

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

December 14, 2020, 10:30 am
Ocean Breeze Resort Clubhouse Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

***PLEASE TURN OFF CELL PHONES –
SPEAK DIRECTLY INTO MICROPHONE***

- 1. Call to Order, President De Angeles**
 - Pledge of Allegiance
 - Roll Call
- 2. Approval of Minutes** – Regular Meeting, Monday, November 9, 2020
(Motion, second, all in favor)
- 3. Congratulations to Mayor Ostrand on her receipt of the Florida League of Cities HOME RULE HERO AWARD** – President De Angeles
- 4. Update on continuing negotiations with Martin County and Florida East Coast Railroad/Brightline regarding proposed traffic pattern alterations to West End Blvd.** – Marcela Camblor, Planning Consultant
- 5. Comments from the public on topics not on the Agenda**
- 6. Comments from the Council on topics not on the Agenda**
- 7. Comments from Town Management Consultant Terry O’Neil**
- 8. Comments from Mayor Ostrand**
- 9. Announcements** – Regular Town Council Meeting – Monday, January 11, 2021, at 10:30 am, held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze
- 10. Adjourn** (Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, November 9, 2020, 10:30 a.m.
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

1. **Call to Order** – President De Angeles called the meeting to order at 10:30 a.m.
 - Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
 - Roll Call – Present: Mayor Karen M. Ostrand, Council Members Terry Locatis, David Wagner, President Kenneth De Angeles, Council Member Bill Arnold, Vice-President Richard Gerold, Council Member Kevin Docherty
 - Staff Present – Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary, Town Clerk, Pam Orr; and Bookkeeper/Clerical Assistant, Kim Stanton

2. **Approval of Minutes** – Council Member Wagner, seconded by Council Member Arnold, made a Motion to approve the Minutes of the October 12, 2020 meeting.

President De Angeles asked for public comment

There were none.

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

3. **Announcement of Election Results** – Town Clerk, Pam Orr, read the Certificate of Election and certified that Karen M. Ostrand, was elected Mayor, and Richard Gerold, Terry L. Locatis and David J. Wagner were elected Council Members.

4. **Oath of Office** – Attorney Crary administered the Oath of Office to Karen Ostrand as Mayor and Richard Gerold, Terry L. Locatis and David J. Wagner as Council Members.

5. **Selection of Council President and Vice-President; and Review of Board and Agency Memberships** – President De Angeles asked for nominations for the office of President.

Council Member Locatis nominated Ken De Angeles as President.

Council Member Arnold and Council Member Gerold seconded the nomination.

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

President De Angeles asked for a Motion to close the nominations.

Council Member Locatis made a Motion (second inaudible) to close the nominations.

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

President De Angeles asked for nominations for the office of Vice-President.

Council Member Arnold, seconded by Council Member Docherty, nominated Council Member Gerold as Vice-President.

President De Angeles asked for any other nominations.

President De Angeles asked for a Motion (second inaudible) to close the nominations.

Council Member Arnold made a Motion to close the nominations.

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

Council Member Arnold made a Motion to accept the Council and Mayor Board Appointments and Liaison Activities as presented.

Council Member Docherty expressed his desire to remain on the BPAC board but that he had a scheduling conflict. He stated he would talk about this matter later in the meeting.

President De Angeles asked if there were further comments.

There were none.

6. Budget to Actual – Council Member Locatis asked about the charges for services, legal counsel, and building official services line items.

Kim Stanton, Bookkeeper, provided the explanation.

President De Angeles asked for further comments or questions on the budget report.

Discussion ensued regarding the expenses, revenue and net income.

Council Member Wagner, seconded by Council Member Arnold, made a Motion to accept the Budget-to-Actual report.

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

7. Council Determination on Whether to Accept the Seawalk Developer's Donation of Parcel "A" under the Ocean Breeze West Planned Unit Development (PUD) Agreement – Attorney Crary explained that all the facts had changed since his last report, which was provided in the meeting packet. He stated that Forestar had worked with South Florida Water Management District to affirm that Parcel "A" is not under the overall development drainage district plan and Forestar would be working with Martin County Utilities to get an easement for their water main. He commented that the outstanding incidental matters under legacy survey would then be addressed.

Vice-President Gerold asked Attorney Crary to provide an explanation of Parcel "A" for those in attendance.

Mr. O'Neil explained the history of Parcel "A" as it related to the Ocean Breeze West PUD and that the Town had recently obtained an opinion of value on the lot. He added that a decision to accept or decline ownership of the parcel was due to Forestar by November 28, 2020. He further explained the ramifications of the options available.

Attorney Crary stated that accepting Parcel "A" would generate additional attorney's fees because of possible de-annexation of the parcel into Martin County. He spoke about the costs of ad valorem taxes and future amendment of the PUD if the parcel were to stay in the Town.

Discussion ensued regarding possible development of Parcel "A", de-annexation, obligations of the Town, future legal work, marketing of the parcel and the attorney's role in the selling of the parcel.

Attorney Crary stated that the decision to accept the lot should be with the Mayor (conditionally authorized by the Council) and that he would certainly advise her of his opinions once the new title commitment arrives. He stated that the Council would authorize the Mayor, under these circumstances, to make the decision to accept and move forward.

Council Member Docherty asked Attorney Crary for an estimation of fees associated with accepting ownership of Parcel "A".

He commented that it was difficult to predict such a thing but that his costs are based on hours. He spoke about the strange complexity of this particular lot. He spoke about the poorly written de-annexation statute, possible obstacles regarding de-annexation and that he estimated a possible ten thousand dollar range outside of any litigation.

Discussion ensued regarding the background of the Seawalk exits, maintenance of the parcel, a possible de-annexation ordinance, possible uses for the parcel, history of the parcel and Ocean Breeze West, accepting the parcel with contingencies, possible closing issues, Forestar's unwillingness to extend the deadline to accept the parcel, easement with Martin County Utilities for the water main, procedures for accepting or not accepting the parcel, possible conditions for acceptance, maintenance of the parcel, septic conversion, PUD language, sewer connections to the site, size of the parcel not suitable for a Town office/meeting facility, possible long range plans for a Town office, possible future sewer assessments.

Mayor Ostrand stated that she believed the Council should not accept the property and stated her reasons.

Council Member Arnold, seconded by Council Member Wagner, made a motion to reject taking ownership of Parcel "A".

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

8. Discussion of Changing Time of Regular Town Council Meetings – Council Member Docherty spoke about the Town's growth, the Seawalk development and the possibility of moving the time of the regular town council meetings from 10:30 a.m. to an evening meeting. He added that he took a simple survey of forty residents over the past couple of weeks and asked them one simple question. He reported that 34 residents of those surveyed stated that they would be more inclined to attend an evening meeting versus 6 people who would leave the meeting time at 10:30 a.m. He also reported the meeting times of surrounding towns and cities were in the evening. He spoke about how he volunteered for Mayor Flynn and Mayor Menino of Boston and that city meetings were at 7:30 pm. He asked for a discussion to look into changing the meeting time to five, six or seven o'clock p.m. He spoke about the Seawalk community and the fact that it was not a 55 and older community. He spoke about full-time workers and how working during the day might interfere with attending town council meetings. He asked staff to look into the possibility of changing the meeting time sometime after April 1, 2021. He asked for comments from the Town Council in order to take the next step.

