only on loudness metrics and not do consider the other factors that contribute to annoyance will find poor correlation with the community response to time variant sound.

Fast exponential time weighting is a smoothing filter with a 125 millisecond (ms) time constant whose purpose is to steady the reading on a sound level meter by removing rapid changes in the displayed level. It is also used as a rough approximation to temporal integration in the sensation of loudness for impulses less than 200 ms in duration; however, this is very imprecise. Temporal integration refers to a process in the human auditory system that in effect sums the acoustical energy in an impulse over time to produce a sensation of loudness. A longer duration impulse will have a greater loudness than a shorter duration impulse of the same non-time-weighted sound pressure level. This temporal integration of loudness over time is sometimes modeled as a linear first order lowpass filter applied to the square of the measured sound pressure, i.e. an exponential time averaging filter; however, the perception of impulse loudness is nonlinear and cannot be approximated accurately by a linear filter.

In the published literature there is not good agreement as to what the time constant of the exponential time averaging filter should be. It is known to change with the amplitude of the

## EXPERT TESTIMONY EXHIBIT 2B

sound pressure [Poulsen 1981, Zwislocki 1969] and have wide variation among individual listeners [Silva and Florentine 2006]. Narrowband impulses, such as pickleball paddle impacts, have less temporal integration than broadband impulses making the narrowband loudness level about 5 dB higher for the same impulse duration [Zwislocki 1969].

The most important concept to keep in mind, however, is that noise impact assessment is based on annoyance, not solely on loudness. While loudness is one contributor to annoyance, there are many other factors that must be considered for time variant sound. In particular, annoyance is known to increase with the onset rate of the impulse [Hongisto 2023]. For short duration impulses, as the loudness level decreases with impulse duration, the annoyance increases due to the more rapid onset. Impact processes create impulses that have the majority of their energy at the leading edge of the impulse. This results in an extremely fast onset, higher annoyance, and is the reason these sounds have their own category in ANSI S12.9 Part 4.

Another issue with using fast time weighting metrics such as A-weighted L<sub>max</sub> with pickleball paddles is that human hearing detects sounds in critical bands about 1/3 octave in bandwidth for frequencies above about 500 Hz. A-weighted L<sub>max</sub> is a broadband measure without any frequency band filtering. In the presence of background noise, this makes the threshold of detection of narrowband impulses appear to be much higher than it really is and is one of the main reasons that L<sub>max</sub> is so insensitive to pickleball paddles. They get lost in the broadband background level even though they are plainly audible within their critical frequency band. When using such a procedure, it is important to use a bandwidth adjusted signal to noise ratio comparing the narrowband impulse level to the background noise level in the same critical band [Sneddon et al 1996, Fidell et al 1979].

Yet another issue with the way that L<sub>max</sub> is measured using modern digital sound level meters is that the output of the exponential time averaging filter is usually sampled once every 10 to 15 ms. This is longer than the duration of a typical impulse produced by an impact process and constitutes a violation of the Nyquist sampling theorem. This means that the actual peak output of the exponential time averaging filter is likely to fall in between sampling times and be missed. While the error is likely to be relatively small due to the much longer decay time of the fast exponential time weighting, it is yet another source of uncertainty in L<sub>max</sub> that can only have the effect of artificially lowering L<sub>max</sub> further compared to a less biased measure.

For these reasons, fast exponential time weighting metrics like L<sub>max</sub> have many sources of uncertainty, are at best of rough estimate of loudness level, and greatly underestimate the annoyance of impulsive sounds having a duration less than about 200 ms. They do not account for increased annoyance caused by onset rate and should not be used as measures of annoyance for the purpose of noise impact assessment of short duration impulsive sound.

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The fast exponential time weighted measurement criterion in Section 26-40(2) therefore cannot be used to satisfy the requirements in Section 26-43, and on Sunday mornings, Section 26-40(1).

## **Assessment of Noise-induced Annoyance**

The use of the term, annoyance, can be traced back to the work of Schultz and other researchers in the 1960s and 1970s [Schultz 1978] and is the basis of federal standards for transportation noise assessment. Current standards for noise assessment in regard to annoyance for impulsive sound include ANSI S12.9 Part 4 and ISO 1996 Part 1. The methodology for assessment of impulsive sound in these standards is based on sound exposure level, an integration of the sound pressure level over the duration of a single event, and does not use averaging metrics such as Lmax or fast or slow time weighting. For time variant sound, adjustments are applied to the measured sound pressure level to account for other contributing factors to annoyance such as onset rate. Impact processes are categorized as highly impulsive and are subject to a 12 dB adjustment. A 5 dB adjustment is also applied during weekends when people are likely to be at home.

Because the analysis is applied to each individual impulse, the number of paddle impacts in the measurement is included in the assessment. This important sound source characteristic is not included in an assessment based on a maximum level such as Lmax.

A previous noise impact assessment for this site prepared by Siebein Associates also makes this point [Siebein 2023].

The 70 dBA, dBC, dBZ criteria for impulsive sound is very high and has the potential to disturb people of normal hearing sensitivities, especially given the highly impulsive nature of the pickleball impacts.

ANSI S12.9 is a national standard for quantifying annoyance caused by sound and is an appropriate method for assessing highly impulsive sound according to the unnecessarily loud criterion.

## **Comments on PSM Noise Assessment**

Pickleball Sound Mitigation LLC (PSM) produced a noise impact assessment and noise abatement plan for the five proposed pickleball courts [Unetich 2023]. The quotations below are taken from that report.

## Equipment Policies

In the report PSM makes a number of policy recommendations in regard the use of specific equipment as a noise mitigation measure; however, there is no plan presented as to how these restrictions will be enforced and what resources will be needed for that purpose. Spendiarian & Willis has worked with a number of facilities that have attempted to implement noise reduction for pickleball courts in this way. Each of them has found the enforcement of equipment policies to be difficult to manage. PSM also acknowledges this practicality.

Many pickleball players strongly prefer using the more popular tournament approved balls, the Franklin-X or Dura Fast 40. Rather than add a difficult to enforcement requirement on all players, we modeled the idea of increasing barrier heights and using the Franklin-X ball in the next soundscape plot. [p. 6]

Acoustical testing at pickleball facilities conducted by Spendiarian & Willis continues to show consistent mean sound exposure levels for paddle impacts across venues indicating either that quieter equipment is not being adopted by pickleball players or that the equipment does not make much difference in the amount of sound emitted from the courts. Until verifiably quieter equipment becomes widely adopted among pickleball players this cannot be considered a noise abatement measure that is achievable by the POA staff.

## Code Requirements for Acoustical Instrumentation

Section 26-38 of the Code has minimum requirements that must be met by the instrumentation used for acoustical measurements.

Sound level meter (SLM) means an instrument used to measure sound pressure levels conforming to Type 1 or Type 2 standards as specified in the ANSI Standard S1.4-1983 or the latest version thereof.

Appendix A of the PSM report contains field data log sheets indicating two sets of equipment were used for testing. One is a Sper 840018C sound level meter. The product literature states that it meets the ANSI S1.4 Type 2 standard of accuracy; however, unlike professional test instrumentation it does not come with a certificate of calibration unless requested. There is also a field calibrator (part number 850016) available for this meter, but there is no mention of it or its use before and after testing as is standard practice for acoustical measurements used for assessing code compliance.

The measurement capabilities of the 840018C SLM are limited to fast exponential time weighting. This means that it cannot be used to measure the ambient sound pressure level as this requires the SLM be set to slow time weighting or slow response according to Section 26-40.

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The other test system used was not a sound level meter, but consisted of a Dayton Audio UMM-6 microphone and Room EQ Wizard test software. The manufacturer makes no claim that this equipment meets ANSI S1.4 requirements as it is not intended for that purpose. This test system therefore cannot be used for acoustical measurements in regard to the Fort Pierce Code of Ordinances.

In regard to acoustical measurements of pickleball paddles used for noise level projections and noise barrier design, if these have been made with equipment that does not comply with ANSI S1.4 such as the Dayton Audio UMM-6 microphone, the measurements also would not meet the requirements in Section 26-38.

### **Measurement of Ambient Sound Pressure Level**

Section 26-38(c) of the Code requires that ambient or background sound levels be considered when assessing the noise impact of a sound source. The Code does not, however, give any indication of when or for how long the ambient noise should be measured to establish what this level is, only that slow exponential time weighting should be used. The interpretation of the Code language would therefore be that at no time is the sound pressure level of the sound source in question allowed to exceed the ambient noise level by more than 3.0 dB with A, C, or Z frequency weighting. In order to ensure compliance with Section 26-38(c), the minimum observed ambient noise level would need to be used as the basis for determining the maximum allowable sound pressure level of the sound source under investigation.

PSM uses a value of 47.4 dBA for the ambient sound pressure level calculated as the average of six locations and two wind conditions. The log sheet from November 10, 2023 in Appendix A of the PSM report shows that the median ambient sound pressure level ranged from 39.4 to 44.4 dBA with the lowest reading being 38.3 dBA. These readings were made using fast time weighting, not slow as stated in the Code. Slow weighting would likely be lower than the measurements listed here. These numbers are much lower than the 47.4 dBA average level and would indicate that much more noise abatement is needed than the design criteria used by PSM in order to comply with the Fort Pierce noise code requirements.

### **Section 26-43 Not Addressed**

The PSM analysis is based on the exponential time weighed sound pressure levels in Sections 26-38(c) and 26-40 of the Fort Pierce Code of Ordinances. While these code sections allow for the use of fast time weighting for measurement of impulsive sound, as discussed above, this does not provide an assessment of annoyance as described by "excessive," "prolonged," and "detriment to the public health, comfort, convenience, safety, welfare and prosperity of the

residents" in Section 26-43. In addition, Section 20-40(1) specifically mentions annoyance and discomfort as assessment criteria. Again, fast time weighted sound pressure level is a rough approximate to loudness level for impulsive sounds less than about 200 ms in duration. Loudness is not the same as annoyance for impulsive sound. Many factors contribute to annoyance. Among them onset rate is especially important and is not measured by Lmax or other exponentially time weighted averages such as fast or slow weighting.

### Conclusions

The addition of pickleball to a neighborhood represents a significant change in the amount of sound entering the surrounding area in comparison to other common recreational activities typically found at parks and recreation centers. This must be carefully planned for.

The noise impact assessment of the proposed pickleball courts performed by PSM does not include the psychoacoustical criteria in Sections 26-43 and 26-40(1). Measurement of ambient noise levels in the area was not performed with a sound level meter meeting the requirements of Section 26-38. There is no documentation of the calibration of the equipment. The minimum observed ambient noise level was not used to set the design goal for determining the amount of noise abatement needed to comply with the Section 26-38(c). The recommended amount of noise abatement has therefore been underestimated.

A revised noise abatement plan is recommended including the following actions:

- Recalculate the noise abatement requirements using the minimum observed ambient noise level
- Remeasure the ambient noise level using instrumentation that meets the requirements stated in Section 26-38
- Follow industry standard procedures for equipment calibration
- Use ANSI S12.9 Part 4 to measure compliance with Sections 26-43 and 26-40(1)
- If any equipment restrictions are to be used as noise mitigation measures, clearly defined processes and personnel for enforcement should be stated

regards,



R. Lance Willis, PhD  
Principle Acoustical Engineer

## References

ANSI S12.9-2021, *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 4: Noise Assessment and Prediction of Long Term Community Response*, American National Standards Institute, 2021.

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Silva, I., & Florentine, M. (10 2006). Effect of adaptive psychophysical procedure on loudness matches. *The Journal of the Acoustical Society of America*, 120(4), 2124–2131. doi:10.1121/1.2336747

Sneddon, M., Howe, R., Pearsons, K., & Fidell, S. (1996). *Laboratory Study of the Noticeability and Annoyance of Sounds of Low Signal-to-Noise Ratio*. National Aeronautics and Space Administration, Langley Research Center.

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## EXPERT TESTIMONY EXHIBIT 2B

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## Exhibit 3A Noise Mitigation

**Summary:** The Applicant plan for a pickleball Arena with 5 courts and a viewing area is not compliant with the recommendations of the Pickleball Sound Mitigation LLM (PSM) study, dated Dec 8 2023 or the Applicants or the City's conditions.

The requirement to use low noise equipment is not enforceable.

Even if the plan were modified to include noise mitigation per this study, TRC and Applicants conditions, there is no proposed solution to mitigate **annoyance** to owners whose homes are in line of sight of the courts, which is a component of the Fort Pierce Noise Ordinance.

1. As described in Exhibit 2A and the expert testimony submitted by Dr. Lance Willis, Exhibit 2B the sound study ignores the key issue at hand- ie that loudness is not the same as **annoyance**, and that the city noise ordinance 26-43 specifically prohibits noises that are an annoyance to residents - **“excessive, unnatural, prolonged, unusual and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents”**

Noise impact assessment is based on **annoyance**. Loudness is just one aspect of that. That's why assessments based on Lmax, an approximation of loudness level, have no validity for community annoyance. Sound mitigation solutions only address loudness, not annoyance. Like second hand smoke, the density of the smoke can be reduced, but it is still annoying.

2. The PSM LLC sound analysis study dated Dec 8 2023 states that to mitigate loudness to under 50 db it is required to install 14 feet fences north and west with heavy duty acoustic barriers and the use of low noise equipment. The Applicant recommends a 15 foot barrier to the north.

The submitted plan includes only 12 feet fencing, not what is recommended.

See excerpt from page 13 of this study below.

## Exhibit 3A Noise mitigation

### **Conclusions:**

Unless sound mitigation is employed, sound levels will exceed the ANSI recommendations and the recommendations of PSM LLC even if quieter gear is employed. It is necessary to add sound barriers to bring the noise levels down to about the background noise level.

### **Recommendations:**

PSM LLC recommends that Ocean Village Install 14 ft high mass-loaded vinyl barriers along the north and west sides of the proposed courts along the north and a 12 ft high absorbing barrier along the south side and enforce the use of quieter paddles. These steps will reduce frequent pickleball sound levels to or below 50 dBA outside of local residences at all floors of the buildings.

We recommend the diagonal corners sections for the fencing in three locations, which will enhance fence strength and reduce sound reflections.

The sound barriers along the north and west fence should not have gates or any openings that would permit sound to pass unobstructed. The fences do not need to have chain link material above the 10 ft height, if that assists in building the fencing. The south fence shields the building from pickleball sound and it avoids reflecting sound to the north because of its absorbing characteristics but it can have one or two gates for entry into the playing area.

## Exhibit 3A Noise mitigation

Leslie Olson, AICP  
District Planning Group  
130 South Indian River Drive, Suite 202  
Fort Pierce, FL 34950

Project#: 23-07000026

**Subject: Ocean Village Pickleball Courts - Major Site Plan - Parcel ID: 2507-321-0001-000-5 --  
Technical Review Committee Comments for December 21, 2023 TRC Meeting**

### City of Fort Pierce Planning Department

1. A certified letter of completion by a landscape architect, cost estimate, and landscape bond pursuant to City Code 123-6 shall be required before the Final Certificate of Occupancy is approved for the site.
2. Prior to the issuance of any site clearing permits, the applicant shall provide a Tree Mitigation Survey with calculations and coordinate with the City of Ft. Pierce Arborist for the required mitigation of the City regulated trees proposed to be removed as a result of this site's development/construction activity.
3. Per City Code Section 26-40; Limit hours of operation for the Pickleball Courts to Monday through Saturday 7am-11pm, and Sunday 7am-1pm.
4. Adhere to the recommendations of the Pickleball Sound Analysis Report completed by PSM LLC for Pickleball Sound Mitigation prior to issuance of Final Certificate of Occupancy.
5. Adhere to the following Sound Mitigation recommendations:

Install 14 ft high mass-loaded vinyl barriers along the west side of the proposed courts, 15 ft along the north and a 12 ft high absorbing barrier along the south side and enforce the use of quieter paddles. **These steps will reduce frequent pickleball sound levels to or below 50 dBA outside of local residences on all floors of the buildings.**

- Diagonal corners for the fencing in three locations, *which will enhance fence strength and reduce sound reflections.*
- The sound barriers along the north and west fence should not have gates or any openings that would permit sound to pass unobstructed. *The fences do not need to have chain link material above the 10 ft height, if that assists in building the fencing. The south fence shields the building from pickleball sound, and it avoids reflecting sound to the north because of its absorbing characteristics but it can have one or two gates for entry into the playing area.*
- The use of paddles and tournament approved paddles that meet the requirements of PSM LLC Pickleball Sound Mitigation firm's latest Blue List of Recommended Paddles listed below:

3. The plan as submitted to the city also requires the use of low noise equipment. The pickleball committee and players have stated numerous times in board meetings and in writing that they do not want to, and cannot enforce the use of low noise equipment. Some written examples are included in this exhibit.
  - a. The design of the proposed pickleball area has four foot fences by the spectator area that anyone could simply jump over. There is no way to enforce specific equipment use in this the design because the facility cannot be properly locked.
4. Even if the recommendations for sound Mitigation were followed the author of the PSM LLC study has the following disclaimer at the end of the (1<sup>st</sup>) Gigahertz report (he references that report in the opening paragraph of the (2<sup>nd</sup>) new PSM report).

"Robert M Unetich GigaHertz LLC April 4, 2022 Disclaimer: The sound levels in this report are estimates. Actual levels will vary over time. Sound level is probabilistic, meaning it is predictable over a range and it has averages and other statistical characteristics but it has no exact single level. **This report makes no guarantee of performance of the sound mitigation methods described.** In addition, it is not possible to determine what any particular person

## Exhibit 3A Noise mitigation

believes is an acceptable sound level. The estimates of background sound levels are simply estimates and will vary from one neighborhood to another and from one measurement method to another. Sound barrier installations must take into account numerous technical requirements to be effective. This includes consideration of wind and water damage and the fact that sound may travel around any opening in the barrier, including along the bottom edge. Manufacturer's recommendations should be carefully followed to achieve acceptable results

5. The final noise study shows a near constant level of 50 DB at the location of the putting green on the 9th hole of the golf course, an area that is designed to be extra quiet. This has never been addressed.
6. The worst possible outcome would be that a lot of \$\$ is spent building these courts, that they will then get shut down for non compliance with the city noise ordinance, or worse, potential litigation of owners against the POA or the City. This would be a complete disaster for all.
7. Following is evidence of the inability to enforce the use of low noise equipment. In public board meetings Mr Strothman and others in the Pickleball committee have stated that using low noise equipment is no longer pickleball, that they do not plan on supporting it, and can not enforce it.



