

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

January 8, 2024 6:00 PM
Ocean Breeze Resort Clubhouse Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

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

- 1. Call to Order, President Kelley**
 - Pledge of Allegiance
 - Roll Call
- 2. Approval of Minutes –**
 - Regular Meeting, Monday, December 11, 2023
(Motion, second, public comments, all in favor)
- 3. Budget to Actual Report – July 1 – September 30, 2023 –** Memo from Town Financial Consultant, Holly Vath
(Motion to accept, second, public comment, roll call)
- 4. Presentation on Railroad Quiet Zones –** Kim Delaney, Director, Strategic Development and Policy and Treasure Coast Regional Planning Council
- 5. Presentation on Florida League of Cities and Treasure Coast Regional League of Cities –**
Introduction by Mayor Ostrand – Patricia Christensen, Executive Director, Treasure Coast Regional League of Cities.
- 6. RESOLUTION #344-2024 A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE 2024 FLORIDA LEAGUE OF CITIES LEGISLATIVE PLATFORM –** Mayor Ostrand
(Motion to adopt, second, public comment, roll call)
- 7. Proclamation – Recognizing January, 2023 as Human Trafficking Awareness Month in Ocean Breeze, Florida –** Introduction by Mayor Ostrand – Presentation by Lynne Barletta, Founder, CEO Florida Faith Alliance and Visionary School of Arts, Tony Barletta and Julie Biondolillio
(Motion to adopt, second, public comment, roll call)
- 8. Review of Board and Agency Memberships**
(Continued from December 11, 2023 Town Council Meeting)
- 9. Request for a \$100.00 contribution from the History Museum of Jensen Beach –** Ann Kagdis, President of the History Museum of Jensen Beach
(Motion, second, public comments, all in favor)
- 10. Request for a \$200.00 contribution from the Entrepreneurship Foundation –** Ann Kagdis, Board Member
(Motion, second, public comments, all in favor)
- 11. Comments from the public on topics not on the Agenda**

12. Comments from the Council on topics not on the Agenda

13. Comments from Town Management Consultant, Terry O'Neil

14. Comments from Mayor Ostrand

15. Announcements

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

16. Adjourn (Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, December 11, 2023 10:30AM
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, President Kenneth De Angeles, Council Members Kevin Docherty, Sandy Kelley, Gina Kent, and Liz Reese
- Staff Present – Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary;
Attorney Nicole Laliberte; Town Clerk, Kim Stanton; Permit Processor, Pam Orr

2. Approval of Minutes –

- Council Member Docherty, seconded by Council Member Kent, made a motion to approve the minutes of the Tentative Budget and Proposed Millage Rate Hearing, Wednesday, September 13, 2023.
All in favor: Yes: De Angeles, Docherty, Kelley, Kent, Reese, No: None; Motion Passed – 5-0
- Council Member Reese, seconded by Council Member Kent made a motion to approve the Minutes of the Final Budget and Proposed Millage Rate Hearing, Wednesday, September 20, 2023.
All in favor: Yes: De Angeles, Docherty, Kelley, Kent, Reese, No: None; Motion Passed – 5-0
- Council Member Docherty, seconded by Council Member Kelley and Reese, made a motion to approve the minutes of the Regular Meeting, Monday, November 13, 2023.
All in favor: Yes: De Angeles, Docherty, Kelley, Kent, Reese, No: None; Motion Passed – 5-0

3. Comments by outgoing President, Ken De Angeles - President De Angeles expressed his gratitude during his time serving on the Town Council over the past ten years and acknowledged the past accomplishments of the Town.

Mayor Ostrand presented President De Angeles with a plaque in recognition of his service.

4. Oath of Office – Attorney Crary administered the Oath of Office to Kevin Docherty, Michael Heller, and Matthew Squires.

5. Selection of Council President and Vice President; and Review of Board and Agency Memberships – Attorney Crary requested that a motion be made for Town Council President.

Council Member Reese, seconded by Council Member Squires, made a motion to nominate Council Member Kelley for President.

Attorney Crary asked if there were any other nominations.

Council Member Kent made a motion to nominate Council Member Docherty for President. Motion failed due to no second.

Council Member Docherty, seconded by Council Member Heller and Council Member Reese, made a motion to close the nominations.

Roll Call: Yes: Heller, Docherty, Reese, Squires, Kent, Kelley; No: None; Motion Passed 6-0

Roll call for nomination of President.