President De Angeles asked for comments from the Town Council.

Council Member Locatis stated that Seawalk would have a home owner's association and would be hiring a manager to enforce the rules, etc. and he did not believe those residents would be attending the Town meetings unless they wanted a PUD change. He added that he did not want to change the meeting time unless the residents of the resort wished to change the time.

Mayor Ostrand commented that the residents of Seawalk should be able to attend the meetings and that they would be more inclined if the meetings were in the evening.

Council Member Arnold stated that he believed the majority should rule, but that he was not for making that change.

Vice-President Gerold stated that he would like to think about the issue more and get more feedback from the residents before making a decision.

President De Angeles asked Pam Orr, Town Clerk, for her opinion on the matter.

Mrs. Orr stated that when she and Kim were hired it was with the understanding that the meetings were in the morning. She stated that would be something to think about.

President De Angeles asked Mr. O'Neil for his opinion.

Mr. O'Neil stated that if staff were to bring back a draft ordinance sometime in April, this would give the individual council members time to hear from residents. He added that the staff could do some research on the impacts of moving the meeting time to an evening time and bring forward a draft ordinance as a placeholder and that the Council could then deliberate to make a decision.

Council Member Arnold asked the audience to indicate if they would prefer evenings. He then asked the audience to indicate if they would prefer daytime.

President De Angeles asked the Town Clerk if everything (pertaining to the Town Council meetings) was on the Town website.

Pam Orr indicated "yes."

President De Angeles asked the Council if they would like to get a draft ordinance for a future meeting.

Council Member Docherty, seconded by Vice-President Gerold, who stated he did not agree but to get some research done and questions answered, made a Motion that the Town Manager and staff look into this and come back with a draft ordinance by April 1, 2021 and let the Council know the pros and cons of changing the regular town council meeting time from the morning to an evening time including any additional costs to the Town.

Attorney Crary stated that his rate would probably be the same even though it would be inconvenient for him to attend at night.

Pam Orr, Town Clerk asked if a draft ordinance was to be brought forth.

President De Angeles answered "no."

The Council Member concurred.

Mr. O'Neil stated that the motion mentioned by April 1, 2020 and asked if that meant for the first meeting in April, 2021.

Council Member Docherty answered "yes."

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty & Locatis; No: Wagner; Motion Passed - 5 - 1

9. Proclamation commemorating the 60th Anniversary of the Town of Ocean Breeze, Florida – Mayor Ostrand read the Proclamation into the record. She announced that there would be a celebration after the Town Council meeting. She thanked everyone for participating in the blood drive to help celebrate the Town's anniversary.

10. Comments from the public on topics not on the Agenda – Ann Kagdis, 111 NE Bay Drive, spoke about a health and safety issue regarding units that were being demolished and in which rats were emerging and scattering. She added that the professional rat catching bait systems were being placed where the new homes are located and had not been placed near the legacy homes. She commented that on Bay Drive, there were three legacy homes which had been inundated with rats. She stated that she had requested that professional bait stations be placed behind the legacy homes as well as the newer homes. She added that she had taken pictures of the rats. She commented that the bait stations should be placed everywhere.

Deidre Henry, 107 NE Bay Drive, stated that she had hired a private company recommended by the administrative office.

President De Angeles noted that he had a bait station behind his house.

Council Member Arnold mentioned that he had his own bait stations at his home.

(unknown) asked about the West End Boulevard changes.

Mayor Ostrand remarked that the Town was looking into West End to make the area safer. She added that Marcela Camblor, Planner for the Town of Ocean Breeze, was speaking to the County Engineer about the plans. She added that communications were now taking place about the County plans for that area and the Town would be reporting.

President De Angeles stated that Sun's property ended at Maple Avenue and the County road began. He added that the Town had no jurisdiction over county roads.

(unknown) asked (inaudible).

Mayor Ostrand answered that Marcela Camblor was speaking to the railroad engineers. She stated that hopefully the Town would have more answers in a week or so.

Discussion ensued regarding West End Boulevard, the FEC and Martin County.

11. Comments from the Council on topics not on the Agenda – Council Member Wagner spoke about donations to the local food bank. He asked the Mayor if the Town could donate to the Treasure Coast Food Bank.

Mayor Ostrand stated that she knew that the local food banks were running low on donations because of the Covid crisis. She asked Council Member Wagner if he had a recommended donation amount.

Council Member Wagner answered that he believed \$500 was an appropriate amount.

President De Angeles asked if there were funds available for this contribution.

Kim Stanton answered that the budgeted contributions had been paid but that if the overall expenses were to fall under budget, there might be some room for another donation.

Council Member Arnold spoke about the previous commitments that had been complete during the budgeting process.

Council Member Docherty asked about a possible non-perishable food drive along with a possible monetary donation.

Mayor Ostrand answered that a food drop-off location should be established and that she believed the Town should donate because of the current circumstances. She suggested \$250. She further explained the Treasure Coast Food Harvest was the main distributor to the smaller local food banks.

Discussion ensued regarding the Ocean Breeze community (Dawn) raising \$2,150 for the Jensen Beach Community Church for Thanksgiving meals.

Cindy Walters, Sun Communities Management, confirmed that Sun Communities would be having a food drive within the community from November 16 – 20th with the benefactor being the House of Hope.

Council Member Wagner spoke about the Martin County Board of County Commissioners considering raising the age for use of tobacco from 18 to 21. He voiced his opinion that they should consider an exemption for those with a current military I.D. He added that he believed this should include alcohol.

Council Member Arnold, seconded by Council Member Wagner, made a motion to make a \$250 contribution to the Treasure Coast Food Bank.

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

President De Angeles asked for further comments from the Council.

There were none.

12. Comments from Town Management Consultant – Terry O’Neil – There were none.

13. Comments from Mayor Ostrand –Mayor Ostrand stated that she was on the Land and Economic Development committee for legislation and that she would be attending legislative committee meetings in Orlando through the Florida League of Cities. She spoke about the various goals set by this committee.

She thanked everyone who participated in the blood drive.

14. Announcements – Council Member De Angeles announced the following meetings to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida:

- Regular Town Council Meeting, Monday, December 14, 2020 at 10:30 am

15. Adjourn – Council Member Wagner, seconded by Council Member Docherty, made a motion to adjourn the meeting at 12:13 p.m.