**Henrietta Majeski**

📁 tennis & pickleball

19 February 2023 at 16:26

Re: Ocean Village Impressions 2022

To: Trudi Schifter



Thank you for a quick response! I understand 2 courts would not satisfy the PB players and I agree it's aggravating they are not willing to use noise reduction equipment. It's very short sighted of them especially when so many PB court conversion areas are demanding its use. I also think they should rethink the whole RR SYSTEM because it gives no abatement from the noise for the people living there. A reservation system instead of RR would also help at the Birdcage courts. Having said that 2 courts are better than zero courts for the less fanatical players.

One other general thought regarding all amenities at OV. Why can't we allow owners first choice on reservations? Seems to me blocking off a percentage of the reservations for owners would help all of us. Example 50% of the most popular times is reserved for owners 1 day before it opens for all! It would help all of us. If it's a bylaw problem, I say change it!

Also PLEASE build the new updated plan for the main pool!! When I rented here there were 2 amenities that stood out as outdated; the Club House and the pool. The old pool reminded me of a city pool - please put in an updated pool!!

Regards  
Henny Majeski



**Dave Strothmann**

📁 tennis & pickleball

6 February 2023 at 12:56

Re: Fiscal responsibility

To: Trudi Schifter, Cc: Betsy Murray, Chris Savino & 4 more

 [Details](#)

## Exhibit 3A Noise mitigation

As far as unapproved quiet gear goes, how much tennis would anyone play here if you were told that you can only use 1 brand of illegal tennis racquets on our courts? How much golf would folks play if they were told you can only use illegal balls or clubs?

How would such rules be enforced when close to half our residents are transient renters that bring their own gear?



**Dave Strothmann**

📧 tennis & pickleball 14 February 2024 at 15:28

Re: Order #3538 confirmed- Owl limits you to 4 paddles per order

To: Trudi Schifter, Cc: Steve DeBack, R\_A Gillis, Betsy Murray, Michele Harris & 5 more

[Details](#)

I don't think it's that simple. There are a lot of issues with opening pickleball courts at Cat II. We'd have to ask the nearby residents and players their thoughts on the matter.. Remember Cat 2 complaints were not only sound, but also included the number of players trespassing on their property and the lack of available parking. Their property line is literally a few feet from the courts.

Players complained about a total lack of restrooms in that area.

We'd need to resurface and convert the existing courts and replace the fence, so your proposal is not without substantial cost. We'd have to do yet another sound study to ensure compliance with the noise ordinance. We'd also be remiss if we didn't get input from the actual player community to see if they feel about such severe paddle restrictions as opposed to using normal pickleball gear. I also believe we get much more value for the community from having courts that allow normal pickleball gear to be used which is what I'm sure the owners and renters that play would strongly prefer.

Furthermore, we have discussed the possibility of converting a couple of the courts in that flood-prone location to an eco swale or retention pond at some point in the future. I still believe that has merit because of the proximity that location has to the flooding on Windward Drive.

The last time the board waffled on this, it cost us \$41,000 in money wasted by changing plans mid-stream. I will not support further wasting money for no benefit.

We have a solid plan to build the courts in total compliance with the noise ordinance in the north field, within our budget as promised to the owners, and we should continue to move forward.

Dave  
Dave Strothmann  
Director, Ocean Village POA  
303-819-1079  
<https://www.oceanvillage.com/>



**Summary:** The Applicant has stated that only a VERY few Ocean Village owners are in opposition to this project, that the vast majority are in favor, and that a vote of owners was taken.

Both of these statements are false.

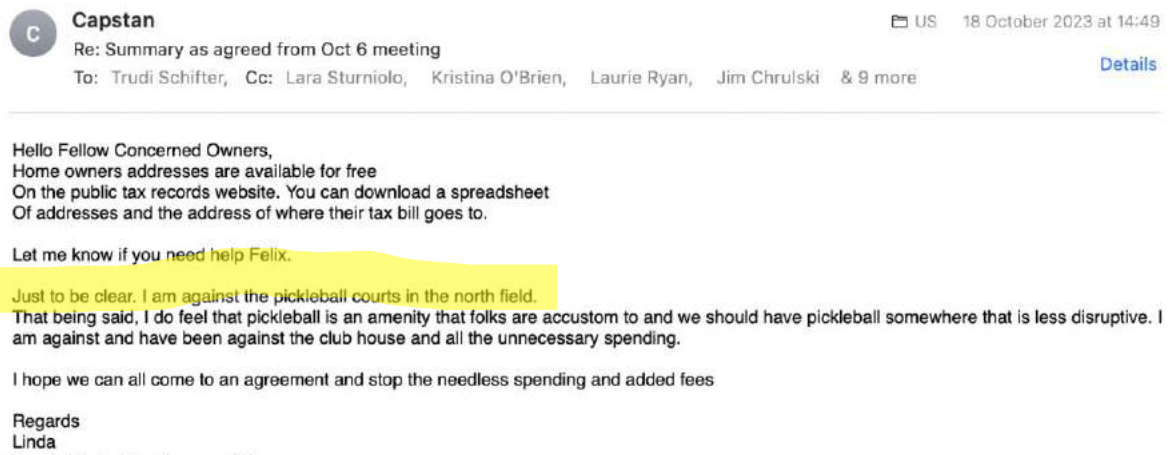
262 owners signed a petition against the community center project, in particular building pickleball courts on the north field, that was submitted in 2022 and presented at a special board meeting (on file as community official records at Ocean Village).

Below please find evidence of opposition from emails, personal messages and social media posts of **over 120 owners who are opposed to this project. Taking these 123, and the additional petition signers, at least 200 owners are in strong opposition of this project.**

Many owners in opposition are afraid to speak out because several have been harassed by pickleball supporters, including those who were listed on the interveners Exhibit 4 as submitted March 12, and one owner has been threatened physically.

We ask therefore that this exhibit NOT be shared broadly in the Ocean Village Community and if possible to redact the names. Five owners have been removed from this list at their request, they are indeed in opposition, but are afraid that by publicly being listed in opposition it may disrupt the serenity of their life in Ocean Village.

1. Linda Ince- emails, personal meetings



2. Dick Pals



3. Peter Ince- emails personal meeting

## Exhibit 4A – UPDATED April 1, 2024 Opposition Evidence

Sent from my iPhone

Begin forwarded message:

**From:** Peter Ince <[peterince487@yahoo.com](mailto:peterince487@yahoo.com)>  
**Date:** March 30, 2024 at 12:10:35 PM EDT  
**To:** [lhudson@city-ftpierce.com](mailto:lhudson@city-ftpierce.com), City Manager Nick Mimms <[nmimms@cityoffortpierce.com](mailto:nmimms@cityoffortpierce.com)>, Commissioner Jeremiah Johnson <[jjohnson@cityoffortpierce.com](mailto:jjohnson@cityoffortpierce.com)>, Commissioner Curtis Johnson <[cjohnson@cityoffortpierce.com](mailto:cjohnson@cityoffortpierce.com)>, [kfreeman@cityoffortpierce.com](mailto:kfreeman@cityoffortpierce.com), [mbroderick@cityoffortpierce.com](mailto:mbroderick@cityoffortpierce.com)  
**Subject:** Pickleball Court Construction at Ocean Village

Mayor of Fort Pierce and Town Council,

I am an owner in Ocean Village and I would like to add my name in opposition to the New construction of the pickleball courts in the north field. While many of our issues at Ocean Village are internal, such as flooding, the main pool and restaurant, all of which would be a better use of funds allocated for pickleball, and serve the community better, these things do not fall under your jurisdiction.

The lack of parking and the noise ordinance do, and have been raised by many others.

The concern that I would like to raise is one I have not heard mentioned before and this is how noise affects the nesting and hatching of sea Turtles. We are all familiar with the effects that lighting has on the sea turtles and the resulting rules put in place to protect the endangered species, but there is very little research done on the effects of the noise. Here's what we do know. In a study done July 28, 2014 it was found that baby sea turtles communicate with each other days before hatching. scientists recorded over 300 different sounds, this communication is considered a cue for synchronized hatching. After hatching, they may take 3-7 day to emerge from the nest and start their journey to the sea. It is also known that turtles hear between 250-700 hz.

Pickleball sound, measured in hz, ranges from 500hz to 2000 hz. Ocean waves breaking on the beach range between 400-1000 hz As you can see there is much overlap in the sound ranges. The new pickleball courts as proposed in the north field are less than 100 feet from the dunes. Is the constant noise of pickleball within the hearing range of the hatchling for a period of up to a week prior to the "boil" going to disorient them? What is a safe distance for their protection? Truth is we don't know, but we should err on the side of caution. We had 2 tennis courts that was converted to accommodate pickleball in the past. Along with 2 pickleball courts which have had pickleball played on since 1995

If we can satisfy the noise ordinance in the north field by using "Owl Paddle " and the recommended 14 ft sound barriers. We should use the same technology on the existing courts and not disturb the nesting and hatching sea turtles.

Thank You, Peter Ince [peterince487@yahoo.com](mailto:peterince487@yahoo.com)

### 4. Hallie Pals- emails, personal meetings



**Hallie Pals**

Petition

To: Trudi Schifter

petitions 16 November 2021 at 21:28

Hello,

We have been informed that there is a petition circulating regarding the pickleball courts. Can you please add us to the list? How do our freinds from out of town sign. We are in C131. Directly across from this. Vehemently opposed

Thankyou,

The pals

We have 2 units

### 5. Jay Lentz- emails, meetings

Exhibit 4A – UPDATED April 1, 2024 Opposition Evidence

 **Jay Lentz** asses...issues stuff 28 January 2022 at 20:02  
My meeting presentation  
To: Trudi Schifter

My name is Jay Lentz, I live in Capstan 125.  
I am president of the Capstan HOA board. I have been contacted by hundreds of owners in Capstan and other clusters and asked to communicate their concerns to the POA .

We strongly object to the development of the green space north of the administration building!

We vehemently object to the placement of Pickleball courts in the green space north of the administration building!!!!!!

Our reasons are well known and obvious , they are:  
Noise pollution!!! There is no question that eight Pickleball courts will exceed the Ft Pierce noise ordinance of 60 db max for residential areas !!!

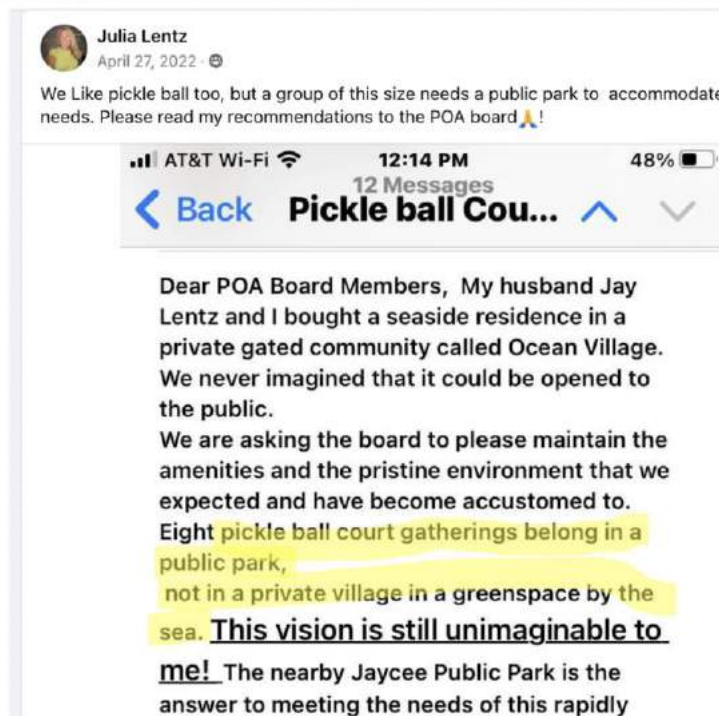
Light pollution

Flooding and water drainage issues, which are already evident

Cost

Loss of the green space as part of the entry to OV

6. Julie Lentz- emails, meetings, attended past meeting of the commission in Opposition



7. Allen Reinwasser- is the Interveners representative
8. Trudi Schifter- is the author of this list and a witness
9. Charles Donnelly

**CD Charles Donnelly** 19:18  
Re: Ocean Village Important Notice  
To: Trudi Schifter

Trudi,  
I fully support your purpose. First as a total community, getting the main pool fixed should be the Board's number one priority.  
Second, the rights of the owners affected by the Pickle Ball noise and nuisance, should be recognized by the Board. If it goes through and I was one of those homeowners, I would sue for peaceful loss of use, and loss of resale value of my property.

I know you are very busy but I would really like to speak to you, for a few minutes. I am on the OVIII Board, and the Board is pushing through a \$300,000 assessment (\$5,000) per unit. Don't want to say anymore in writing but would appreciate your counsel.

Chuck Donnelly

*"Be careful screwing with the elderly. We didn't get this old by being stupid."*

10. Susan Scarola- she did not like having her name listed publicly, asked to be removed, then gave her consent



**SS susan scarola**   
Re: pickleball petition  
To: Trudi Schifter

Trudi. don't worry about it. just leave as is.  
And go back to sleep:)  
Susan

☆ **SS susan scarola**  Inbox - Aquaspe 16 March 2024 at 22:44  
Re: pickleball petition  
To: Trudi Schifter

I did see your email but didn't realize my name would be on your statement. I am opposed but with our house for sale I do not think it's appropriate to engage. Is it too late to remove my name?

11. Nora Christoff-

 **Nora Christoff**  
No one wants to listen to such an annoyance (pickle ball) and why should they. Especially if it's only because selfish people want to play games.  
1y Like Reply  2

12. Richard Christoff

**N nora\_c\_99@yahoo.com**  Inbox - Tallyfox 15:42  
Re: Ocean Village Important Notice  
To: Trudi Schifter

Please add our names to your list. Richard & Nora Christoff  
Also, I was in the process of emailing the city officers but only could find three email addresses. Could you please forward all the email addresses that I should voice our concerns.

Thank you 😊

Sent from my iPhone

On Mar 28, 2024, at 10:36 AM, Trudi Schifter <contact@aquaspe.com> wrote:

13. Lenise Howard

 **Lenise Howard** 📧 US 12 March 2024 at 22:56  
No to Pickleball courts  
To: lhudson@city-ftpierce.com, nmimms@cityoffortpierce.com, kfreeman@cityoffortpierce.com & 6 more [Details](#)

Dear City of Fort Pierce Commissioners and all others concerned,

We are very against the pickleball courts proposed by a vocal group at Ocean Village.

The Pickleball group claims that a survey taken several years ago indicated a desire for more courts. The survey was inherently flawed. There was no way to indicate opposition to anything. Everything was rated 0-5, with 0 causing your vote not to be counted at all. Even the lowest counted vote number of 1 still went into the tally as being in favor of something, or something we wanted.


We have owned and paid taxes for 41 years in Ocean Village, Ocean Villa 1, one of the clusters most affected by this proposal. We have had it with special interest groups using our back or front yards for their noisy recreation, and it is common knowledge that there are laws to prevent the extreme noise and more of us are willing to appeal to law enforcement for help. If you approve this project being built less than 200 ft. from our homes, we will have no choice but to report the noise violations and seek help from the Ft. Pierce authorities.

Please do what we could not convince our special interest driven POA board to do, and say "No" to this nonsense.

Sincerely,  
Al & Lenise Howard  
Ocean Villa 1, #224

14. Al Howard- see above

15. Monique Sirgo- ran on it in her campaign

☆  **Monique Sirgo**  
Re: Appeal to the city- request of a Quasi Judicial Hearing March 18, 2024  
To: Trudi Schifter

I will physically be there to support.

Thanks,  
Monique  
Sent from my iPhone

16. Virginia Street

 **Virginia Street** 📧 Inbox - Tallyfox Yesterday at 15:44  
Re: Ocean Village Important Notice  
To: Trudi Schifter

Dear Trudie  
I am in favor of protecting our remaining green places  
I support all efforts to prevent these pickleball courts from being built on our beautiful green lawn and will Plan to attend the April 15 meeting.  
Virginia Street  
Golf Villas 5535

Sent from my iPhone

17. Nancy Barsotti

 **Nancy Barsotti** 📧 tennis & pickleball 22 March 2023 at 1  
Re: Overhead plan  
To: Trudi Schifter

Very disappointing on the location of the pickle ball courts. I see more petitions and law suits. Sad.