Roll Call: Yes: Heller, Docherty, Reese, Squires, Kent, Kelley; No: None; Motion Passed 6-0

President Kelley asked for nominations for Vice President.

President Kelley, seconded by Council Member Heller, nominated Liz Reese for office of the Vice President.

Council Member Kelley asked for other nominations.

Council Member Kent, seconded by Council Member Squires, made a motion to close the nomination for Vice President.

Roll Call: Yes: Kelley, Heller, Kent, Squires, Docherty, Reese; No: None; Motion Passed 6-0

President Kelley asked for public comments not on the Agenda.

Town Management Consultant, Terry O'Neil, remarked that on Item #5, after the selection of President and Vice President reorganization, it was customary to discuss memberships on various Boards and Agencies.

Mayor Ostrand stated the importance of being involved in the Boards and Agencies. She took questions from the Council.

Mr. O'Neil recommended that at the January 8, 2024 meeting, staff would provide more detail about the agency functions and meeting times to make it easier.

It was agreed by the Mayor and Town Council Members that this item be brought back before the Council at the January 8, 2024 meeting.

6. Comments from the public on topics not on the Agenda – There were none.

7. Comments from the Council on topics not on the Agenda – Council Member Heller stated that the two biggest issues facing the Town were train noise and completing the close-out of the Seawalk Community project. He requested a briefing on the status of both issues.

President Kelley stated that she would like an update on the closeout of Seawalk at the next Town Council meeting on January 8, 2024. She commented that she did not believe it was necessary to have the Town Engineer or the Building Official at that meeting. She asked if there was a spreadsheet document which detailed items remaining for close-out along with detail concerning the holdup.

Mr. O'Neil answered that there was a document which listed all the items needed for the close-out of the project. He remarked that staff would provide up-to-date information at the January 8, 2024, Town Council meeting.

Council Member Docherty thanked Jensen Beach Chamber of Commerce President, Ron Rose, for arranging the plantings of the flower beds in downtown Jensen Beach. He spoke about the parade, Christmas tree lighting, the Taste of Jensen, outgoing President Ken De Angeles, close-out process of the Seawalk project, close-out process of the Ocean Breeze Resort infrastructure permit, his involvement in the Florida League of Cities, and his work on the tax, finance, and insurance committee. He stated that one of his goals was to assist in bringing down the cost of homeowners insurance.

8. Comments from Town Management Consultant Terry O'Neil – Mr. O'Neil discussed the recent meeting with Seawalk HOA members and Landscape Architect, Mike Flaugh. He commented that the Town had entered a contract with Mike Flaugh to address some of the PUD landscaping issues.

9. Comments from Town Attorney Rick Crary – Attorney Crary gave a detailed description of Florida's Sunshine Law. He encouraged the Town Council members to go online to familiarize themselves with the Government in the Sunshine Law – 2023 version. He also advised them to go onto the State of Florida Attorney General's website to look at past decisions regarding the Sunshine Law. He advised them that all emails and other communications be copied to the Town Clerk for the record. He spoke about the requirement of an annual ethics class usually sponsored by the Florida League of Cities. He spoke about the resources available to the Council Members, namely the Florida Commission on Ethics and Florida League of Cities. He spoke about all records, that were to be copied to the Town Clerk, were subject to the public records laws of the State of Florida.

He took questions from the Council regarding the Seawalk HOA, the Florida Sunshine Law, business coming before the Town Council for a vote, attending HOA meetings with other Council Members and HOA Board Members in attendance. He advised that it would be safer not to be a member of the Town Council and the HOA. He cautioned about the seriousness of the Florida in the Sunshine Law.

Tom Campenni, author of Friends and Neighbors Martin County newsletter, confirmed that Patricia Christiansen, Executive Director of the Treasure Coast Regional League of Cities, would assist by attending a Town Council meeting to give a presentation on the Florida in the Sunshine Law. He spoke about the ethics class annual requirement and Form 6 – Annual Financial Disclosure form.

Council Member Docherty spoke about the new requirement to file Form 6 and term limits.

Council Member Kent spoke about staff and the support that they offer.

Pam Orr, Permit Processor, stated that emails received by each Council Member were automatically sent to the Town Clerk, but sent emails would need to be copied to the Clerk. She added that staff would send out the links to the Elected Municipal Official (EMO) manual and the Government in the Sunshine Law.

President Kelley asked for further comments from Attorney Rick Crary.

There were none.