Respectfully Submitted,

Pam Orr, Town Clerk

November 9, 2020 Minutes

Minutes approved: _____

Item #3

Mayor Karen M. Ostrand Honored with 2020 Home Rule Hero Award

Town of Ocean Breeze official recognized for advocacy efforts during the 2020 legislative session

FOR IMMEDIATE RELEASE: November 24, 2020

CONTACT: TC Palm Yes Desk 772-221-4202

yesdesk@tcpalm.com

The Florida League of Cities recently recognized Karen M. Ostrand, Mayor, with a 2020 Home Rule Hero Award. Mayor Ostrand earned this prestigious award for her tireless efforts throughout the legislative session to promote local voices making local choices, protect the Home Rule powers of Florida's municipalities and advance the League's legislative agenda.

Home Rule is the ability for a city to address local problems with local solutions with minimal state interference. Home Rule Hero Award recipients are local government officials, both elected and nonelected, who consistently responded to the League's request to reach out to members of the legislature and help give a local perspective on an issue.

Thank you for joining us in celebrating Mayor Ostrand!

Sent to:

Stuart News

Pineapple Post

Hometown News

Out 2 News

GENERAL INFORMATION ITEMS

The attached items (i.e.: correspondence, e-mails, reports, etc.) are provided as general information and are not necessarily subject to discussion during this meeting unless Council Members or the Mayor wish to do so.

From: Kevin Henderson <evergreenengineeringinc@gmail.com>
Sent: Thursday, November 12, 2020 2:15 PM
To: Karen Ostrand; Ken De Angeles
Cc: Pam Orr; Rick Crary II
Subject: Town Engineer

Dear Madam Mayor and Mr. President:

Please accept this notice of my retirement from the position of Town Engineer as of December 31, 2020; unless you find a suitable replacement for me sooner and advise me thereof.

I have enjoyed working with you.

The Town has changed dramatically over my term, and I hope all for the better.

Sincerely, Kevin Henderson, P.E.

From: Joseph M. Angelico <jmangelico@sheriff.martin.fl.us>
Sent: Wednesday, November 25, 2020 3:30 PM
To: Terry O'Neil; townclerk@townofoceanbreeze.org
Cc: George D. Yacobellis; Andrew A. Adams
Subject: FW: MESSAGE FROM COMMISSIONER STACEY HETHERINGTON
Attachments: T21_Public_Hearing_Nov172020.pdf

Terry,

This is to confirm the Martin County Sheriff's is the enforcing agency of county ordinance Chapter 87, Articles 6 and 7. Should the Town of Ocean Breeze also adopt this ordinance the Martin County Sheriff's Office would be the enforcing agency within the incorporated town should you so desire to craft such language.

Respectfully,
Joseph M. Angelico
Deputy Sheriff
Martin County Sheriff's Office

From: George D. Yacobellis
Sent: Wednesday, November 25, 2020 2:47 PM
To: Joseph M. Angelico <jmangelico@sheriff.martin.fl.us>
Subject: Fwd: MESSAGE FROM COMMISSIONER STACEY HETHERINGTON

Sent from my iPhone

Begin forwarded message:

From: "George D. Yacobellis" <gdyacobellis@sheriff.martin.fl.us>
Date: November 12, 2020 at 4:11:00 PM EST
To: "Joshua M. Kloster" <jmkloster@sheriff.martin.fl.us>, Ryan Grimsdale <trgrimsdale@sheriff.martin.fl.us>
Subject: FW: MESSAGE FROM COMMISSIONER STACEY HETHERINGTON

FYI

From: Rosemarie Zummo
Sent: Thursday, November 12, 2020 4:07 PM
To: Stacey Hetherington <shetherington@martin.fl.us>
Cc: Elysse Elder <eelder@martin.fl.us>
Subject: MESSAGE FROM COMMISSIONER STACEY HETHERINGTON

Dear T21 Stakeholders,

The revised T21 ordinance will be discussed during a public hearing at next week's BOCC meeting on Tuesday, November 17th. Attached is a copy of the revised ordinance.

The BOCC meets in person but there is a Zoom option for those unable to attend the meeting.
<https://www.martin.fl.us/PublicComment>

Please don't hesitate to contact my office with any questions.

Stacey Hetherington
District 2 Commissioner
Martin County Board of County Commissioners
772.288.5421

Memorandum

To: Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

Cc: Rick Crary, Town Attorney
Pam Orr, Town Clerk

Date: November 4, 2020

RE: FYI Item: Proposed County ordinance increasing the minimum age for purchasing tobacco and prohibiting flavored vaping products

County Administrator, Taryn Kryzda, advises that the BOCC is considering a local ordinance increasing the minimum age for purchasing tobacco from 18 to 21 and prohibiting the sale of flavored vaping products. If adopted, the ordinance (please see attached) will apply only in the unincorporated areas. Stuart and the other municipalities in Martin County appear to be awaiting the BOCC's decision before deciding whether to follow suit with an ordinance of their own.

Further, it should be noted that a similar, state-wide initiative (SB 810) was overwhelmingly adopted by the Florida Legislature earlier this year but was vetoed by the Governor late in the process. It is possible that the bill will be resurrected in the next legislative session. Whatever the outcome, the Town's ability to impose such restrictions would be feasible only if the Sheriff's Department agrees to handle enforcement, which has yet to be determined. ✓

Whether the BOCC adopts a local ordinance or the Legislature pursues the matter again next year remains up in the air. Given our size and resources, Staff sees no urgency for the Town to act at this time and will keep you informed as events unfold.

Update - Martin County adopted the Tobacco Ordinance on 11-17-2020.
Please see attached.

From: Elysse Elder
Sent: Monday, November 23, 2020 10:12 AM
To: terrancewoneil@gmail.com
Subject: Martin County Tobacco 21 Ordinance

Good Morning,

It was a pleasure speaking with you this morning. Attached are the final drafts of the Tobacco 21 Ordinance and Resolution that were approved by the Board on November 17, 2020. I do not have copies of the signed documents yet.

Please let me know if you need any additional information.