Sent from my iPhone

18. Felix Medigutia –

 **Felix Mendigutia**  
Pickleball Courts at OV  
To: Trudi Schifter

petitions 28 April 2022 at 15:42

 **Siri Found a Contact**  
Felix Mendigutia  
felixmendigutia@gmail.com

Add X

Dear Ms. Schiffer,  
Since we are unable to attend, or participate, in this afternoon's Board meeting, we nevertheless want to express our opposition to the Board's expenditure of funds to build new pickleball courts and to reconsider their plans to do so.  
When my wife and I bought our unit in Golf Villas in February of last year, it was because we liked not only the location, beauty and amenities of Ocean Village, but also the fact that the Cluster Association and Property Owners Association fees were reasonable and expenditures seemed geared to maintaining and protecting the property owner's investments reasonably and fiscally sound.  
During the last few months we have seen quite a bit of turmoil and discord among many poetry owners at Ocean Village regarding the Board's decision to create a special assessment to fund, among other things, the construction of several new pickleball courts.  
While I see that there is some interest in property owners participating in pickleball, as a sport, I do not think that there's enough justification to spend almost half a million dollars of the POA's money for the construction of new courts.  
I agree with some observations I have seen to convert a couple of underutilized tennis courts to pickleball courts rather than spending a lot of money to build several new ones.  
I have also seen comments that part of the reason for the new pickleball courts is to open them to non-residents and also to host pickleball competitions at OV. That we are strongly against.  
Part of the reason we purchased at Ocean Village rather than any other beachfront communities was the fact that, not only are you about 2.5 hour drive from Miami, where we live, but the serenity we experience while we are there is a calming respite from the stresses we experience living and working in Miami. When we are in our unit at Ocean Village we feel like we are on a land cruise, that is a feeling we do not want to lose if OV becomes a haven for non-resident pickleball enthusiasts.  
Rather than spend the money on new pickleball courts, I would like the Board to address 2 concerns that we have: when it rains significantly the road to Ocean Villas, where my sister-in-law resides becomes so flooded that it is almost impassable by car; and the walkway to the beach east of Golf Villas has a section of about 5-6 feet that constantly floods. I believe that the latter problem can be easily remedied by raising the walkway a few inches. That should not bear a great cost.  
We applaud the installation of the new transponder entry system into OV and appreciate that the Board utilized our money for that worthwhile project.  
We do not believe, however, that the expenditure of an exorbitant amount of money to build new pickleball courts is warranted when their use will not benefit a significant number of OV residents.  
We respectfully request that the Board reconsider its decision to build new pickleball courts, utilizing part of that money to convert the underused tennis courts to pickleball courts (if there is indeed a real need for more courts) and to address the flooding problems and find ways to secure our community from being overrun with non-residents.  
Should you require reasonable suggestions on how to put the POA's funds to better serve the residents/owners at Ocean Village please call or email me.  
Sincerely,  
Felix & America Mendigutia  
GV5621 owners since February 2021

--  
Attorney/Mediator  
Felix J. Mendigutia, P.A.  
PO Box 942171  
Miami, FL 33194  
website: [felixmendigutia.com](http://felixmendigutia.com)

Ph: 305-226-4633  
Fax: 305-226-5159

19. America Mendigutia- see above

20. Felix Hernandez- from his board candidate statements

And I absolutely support pickleball as an amenity for OV.

But I would like to see the RFP for construction. We need more than assurances by advocates for pickleball that the courts will not violate the Fort Pierce noise ordinance when the single expert to conduct research says that even with his recommendations for noise mitigation, it may not work. I don't understand why the only report on the OV owner portal from a pickleball committee meeting is from August of last year.

Before breaking ground the decision to move forward should be made by an informed majority of owners, not just a majority of board members who happen to play pickleball.

21. Eileen Emery- has written letter to the commission, voted against the pickleball courts on the north field as a board member

22. Donna Bartlett-



**Donna Bartlett**

16:58

Re: Ocean Village Important Notice

To: Trudi Schifter

Trudi.....Please add my name to the list of opponents to the pickleball courts in the North field. I am very concerned about this especially the stands to hold 90 spectators.....our beautiful community of Ocean Village is being taken over by special interest groups. I bought here in 2016 because of the wonderful green space and the charming community. I did not and do not want to live in a resort that investors are trying to make it. This is my retirement home and now I feel as though we will be forced to sell because of the constant spending. The noise will be heard in my building which is Capstan 300. It is no longer the beautiful peaceful oceanfront community I bought into. Please help stop the building of things that will only be shut down as soon as built.

Donna Bartlett C321  
Sent from my iPad

23. Carol Smetanka-



On 11 Mar 2023, at 10:41, Carol Smetanka <carolsco@gmail.com> wrote:

To All Board Members:

This is the greenspace view from my living room at Capstan 122. The ocean view is to the east. My master bedroom and second bedroom have the same front view of the greenspace. You can see how close we are.

If this was your unit, would you still want 8 pickle ball courts ( 32 plus people potentially) in your front yard?

<image001.jpg>

Below is the approximate distance of 139 feet from the property line of Capstan 100 to well inside the greenspace. Sound is measured from the property line per city ordinance. Our unit is only approximately 150 feet from that same point. Sound mitigation is a pipe dream. Anecdotally, the greenspace sits at the bottom of a kind of bowl with the tall dunes and our building keeping the sound in. It amplifies noise from people talking & walking , cars etc. I invite you to visit our unit at any time.

**Carol & Greg Smetanka Capstan 122**

24. Greg Smetanka- and see above

## Exhibit 4A – UPDATED April 1, 2024 Opposition Evidence

**CS Carol S** petitions 27 November 2021 at 17:08  
Petition at Ocean Village  
To: Trudi Schifter

Hi Trudy

Please add our names to the petition that does not approve a special assessment for the construction of pickleball courts etc. at Ocean Village

Thank you!

Greg and Carol Smetanka  
Capstan 122  
[Carolsgsc@gmail.com](mailto:Carolsgsc@gmail.com)

### 25. Betty Bello –

**BB Betty Bello** US 12 March 2024 at 18:55  
Re: Appeal to the city- request of a Quasi Judicial Hearing March 18, 2024  
To: Trudi Schifter

Thank you Trudi,

My husband and I are in Miami, but definitely have it in our calendars to be there at the court by 5:00 pm to at least show support. I am trying to send via e-mail to others.

Regards,

Betty Bello

### 26. Luann Overmeyer

**LO LUANN OVERMYER** 13:50  
Pickleball  
To: Trudi Schifter



Hi Trudi,  
I am against pickleball courts in OV. I'm planning to write to the mayor and council members.  
Luann Overmyer

Sent from my iPhone


### 27. Terri Rogers

**TR Terri Rogers** 27 April 2023 at 16:11  
Flooding and Tennis court  
To: Dave Strothmann, Betsy Murray & 3 more [Details](#)

After a few storms and all the inevitable flooding they cause, please reconsider your decision to build the tennis court along the west side of the new clubhouse. My feelings continue about the pickle ball courts that are planned on the north side. LOOK at the flooding! Please, do what's right.  
Terri Rogers  
Capstan 632  
Owner/Resident

### 28. Elisa DeYoung

Exhibit 4A – UPDATED April 1, 2024 Opposition Evidence

 **deyoung** 24 March 2023 at 20:43  
Stop the NF planning for courts and parking!  
To: OVBetsy@aol.com, Cc: R\_A Gillis, Michele Harris & 3 more [Details](#)

Ladies and Gentlemen,

We are fairly new owners in OV as we see from afar the craziness taking place at the lovely getaway we purchased over a year ago. It seemed quite ridiculous to be planning such an expense during this financial crisis our country is having. You've seen nothing yet!

This is to inform the board we are NOT in favor for any courts, and parking to threaten worse flooding as reported by Albrecht Engineers have made studies. You don't need to be a rocket scientist...or to figure who was ultimately responsible for the main pool.

You can expect our certified letter to arrive shortly.

Respectfully,  
Elisa DeYoung

29. Kristy O'Brien

 **Kristina O'Brien** 20 March 2023 at 00:05  
We are an Oceanfront Community  
To: cc: Tom Bockenstette, Trudi Schifter & 5 more [Details](#)

Good evening Board Members,

Regarding the important decisions that need to be made, I would like to urge each of the directors to remember that Ocean Village is first and foremost an oceanfront community. Please stop trying to squeeze stuff in what little open land we have left. Setting aside the sound and flood issues for now, I feel it is important for us to realize the importance of green space without clutter and concrete everywhere - a concept that is commonly associated with oceanfront property.

It has been argued by those for building 8 courts in the north field that our property values have gone down due to the lack of pickleball and that renters have decided to not return to OV. I don't believe either of those to be true except for those individuals who do not value the entire property for what it is. I can tell you this however, there are countless requests posted almost on a daily basis of people still looking to rent high season next year already. Clearly the rental market has not suffered since pickleball was closed down. I also can tell you that Capstan and OV1 owners who rent out their property have heard from their high season renters their concern for preserving the north field.

We are an oceanfront community with many activities and amenities, we do not have the space to add more amenities senselessly to satisfy one special interest group. Our oceanfront property and oceanfront land is a finite resource, pickleball courts are not.

Thank you,  
Kristina O'Brien  
Capstan 811

30. Cecilia Dutcher- numerous emails

On Monday, April 25, 2022, 12:51 AM, [dizzy714@aol.com](mailto:dizzy714@aol.com) <[dizzy714@aol.com](mailto:dizzy714@aol.com)> wrote:

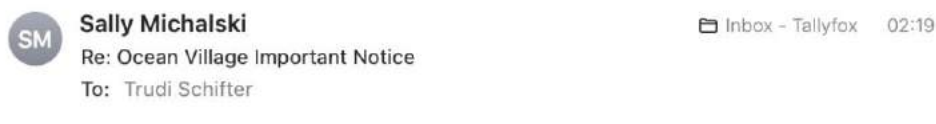
I am an owner in Capstan 100 and opposed to having our green space taken away and converted to a Pickleball / tennis courts. I Propose that all existing courts be repaired with our assessment money and be divided into Pickleball,tennis ,etc .  
Come on make everyone "Happy" and do the right thing so we can all enjoy our beautiful piece of paradise here in OV.  
I am not in favor of paving over our north field for Pickleball or anything else it's the last beautiful Green space left in OV and I along with my neighbors will be directly effected.  
When I want to play golf I go outside of OV to play and no problem...so why can't others do the same Jaycee Park is less than mile away!  
Cecilia Dutcher  
[Sent from the all new AOL app for iOS](#)

31. Lauraine Easton



**Have you seen this?  
Let's support this and not additional courts at OV**

32. Sally Michalski



Please add our names to the list opposed to the pickle ball courts in the north field.

Sally and John Michalski  
Unit 3117

Sent from my iPad

33. John Michalski- see above

34. Molly Chrulski- personal meeting

35. Michael Agrusa



**Michelle Agrusa**

📁 tennis & pickleball 20 March 2023 at 16:53

Message to the board POA

To: maney.gale@fsresidential.com, Cc: Trudi Schifter, ovcourts@gmail.com,

[Details](#)

Reply-To: Michelle Agrusa

---

I am writing to send a message to the POA Board..

Nothing should be built anywhere extra period. Until the clubhouse, no one wanted, is finished. The pool that has flooded because they did it during hurricane season is fixed. And the main problem concern and most pressing issue since 2016 after Matthew came through is the flooding. The poa board now, then and before still has not dealt with flooding. Built a clubhouse without flood studies, pickleball assessment without noise studies. We now have reports that show what needs to be done to control flooding. This is an oceanfront community. Different from all others elsewhere. We had 3 hurricanes, cat 4 and 5 head our way 2016, 2017 and 2019. The poa needs to make the hard decisions to say we need to protect this community first from storm surge and flood waters. Everything new will be under water as well as our own homes if they don't. AND NO MORE ASSESSMENTS. The owners have enough to deal with individual clusters to shore up the buildings after the collapse of the Miami condo and the increase with insurance costs. You can not keep writing checks for more items that owners do not have the funds for or your looking at units going into foreclosure.

Michelle Agrusa  
Ov1 318

36. Lara Sturniolo



**Lara Sturniolo**

Re: Ocean Village Important Notice

To: Trudi Schifter

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Hello Trudi,  
Please add Lara and Jim Sturniolo to the list of owners opposed.  
Thanks

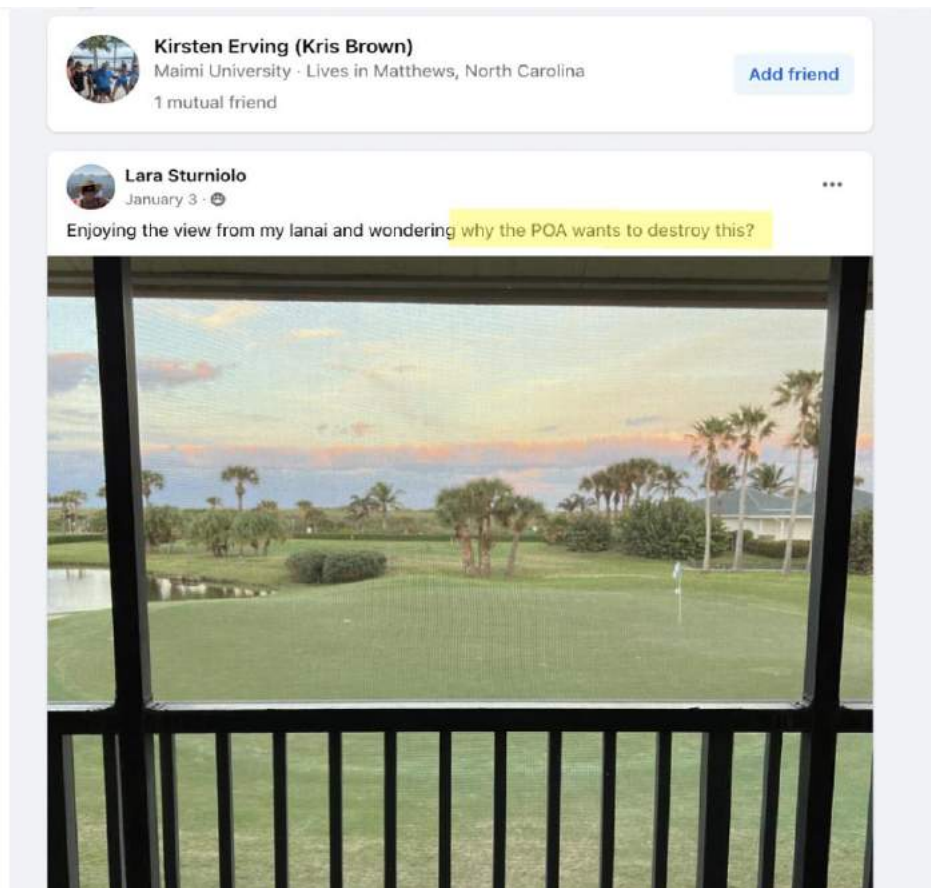
**Lara Sturniolo**

*Bookkeeper*

325 West Main Street, Babylon, NY 11702

d 631.761.7366

lsturniolo@gpinet.com | www.gpinet.com



37. Jim Sturniolo- see above

38. Joyce Steward

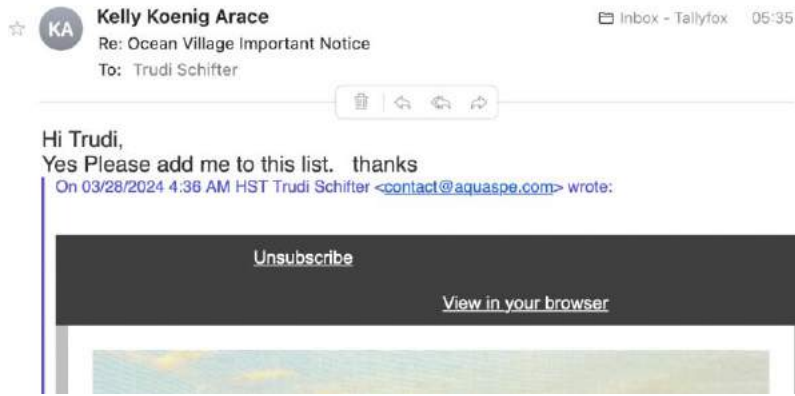
**JS** **Joyce Steward** 22:33  
Re: Ocean Village Important Notice  
To: Trudi Schifter

Thank you for your attention to the pickleball situation in Ocean Village. I am deeply concerned about the pickleball installation of courts on the north field and the proposed Bleachers to be installed in that open space area . I have been an owner since 1987 and now have 4 generations able to enjoy visits to Ocean Village. I am disturbed by the method of force and push some of the BOD members have put their pet projects through to satisfy their whims. I see so many press articles that warn communities about the negative noise issues and the unattractiveness that comes with this sport. I have not been and will not be in favor of this proposed project being installed on the north green space. I will send my position and thoughts to the appropriate officials at City of Ft Pierce. I am not able to personally attend the hearing on April 15 at 5:00 p.m. If there is a Zoom available for attendance at the hearing, I will be present by that means and will express my concern.

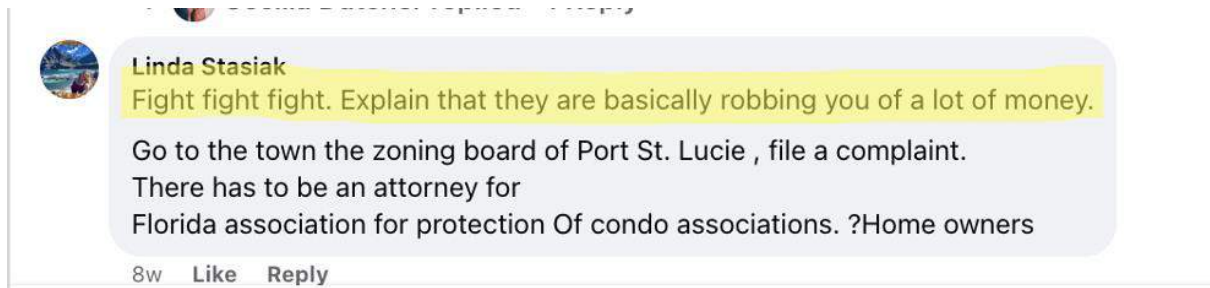
Joyce Steward  
Ocean Villas III, unit 1116

39. Kelly Koenig Arace



Exhibit 4A – UPDATED April 1, 2024 Opposition Evidence



40. Linda Stasiak



41. Rosa Coffey

 **Rosa Coello-Coffey** 19.02.23  
Ocean Village   
To: poadobbin@gmail.com, Eileen Emery & 5 more [Details](#)

---

Good evening members of Ocean Village POA.

James Coffey and I are owners of a condo in Seascape1 #4241. For months we have been watching in silence how OV has been deteriorating due to the horrendous management company that runs the village, the lack of communication and the groups that are bullying owners if they do not share the same ideas.