10. Comments from Mayor Ostrand – Mayor Ostrand directed the Town Council to the Florida League of Cities pamphlet in their packet which outlined the benefits they offer. She explained the importance of getting involved with the State Representatives, Congressional Representatives and State Senate Representatives and stated that she had their contact information. She mentioned the Florida Veterans' Benefits Guide booklets available for the public and explained some of the benefits offered by the Florida Veterans Foundation.

Council Member Squires stated that he was active in assisting veterans assimilate back into civilian life.

Mayor Ostrand spoke about the topics of discussion at the recent Legislative Conference.

11. Announcements – Regular Town Council Meeting – Monday, January 8, 2024 at 6:00 pm to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

12. Adjourn – Council Member Docherty, seconded by Council Member Kent, made a motion to adjourn the meeting at 11:32 am
All in favor, Yes: Heller, Docherty, Reese, Squires, Kent, Kelley; No: None; Motion Passed 6-0

Respectfully Submitted,

Kim Stanton
Town Clerk

Minutes approved: _____

Memorandum

TO: TOWN COUNCIL AND MAYOR

FROM: HOLLY VATH, FINANCIAL CONSULTANT

SUBJECT: QUARTERLY FINANCIAL REPORT

DATE: JANUARY 3, 2024

Attached is the unaudited financial report for the 2023 fiscal year.

Revenue

The total budgeted revenue was \$208,378, the Town received \$230,748 which is \$22,370 more than budgeted. A significant increase in gas tax revenue (\$27,319) was received. The formula was recently adjusted which encompassed the improvements to Indian River Drive. This additional gas tax funding will become restricted net assets. Gas tax funding must be utilized for transportation expenses such as street lighting and road maintenance. The 2023 budget anticipated utilization of \$147,207 of reserves, the actual utilization was \$97,025.

Expenditures

The total budgeted expenditure was \$355,585, the Town expended \$327,774. General government expenses were below budget by \$31,517 while Public Safety, which is mainly Building and Code compliance activity, was over budget by \$6,561. The restricted reserve for Building Permits has been fully utilized. Future Building permit expenses will likely exceed future Building permit revenue. As the town moves into fiscal year 2025, state shared revenue should be increased based on the increased population from the Seawalk development.

Based on the unaudited statements, the financial audit will comply with auditing standards.

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
October 2022 through September 2023

	<u>Oct '22 - Sep 23</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
6001 · Taxes from other Governments			
312300 · State Fuel Tax	4,534.32	4,300.00	234.32
312410 · Local Option Gas Tax	17,072.92	1,065.00	16,007.92
312420 · New Local Option Gas Tax	12,377.12	1,065.00	11,312.12
314200 · Local Communications Svc Tax	3,859.33	3,950.00	-90.67
335120 · State Revenue Sharing	18,074.67	23,000.00	-4,925.33
335140 · Mobile Home Tags	2,627.23	2,500.00	127.23
335150 · Alcoholic Beverage Licenses	2,789.81	2,000.00	789.81
335180 · 1/2 Cent Sales Tax	48,664.67	51,600.00	-2,935.33
Total 6001 · Taxes from other Governments	110,000.07	89,480.00	20,520.07
6002 · Licenses & Permits			
322000 · Building Permits	32,776.65	32,000.00	776.65
338200 · Occupational Licenses	567.15	150.00	417.15
Total 6002 · Licenses & Permits	33,343.80	32,150.00	1,193.80
6003 · Other Fees for Services			
322001 · Fire Inspections	0.00	250.00	-250.00
322004 · Charges for Services	0.00	0.00	0.00
Total 6003 · Other Fees for Services	0.00	250.00	-250.00
6004 · Investment & Other Earnings			
361000 · Interest Income	23,328.36	21,700.00	1,628.36
Total 6004 · Investment & Other Earnings	23,328.36	21,700.00	1,628.36
6005 · Ad Valorum Revenue			
312100 · Ad Valorum	63,908.98	63,798.00	110.98
Total 6005 · Ad Valorum Revenue	63,908.98	63,798.00	110.98
6007 · Miscellaneous Income			
369000 · Misc Inc - MCSB Admin Fee, Etc.	167.02	1,000.00	-832.98
Total 6007 · Miscellaneous Income	167.02	1,000.00	-832.98
Total Income	230,748.23	208,378.00	22,370.23
Expense			
6101 · General Government			
513150 · Gross Payroll	77,077.54	75,750.00	1,327.54
513155 · PTO Accrual	0.00	0.00	0.00
513301 · Management Consultant	19,049.50	28,000.00	-8,950.50
513302 · Rent	13,765.39	13,925.00	-159.61
513304 · Communications / Website	11,805.99	14,565.00	-2,759.01
513305 · Engineering	6,112.50	10,000.00	-3,887.50
513306 · Accountant	4,380.00	8,000.00	-3,620.00
513308 · Insurance W/C	6,475.00	3,200.00	3,275.00
513309 · Insurance Package	18,869.00	17,600.00	1,269.00