Elysse

Elysse A. Elder
Senior Assistant County Attorney
Martin County Attorney's Office
Martin County Board of County Commissioners
2401 SE Monterey Road
Stuart, FL 34996
772-288-5925 (o) 288-5439 (f)

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**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 87, GENERAL ORDINANCES, MARTIN COUNTY CODE; AMENDING ARTICLE 6 RELATING TO TOBACCO PRODUCTS; AMENDING ARTICLE 7 RELATING TO ELECTRONIC NICOTINE DELIVERY DEVICES; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE AND DEPARTMENT OF REVENUE, AN EFFECTIVE DATE AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County, Florida, is authorized by provisions in Chapter 125, Florida Statutes, to establish programs providing for the health, safety and general welfare of the residents of Martin County; and

WHEREAS, the Board has determined that the existing ordinances pertaining to tobacco products should be amended to provide additional definitions and guidelines pertaining to the sale and distribution of tobacco products; and

WHEREAS, On December 20, 2019, President Trump signed legislation to amend the Federal Food, Drug and Cosmetic Act to raise the federal minimum age pertaining to the sale of tobacco products from 18 to 21 years; and

WHEREAS, it is illegal for a retailer to sell any tobacco products, including cigarettes, cigars and vapor-generating electronic devices, to anyone under 21 years of age in the United States; and

WHEREAS, the use of tobacco products has devastating health and economic consequences; and

WHEREAS, tobacco use is the foremost preventable cause of premature death in America. It causes half a million deaths annually and has been responsible for 20.8 million premature deaths in the U.S. over the past 50 years; and

WHEREAS, tobacco use leads to more than \$300 billion in health care and lost worker productivity costs each year; and

WHEREAS, an estimated 5.6 million youth under the age of 18 are projected to die prematurely from a tobacco-related illness if prevalence rates do not change; and

WHEREAS, national data show that about 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use; and

WHEREAS, young minds are particularly susceptible to the addictive properties of nicotine. As a result, 3 out of 4 teen smokers end up smoking into adulthood; and

WHEREAS, as reported by the Florida Department of Health, vapor-generating electronic device use among Martin County youth between the ages of 11 and 17 has increased from 6.4% in 2014 to 16.3% in 2020; and

WHEREAS, as reported by the Florida Department of Health, 17.1% of Martin County youth between the ages of 11 and 17 currently use tobacco products; and

WHEREAS, the Board finds that amending the existing regulations within the Martin County Code is necessary for the preservation of the health, safety and welfare of Martin County youth, residents and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

PART 1: ARTICLE 6. TOBACCO PRODUCTS, CHAPTER 87, HEALTH, GENERAL ORDINANCES, MARTIN COUNTY CODE, IS HEREBY AMENDED AS FOLLOWS:

ARTICLE 6. - ~~TOBACCO PRODUCTS~~ PROHIBITION OF SALE OR DISTRIBUTION OF TOBACCO PRODUCTS TO PERSONS UNDER 21 YEARS OF AGE

Sec. 87.131. - Title.

This article shall be known and cited as the "~~Martin County Tobacco Product Placement~~" "Prohibition of Sale or Distribution of Tobacco Products to Persons Under 21 Years of Age."

Sec. 87.132. - Intent.

~~This article is intended to prevent the sale to and possession of tobacco products by persons under the age of 18 by regulating the placement of such products. It is the intent of this article to promote, protect, and improve the health, safety, and general welfare of the citizens of Martin County, Florida, by discouraging the unhealthy practice of using tobacco products and to help prevent the addiction to nicotine, especially by young people under the age of 21, through regulation of the marketing, sale and merchandising of tobacco products, to the extent such regulation is not preempted to the federal or state government.~~ This article shall not be interpreted or construed to prohibit the sale or delivery of tobacco products which are otherwise lawful or regulated pursuant to F.S. ch. 569.

Sec. 87.133. - Definitions.

For the purpose of this article the following terms shall mean:

Business means any sole proprietorship, joint venture, partnership, corporation, limited liability company or other business formed for profit making or non-profit purposes operating within the unincorporated area of Martin County, Florida, including all retail establishments where goods or services are sold.

Distribute or Distribution means to furnish, give, provide, or to attempt to do so, whether gratuitously or for any type of compensation.

Licensed Products means the term that collectively refers to any tobacco product, including liquid nicotine, nicotine product, or vapor-generating electronic device.

Open display unit, in the context of the retail sale of tobacco products, means any device, furniture or furnishing within or upon which tobacco products are displayed to customers, and includes but is not limited to any case, rack, shelf, counter, table, desk, kiosk, booth, stand and other surface.

Person means any natural person or entity capable of suing and being sued in the State of Florida.

Recipient means any person who obtains or attempts to obtain a tobacco product.

Retail establishment means any place of business where tobacco products are available for sale to the general public. Retail establishment includes but is not limited to grocery stores, tobacco products shops, convenience stores, liquor stores, gasoline service stations, bars, restaurants other place at which sales of tobacco products are made to purchasers.

Self-service display or placement means the open display or placement of tobacco products to which the public has access without the intervention of the vendor, store owner or other store employee.

Smoking means inhaling, exhaling, burning, carrying or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product or inhaling, heating or igniting a vapor-generating electronic device which creates a vapor of liquid nicotine or other substances mixed with propylene glycol which can be inhaled in simulation of smoking.

Tobacco products ~~include loose tobacco leaves, and products made from tobacco leaves, in whole or in part, and cigarette wrappers, which can be used for smoking, sniffing or chewing, as defined in F.S. ch. 569,~~ means any product containing, made or derived from tobacco or nicotine, whether natural or synthetic, that is intended for human consumption or is likely to be consumed, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by other means, or any component, part or accessory of a tobacco product, including but not limited to, cigarettes, e-liquids, gels, cigars, cheroots; stogies, perique, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, Cavendish, plug and twist tobacco, fine cut and all other forms of tobacco. Tobacco products include vapor-generating electronic devices. Tobacco products also include any component or accessory used in the consumption of tobacco, whether or not they contain nicotine, including but not limited to filters, cartridges,

Pods, pens, rolling papers, blunt, hemp wraps or pipes. Tobacco products do not include any product that is approved by the United States Food and Drug Administration for sale as a prescription tobacco-cessation product to assist tobacco users with quitting or reducing tobacco use, or for other medical purposes, and is being marketed and sold solely for such purpose.

Tobacco retailer or retailer means any person, partnership, joint venture, society, club, trustee, trust, association, organization, corporation or business that owns, operates or manages any tobacco retail establishment. ~~a store, stand, booth, concession or other place at which sales of tobacco products are made to purchasers.~~

Vapor-generating electronic device means any product that employs an electronic, chemical, or mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vapor product, e-hookahs or other similar device or product, any replacement cartridge for such device; and any other container of nicotine in a solution or other substance form intended to be used with or within an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, a vape pen, an electronic hookah, or other similar device or product. The term includes any component, part or accessory of the device and also includes substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance contains nicotine.

Vendor assisted means the customer has no access to tobacco products without the assistance of the vendor, store owner or other store employee.

Sec. 87.134. Distribution License required.

- 87.134.A. No person or business shall sell or offer to sell any tobacco products within the unincorporated area of Martin County without first having obtained a distribution license pursuant to this article.
- 87.134.B. A distribution license shall not be issued to any person for a location that is within 1000 feet of any public high school, middle school, or elementary school, as measured by the shortest line from the property line of the premises to be licensed and the nearest property line of the school. This restriction does not apply to a location that sold tobacco products prior to the effective date of this Ordinance.

Sec. 87.135. License application.

- 87.135.A. No distribution license shall be issued except upon written application to the Martin County Tax Collector on the form provided by the County.
- 87.135.B. The application must contain the full name and address of the retailer; the name of the business owner, the street address of the premises to be licensed; and any additional information the County deems necessary.