To start, my husband received yesterday a private FB message from a Pickleball group (he never signed for this) and someone we do not know (Manny Pimental) privately approached him and called him drunk, that he belongs in a nursing home, making fun of being a senior and handicapped and other nasty names (some screenshots attached). he also said if he didn't like it sell it.

While people complained about communications that in my point of view are logical and shared with respect, I can't stand the level of bullying that our community has reached.

Jim and I welcome open communications from everyone since we have a hard road ahead of us that we need to resolve ASAP. We like to be informed.

We will not tolerate this kind of behavior by anyone including the on-site realtor that in my point of view is rooting for renters canceling existing contracts due to PB indefinitely cancelation due to FP ordinance and discourage possible buyers (Laly, see attached) Ocean Village deserve better than this. I will bring this up with the real estate company as well.

When we bought in OV, the beach, ocean views, pool and tiki, golf, bocce, restaurant and above all, very friendly people sold us the place. If you ask us what is our main priority, I would say the main pool, it needs to be done ASAP, we need to work on drainage, it is terrible and look for a better management company. I don't know what the outcome for the courts would be, we are and support for keeping the greens and not to build an inch more for the sake of our village and our \$\$\$

Best regards  
Rosa Coffey

42. James Coffey

Exhibit 4A – UPDATED April 1, 2024 Opposition Evidence



**James Coffey**

(No Subject)

To: Rosa Coello-Coffey, Trudi Schifter

Inbox - Aquaspe 00:40



**Siri Found a Contact**

James Coffey  
james.coffey1960@gmail.com

Add X

**Trudy,**

Our name is James and Rosa Coffey and we am the owners of Seascape 4241 and Catamaran 7542. and I am 100% against any addition of seating, by using The North Field or using any green space that is much needed for drainage and open space. We do not need a spectator area for the small

Minority who play pickleball. This is about owners that pay the bills and take the risk of ownership not one single tenant regardless of long term or short term has anything to do with this. The board which I assume includes you have made and continue to make horrible very costly decisions. Ocean Village Cannot take care of what we have so why in Gods Name would anyone with and reasonable mind want more of anything that isn't going to be taken care of. It's now over 18 months since the pool destruction by a terrible board decision. This MUST be repaired and any monies we as owners need to be diverted to the pool and drainage and flooding issues. No money should be spent on pickleball or should the N Field be used in anyway other than what is now and has been for decades.

James H Coffey  
904-887-3402

43. Joanne Oakes



**Joanne Oakes**

Re: Ocean Village Important Notice

To: Trudi Schifter

17:53

Add me to the list and I wrote to the Ft Pierce board. Thank you  
Joanne

Sent from my iPhone

44. Carol Frazee



**Carol Frazee**

Re: Ocean Village Important Notice

To: Trudi Schifter

George and Carol Frazeee (CAT II 7153 -original owners from 1980) strongly oppose the construction of the proposed pickle ball courts !!!!

(if you need more info or signatures, please let us know. Thank you for working against this construction that will be very noisy -all day- when in use! We had tennis courts used as pickle ball courts just south of the CAT II parking area. It was very noisy, congested and " our" parking lots were overused.

45. Chuck Falkenberg

 **Chuck Falkenberg Sr**  
Pickleball opposition  
To: Trudi Schifter



Trudi  
Please include Chuck and Judy Falkenberg as opposed. We own Capstan 523.  
Chuck

46. Judy Falkenburg- see above

47. Steve Leth

 **Steve Leth**  
Re: Ocean Village Important Notice  
To: Trudi Schifter

Inbox - Tallyfox 03:55

 **Siri Found a Contact**  
Steve Leth  
sleth01@gmail.com

Add X

I agree the focus should be rebuilding main pool. Additionally, these pickleball funds should be redirected towards our water drainage sewer system. Pickleball was voted in under questionable circumstances and prior to recent dramatic increases to our hoa and new owner assessments (due to escalating insurance costs, new state laws for fully funded reserves, and 40 year inspections/ capital repairs).

Would owners today, who have demanded and are finally getting more transparency, vote for an assessment for pickleball when many common area critical needs are unresolved and potentially under funded-and/or under reserved for?

This is even before the noise, loss a green area , etc even enters the discussion.

Steve Leth  
Seascape 4372  
305 763 9045

On Mar 28, 2024, at 10:36 AM, Trudi Schifter <[contact@aquaspe.com](mailto:contact@aquaspe.com)> wrote:

48. Laurie Ryan



**Laurie Ryan**

North field and other

To: ovcourts@gmail.com, Bcc: Trudi Schifter

📧 tennis & pickleball 10 March 2023 at 14:56

[Details](#)

I have read all flooding and noise reports as well as legal documents regarding owners' rights. Common sense needs to prevail.

Construction of courts on the North Field not only goes against the reports but would be absolutely irresponsible, selfish and probably illegal. The noise study is not an option, it is an ordinance.

We flood like crazy. The noise of pickleball is just insane. Building any type of sound barrier is ridiculously insensitive for folks whose view will be ruined. There's a pond right there and runoff would end up in the water.

I purchased in Capstan because it was close enough to activities but far enough as to not see them or hear them.

The fact that some folks could care less about others' quality of life is awful.

Laurie Ryan

49. Carmen Lineberger (Mercedes CM)



**Mercedes CM**

are you against the pickleball courts on the north field? If so can I add your name to the list of now ove 120 opposd?

Against 2x golf villas and OV2 my husband is Steven Powell

50. Steven Powell

Carmen Lineberger 5310 Golf Villas

Steven Powell  
714 Ocean Villas (husband)

51. Cindy Aaron


33w Like Reply





 **Cindy Aaron**  
I looked at the courts behind the new tennis clubhouse and they look terrible. I can't imagine what it's going to look like when the pickle ball courts are built

33w Like Reply   2

 **Kristina O'Brien** Author  
**Cindy Aaron** me either. It will look cramped and stifling. I liked the open-air

52. Judy Uline- emails, social media

 **Judy Uline** ocean village 4 April 2022 at 19:40  
Re: Pickleball Website  
To: trudi@yewventures.com

Talking about taking control. All you have to do in type in Ocean Village Pickle-ball and it brings it up to anyone who wants to see it. They make is sound that anyone and everyone is eligible to play Round Robin. I want to know who gave their permission for this. They are planning on keeping their own record  
I think it is a bully tactic because they want us to back off. Not going to happen. They think this webpage will prove the interest in Pickleball. Who cares. They want to turn OV into a resort they have made that clear the last few years when they started the big spending. Gone is our beautiful paradise. So sad. Greed and selfishly driven.  
I would bet our insurance company would like to know their plan. The liability alone is reason enough to not open it to the public. Why is there not anything in the bi-laws to stop something like this from happening.

53. Dan Conlon

 **Daniel Conlon**

Hi Trudi. We own GV 5331. I'm also a Realtor, and any Realtor with sense would be against this. We will sign whatever petition against the three projects and the assessment. We are not local to OV, though, so let us know what you need us to do.

54. Vilma Kovar- numerous posts and emails to the board against building these courts

 **VilmaBeatriz VB OV** March 23, 2023 · 

**Owners wanted to reverse the PB decision?  
Be active send a certified letter to the POA  
and email a copy as we will need it for the  
lawyers**

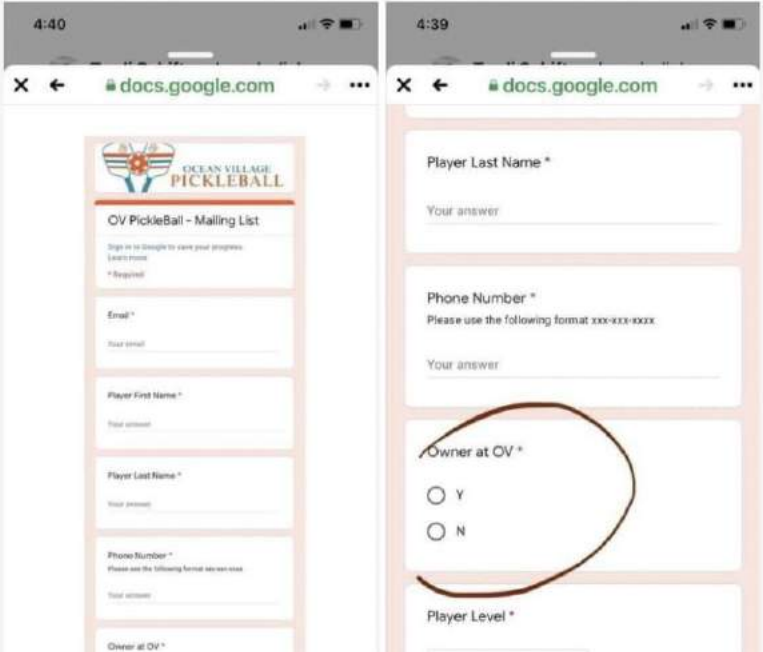
**VilmaBeatriz VB OV**  
April 7, 2022 · 🌐

You see every time the we just hit the nail .... Someone reported so automatically will take it from the page ... it was nothing offensive in this post , just only information that I have discovered a few minutes ago .... Which they are using our facilities for outsiders tournaments ....( and very clever how they do it ! )  
Whoever did this ... it is ok ... the pictures that I have and the discovery that I have they are not going away 😊❤️ I still have them 😊

11:44

**Details**

the pickeball group on OV ( not only owners or renters ) 👤 ???



FLORIDAHOALAWYERBLOG.COM

**Associations Take Heed: Pickleball Creates a Real Racket at South Florida Community**

55. Tom Uline


**JU** **Judy Uline** 17:18  
Re: Ocean Village Important Notice  
To: Trudi Schifter


Please add us to the petition. We are against building Pickleball Courts being built on the North Field:


Judy and Tom Uline Seascape1 4203

Sent from my iPhone


56. Caroline Lavelle


 **Lavelle Caroline**  
Does not leave much room for enlarging the north pond for flood mitigation on top of all the other issues. Pickleball self interest is ruining this community. The POOL has to be the priority. Maybe if the biard did that there may not be so much anger iver the pickleball courts.



25w Like Reply  4


↳  Judy Stein replied · 1 Reply

57. Kirsten Erving in doc

↳  Allen Reinwasser replied · 11 replies

 **Kirsten Erving**  
I love the green space! I can't understand anyone who would want to see it not used as a natural area of some sort.

8w Like Reply   9

↳  Jessica Thorrez replied · 1 Reply

58. Latina Brown- personal meetings with presenter and witness Schifter

59. Victor Herrera –

 **Victor Herrera**  
Opposition to new pickleball courts

To: R\_A Gillis, Eileen Emery, poadobbin@gmail.com, ovbetsy@aol.com, Chris Savino, Trudi Schifter, Dave Strothmann, Cc: Olga Herrera

petitions 25 April 2022 at 14:31 [Details](#)

Good morning. Please note that I am in opposition to build 120x120 fields for pickleball. I support the new clubhouse, but the courts are unnecessary and will have a negative impact on the community. There is plenty of factual information demonstrating why these courts are not necessary and opposed to by many of the owners. We purchased our unit last year and none of this information was shared, not even the clubhouse assessment; still I understand importance of the clubhouse.

These courts should be scrapped; let's proceed with the clubhouse and develop a plan for future improvements that are in the best interest of our overall community.

Thank you.

~~Victor H. Herrera, PE~~

60. Cynthia Wennekes- emails, personal meeting



Cynthia & Emile Wennekes

Protesting Additional Pickle Ball Courts at Ocean Village

To: mbroderick@cityoffortpierce.com, Bcc: Trudi Schifter

US 12 March 2024 at 16:40

[Details](#)

Dear Commissioner Broderick,

Warm greetings. We write to you today as property owners (since 1985) to voice our protest relevant to the plans to add a significant number of additional pickle ball courts on the grounds of our beloved Fort Pierce community, Ocean Village.

Sport is an important part of a healthy life style, as are rest, relaxation, and the avoidance of stress. *Noise* is recognized as a major factor of modern day stress, and it is the unresolved noise challenge relevant to pickle ball which inspires us to write to you today.

We are against any addition of courts so close to residences within our community, most certainly on the unique piece of green space as designated. What a horrific idea, to enclose this precious piece of property with 14 foot vinyl covered fences, all the while knowing that the noise aspect of this particular sport will, nonetheless, remain unresolved from sunrise to past sunset.

We are distressed, even horrified at the false and incorrect statements and reports presented (dated February 12, 2024) to our City by "representatives" of our community, determined to get their way despite so many who join us in dissidence.

Please afford ample attention to the Exhibits submitted by our OV neighbors relevant to this situation.

Our sincere thanks for recently not only halting the constant noise pollution of pickle ball at Ocean Village, but also having the foresight to build such courts at Jaycee Park, just a short bike ride away for all enthusiasts, including those residing at OV.

Despite regularly voicing our significant disagreement with our OV Board of Directors, both past and present, as these plans nevertheless progress, we appeal to you to halt the construction of the additional pickle ball courts as proposed.

We would respectfully request that you read this email at the upcoming hearing as we are at work here in Burgundy, France, and therefore unable to attend in person.

Thank you for your attention.  
Sincerely,  
Cynthia Wilson and Emile Wennekes  
owners at Ocean Village

- 61. Emil Wennekes- emails personal meeting- co signed email above
- 62. Greg Smetanka- emails , personal meeting
- 63. Luann Lefever- OVI board

Please do not build any pickle ball or tennis courts in the north field area.

Thank you for your time and contribution as board members for Ocean Village.

Sincerely,

Ocean Villas I Board Members  
Luann Lefever, President  
Ariel Artime, Vice President,  
Patti Benson, Secretary  
Derek Michel, Treasurer

- 64. Ariel Artime- OVI board

Please do not build any pickle ball or tennis courts in the north field area.

Thank you for your time and contribution as board members for Ocean Village.

Sincerely,



Ocean Villas I Board Members  
Luann Lefever, President  
Ariel Artime, Vice President,  
Patti Benson, Secretary  
Derek Michel, Treasurer

65. Patti Benson- OVI board

Please do not build any pickle ball or tennis courts in the north field area.

Thank you for your time and contribution as board members for Ocean Village.

Sincerely,



Ocean Villas I Board Members  
Luann Lefever, President  
Ariel Artime, Vice President,  
Patti Benson, Secretary  
Derek Michel, Treasurer

66. Derek Michel- OVI board

Please do not build any pickle ball or tennis courts in the north field area.

Thank you for your time and contribution as board members for Ocean Village.

Sincerely,



Ocean Villas I Board Members  
Luann Lefever, President  
Ariel Artime, Vice President,  
Patti Benson, Secretary  
Derek Michel, Treasurer

67. Michael Stephens-



Mike@fbaenterprise.com

Re: Ocean Village Important Notice

To: Trudi Schiffer

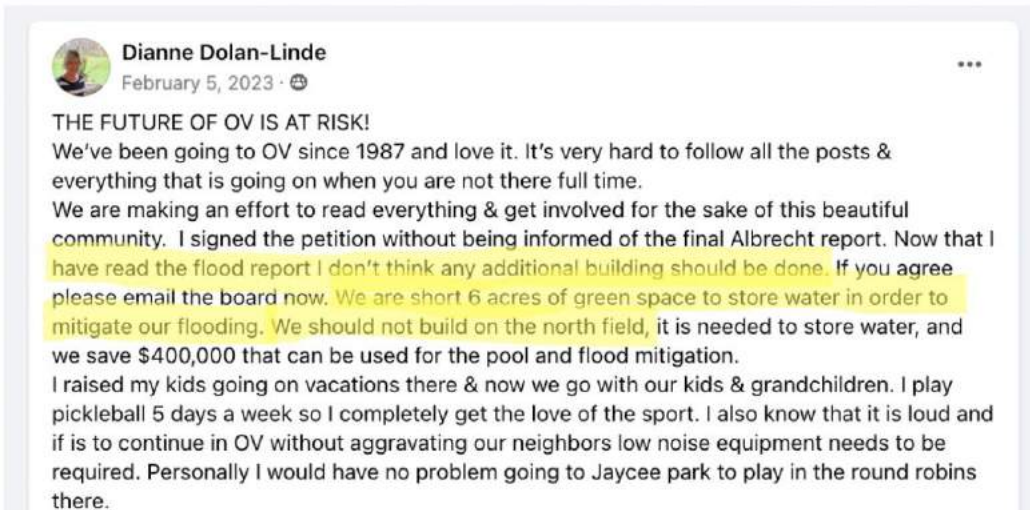
Inbox - Tallyfox 12:23

Hey Trudi – Hope all is well - Please add me to the list if I'm not already. I sent an email to the commissioners and mayor a few weeks ago when you first sent out the info. I copied you on that email.