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
October 2022 through September 2023

	Oct '22 - Sep 23	Budget	\$ Over Budget
513311 · Public Advertising Notices	1,499.76	4,000.00	-2,500.24
513312 · Office Equipment & Supplies	10,258.32	6,900.00	3,358.32
513313 · Postage	538.06	700.00	-161.94
513314 · Petty Cash	0.00	0.00	0.00
513315 · Audit	16,000.00	17,000.00	-1,000.00
513316 · Utilities	707.66	720.00	-12.34
513317 · Dues	1,448.00	1,450.00	-2.00
513318 · Mileage Reimb. - Clerks	436.09	1,300.00	-863.91
513319 · Conferences & Travel - Council	4,330.34	5,800.00	-1,469.66
513320 · Bank Fees	0.00	0.00	0.00
513321 · Election Expenses	926.10	500.00	426.10
513322 · Safety Deposit Box	0.00	0.00	0.00
513323 · Special projects Code of Ord	0.00	0.00	0.00
513324 · Special Project-Digitizing	180.00	5,000.00	-4,820.00
513325 · Meeting Security	0.00	2,250.00	-2,250.00
513326 · Special Projects	4,040.50	2,405.00	1,635.50
513820 · Contributions	1,005.00	1,000.00	5.00
514100 · Legal Counsel	9,561.00	24,000.00	-14,439.00
514200 · Computer Services	7,167.45	3,900.00	3,267.45
531110 · Payroll Taxes - Fica	4,768.46	4,070.00	698.46
531111 · Payroll Taxes - Medicare	1,116.28	1,000.00	116.28
531112 · Benefits	0.00	0.00	0.00
Total 6101 · General Government	221,517.94	253,035.00	-31,517.06
6102 · Public Safety			
522300 · M.C. Fire Rescue	0.00		
524200 · Building Official Services	30,025.00	34,000.00	-3,975.00
524210 · Building Code Compliance Ser	15,367.50	8,000.00	7,367.50
524220 · Code Compliance Legal	20,076.00	15,000.00	5,076.00
524300 · Fire Safety Inspector	0.00	1,200.00	-1,200.00
524310 · Permit Processing Services	28,642.50	29,350.00	-707.50
Total 6102 · Public Safety	94,111.00	87,550.00	6,561.00
6104 · Transportation			
541300 · Road and Street Maintenance	1,110.00	3,560.00	-2,450.00
541301 · Street Lights	1,435.21	1,440.00	-4.79
541400 · Sheriff Road Patrol	9,600.00	10,000.00	-400.00
541600 · Road and Street Capital	0.00	0.00	0.00
Total 6104 · Transportation	12,145.21	15,000.00	-2,854.79
Total Expense	327,774.15	355,585.00	-27,810.85
Net Ordinary Income	-97,025.92	-147,207.00	50,181.08
Other Income/Expense			
Other Expense			
80000 · Ask My Accountant	0.00		
Total Other Expense	0.00		

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
October 2022 through September 2023

	Oct '22 - Sep 23	Budget	\$ Over Budget
Net Other Income	0.00	0.00	0.00
Net Income	-97,025.92	-147,207.00	50,181.08

From: Don Donaldson
Sent: Monday, November 6, 2023 5:20 PM
To: Terrance O'Neil
Cc: James Gorton; Kimberlee Levee
Subject: RE: Quiet zones

Terry,

Thank you for your interest in quiet zones for the railroad crossings in the Florida East Coast (FEC) right of way. Martin County has worked with Brightline to upgrade the safety features at our crossings to make them eligible for quiet zones in the future. Our reticence to immediately request quiet zones does not relate entirely upon liability, but rather for the safety of our public. Sounding of horns is an important safety measure to make residents crossing the FEC right of way be aware of an incoming train. We realize that this safety measure can be a nuisance to the residents who purchased homes or choose to recreate near the tracks, but initially the value of the safety measure outweighs the inconvenience until we see how our public handles the faster and more frequent trains. As you may be aware, there was a spate of pedestrian and cyclist injuries due to trespassing on the tracks in the counties to our south during the initial implementation period for the West Palm Beach to Miami service, and we do not want similar issues in our community. Further, many of our seasonal residents have not yet returned to the area, and they need time to acclimate to the higher speed trains at the crossings prior to implementation of quiet zones.