- 87.135.C. If a retailer has multiple premises where tobacco products are to be distributed, a separate license for each premises must be obtained.
- 87.135.D. Prior to submitting an application to the Tax Collector, the retailer must obtain an acknowledgement from the Growth Management Department of the County that the premises to be licensed is not restricted pursuant to Sec. 87.134.B.

Sec. 87.136. License fee.

- 87.136.A. Fees associated with distribution licenses shall be set by resolution of the Board of County Commissioners.
- 87.136.B. All license fees collected will be deposited into the Prevention of Underaged Tobacco Use Trust Fund established in Section 87.143.
- 87.136.C. Exemption. Any tobacco retailer that has a Retail Tobacco Products Dealer permit issued by the State of Florida, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco is exempt from paying the license fee and will only have to pay the administrative fee charged by the Tax Collector's Office for issuance of the license.

Sec. 87.137. Display of license and sign required.

- 87.137.A. A copy of the distribution license must be posted and displayed in plain view of the general public on the licensed premises.
- 87.137.B. A public awareness sign shall be displayed at each licensed premises in a conspicuous location that is clearly visible to the public and employees of the licensed premises.
- 87.137.C. The required public awareness sign must be at least 8.5 inches by 11 inches in size, must be printed in at least 16-point type, and must state the following: "The sale of tobacco and nicotine products to a person under the age of 21 is against the law. Proof of age is required for purchase."
- 87.137. D. Licensees must notify and train all employees on the legal requirements related to the sale of tobacco products and the possible consequences of license violations.

Sec. 87.138. Term, renewal and transfer of license.

- 87.138.A. Distribution licenses are valid for no more than one year and expire on September 30th each year.
- 87.138.B. Distribution licenses must be renewed by the retailer annually in order to continue distribution of tobacco products. Licensees that fail to renew

prior to October 1st will be assessed late fees as establish by Resolution of the Board of County Commissioners.

87.138.C. A license may not be renewed if it has been previously revoked with no opportunity to reapply pursuant to Section 87.142.B.

87.138.D. Transfer of a distribution license issued pursuant to this article by any means is prohibited.

Sec. 87.139. Minimum legal sales age for tobacco products.

No person or tobacco retailer may sell or offer to sell any tobacco product to any person under the age of 21.

Sec. 87.140. Age verification.

87.140.A. Before selling or offering to sell any tobacco product, or products regulated by this article, the retailer shall verify that the recipient is at least 21 years of age.

87.140.B. Retailers must verify the legal sale age by examining the recipient's government issued identification.

Sec. 87. 141134. Self-service display and placement prohibited.

It shall be unlawful for any tobacco retailer to sell, to permit to be sold, to offer for sale or to display any tobacco product by means of self-service display or placement or by any means other than vendor assisted sales.

~~87.135~~141.A. Exceptions.

The provisions of this section shall not apply to an establishment that prohibits persons under ~~18~~ 21 years of age on the premises.

~~87.136~~141.B. Penalties for improper self-service display and placement. Violation ~~of this section~~ improper self-service display and placement is a misdemeanor pursuant to F.S. sec. 125.69 and is punishable under said section by imprisonment for up to 60 days, or a fine of up to \$500.00, or both such imprisonment and fine.

Sec. 87.142. Enforcement.

County law enforcement officers may conduct frequent, random and unannounced inspections at locations where tobacco products are distributed to test and ensure compliance with this ordinance.

87.1421.A. Penalties. In addition to any penalties specifically mentioned in this article:

87.132.A.1. Licensees. Any licensee found to have violated this article, or whose employee violates this article, will be subject to the following:

<u>Number of Violations</u>	<u>Penalty</u>
<u>1st Violation</u>	<u>7-day license suspension and \$500 fine</u>
<u>2nd Violation within a 24-month period</u>	<u>30-day license suspension and \$500 fine</u>
<u>3rd Violation within a 24-month period</u>	<u>90-day license suspension and \$500 fine</u>
<u>4th Violation within a 24-month period</u>	<u>Revocation of license with no option to reapply and \$500 fine</u>

87.142.A.2. Distribution without a valid license. Selling or otherwise distributing tobacco products without a valid license in the County is a misdemeanor pursuant to F.S. sec. 125.69 and is punishable by imprisonment for up to 60 days or a fine up to \$500 or both.

87.142.B. License Revocation

A tobacco product distribution license may be revoked with no option to reapply whenever it is determined that a licensee has violated this article four times (4) within a 24-month period.

87.142.C. Exceptions and defenses

The penalties in this article do not apply to a person younger than 21 years old who purchases or attempts to purchase tobacco products while under the direct supervision of County staff or law enforcement for training, education, research, or enforcement purposes.

87.142.C.1. Nothing in this article prohibits a person younger than 21 years old from handling tobacco products in the course of lawful employment.

87.142.C.2. It shall be an affirmative defense to a violation of this article for a person to have reasonably relied on government-issued identification for proof of age.

Sec. 87.143. Creation of Fund and Accounting.

87.143.A. The Clerk of the Circuit Court and Comptroller shall keep a record of all monies collected pursuant to this article and Article 7 and shall deposit all monies into the fund entitled "Prevention of Underaged Tobacco Use Trust Fund."

87.143.B. The Clerk of the Circuit Court and Comptroller shall provide the Board of County Commissioners with a monthly report as to the funds collected and deposited into the Prevention of Underaged Tobacco Use Trust Fund and the amount of expenditures from the Prevention of Underaged Tobacco Use Trust Fund.

Sec. 87.144. Expenditures.

Monies deposited into the Prevention of Underaged Tobacco Use Trust Fund shall be used for the administration of the distribution licenses, enforcement of this article and to financially assist the prevention of underaged tobacco use programs in public and nonpublic schools in Martin County. In order to receive assistance grants from the Prevention of Underaged Tobacco Use Trust Fund, programs shall be selected as recipients on the basis of selection procedures which shall be developed by the County Administrator or designee. Final approval shall be made by the Board of County Commissioners. The terms and conditions of such grants shall be contained in an agreement between the Martin County Board of County Commissioners and the grantee.

Sec. 87.145. – Reserved. Sees. 87.137-87.140. Reserved.

PART 2. ARTICLE 7. ELECTRONIC NICOTINE DELIVERY DEVICES, CHAPTER 87, GENERAL ORDINANCES, MARTIN COUNTY CODE, IS HEREBY AMENDED AS FOLLOWS:

ARTICLE 7. PROHIBITION ON USE OF VAPOR-GENERATING ELECTRONIC NICOTINE DELIVERY DEVICES

Sec. 87.141. Title.

~~This article shall be known and may be cited as the "Martin County Nicotine Merchandising Ordinance."~~

Sec. 87.1462. Purpose and intent.