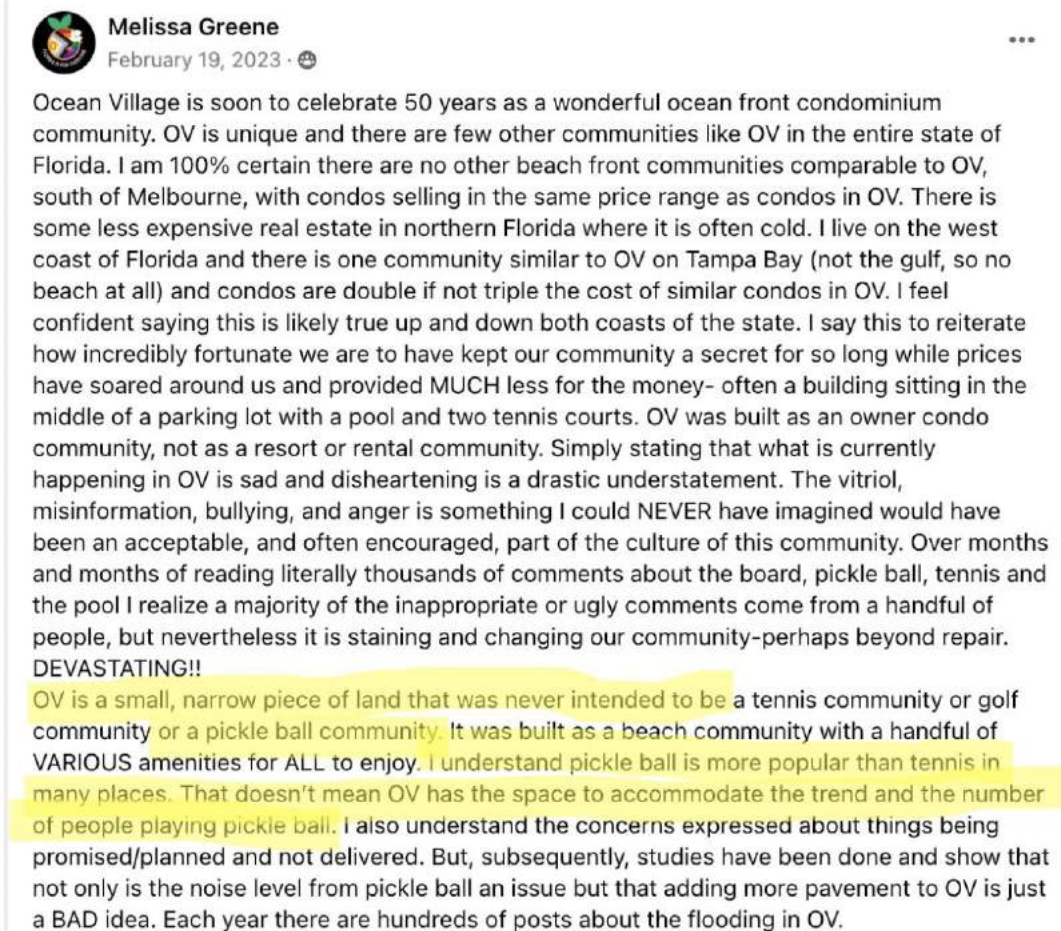
All the best,  
Mike



68. Diane Dolan Linde



69. Melissa green- several posts on fb, pm to her about the hearing



70. Jennifer Visconti- petition, CAPSTAN 225

71. Kurt Wirz- OVI treasurer, email sent re the appeal

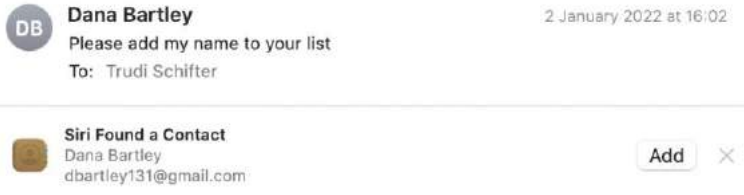
72. Jessica Thorrez- facebook comment



73. Kimberly Knox-



74. Dana Bartley



Trudy, I am the owner of Capstan 814. Please add my name to your special assessment petition!  
Dana Bartley  
Capstan 814  
[dbartley131@gmail.com](mailto:dbartley131@gmail.com)  
631.983.7959

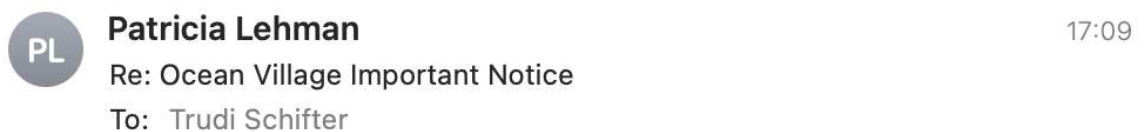
75. Ronit Maman

I will be making a motion at the board meeting on Feb 23 in line with the recommendations of the Albrecht flood study to stop development of any racquet courts on the north field and to ensure permeable pavement for the 18 new parking places.



I AGREE WITH EVERYTHING YOU SAY IN YOUR EMAIL  
MY PROBLEM IS RATHER THAN MAKING IT EASIER TO VOTE FOR OUR BOARD, WE ARE NOW  
REQUIRED TO GO THROUGH SOME ELECTRONIC VOTING PROCESS AND I DO NOT HAVE TIME TO  
DEAL WITH THIS. I WISH YOU SUCCESS  
RONIT

76. Patricia Lehman



I'm in total agreement with you Trudi. This is an imposition on those who bought there because of the view and peaceful quiet. Any moneys collected should be used for the replacement of the pool as it is for the whole village and part of the amenities advertised and expected. I sincerely hope Ft Pierce will settle in favor of these owners and many of us who agree with them.  
Have a Blessed Day  
Pat Lehman

**PL** **Patricia Lehman** tennis & pickleball 18 March 2023 at 16:40  
Concern over financial and new construction issues  
To: Trudi Schifter

POA Board of directors

I request that the POA Board, on behalf of the POA members, reassess moving forward with discretionary construction projects, including tennis and pickleball courts, until such time that our main pool, kiddie pool, hot tub, deck and community center are fully completed and operational and flooding mitigation and noise concerns and testing has been addressed along with probable complaints and law suits that will occur due to noise ordinance laws if pickleball courts are built in NF or other areas close to residents.

There is great uncertainty about the possibility of owners having to pay an additional assessment. This at a time when cluster assessments to fix and protect infrastructure have grown, taxes are greater, the cost of living has swelled, inflation continues to rise, there is a possibility of a recession ahead, the Federal Reserve appears poised to increase interest rates even more, homeowner's insurance is at record levels, property value has plummeted and the Florida General Assembly is considering a myriad of costly laws and regulations impacting condominiums and communities like Ocean Village.

It is critically important for the POA Board – the stewards of our finances, the custodians of our investments and the elected leaders charged with the operational business management of Ocean Village within the constraints of sound judgement over public pressure and personal prejudices – to act with restraint and discipline related to discretionary spending.”

Patricia Lehman owner  
108 Southpointe  
Have a Blessed day!!!

77. Janet Surret

**JS** **Janet Surret** tennis & pickleball 26 January 2023 at 18:36  
Community Centre  
To: poadobbin@gmail.com, Eileen Emery, R\_A Gillis, Betsy Murray & 3 more [Details](#)

Good morning, Board of Directors: I am sorry to send this so late, but I hope you will take time to read it! I have been writing it all week, but did not want to sound as if I am complaining, nor cranky, nor critical, because I feel none of those things.

This new community social area will be permanent for 40 or more years; Let's be sure it is right for EVERYONE to enjoy. I will not be around for the next revamping, I play neither tennis nor pickleball; I have no bias. But I do shudder at the thought of the possible uses of our wonderful green space going 'poof' and being lost forever.

I appreciate all of the time and effort you put into maintaining our 'Paradise' AS a paradise. Thank you for reading my thoughts. Janet Surret Tr (BT2-6323)

78. Holly Frisk

**HF** **HOLLY FRISK** 15:09  
Re: Ocean Village Important Notice  
To: Trudi Schifter

I do not want courts in the North fields. My parents James and Patsy Passarelli in Coral Clusters also do not want courts in the North Field.

**From:** Trudi Schifter <[contact@aquaspe.com](mailto:contact@aquaspe.com)>

**Sent:** Thursday, March 28, 2024 10:36 AM

**To:** Holly Frisk <[rubyfrescario@msn.com](mailto:rubyfrescario@msn.com)>

**Subject:** Ocean Village Important Notice

[Unsubscribe](#)

79. James Passarelli- see above

80. Patsy Passarelli- see above

81. Kay Vanhaasteren- attest from Hallie Pals

Exhibit 4A – UPDATED April 1, 2024 Opposition Evidence

 **hallie pals**  
Petition  
To: Trudi Schifter

---

Please add my name to a list of those opposed to development of north field.  
Thankyou,  
Kay vanhaasteren  
C 232

82. Susan Mills

 **Susan Mills** 📧 US 23 March 2024 at 13:56  
Re: Final version & thoughts  
To: Trudi Schifter

---

Yes. Add my name.

On Saturday, March 23, 2024 at 08:41:12 AM EDT, AquaSPE <[trudi@aquaspe.com](mailto:trudi@aquaspe.com)> wrote:

Hi Susan,

I am adding more names to the list against with evidence of comments, may I add you now?

83. Joan Cantley


 **Joan Cantley** 29.11.21  
Re: Petition on fees and pickleball  
To: Trudi Schifter

---

We all tried to stop the pickleball but the boards mind was made up. When the vote came, there were no "nays". Have to get a new board! Ha! Ha!

Sent from my iPhone

84. Aido Burga

 **aldo burga** 15:42  
Re: Ocean Village Important Notice  
To: Trudi Schifter

---

Hi Trudi!  
Yes I agree with your email. Please add me.  
Best,

Aldo Burga  
USPTA IPTPA, and CRSE Certified

85. Richard Cristoff

**N** **nora\_c\_99@yahoo.com** 15:42  
Re: Ocean Village Important Notice  
To: Trudi Schifter

Please add our names to your list. Richard & Nora Christoff  
Also, I was in the process of emailing the city officers but only could find three email addresses. Could you please forward all the email addresses that I should voice our concerns.  
Thank you 😊

86. Nora Cristoff- see above

87. Amy Zalinsky

**AZ** **Amy Zalinsky** Inbox - Aquaspe 00:38  
Re: Ocean Village Important Notice  
To: Trudi Schifter

Absolutely opposed to building the Pickleball courts in the northeast field.

Parking and event plan for CC is misguided. CC is not being used only for OV gatherings and complete and total misrepresentation.

~Amy Zalinsky  
Capstan 726

88. Carmen Schneider

☆ **CS** **carmen schneider**  
Re: Ocean Village Important Notice  
To: [contact@aquaspe.com](mailto:contact@aquaspe.com),  
Reply-To: carmen schneider

Hi yes Pl add me to the list  
I willbe there the 15th  
Where exactly will tos be ?

[Yahoo Mail: Search, Organize, Conquer](#)

89. Ernie Curinga

**EC** **Ernie Curinga** Inbox - Tallyfox 15:42  
Re: Ocean Village Important Notice  
To: Trudi Schifter

I oppose the construction

[Sent from the all new AOL app for iOS](#)

On Thursday, March 28, 2024, 10:36 AM, Trudi Schifter <[contact@aquaspe.com](mailto:contact@aquaspe.com)> wrote:



### 90. Manuel Pinares

 **Manuel Pinares**  
Re: Ocean Village Important Notice  
To: Trudi Schifter

I am with you, count on me

Manny Pinares


### 91. Ralph Wike

 **R E WIKE**  
Re: Ocean Village Important Notice  
To: Trudi Schifter

Please add me to your list: Ralph Wike  
5334 Golf Villa  
610-256-2550

**From:** Trudi Schifter <[contact@aquaspe.com](mailto:contact@aquaspe.com)>  
**Sent:** Thursday, March 28, 2024 10:36 AM  
**To:** Ralph Wike <[rwboatguy@msn.com](mailto:rwboatguy@msn.com)>  
**Subject:** Ocean Village Important Notice

### 92. John and DiAnn Yonker

 **John Yonker**  
Fw: Pickleball permit at Ocean Village  
To: Trudi Schifter

Inbox - Aquaspe Yesterday at 15:56

I did send this concern in March.

Thank you for all you continue to do for the peace & tranquility for all of OV owners. I only wish all the POA Board cared about all of us rather than the pickleball group.

Regards,

DiAnn

----- Forwarded Message -----

**From:** DiAnn And John Yonker <[jdidi04041970@yahoo.com](mailto:jdidi04041970@yahoo.com)>  
**To:** "[ludson@city-ftperce.com](mailto:ludson@city-ftperce.com)" <[ludson@city-ftperce.com](mailto:ludson@city-ftperce.com)>  
**Sent:** Monday, March 18, 2024 at 09:12:51 AM EDT  
**Subject:** Pickleball permit at Ocean Village

Dear Honorable Mayor Hudson:

### 93. Kirk Mitchell

 **Kirk Mitchell**  
Re: Ocean Village Important Notice  
To: Trudi Schifter

Inbox - Ta

 **Siri Found a Contact**  
Kirk Mitchell  
[kirkmaddog@aol.com](mailto:kirkmaddog@aol.com)

I am opposed to the construction of a pickleball arena on the north field.

Kirk Mitchell  
3921 Beachtree 1  
812-457-3002  
[kirkmaddog@aol.com](mailto:kirkmaddog@aol.com)

On Thursday, March 28, 2024 at 10:36:10 AM EDT, Trudi Schifter <[contact@aquaspe.com](mailto:contact@aquaspe.com)> wrote:

### 94. Debbie Miceli

 **sasha**  
Re: Ocean Village Important Notice  
To: Trudi Schifter

Inbox - Tallyfox 22:

Please add my name to the list of people who are apposed to the new pickle ball courts.  
Debbie Miceli

On Thursday, March 28, 2024 at 10:36:09 AM EDT, Trudi Schifter <[contact@aquaspe.com](mailto:contact@aquaspe.com)> wrote:

95. Hans Schumann-

 **B. u. H.-J. Schumann**  
AW: Ocean Village Important Notice  
To: [contact@aquaspe.com](mailto:contact@aquaspe.com)

Hi Trudi, your concern we share in full. Please put us on the list of those against the plan to build new pickle ball fields. [REDACTED]  
The O.V. is a residential community. There is no need to pay attention to renters! The owners should be first and they miss the Main Pool very much. [REDACTED]  
By the way: With the beginning of the O.V two pickle ball fields exist at the BT - Pool. Nobody felt disturbed up to a point pickle Ball became a hype. Jacee Park close by has many fields!! [REDACTED]  
Why do we have to react if somebody has a wish? The founder of the O.V. made a plan how the development of the O.V. should be. This plan and nothing else counts. [REDACTED]  
Right now the new clubhouse, several tennis soft courts the long concrete wall at the northern side of the gate, the huge amount of employees, the aggressive marketing of the O.V. by Coldwell Banker and the habit pattern by the POA Board (mainly not listening to the owners) have nothing on common with those plans. The behaviour of the Board diverts our residential community into a resort!!!  
Please Trudi do what you can to fight for our community. Our support is yours. [REDACTED]  
Being an owner for nearly 25 years we felt home at O.V. (as snowbirds from Europe) but this feeling starts to disappear. [REDACTED]  
With fond regards  
Bärbel and Hans

PS Being in Germany we can't attend in person and provide this written support only.

Gesendet mit der Telekom Mail App

96. Barbel Schumann- see above

97. Richard Middleton

 **Richard Middleton**  
Pickleball courts on North Field  
To: Trudi Schifter

Trudi,

We are **not** in favor of pickleball courts on north field!

Richard and Patricia Middleton BTI3932

98. Patricia Middleton- see above

99. Micheal Barone



**Michael Barone**

18:03

Re: Ocean Village Important Notice

To: Trudi Schifter

Hi Trudi,

We appreciate your initiative with respect to this matter. Please add us to the list (Michael and Jean Barone, Capstan 613).

Don't know if you are a tennis player, but I become angry every time I am at the Community Center and see that court right behind the building. It would have been perfect as a nice area to congregate and relax, and would have extended the functionality of the CC. I am a full time resident and observe mostly empty courts about 80% of the year. Just venting !

Sent from my iPad

- 100. Jean Barone- see above
- 101. Steve Gory



**Steve Gory**

17:44

Fwd: Ocean Village Important Notice

To: Trudi Schifter

Hello Trudi

I own in Ocean Villas #1  
Unit #317. This will be in our backyard right behind hole #9. Totally disagree with it's placement.

Thx

Steve

Sent from my iPhone

- 102. Steve Smith



**carol smith**

Inbox - Tallyfox Yesterday at 15:59

Re: Ocean Village Important Notice

To: Trudi Schifter

Please add us to the list of owners who oppose the construction of the pickleball courts and related structures/spaces on the north field.

Steve and Carol Smith  
Beachtree II #6413

- 103. Carol Smith- see above
- 104. Ursula Busch

Exhibit 4A – UPDATED April 1, 2024 Opposition Evidence

**UB** Ursula Busch Inbox - Tallyfox Yesterday at 16:42  
Re: Ocean Village Important Notice  
To: Trudi Schifter



Dear Trudy,

Thank you for your email. I have always been against the building of pickleball courts on our green space but as of 4/17/24, I will no longer have a voice. After owning a very beautiful CATII apartment for 44 years, I had to sell it for various reasons. Because of the total mess that OV has become, my condo, top floor, end unit, panoramic ocean view, sold for much less than it is worth. At my age, I did not have the luxury to wait until OV's many issues were resolved.

I will miss my friends, my activities, the ocean, and the peaceful atmosphere of the Ocean Village we once knew.

Wishing you the very best in your endeavors on behalf of the people of OV.

Sincerely,  
Ursula Busch

On Thursday, March 28, 2024 at 10:36:10 AM EDT, Trudi Schifter <[contact@aquaspe.com](mailto:contact@aquaspe.com)> wrote:

105. Penny Estrada

**PD** penny de estrada Inbox - Aquaspe Yeste  
Pickleball on North Field  
To: Trudi Schifter

Please put my name on the list of owners opposed to ruining the only piece of non golf course grass left in the club.

Penny C. de Estrada  
Unit V 312

106. Ken French

**K F** 21:51  
Re: Ocean Village Important Notice  
To: Trudi Schifter

Thank you for your continued vigilance. My concern is the fact that others will be impacted by the noise from these pickle ball courts. It will not be a problem for us because we are far enough away, but we need to stand up for those who will have to deal with this noise. I do not know what the best course of action is, but let's find a solution before proceeding and not build something that will be shut down after it is built.

Thank you,

Ken French  
BT1 3943

On Thursday, March 28, 2024 at 03:52:47 PM EDT, [trudi@tallyfox.me](mailto:trudi@tallyfox.me)

107. Wanda Cristali



**Wanda Cristali**

21:49

Re: Ocean Village Important Notice  
To: Trudi Schifter

---

Hi Trudi, thank you for your note.  
We are definitely opposing the construction of the pickleball arena on the north field, so please add our names on the opposition group list.  
Roman and Wanda Cristali apt. 4292  
All the best,  
Wanda

On Thu, Mar 28, 2024 at 10:36 AM Trudi Schifter <[contact@aquaspe.com](mailto:contact@aquaspe.com)> wrote:

- 108. Roman Cristali – see above
- 109. William Dempsey



**William Dempsey**

17:14

Re: Ocean Village Important Notice  
To: Trudi Schifter

---

I, WILLIAM DEMPSEY owner of Capstan condo unit 731 am adamantly opposed to the Construction of pickleball courts in the North Field area.

Reds WILLIAM DEMPSEY

- 110. Sergio Alvarez



**Sergio M. Alvarez**

Re: Ocean Village Important Notice  
To: Trudi Schifter



---

Hello Trudi, put us down.  
Sergio and Jessica  
Thank you

Sent from Sergio M. Alvarez' iPhone

- 111. Jessica Alvarez – see above

112. Lori Breen

 **kk**  
Re: Ocean Village Important Notice  
To: Trudi Schifter

Inbox - Tallyfox 15:39

Hi Trudi,  
Yes, I am opposed to this construction. Please add me to the list. Unfortunately, I will be in PA at this time, so I will be unable to attend the meeting. I will, however, send emails to the commissioners and mayor. Thanks for what you continue to do.

Lori Breen

113. Mary Smith-

 **Mary Smith**  
Pickle ball courts  
To: Trudi Schifter

12:27



Trudy, Jim and I do not want to see any developments in the north lot. We own capstan 222 thank you for all do in trying to keep this space green.  
Mary and Jim Smith  
Mary Smith C222

114. Jim Smith

 **Jim Smith**  
Pickle Ball email  
To: Trudi Schifter

18:59

Hi Trudy,

My name is Jim Smith. My wife, Mary and I own a condo in the Capstan 200 building. Please add our email address to your mailing list. We are opposed to developing the north field into a pickleball arena. We play pickleball and would like to have courts in OV but, not there.

Best,

Jim

115. Ed Reinhardt

 **Ed Reinhardt**  
PB Courts  
To: contact@aquaspe.com,  
Reply-To: Ed Reinhardt

13:59



Hello Trudi, my name is Ed Reinhardt and i live in OV Capstain #713. I was forwarded your email with regard to curtail the development of the North Field with PB courts. I wish to be added to this list of those who oppose the Board's actions to follow through with this. Any ifo would be appreciated. Thanks....ED

116. Georges Comas



**JORGE**

30 March 2024 at 17:26

Re: Ocean Village Important Notice

To: Trudi Schifter, Cc: Cookie Comas

[Details](#)

Thank you Trudi for always looking out at the interest of the owners. We love you for this and feel you are our only representative.  
This is totally unfair to the owners as the focus now should solely be the reconstruction of the pool which I'm dreading to see what that assessment will be. It's also very unfair that we previously paid an assessment for the pickleball and now could be another one??  
Something needs to immediately get done as this type of wreck less management cannot continue!

Thank you again!

Sent from my iPhone

On Mar 28, 2024, at 10:36 AM, Trudi Schifter <[contact@aquaspe.com](mailto:contact@aquaspe.com)> wrote:

117. Susan Buche



**Susan Buche**

30 March 2024 at 11:58

Pickleball Courts

To: Trudi Schifter

Trudi,  
I am writing to let you know for the city council meeting on April 15, 2024 that I am opposed to the pickleball courts in Ocean Village in the proposed green space that is in question. The space is too close to existing homes and will definitely present noise problems.  
Susan Buche  
Capstan 116  
Sent from my iPad

118. Gary Linde



**Gary Linde**

Inbox - Tallyf

Re: Ocean Village Important Notice

To: Trudi Schifter



I am vehemently opposed to building in the North Field.

(Sorry for the slight delay in responding but had no service until today.)

[Sent from the all new AOL app for iOS](#)

On Thursday, March 28, 2024, 10:36 AM, Trudi Schifter <[contact@aquaspe.com](mailto:contact@aquaspe.com)> wrote:

119. Szeren Kreuz

 **Szeren Kreuz** 20:24  
Pickleball at OV  
To: Nick Mimms, Linda Hudson, Arnold Gaines, & 5 more [Details](#)  
Reply-To: Szeren Kreuz

 **Siri Found a Contact**  
Szeren Kreuz [Add](#)   
szerenk@yahoo.com

Good morning and Happy Easter,

When I purchased my condo at Ocean Village in 2012 I 100% bought that condo for the location/view. I have written to you all a few times and feel the need on this Holy Day to send another email requesting you to stop the OV board from building 5 pickleball courts in front of my condo.


I would love for everyone to be happy however not at the people expense by the noise, crowds and view from my condo where nothing was going to be built. That is something I learn our BOD how they can go around the purpose of the northfield. I am hoping you all can see that putting in new courts would be damaging to all of OV. Our private streets flood when it rains. I can't think covering more of the green space would make that issue better.

The noise level of play will potentially be a issue with the laws Fort Pierce. I ask for you to please consider all residents of our beautiful community. Please remember that all owners pay taxes and we paid more for our units when we purchased. Jaycee Park is a short walk, bike or drive away. There is also much more parking available there.

Thank you all for your time. Please forgive any typos as I stopped in the middle of our Easter Brunch to reach out to you.

Blessings,  
Szeren Kreuz-Varin  
V424  
614-499-3296

120. Michael Schoen

 **Michael Schoen** 08:42  
Re: Ocean Village Important Notice  
To: Trudi Schifter

Hi Trudi,

we agree and support that given current circumstances, no money should be spend building additional pickleball courts/arena.

best regards  
Nora & Michael

121. Nora Schoen- see above

122. Patricia Janiszewski

☆  **Patricia Janiszewski**  
Pickle ball  
To: Trudi Schifter

Inbox

My husband and I are opposed to the construction of pickleball courts in our remaining green space.

Sent from my iPhone

123. Marlynn Orlando-

**From:** Marlynn Orlando <[marlynnorlando@icloud.com](mailto:marlynnorlando@icloud.com)>

**Subject:** Pickleball Formal Request

**Date:** Nov 20, 2021 at 10:31 AM

**To:** [poadobbin@gmail.com](mailto:poadobbin@gmail.com), [ovbetsy@aol.com](mailto:ovbetsy@aol.com), [poaemery@gmail.com](mailto:poaemery@gmail.com), [eileen-emery@msn.com](mailto:eileen-emery@msn.com), [rgillis.poa@comcast.net](mailto:rgillis.poa@comcast.net), [rgillis71@comcast.net](mailto:rgillis71@comcast.net), [maney.gale@fsresidential.com](mailto:maney.gale@fsresidential.com), [capstanhoa@gmail.com](mailto:capstanhoa@gmail.com), Marlynn Orlando <[marlynnorlando@cloud.com](mailto:marlynnorlando@cloud.com)>

Hello,

I am Marlynn Orlando, Capstan 123 owner and I spoke at the November 18 meeting regarding the Pickleball courts. I was asked to put together my thoughts and comments and send them to the Board and management. Please see attached.

First, thank you for your dedication and commitment to OV. I appreciate the work and time that has gone into these decisions. Unfortunately, I do not believe the full due diligence was conducted regarding the noise impact on residence living in close proximity to the proposed courts. I am disappointed that a decision of this magnitude with the potential to disturb the peace and living conditions of residents was not more transparent. At a minimum, I would think our Cluster Boards would have been consulted and a collaborative discussion would have occurred. Ideally, an open meeting with impacted residents so we could see the full plan, understand the impacts and see how concerns were being addressed should have happened.

As the attached document states, OV should not proceed with this project, until a full analysis can be conducted. I welcome the opportunity to continue this discussion with you at any time.

Maney, I do not have an email for Board Member Darryl and Joan. Can you please forward this to them? Also, in reviewing the Articles of Incorporation and POA Declarations both documents reference Exhibit A but Exhibit A is not attached. Can you send me that document please? Thanks.

Regards,  
Marlynn Orlando  
Capstan 123

## Loss of income & property value – EXHIBIT 4B



**Allen Reinwasser**

Inbox - Aquaspe 16:33

Pickleball vs real estate value at Ocean Village

To: Trudi Schifter

---

As a Realtor with 4 years experience and living full time in Ocean Village, I have studied the prices here every day. When on a listing appointment, other than the normal furnishings and level of updates, clients look for that certain homelike feel and serenity of where they are to live, or in most cases here, vacation. In this regard, given the same exact unit, same furnishings and level of modernness, the other large contributor to value is the view outside their property. There is always more value to an ocean view and the sound of an ocean over pavement. Buyers always prefer water and green space over courts, roads, railroad tracks, etc. This translates to value. As they always say, location, location, location. In my professional opinion, valuing the same property next to a pond or even a golf fairway is worth upwards of 10%-20% more than one next to tennis courts, a roadway and even more when there is an incessant noise issue, such as inherent to pickleball.

Any property owners near proposed pickleball sites will be at imminent risk to a significant property value loss. Those with a direct view are at most risk and include and more so for those within any distance where the crowd noise and paddle popping noise is within earshot with their windows open. No one should have to keep their windows shut to try and hide from a nuisance sound.

Regards!

Allen Reinwasser

REALTOR®

248-568-6899

Real Estate of Florida

<https://www.zillow.com/profile/allensellsyourhome>

---

## Feedback Received for

**2400 S Ocean Drive Unit# 126 Fort Pierce, FL 34949**

\$495,000 | ACTIVE | ID# RX-10899983

1. Is your client interested in this listing?

**Somewhat**

2. Please rate your overall experience at this showing.

3. Your (and your client's) opinion of the price:

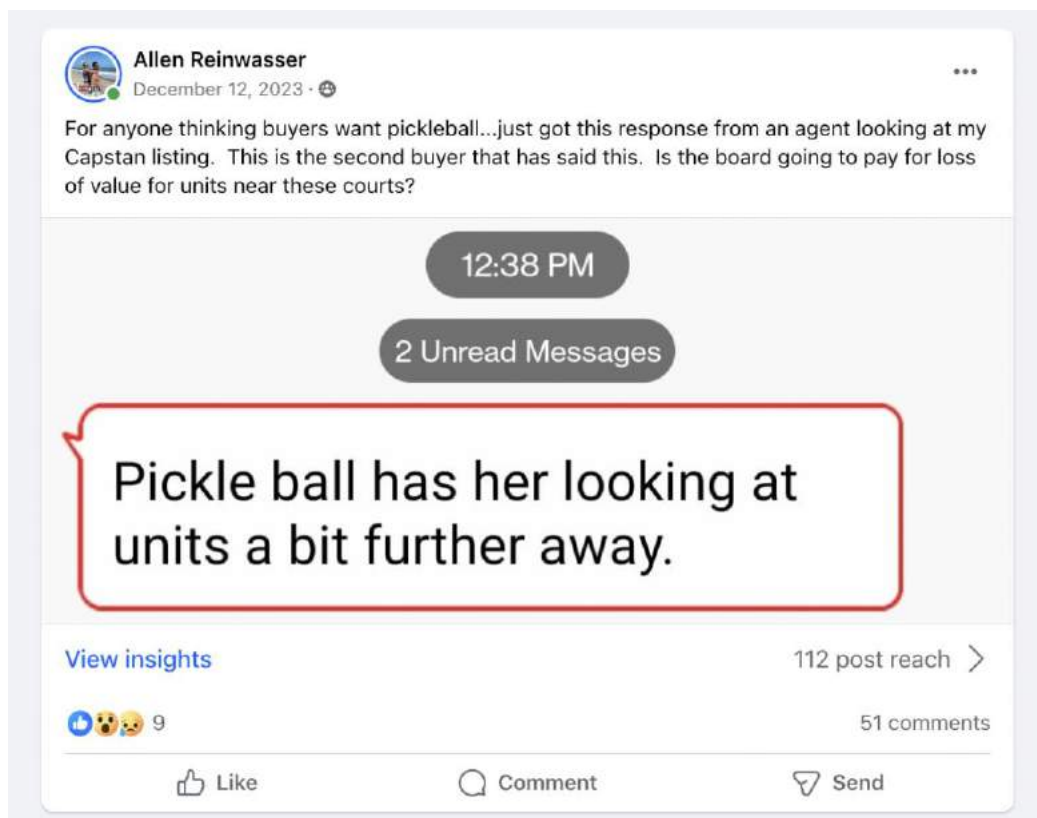
4. Please rate this listing (5=Best; 1=Worst):

5. COMMENTS / RECOMMENDATIONS:

**The buyer's were worried the unit is close to where they are talking about putting the courts. The unit showed well.**

 **Publish to Seller**

 **Manage Feedback**



A screenshot of a Facebook post by Allen Reinwasser, dated December 12, 2023. The post text reads: "For anyone thinking buyers want pickleball...just got this response from an agent looking at my Capstan listing. This is the second buyer that has said this. Is the board going to pay for loss of value for units near these courts?". The post includes a timestamp of 12:38 PM and a notification for 2 unread messages. A red-bordered callout box highlights the text: "Pickle ball has her looking at units a bit further away." Below the post, there are engagement options: "View insights", "112 post reach", "51 comments", and buttons for "Like", "Comment", and "Send".


BELOW From Cecilia Dutcher Capstan 112

 dizzy714@aol.com

Re: North Field Pickle-ball and Tennis 

From dizzy714@aol.com

To ovbetsy@aol.com & 3 more

Today at 3:01 PM 

It has started...I just received these messages from possible renters on how they feel about renting in 2024. The devaluation of my property has begun, no one wants to hear the loud banging of balls especially myself and neighbors in Capstan.

Considering that North Field and polluting that area is not a right.


Whether the issue is secondhand smoke, elevated, mercury levels, or ground level Ozone, the strategy should be to protect the environment and our health and well-being of our good neighbors here in OV.

Noise complaints result in Ugly Neighborhood drama which we have had plenty of lately.

Yes we need sports ,yes sports are healthy but you need to consider your surrounding neighbors and find a more suitable place.

Thank you

9:05 AM

 **Good Morning! After serious consideration, we are going to decline your offer. Just not comfortable with renting your unit with the possibility of pickle-ball or tennis courts going up next to the new Club House. Sorry.**

FEB 26, 2023, 9:35 AM

This is what I received today, looks like some people are already seeing our property as being devalued because of PB 😡

9:05 AM

Good Morning! After serious consideration, we are going to decline your offer. Just not comfortable with renting your unit with the possibility of pickle-ball or tennis courts going up next to the new Club House. Sorry.

FEB 26, 2023, 10:09 AM

10:07 AM

Will keep your unit in mind in the future if they should decide not to build any tennis or pickle-ball courts. It's very nice!

Great thanks!

Delivered



Darrell Watson

November 21, 2023 · 🌐

Bitter sweet day **sold my place today** really enjoyed it there before the assessment started out pricing the average person and **all the fighting over pickle ball** tennis and clubhouse. I know we needed some upgrades but right now I feel is not the time to spend on want things when prices are so high good luck to all

[View insights](#)

619 post reach >


👍👍👍 You, Allen Reinwasser and 25 others

65 comments


😞 Sad

💬 Comment

📧 Send

 **Laurie Abbate Ryan**  
August 12, 2023 · 🌐

My condo isn't selling because people do not want to live near these courts.  
The pool debacle is another major concern.

 **Del Fordson** ▸ **Pickleball Sound Mitigation**  
August 6, 2023 · 🌐

ARIZONA RESIDENTIAL PROPERTY DISCLOSURE STATEMENT



Here is the form used by realtors in Arizona to satisfy the Arizona statute and caselaw that requires disclosing material facts to a buyer .




If you go to page 5, lines, 201–204 you see the boxes that you check to disclose neighborhood noise and nuisances .

Given all the national publicity about Pickleball Noise and the number of lawsuits it would seem rather risky to fail to check these boxes.

<https://www.aaronline.com/.../Residential-Sellers...>

[View insights](#) 515 post reach >

  You, Cecilia Dutcher and 7 others 16 comments

 **Sad**  **Comment**  **Send**

6:29

🔔 📶 4G LTE 📶 55% 🔋



### Feedback Received for

2400 S Ocean Drive Unit# 122 Fort Pierce, FL 34949

\$395,000 | ACTIVE | ID# RX-10952264

1. Is your client interested in this listing?

Maybe

2. Please rate your overall experience at this showing.

Good

3. Your (and your client's) opinion of the price:

Just right

4. Please rate this listing (5=Best; 1=Worst):

4

5. COMMENTS / RECOMMENDATIONS:

Buyers were interested but are concerned about the proposed pickleball site obstructing their view and possible noise from courts.

Publish to Seller

Manage Feedback

[Appointment Details](#) | [Additional Listing Details](#)

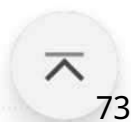


Showing  
Sat, January 27, 2024  
3:30 PM - 4:00 PM

### Buyer's Agent Details

Allen Reinwasser  
Real Estate of Florida  
(248) 568-6899  
(772) 600-7400 (Office Main Line)  
allensellsyourhome@gmail.com


### Listing Contacts




73


**Lara's Post** ✕

---


 **Judy Terry Uline**  
It was meant to be left the way it is now. It is a breathtaking view. It should be against condo rules to change it for ugly courts. There goes the value of our property. Stupid is as stupid does. 👍


8w Like Reply

↳  Lenise Howard replied · 3 Replies


 **Donna Rondinone Bartlett**  
So sad

8w Like Reply


↳  Kristina O'Brien replied · 3 Replies

 **Lavelle Caroline**  
I actually think the environmentalists would want to stop this! I'm sure there us species if bird that needs protecting. I watch them on the Nort lawn all the time! 👍 3


8w Like Reply


 **Jessica Thorrez**  
Can we have a eco friendly plan here? 👍 3

8w Like Reply

 **Judy Terry Uline**  
Makes me 😞 👍


8w Like Reply


↳  Cecilia Dutcher replied · 1 Reply

 **Linda Stasiak**  
Fight fight fight. Explain that they are basically robbing you of a lot of money.  
Go to the town the zoning board of Port St. Lucie , file a complaint.  
There has to be an attorney for  
Florida association for protection Of condo associations. ?Home owners

8w Like Reply

---

 Write a comment... ➤



## Exhibit 5

### Compliance with Land Development Code & Comprehensive Plan Exhibit 5

**Summary:** The planned development includes areas seaward of the CCCL and is in the maximum FEMA flood hazard zone therefore Code 109-26 Floodplain Management applies to this project. See attached maps from FEMA and the State CCCL line. No floodplain administrator has been assigned and none of the requirements of Code 109 have been submitted. A flood mitigation plan is required per the pickleball arena conditions but there are no public or engineering details of such a plan.