It is the intent of this article to promote, protect, and improve the health, safety, and general welfare of the citizens of Martin County, Florida, by discouraging the unhealthy practice of using nicotine products and to help prevent the addiction to nicotine, especially by young people; ~~through regulation of the marketing, sale and merchandising of nicotine products,~~ to the extent such regulation is not preempted to the federal or state government.

Sec. 87.143. Definitions.

~~As used in this article:~~

~~Business means any sole proprietorship, joint venture, partnership, corporation, limited liability company or other business formed for profit making or non-profit purposes operating within the unincorporated areas of Martin County, Florida, including all retail establishments where goods or services are sold.~~

~~E-cigarette means any electronic device composed of a mouthpiece, heating element, battery and electronic circuits that provides a vapor of liquid nicotine or other substances mixed with propylene glycol to the user that he or she inhales in simulation of smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.~~

~~Liquid nicotine means any liquid product composed either in whole or part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes.~~

~~Open display unit, in the context of the retail sale of e-cigarettes and liquid nicotine, means any device, furniture or furnishing within or upon which e-cigarettes or liquid nicotine are displayed to customers, and includes but is not limited to any case, rack, shelf, counter, table, desk, kiosk, booth, stand and other surface.~~

~~Person means any natural person or artificial entity capable of suing and being sued in the State of Florida.~~

~~Retailer means any person or business engaged in the retail sale of e-cigarettes or liquid nicotine.~~

~~Self-service merchandising, in the context of the retail sale of e-cigarettes and liquid nicotine, means the open display of e-cigarettes and liquid nicotine, whether packaged or otherwise, for direct retail customer access and handling prior to purchase without the intervention or assistance of the retailer or the retailer's owner, employee or agent. Such open display includes the use of an open display unit.~~

~~Smoking means smoking as defined in F.S. § 386.203 and any successor thereto.~~

~~Use of an e-cigarette means the heating or ignition of an e-cigarette which creates a vapor of liquid nicotine or other substances mixed with propylene glycol to the user that he or she can inhale in simulation of smoking.~~

~~Sec. 87.144. Sale of e-cigarettes to minors prohibited.~~

~~It is prohibited for any person to sell or offer for sale e-cigarettes or liquid nicotine within the unincorporated County to a person under 18 21 years of age. The retailer shall verify the age of the purchaser prior to completing the sale of any e-cigarettes or liquid nicotine.~~

~~Sec. 87.145. Self-service merchandising prohibited.~~

~~(a) No retailer shall sell, permit to be sold, offer for sale, or display for sale e-cigarettes or liquid nicotine by means of self-service merchandising.~~

~~(b) No retailer shall place e-cigarettes or liquid nicotine in an open display unit unless the same is located in an area that is inaccessible to customers.~~

Sec. 87.1476. Use of vapor-generating electronic device ~~e-cigarette~~ prohibited.

The use of a vapor-generating electronic device, as defined in Article 6, ~~an e-cigarette~~ is prohibited at all locations within the unincorporated County at which smoking and vaping ~~are~~ is prohibited under F.S. ch. 386, or within 50 feet thereof and at County parks.

~~Sec. 87.147. Marketing restrictions.~~

~~In addition to the other responsibilities under this part, each business shall remove from each point of sale all self-service displays, advertising, labeling, and other items that do not comply with the requirements under this article.~~

Sec. 87.148. - Penalties.

87.148.A. ~~(a)~~ The violation of any provision of this article is a misdemeanor pursuant to F.S. sec. 125.69 and is punishable under said section by imprisonment for up to 60 days, or a fine of up to \$500.00, or both such imprisonment and fine.

~~(b) Any condition caused or permitted to exist in violation of any of the provisions of this article shall be deemed a public nuisance and shall be subject to abatement by the county.~~

87.148.B. ~~(c)~~ Each and every act or action done in violation of the provisions of this article, shall be construed, deemed and taken as a separate and distinct violation of such provisions of this article. Every day that a violation of this article or any provisions hereof shall continue shall be deemed a separate and distinct violation of the provisions of this article.

87.148.C. ~~(d)~~ Nothing contained in this section prohibits the Board of County Commissioners from enforcing codes by any other means.

PART 3: CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART 4: SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

PART 5: APPLICABILITY.

This ordinance shall be applicable throughout the unincorporated area of Martin County.

PART 6: FILING WITH DEPARTMENT OF STATE AND DEPARTMENT OF REVENUE.

The Clerk shall be and is hereby directed forthwith to scan this Ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission. The Clerk is further directed to send a certified copy of this Ordinance to the Florida Department of Revenue.

PART 7: EFFECTIVE DATE.

This ordinance shall take effect on February 1, 2021.

PART 8: CODIFICATION.

Provisions of this ordinance shall be incorporated in the County Code, except parts 3 to 8 shall not be codified. The word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or re-lettered.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY THIS ____ DAY OF OCTOBER 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

HAROLD E. JENKINS II, CHAIRMAN

APPROVED AS TO FORM & LEGAL
SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY

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**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

RESOLUTION NO. _____

RESOLUTION TO ESTABLISH FEES FOR TOBACCO DISTRIBUTION LICENSES

WHEREAS, the Board of County Commissioners of Martin County, Florida, has duly adopted an ordinance requiring a tobacco distribution license for the sale of tobacco products within unincorporated Martin County; and

WHEREAS, the Board is authorized to establish fees for tobacco distribution licenses pursuant to Section 87.136, Article 6, Chapter 87, General Ordinances, Martin County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

1. An original application or timely annual renewal of a tobacco distribution license shall be \$50.00.
2. Tobacco retailers that fail to timely renew their tobacco distribution license will be subject to the following late fees:
 - a. 10% late fee for licenses not renewed by October 1
 - b. 15% late fee for licenses not renewed by November 1
 - c. 20% late fee for licenses not renewed by December 1
 - d. 25% late fee for licenses not renewed by January 1
 - e. \$200 late fee for any licenses renewed after January 1

DULY PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

HAROLD H. JENKINS II, CHAIRMAN

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

SARAH W. WOODS,
COUNTY ATTORNEY



Town of Ocean Breeze
Post Office Box 1025
Jensen Beach, FL 34958
(772) 334-6826



RECEIVED

NOV 12 2020

✓

11-10-2020

Check Requisition

Requested by: Town Council
Department:

Phone Ext.:
Cost. Ctr. No.:

Make Check Payable To: Treasure Coast Food Bank 772-489-3034
Name: 401 Angle Road
Address:
City, State ZIP Code: Ft. Pierce, FL 34947 Amount: \$ 250.00

Purpose or Explanation

PAID

CV# 8205

Special Instructions

NOV 12 2020

✓

Approvals

w/handwritten card fr. T.C. & Mayor



APPROVED

Mayor RNO 11-17-2020

Itemization

Program No.	Acct. No.	Net Amount	Date Billed	Date Due

5






FYI

REIMBURSEMENT FOR COVID-19 RELATED EXPENSES - TOWN OF OCEAN BREEZE

Eligible Expense under the CARES ACT include but not limited to:

Covid-19 direct expenses not reimbursed by other programs


OB#1CARES	Total submitted for Town Attorney	\$	5,550.00
OB#2CARES	Total submitted for Town Management Consultant	\$	5,415.00
Total reimbursement of Town's Covid-19 expenses via The Cares Act (Martin County)			<u>\$ 10,965.00</u>

INVOICE		DOCUMENT NUMBER	GROSS AMOUNT	DISCOUNT	ADDITIONAL CHARGES	NET AMOUNT
NUMBER	DATE					
OB#1CARES <i>R. Crary</i>	11/18/20	Z2102531	5,550.00	0.00	0.00	5,550.00 USD
  						
 						
CHECK NUMBER	CHECK DATE	VENDOR ID	TOTAL GROSS	TOTAL DISCOUNT	TOTAL ADDL CHARGES	CHECK AMOUNT
B1102137	11/24/20	V00003099	5,550.00	.00	.00	5,550.00

SUB-RECEIPT REQUEST FOR REIMBURSEMENT FOR COVID-19 RELATED EXPENSES - TOWN OF OCEAN BREEZE

Eligible Expense under the CARES ACT include but not limited to:

Covid-19 direct expenses not reimbursed by other programs

Item #	Description/Justification	Category	Date Incurred	Vendor Name	Date Paid	Invoice #	Check # (attached)	Amount Paid
	Attorney Rick Crary is an independent contractor and provides "town legal" services to the Town of Ocean Breeze under a professional services contract at an hourly rate of \$250/hr. He is not a salaried employee and monies budgeted for Attorney Crary's services are spent only as needs arise. The COVID event was not anticipated in the Town's budget and the Town's costs for having Attorney Crary provide legal advice would not have occurred but for the pandemic.							
1	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	3/17/2020	Crary Buchanan, Attorneys at Law	4/13/2020	#12147	#8030	25.00
2	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	3/18/2020	Crary Buchanan, Attorneys at Law	4/13/2020	#12147	#8030	125.00
3	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	3/18/2020	Crary Buchanan, Attorneys at Law	4/13/2020	#12147	#8030	400.00
4	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	3/19/2020	Crary Buchanan, Attorneys at Law	4/13/2020	#12147	#8030	75.00
5	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	3/26/2020	Crary Buchanan, Attorneys at Law	4/13/2020	#12147	#8030	175.00
6	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	3/31/2020	Crary Buchanan, Attorneys at Law	4/13/2020	#12147	#8030	1,000.00
7	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	4/1/2020	Crary Buchanan, Attorneys at Law	5/12/2020	#12610	#8047	100.00
8	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	4/2/2020	Crary Buchanan, Attorneys at Law	5/12/2020	#12610	#8047	175.00
9	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	4/2/2020	Crary Buchanan, Attorneys at Law	5/12/2020	#12610	#8047	50.00
10	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	4/3/2020	Crary Buchanan, Attorneys at Law	5/12/2020	#12610	#8047	200.00
11	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	4/6/2020	Crary Buchanan, Attorneys at Law	5/12/2020	#12610	#8047	300.00
12	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	4/6/2020	Crary Buchanan, Attorneys at Law	5/12/2020	#12610	#8047	825.00
13	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	4/6/2020	Crary Buchanan, Attorneys at Law	5/12/2020	#12610	#8047	150.00
14	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	4/6/2020	Crary Buchanan, Attorneys at Law	5/12/2020	#12610	#8047	75.00
15	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	4/6/2020	Crary Buchanan, Attorneys at Law	5/12/2020	#12610	#8047	250.00
16	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	4/7/2020	Crary Buchanan, Attorneys at Law	5/12/2020	#12610	#8047	100.00
17	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	4/30/2020	Crary Buchanan, Attorneys at Law	5/12/2020	#12610	#8047	350.00
18	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	5/29/2020	Crary Buchanan, Attorneys at Law	6/9/2020	#13618	#8074	200.00
19	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	6/19/2020	Crary Buchanan, Attorneys at Law	7/13/2020	#14483	#8103	450.00
20	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	6/19/2020	Crary Buchanan, Attorneys at Law	7/13/2020	#14483	#8103	75.00
21	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	7/7/2020	Crary Buchanan, Attorneys at Law	8/10/2020	#15280	#8122	175.00
22	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	7/8/2020	Crary Buchanan, Attorneys at Law	8/10/2020	#15280	#8122	175.00
23	Expenses of actions to facilitate compliance with COVID-19 related public health measures	PUBLIC HEALTH	7/24/2020	Crary Buchanan, Attorneys at Law	8/10/2020	#15280	#8122	100.00
				TOTAL for Atty Rick Crary				5,550.00
								
	Karen M. Ostrand, Mayor (Town of Ocean Breeze)							

Date: 11-17-2020

SUB-RECEIPT REQUEST FOR REIMBURSEMENT FOR COVID-19 RELATED EXPENSES - TOWN OF OCEAN BREEZE

**Eligible Expense under the CARES ACT include but not limited to:
Covid-19 direct expenses not reimbursed by other programs**