The entire East coast of the US is facing a crisis due to increased extreme weather events, increased rainfall and rising sea levels. Ocean Village is the largest beachside community in the City of Fort Pierce.

We need help from the City to deny permits that risk future flood mitigation plans of our community.

While true, that this pickleball arena would not significantly make our flooding situation significantly worse, that is only because of the huge scale of our community. The project does indeed require mitigation to offset the additional runoff, but as evidenced by the flood mitigation study referenced below, and required in the project comments. Ocean Village have not identified the 30 acre feet of land that is needed in order to mitigate flooding adequately.

Building this Arena with 13,000 additional sq ft of sealed asphalt is taking us in the wrong direction and is not in compliance with the comprehensive plan for a resilient Fort Pierce.

Structures exempt from the state building code that are not walled and roofed buildings shall comply with the requirements of [section 109-55](#).

1. The site is not suitable for development. The proposed Arena is just 50 feet from the dune. After hurricanes Jean and Francis in 2004 the dune line moved eastward over 100ft. This will most likely happen again. The only area that would be a potential to move the road at that point would be where the courts are planned to be built.

The planned Pickleball arena can be seen under water in this video and photo.

## Exhibit 5



**This photo is of the North Field area that was flooded for numerous days (7+?), as was all of OV, after the June 3, 2022 rainfall, which wasn't a hurricane, just a bad storm.**

***Please watch the first 2 mins.*** of the below OV owner's Facebook video after Hurricane Irma 9.11.2017. It begins near the Capstan 100 Building which is about 35-40 feet from the North Field. He narrates as he drives around the entire North Field area – from north to south – and **one can see the entire flooding of the North Field, which is partially in the Florida Coastal Construction Zone, and is prone to extensive flooding with or without a hurricane. Does anyone really think it's a good idea to pave it over with asphalt instead of using it for on-site water storage?**

[IRMA - Ocean Village report | By JimFacebook](#)

<https://www.facebook.com/JamesChrulski/videos/10155119605959842>

2. Adherence to Land Development code 109 and comprehensive plan cannot be found in any Applicant documents. No Floodplain Administrator has been named.
  - 109-26  
[https://library.municode.com/fl/fort\\_pierce/codes/code\\_of\\_ordinances?nodeId=SPBLADEOR\\_CH109FLMA](https://library.municode.com/fl/fort_pierce/codes/code_of_ordinances?nodeId=SPBLADEOR_CH109FLMA)

## Exhibit 5

(a) *Permits required.* Any owner or owner's authorized agent (hereinafter, applicant) who intends to undertake any **development** activity within the scope of this chapter, including buildings, structures and facilities exempt from the state building code, which is wholly within or partially within any flood hazard area shall first make application to the **floodplain administrator, and the building official** if applicable, and shall obtain the required permit and approval. No such permit or approval shall be issued until compliance with the requirements of this chapter and all other applicable codes and regulations has been satisfied.

- 109-27  
and community.

- (h) *Other permits required.* Floodplain **development** permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted **development**, including, but not limited to, the following:
- (1) The South Florida Water Management District and North St. Lucie River Water Control District; F.S. § 373.036.
  - (2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and F.A.C. ch. 64E-6.
  - (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
  - (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
  - (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; section 404 of the Clean Water Act.
  - (6) Federal permits and approvals.

## Exhibit 5

(c) *Additional analyses and certifications.* As applicable to the location and nature of the proposed **development** activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a state-licensed engineer for submission with the site plan and construction documents:

- (1) For **development** activities proposed to be located in a regulatory floodway, a **floodway encroachment analysis** that demonstrates that the encroachment of the proposed **development** will not cause any increase in base flood elevations; where the applicant proposes to undertake **development** activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection (d) of this section shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

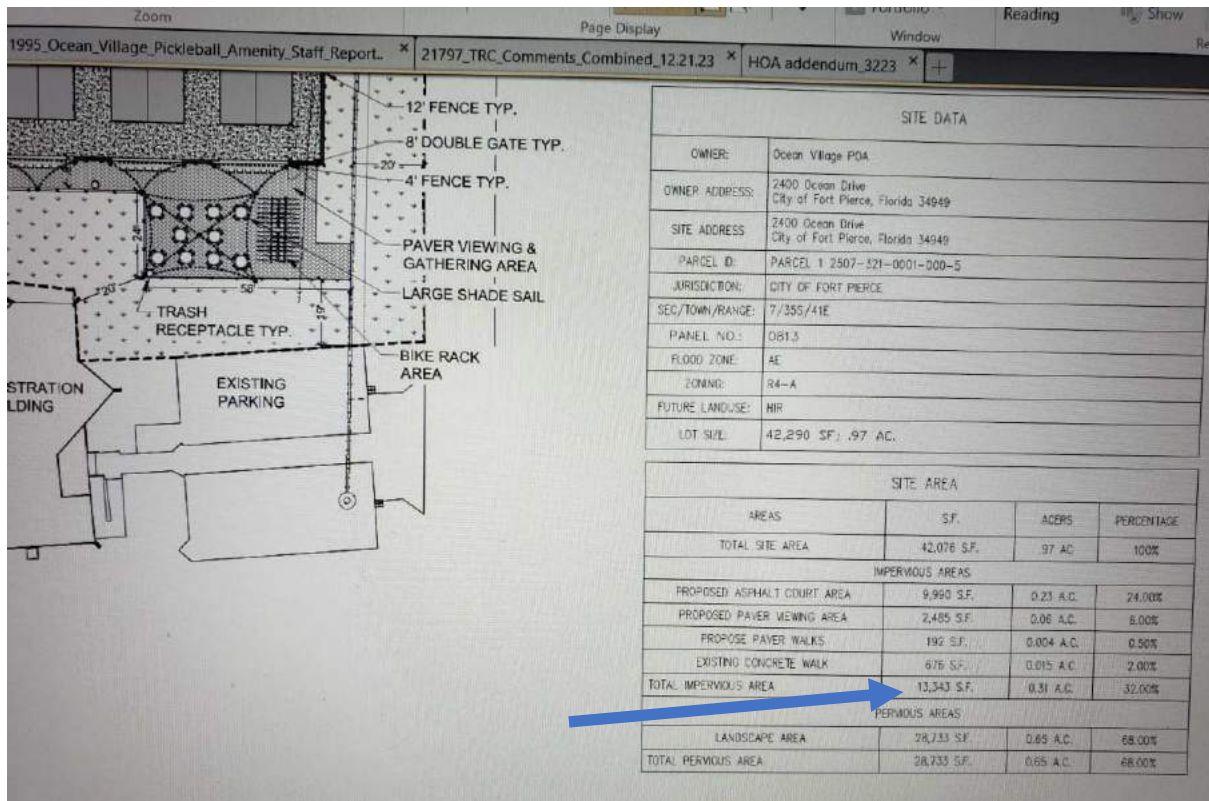
(b) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of [section 109-51\(d\)](#).

- 109-49.a

**A fenced -in area with chain link fence covered with heavy duty vinyl, can block flood waters and debris. No mitigation for this is included.**

- 119-2 the proposed site includes 13,000 square feet of sealed asphalt, courts plus viewing area.

## Exhibit 5



- (c) *Submittal of stormwater management calculations—For sites with more than 5,000 square feet of impervious area.* Stormwater management calculations shall be prepared in accordance with [section 119-3\(e\)](#), signed and sealed by a professional engineer registered in the state and shall be submitted in a complete and final fashion to the city engineer for review and approval.
- (d) *Submittal of stormwater management calculations—For sites with less than 5,000 square feet of impervious area.* Stormwater management calculations shall not be required to be prepared, signed or sealed by a professional engineer registered in the state, but calculations shall be submitted in accordance with [section 119-3\(e\)](#).

### 3. Coastal Resilience and Flood Mitigation

In April 2022 Ocean Village (“OV”) hired Albrecht Engineering Group (“AEG”), LLC of Fort Pierce, FL regarding OV stormwater flooding issues. AEG produced several expert reports to Ocean Village owners which are relevant in potentially building five pickleball courts on OV’s north field (“NF”), which is OV’s last remaining greenspace.

We put forth excerpts from Albrecht’s reports along with photographic/video evidence supporting AEG’s facts and in support of denying a permit to build pickleball courts, as follows.

Below is OV POA President Dobbin’s introduction of Kevin Albrecht as he presented AEG’s 1/26/2023 report to OV owners.

## Exhibit 5

“Kevin Albrecht will be giving owners the results of his stormwater analysis project. It is a sobering report but necessary to consider. It will be a starting point to begin a process to improve how we deal with stormwater here at OV.”

“Significantly, during his presentation, the Engineer emphasized that it is important for OV to find as much land as we can for storage, as the most effective solution for OV is to create above ground water storage. Most importantly, what land can be used to store water?”

Kevin Albrecht’s presentation of 1/26/2023 report:

- Need to store roughly 30 acre-feet of water
- Must be above groundwater (elevation = 1.0) and below flood elevation (elevation = 2.5) Roughly 1.5 feet deep.
- Additional volume can be provided: above ground (ponds or raingardens) below ground (gravel or vaults). (*Albrecht 1/26/2023 Report, p. 7/18*)

Storage costs of obtaining an additional 30 acre-feet of storage ranges from \$2M - \$19M. (*Albrecht 1/26/2023 Report, p. 11/18*)

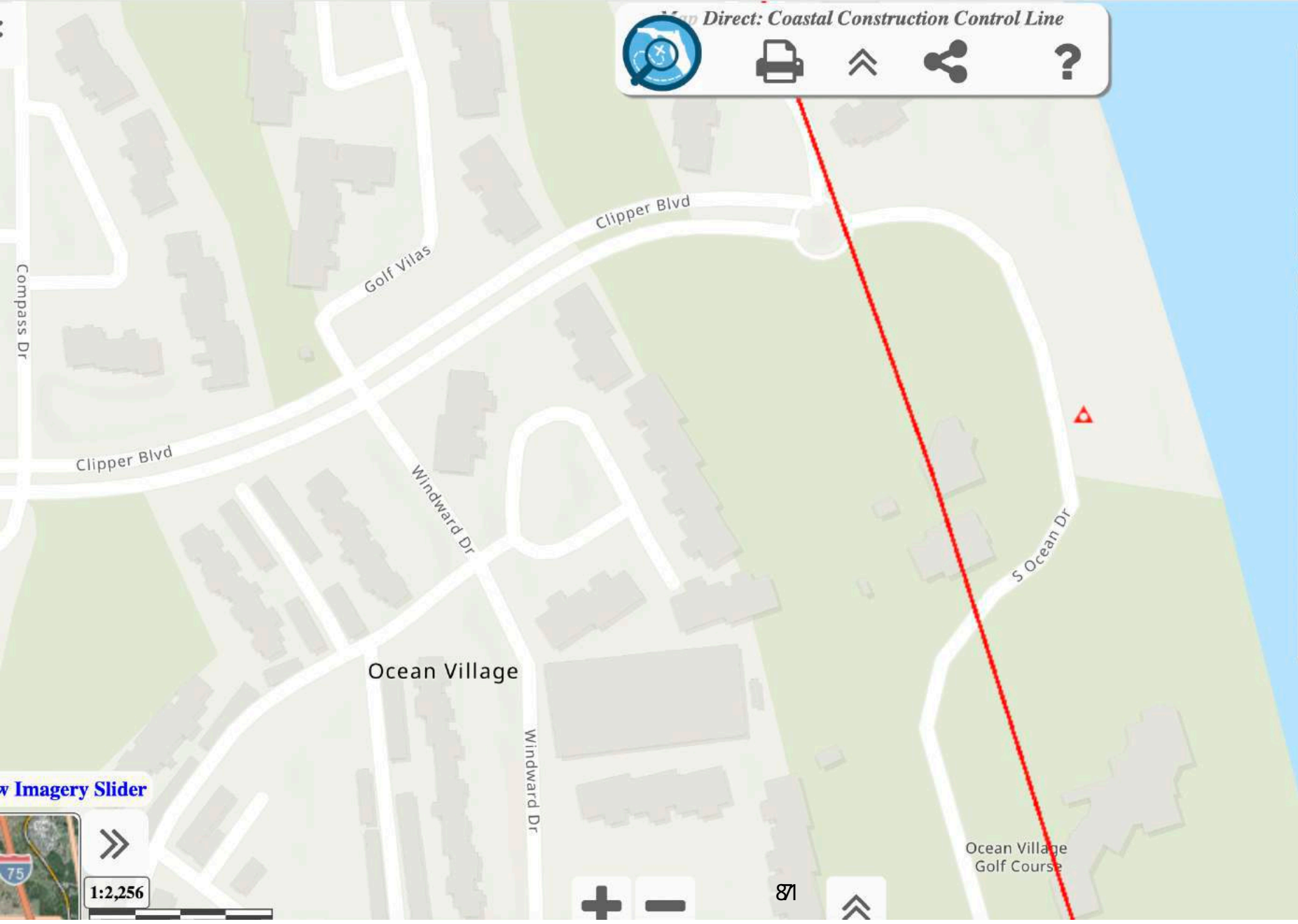
**IF no additional on-site storage is provided**, OV needs a 152 cfs pump capacity to keep up with rainfall, cost is \$20M. (*Albrecht 1/26/2023 Report, p. 13/18*)

**IF 30 acre-ft of additional on-site storage is provided**, OV would need a 10 cfs pump capacity to recover pond volume, cost is \$2M (*Albrecht 1/26/2023 Report, p. 13/18*)

Reiterated in AEG’s February 2023 Report:

An option to reduce flooding within the community is to **construct additional on-site storage** areas to reduce overall flood stages **without further increasing the discharge capacity from the community**. Based on the existing conditions analysis roughly 30 acre-ft of additional storage would be required to reduce flood stages enough to eliminate flooding of roadways and parking area within the community for the 10-year/24-hour storm. (*Albrecht Feb. 2023 Report, p. 41/50*).

The north field where the pickleball arena is planned to go is the largest open green space now available for above ground storage without destroying our golf course.



Map Direct: Coastal Construction Control Line  
Map, Print, Home, Share, Help icons

Search Box 125 feet wide  
27.42841186 x -80.2742...  
27°25'42.2827" x -80°10'...

Drop Marker Add Label

Clear Print

No Search Results.

No Results Found in:

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- Permits
- Coastal Permit Applicati

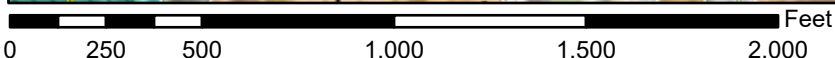
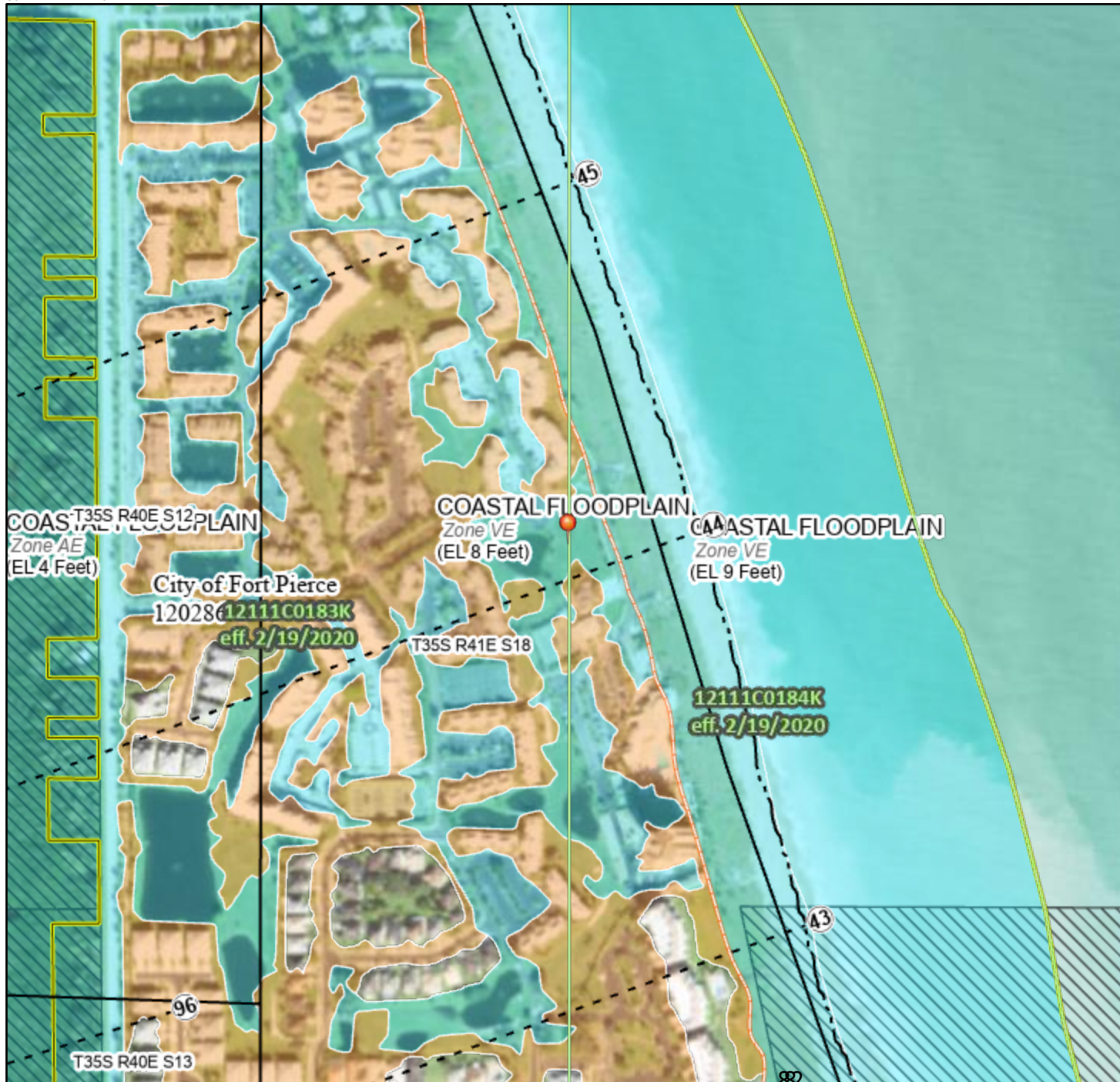
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1:2,256  
Map navigation icons

Map navigation icons: +, -, 81, Home

# National Flood Hazard Layer FIRMMette



80°17'11"W 27°26'47"N



1:6,000 80°16'34"W 27°26'15"N

Basemap Imagery Source: USGS National Map 2023

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- |                                    |  |   |
|------------------------------------|--|---|
| <b>SPECIAL FLOOD HAZARD AREAS</b>  |  | Without Base Flood Elevation (BFE)<br>Zone A, V, A99  |
|                                    |  | With BFE or Depth Zone AE, AO, AH, VE, AR   |
|                                    |  | Regulatory Floodway   |
| <b>OTHER AREAS OF FLOOD HAZARD</b> |  | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
|                                    |  | Future Conditions 1% Annual Chance Flood Hazard Zone X  |
|                                    |  | Area with Reduced Flood Risk due to Levee. See Notes. Zone X  |
|                                    |  | Area with Flood Risk due to Levee Zone D  |
| <b>OTHER AREAS</b>                 |  | NO SCREEN Area of Minimal Flood Hazard Zone X   |
|                                    |  | Effective LOMRs   |
| <b>GENERAL STRUCTURES</b>          |  | Area of Undetermined Flood Hazard Zone D  |
|                                    |  | Channel, Culvert, or Storm Sewer  |
| <b>OTHER FEATURES</b>              |  | Levee, Dike, or Floodwall   |
|                                    |  | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation   |
| <b>MAP PANELS</b>                  |  | 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation   |
|                                    |  | 8 Coastal Transect  |
|                                    |  | Base Flood Elevation Line (BFE)   |
|                                    |  | Limit of Study  |
|                                    |  | Jurisdiction Boundary   |
|                                    |  | Coastal Transect Baseline   |
|                                    |  | Profile Baseline  |
|                                    |  | Hydrographic Feature  |
|                                    |  | Digital Data Available  |
|                                    |  | No Digital Data Available   |
|                                    |  | Unmapped  |
|                                    |  | The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.                              |

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/23/2024 at 7:03 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Exhibit 6

Adherence to TRC final comments

Adherence to the TRC final comments is not planned. See below from the TRC final comments.

From TRC Comments combined 12.21.23

**City of Fort Pierce Planning Department**

1. A certified letter of completion by a landscape architect, cost estimate, and landscape bond pursuant to City Code 123-6 shall be required before the Final Certificate of Occupancy is approved for the site.
2. Prior to the issuance of any site clearing permits, the applicant shall provide a Tree Mitigation Survey with calculations and coordinate with the City of Ft. Pierce Arborist for the required mitigation of the City regulated trees proposed to be removed as a result of this site's development/construction activity.
3. Per City Code Section 26-40; Limit hours of operation for the Pickleball Courts to Monday through Saturday 7am-11pm, and Sunday 7am-1pm.
4. Adhere to the recommendations of the Pickleball Sound Analysis Report completed by PSM LLC for Pickleball Sound Mitigation prior to issuance of Final Certificate of Occupancy.
5. Adhere to the following Sound Mitigation recommendations:
  - Install 14 ft high mass-loaded vinyl barriers along the west side of the proposed courts, 15 ft along the north and a 12 ft high absorbing barrier along the south side and enforce the use of quieter paddles. **These steps will reduce frequent pickleball sound levels to or below 50 dBA outside of local residences on all floors of the buildings.**
  - Diagonal corners for the fencing in three locations, **which will enhance fence strength and reduce sound reflections.**
  - The sound barriers along the north and west fence should not have gates or any openings that would permit sound to pass unobstructed. **The fences do not need to have chain link material above the 10 ft height, if that assists in building the fencing. The south fence shields the building from pickleball sound, and it avoids reflecting sound to the north because of its absorbing characteristics but it can have one or two gates for entry into the playing area.**
  - The use of paddles and tournament approved paddles that meet the requirements of PSM LLC Pickleball Sound Mitigation firm's latest Blue List of Recommended Paddles listed below:

ENGINEERING ADVISORY COMMENTS:

1. The drainage plan was reviewed conceptually, and a thorough review of the plan will be conducted at time of Site Work Permit application.
2. Required permitting for the project may include South Florida Water Management District and Florida Department of Environmental Protection (NPDES Permit and CCCL General Permit).



## **Dr. Lance Willis PhD**

7050 E Cactus Patch Way  
Sahuarita, AZ 85629  
520 441-3987 (O), 520 245-7092 (M)



### **Acoustical Engineer & Acoustics Expert**

Lance Willis holds a Bachelor of Mechanical Engineering (1993), Master of Science in Mechanical Engineering (1995), and a Ph.D. with a Multidisciplinary Certificate in Acoustics (1999) from the Georgia Institute of Technology.

In 2000, Dr. Willis began work in Motorola's Advanced Product Technology Center. Projects at Motorola included the acoustical design of portable radio products with respect to speaker and microphone performance, sound quality, and operation in wet and noisy environments, studies of rub and buzz detection methods, managing the development of a high efficiency family of speakers, and modal analysis of microspeaker cones to reduce audible distortion.

In 2005, he formed Perception Acoustics, an acoustical consulting firm in the areas of environmental acoustics, noise control, data acquisition systems, and acoustical instrumentation design.

Since 2009 Lance is the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC.

Dr. Willis is a member of the Acoustical Society of America and the Audio Engineering Society. He has been awarded three patents for adaptive equalization in behind the ear telephony devices and another for an audio porting assembly to prevent water intrusion into microphones.

### **Qualifications in Regard to Pickleball Sound Abatement**

In his capacity as Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC, he regularly performs on-site acoustical testing, community noise impact assessment, acoustical site planning, and noise abatement design for commercial and industrial sites, often near residential

areas. He has been working as a consultant in environmental acoustics and noise control since 2005.

Education: Bachelor, Master of Science, and PhD degrees from the Woodruff School of Mechanical Engineering at the Georgia Institute of Technology with a specialization in physical and engineering acoustics. Lance also has earned a multidisciplinary certificate in acoustics from the same institute.

After finishing his PhD, and while working as an applications engineer in the Advanced Product Technology Center at Motorola, he completed distance learning at the Pennsylvania State University in psychological acoustics and experimental design. This coursework covered the human sensation of hearing and the perception of sound.

He has been a member of the Acoustical Society of America since 1994 and the Audio Engineering Society from 1994 to 2021.

Since 2010 Dr. Willis has assisted pickleball clubs, site planners, and home owners associations in site selection and noise abatement planning for pickleball courts. Some of these projects include: Abrego at Green Valley, AZ; Canoa Ranch, Green Valley, AZ; Canoa Ranch, Green Valley, AZ; Desertview at Saddlebrooke Robson Resort Community, AZ; Mountainview at Saddlebrook Robson Resort Community, AZ; Ridgeview at Saddlebrooke Robson Resort Community, AZ; The Preserve at Saddlebrooke Robson Resort Community, AZ; Robson at Sun Lakes/Iron Oaks, Phoenix, AZ; Robson at Pebble Creek, Phoenix, AZ; Trilogy at Encanterra, Phoenix, AZ; Trilogy at Vistancia, Phoenix, AZ; Trilogy at Verde River, Phoenix, AZ; Sunflower Development, Tucson, AZ; Yavapai Hills HOA, Prescott, AZ; Outdoor Recreation Palm Springs, Cathedral City, CA; Hidden Palms, Palm Desert, CA; Elkhorn HOA, Sunn Valley, ID; Pelican Presere, Fort Meyers, FL; and Pelican Landing, Bonita Springs, FL.

Dr. Willis has also assisted home owners and home owners associations when pickleball courts have been placed close to residential properties without adequate noise abatement planning. The sites of these pickleball courts were: Grant Ranch, Lakewood, CO; Mission Hills Country Club, Mission Hills Kansas; St. Michaels's by the Sea Church, Carlsbad, CA; Columbine Country Club, Littleton, CO; Trilogy at Power Ranch, Gilbert, AZ; Private residence in Carlsbad, CA; Chesnut Way Park, Port Moody, British Columbia; and a park on Waters end Drive, Carlsbad, CA.

In some instances, failure to plan for noise abatement or select an appropriate pickleball site has resulted in legal action. Dr. Willis has been an expert witness in several cases seeking an injunction against pickleball activities in California, Massachusetts, Kentucky, and Colorado. These cases involved courts placed with insufficient buffer distance to neighbors and ad hoc mitigation treatments.

## **Richard Lance Willis**

lance.willis@swanc.net

520 245-7092

### ***Areas of Expertise:***

- Physical and engineering acoustics
- Environmental Acoustics
- Noise Control
- Loudspeaker and microphone design and measurement
- Acoustical design of portable products

### ***Work Experience:***

#### **Spendiarian & Willis Acoustics & Noise Control LLC, Tucson, Arizona**

Acoustical Consultant, November, 2009 to present

Engineering consulting services in the environmental acoustics and noise control fields

#### **Perception Acoustics LLC, Tucson, Arizona**

Acoustical Consultant, November, 2005 to present

Engineering consulting services in the loudspeaker, environmental acoustics, and noise control fields

#### **Motorola, Inc., Advanced Product Technology Center, Plantation, Florida**

Senior Staff Engineer, June, 2000 – November, 2005

Providing acoustical design and measurement tools and support for the development of two-way radios and accessories

#### **Georgia Institute of Technology, Atlanta, Georgia**

Graduate Research Assistant, May, 1994 - May, 2000

### ***Project Experience:***

#### **Site Planning (Spendiarian & Willis)**

Acoustical site design for numerous projects including the Telluride festival stage, Tucson Water Eastside Service Annex rezoning, The Humane Society, Meridian Engineering asphalt plant and reclamation center, Tucson Electric Power substation abatement design, Banner University Medical Center helipad community noise impact study and sound insulation design, and pickleball noise abatement at many recreation centers throughout Southern and Central Arizona.

#### **Classroom Acoustics (Spendiarian & Willis)**

Mechanical systems analysis and noise control for HVAC systems in schools. Spendiarian & Willis performs the acoustical design for the majority of new schools in the Tucson area including LEED certification.

#### **Feedback Reduction in the CommPort BTE Wireless Earpiece (Motorola)**

Feedback is a problem that plagues boomless and short boom microphones used in telephony accessories worn on the ear resulting in low receive audio levels delivered to the user. Gain margin in the CommPort earpiece was improved by 17 dB by selecting more appropriate materials, applying equalization at frequencies with low gain margin, and improving seals in the sound tube and microphone boot.

#### **Oversight of High Efficiency 36 mm Speaker Platform Design (Motorola)**

Managed the development of a new generation of high efficiency 36 mm speakers, coordinating the effort among multiple product development teams to meet specific needs. Took part in the design

process by performing modal analysis on the cone to reduce distortion using laser vibrometry measurements and redesigning the motor structure and voice coil using FEA to improve low frequency performance and efficiency.

**Rub and Buzz Detection (Motorola)**

Conducted an investigation into methods of detecting rub and buzz in microspeakers. This work produced a new proprietary frequency domain detection method whose accuracy is comparable to the Leonhard Research HARMONI algorithm.

**Non-invasive Characterization of Viscoelastic Polymers (Georgia Tech)**

Designed and constructed in-plane and out of plane laser vibrometers as well as a temperature controlled chamber for non-invasive dynamic material characterization of microvoided viscoelastic polymers. The experiment was also designed to incorporate a pressure chamber. Analysis included an in-depth study of temperature and pressure effects on the complex dynamic moduli of a number of material samples. Design issues encompassed achieving uniform piston motion on the PZT actuated baseplate used to drive the sample, relieving residual stresses at the sample-baseplate bond caused by pressurization, and automation of the experiment using LabVIEW. Technical skills required included design and construction of the optical layout for the vibrometers and electronic components such as phase-locked loops, power / bias supplies, and a high sensitivity, solid state thermostat.

**Sound Card-based Data Acquisition System (Motorola)**

A data acquisition program with a graphical user interface was created in Matlab for measuring transfer functions (FRF's), electrical impedance, and power spectrums. The program can be called from within other Matlab scripts and used as a function call to perform a measurement within a larger measurement procedure. Time response windowing was used to remove room reflections. Other programs were created to do spectral analysis of single frequency stepped tone excitation data to study nonlinear phenomena and to do Thiele-Small characterization of loudspeakers using the delta mass method and a non-contact laser vibrometer measurement method.

**Microphone Design Guidelines (Motorola)**

Lead author and editor for Motorola's internal guidelines for designing microphones into portable two-way radios and accessories.

**Designing Radio Acoustics for Wet Environments (Motorola)**

Created a set of guidelines for product engineers to use in the design of speakers grilles and microphone porting to insure the continuous operation of these transducers during blowing rain and spray. Wrote the Motorola internal specification outlining the test procedure and performance metrics for ship acceptance for two-way radios and accessories rated for use in wet conditions.

**Acoustical Test Fixtures (Motorola)**

Guided the construction and calibration of a new set of factory acoustical fixtures for testing speakers and microphones in two-way radios and accessories.

***Education:***

**Georgia Institute of Technology, Atlanta, Georgia**

Ph.D. in Mechanical Engineering with Multi-disciplinary Certificate in Acoustics (December, 1999)

Major: Acoustics and Vibrations

Minor: Numerical Methods

Thesis Topic: Non-invasive Characterization of Microvoided Polymers under Controlled Static Pressure and Temperature Using Laser Doppler Vibrometry

Advisor: Dr. Yves Berthelot

GPA: 4.0 / 4.0

Master of Science in Mechanical Engineering (December, 1995)

Area: Acoustics

Thesis Topic: A Five Channel Laser Interferometer for Acoustic Materials Testing

Advisor: Dr. Yves Berthelot

GPA: 4.0 / 4.0

Bachelor of Mechanical Engineering with High Honor (September, 1993)

**Pennsylvania State University**, Distance Learning Program, State College, Pennsylvania (Spring, 2004)

ACS 498 Sound Quality (psychoacoustics and experimental design)

***Special Skills:***

Technical: acoustic measurements, test system design

Computer: Python, Cython, Matlab, iNoise acoustical simulation

***Selected Publications and Conferences:***

R. Lance Willis, Lei Wu, and Yves H. Berthelot, "Determination of the Complex Young and Shear Dynamic Moduli of Viscoelastic Materials," J. Acoust. Soc. Am. **109** (2), pp. 611-621 (2001).

R. Lance Willis, T. Shane Stone, Yves H. Berthelot, and Walter Madigosky, "An Experimental-numerical Technique for Evaluating the Bulk and Shear Dynamic Moduli of Viscoelastic Materials," J. Acoust. Soc. Am. **102** (6), pp. 3549-3555 (1997).

R. Lance Willis, Lei Wu, and Yves H. Berthelot, "Measurements of the Dynamic Elastic Moduli of Viscoelastic Materials with Micro-inclusions," J. Acoust. Soc. Am. **106** (4), p. 2178 (1999). [Presented at the 138<sup>th</sup> meeting]

R. Lance Willis, T. Shane Stone, and Yves H. Berthelot, "A Laser-based Experimental-numerical Technique for Evaluating the Bulk and Shear Dynamic Elastic Moduli of Viscoelastic Materials," J. Acoust. Soc. Am. **101** (5), p. 3034 (1997). [Presented at the 133<sup>rd</sup> meeting]

R. Lance Willis, T. Shane Stone, and Yves H. Berthelot, "Acoustic Material Testing by Laser Interferometry," J. Acoust. Soc. Am. **98** (5), p. 2916 (1995). [Presented at the 130<sup>th</sup> meeting]

Yves H. Berthelot, Jacek Jarzynski, Hyun-Gwon Kil, Lance Willis, and Ming Yang, "Laser Interferometry for Structural Acoustics," J. Acoust. Soc. Am. **97** (5), p. 3347 (1995). [Invited paper presented at the 129<sup>th</sup> meeting]

***Patents:***

U.S. Patent 6,651,501 (2003) "Adaptive Equalizer for Variable Length Sound Tubes Utilizing an Electrical Impedance Measurement"

U.S. Patent 6,698,290 (2004) "Adaptive Equalizer for Variable Length Sound Tubes Utilizing an Acoustical Time of Flight Measurement"

U.S. Patent 7,016,503 (2006) "Adaptive Equalizer for Variable Length Sound Tubes Utilizing an Acoustical Acoustic Pressure Response Measurement"

U.S. Patent 7,668,332 (2010) "Audio Porting Assembly" to maintain microphone operability during exposure to rain and moisture

***Professional Societies:***

Audio Engineering Society (1994 - 2021)

Acoustical Society of America (since 1994)