Item #	Description/Justification	Category	Date Incurred	Vendor Name	Date Paid	Invoice Date	Check # (attached)	Amount Paid
	Mr. O'Neil is an independent contractor and provides "town management" consulting services to the Town of Ocean Breeze under a professional services contract at an hourly rate of \$95/hr. He is not a salaried employee and monies budgeted for Mr. O'Neil's services are spent only as needs arise. The COVID event was not anticipated in the Town's budget and the Town's costs for having Mr. O'Neil participate and represent the Town in emergency operations, briefings, prevention strategies, etc. would not have occurred but for the pandemic.							
1	Unified Command at EOC	PUBLIC HEALTH	3/13/2020	Terrance W. O'Neil (Town Management Consultant)	3/31/2020	3/31/2020	#8027	142.50
2	Unified Command at EOC	PUBLIC HEALTH	3/16/2020	Terrance W. O'Neil (Town Management Consultant)	3/31/2020	3/31/2020	#8027	142.50
3	Telephone conference with Town's Attorney (Rick Crary, Esq) regarding coronavirus issues	PUBLIC HEALTH	3/17/2020	Terrance W. O'Neil (Town Management Consultant)	3/31/2020	3/31/2020	#8027	9.50
4	Email from Town's Attorney (Rick Crary, Esq) recording FL S 455.225 and Chapter 455 regarding coronavirus issues	PUBLIC HEALTH	3/18/2020	Terrance W. O'Neil (Town Management Consultant)	3/31/2020	3/31/2020	#8027	47.50
5	3 telephone conferences with Town's Attorney (Rick Crary, Esq) regarding state of emergency issues; email from Attorney Rick Crary regarding Emergency Services directives from State and Martin County.	PUBLIC HEALTH	3/18/2020	Terrance W. O'Neil (Town Management Consultant)	3/31/2020	3/31/2020	#8027	190.00
6	Unified Command at EOC	PUBLIC HEALTH	3/19/2020	Terrance W. O'Neil (Town Management Consultant)	3/31/2020	3/31/2020	#8027	142.50
7	Email to Town's Attorney (Rick Crary, Esq) regarding covid matters, review of Governor's directive and FLC memo	PUBLIC HEALTH	3/26/2020	Terrance W. O'Neil (Town Management Consultant)	3/31/2020	3/31/2020	#8027	95.00
8	Unified Command at EOC	PUBLIC HEALTH	3/30/2020	Terrance W. O'Neil (Town Management Consultant)	3/31/2020	3/31/2020	#8027	142.50
9	Two telephone conferences with Town's Attorney (Rick Crary, Esq) and Pam Orr, Town Clerk regarding Executive Order 20-87 regarding coronavirus issues; two emails from Attorney Rick Crary regarding his telephone conferences with County Attorney Sarah Woods and his review of memo from PSL City Attorney and his review of Florida Statutes regarding the Town's emergency authority	PUBLIC HEALTH	3/31/2020	Terrance W. O'Neil (Town Management Consultant)	3/31/2020	3/31/2020	#8027	418.00
10	Telephone conference with Town's Attorney (Rick Crary, Esq) regarding coronavirus issues and coordination with Martin County on Covid-19 related issues	PUBLIC HEALTH	4/1/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	38.00
11	EOC Briefing Phone Call	PUBLIC HEALTH	4/2/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
12	Emails to/from Rick Crary, Esquire and County Attorney Sarah Woods regarding Martin County Board of County Commissioner's Interpretation fo Governor's Order 20-91 (Covid-19)	PUBLIC HEALTH	4/2/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	95.00
13	Email to Martin County Officials regarding review of executive order regarding Covid-19	PUBLIC HEALTH	4/3/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	95.00
14	Unified Command at EOC	PUBLIC HEALTH	4/6/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	142.50
15	Memo from Town's Attorney Rick Crary regarding his telephone conference with County Attorney Sarah Woods and Mayor Ostrand (Town of Ocean Breeze) regarding emergency management issues in review of Covid-19 Executive Orders	PUBLIC HEALTH	4/6/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	213.75
16	Telephone conference with Town's Attorney Rick Crary regarding Covid-19 Executive Orders	PUBLIC HEALTH	4/6/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	28.50

Item #	Description/Justification	Category	Date Incurred	Vendor Name	Date Paid	Invoice Date	Check # (attached)	Amount Paid
17	Review email memo from Town's Attorney Rick Crary regarding Covid-19 and Florida Statutes Section 252.38	PUBLIC HEALTH	4/6/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
18	EOC Briefing Phone Call	PUBLIC HEALTH	4/9/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
19	Unified Command at EOC	PUBLIC HEALTH	4/13/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	142.50
20	EOC Briefing Phone Call	PUBLIC HEALTH	4/16/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
21	Unified Command at EOC	PUBLIC HEALTH	4/20/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	142.50
22	EOC Briefing Phone Call	PUBLIC HEALTH	4/21/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
23	Unified Command at EOC	PUBLIC HEALTH	4/24/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	142.50
24	Unified Command at EOC	PUBLIC HEALTH	4/27/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	142.50
25	EOC Briefing Phone Call	PUBLIC HEALTH	4/28/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
26	EOC Briefing Phone Call	PUBLIC HEALTH	4/30/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
27	Two telephone conferences with Town's Attorney (Rick Crary, Esq) and Pam Orr, Town Clerk regarding appropriate prodcedures for cancellation of regular meeting because of Covid-19	PUBLIC HEALTH	4/30/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	66.50
28	Unified Command at EOC	PUBLIC HEALTH	5/1/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	142.50
29	Unified Command at EOC	PUBLIC HEALTH	5/4/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	142.50
30	EOC Briefing Phone Call	PUBLIC HEALTH	5/5/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
31	EOC Briefing Phone Call	PUBLIC HEALTH	5/7/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
32	Unified Command at EOC	PUBLIC HEALTH	5/11/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	142.50
33	EOC Briefing Phone Call	PUBLIC HEALTH	5/12/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
34	EOC Briefing Phone Call	PUBLIC HEALTH	5/14/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
35	Unified Command at EOC	PUBLIC HEALTH	5/18/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	142.50
36	EOC Briefing Phone Call	PUBLIC HEALTH	5/19/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
37	EOC Briefing Phone Call	PUBLIC HEALTH	5/21/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
38	EOC Briefing Phone Call	PUBLIC HEALTH	5/26/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
39	Unified Command at EOC	PUBLIC HEALTH	5/27/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	142.50
40	EOC Briefing Phone Call	PUBLIC HEALTH	5/28/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
41	Telephone conference with Town's Attorney (Rick Crary, Esq) and Pam Orr regarding Covid-19 issues/public meeting	PUBLIC HEALTH	5/29/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	23.75
42	Unified Command at EOC	PUBLIC HEALTH	6/1/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	142.50
43	Email Memo from Town's Attorney (Rick Crary, Esq) regarding latest Executive Orders and public meetings	PUBLIC HEALTH	6/1/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	47.50
44	Unified Command at EOC	PUBLIC HEALTH	6/15/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	142.50
45	Email from Town's Attorney (Rick Crary, Esq) regarding Martin County face masks ordinance related to Covid-19	PUBLIC HEALTH	6/19/2020	Terrance W. O'Neil (Town Management Consultant)	7/15/2020	7/14/2020	#8106	9.50

[illegible]



November 24, 2020

The Honorable Karen Ostrand
Mayor, Town of Ocean Breeze
P.O. Box 1025
Jensen Beach, FL 34957

Dear Mayor Ostrand:

Advocacy is one of the primary missions of the Florida League of Cities and it is my pleasure to appoint you as a member of the *new and improved* Florida League of Cities' 2020-2021 Advocacy Committee to fulfill this important goal. This committee will be responsible for fulfilling the responsibilities outlined in the Advocacy Mission Statement (attached) and for developing ideas and activities that strengthen our influence with state officials.

The first Advocacy Committee meeting will be held via Zoom on December 9th at 2:00 p.m. The Zoom link and additional information about the meeting will be provided at a later date.

The ultimate success of the League's legislative efforts is proportional to the level of involvement of the membership in presenting and lobbying the League's priorities to the Legislature. The officers and Board of Directors of the League appreciate your willingness to serve and we ask that you commit your time and energies to this endeavor.

Should you have any questions regarding your role on the Advocacy Committee, please contact Allison Payne at the League office, (850) 701- 3602 or e-mail: apayne@flcities.com. Again, thank you for your commitment to the League. I look forward to working with you and to a prosperous and successful year!

Sincerely,

Tony Ortiz, President
Commissioner, City of Orlando