Our intent for the crossings under our jurisdiction is to monitor the safety of our public for one year (until September 2024) and track any issues that may occur, of which we hope there are none. We then will evaluate which crossings should be converted to quiet zones based on the data that we capture during the one-year period. Requesting quiet zones in advance without performing this review would be a disservice to the safety of our residents in our opinion.

Please let me know if you have additional questions or require clarification.

Thanks,

Don G. Donaldson, PE, CFM
County Administrator
Martin County Board of County Commissioners
2401 SE Monterey Road
Stuart, Florida 34996
(772) 288-5503 (o)

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-----Original Message-----

From: Terrance O'Neil <terracewoneil@gmail.com>

Sent: Sunday, November 5, 2023 6:56 PM

To: Don Donaldson <ddonalds@martin.fl.us>

Cc: townclerk@townofoceanbreeze.org; Permits <permits@townofoceanbreeze.org>

Subject: Quiet zones

This Email Sent From External Sender

Don, can you shed some light on any progress that's been made toward establishing quite zones in Martin County? Some residents are making inquiries of the Town.

Also, your kind words and those of Ed and Jeff about Larry are sincerely appreciated.

Thanks

Terry

Sent from my iPhone

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RESOLUTION No. 344-2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE 2024 FLORIDA LEAGUE OF CITIES LEGISLATIVE PLATFORM.

WHEREAS, the Florida Legislature will convene the 2024 Legislative Session on January 9th, 2024; and

WHEREAS, the membership of the Florida League of Cities adopted the 2024 FLC Legislative Platform during the FLC Legislative Conference on November 30 – December 1, 2023; and

WHEREAS, the Town Council of the Town of Ocean Breeze, Florida supports the 2024 FLC Legislative Platform, shown as exhibit “A” (attached).

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE:

Section 1. The Town Council of the Town of Ocean Breeze, Florida will work with our local legislative delegation in support of these and other issues affecting Florida’s cities, towns, and villages during the upcoming 2024 Legislative Session.

Section 2. A copy of this resolution shall be provided to members of our local legislative delegation and the Florida League of Cities, Inc.

PASSED AND ADOPTED at the regular meeting of the Town Council of the Town of Ocean Breeze, Florida, this 8th day of January, 2024.

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

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

YES	NO	ABSENT

KAREN M. OSTRAND
MAYOR

SANDRA KELLEY
PRESIDENT

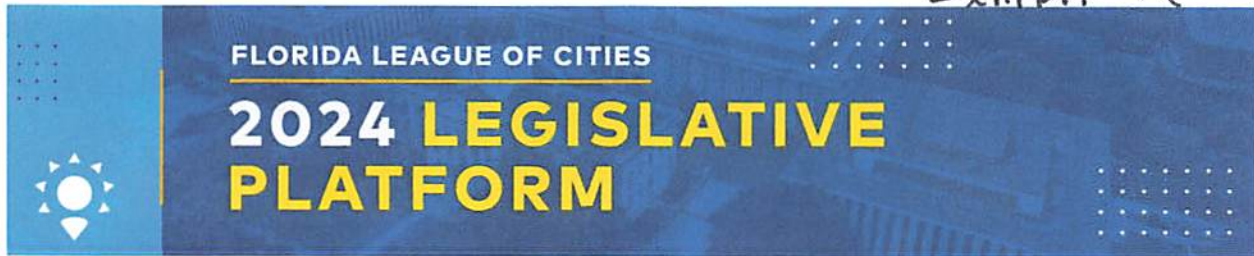
APPROVED AS TO FORM:

ATTEST:

WILLIAM F. CRARY, II
TOWN ATTORNEY

KIM STANTON
TOWN CLERK

PASSED AND ADOPTED THIS 8TH DAY OF JANUARY, 2024.

**PRIORITIES:****Enterprise Fund Transfers**

The Florida League of Cities SUPPORTS the preservation of municipal authority to manage municipal revenue sources and realize a reasonable rate of return on their proprietary assets, investments and services.

Legislative Ratification of Statewide Stormwater Rule

The Florida League of Cities SUPPORTS legislation to ratify the Department of Environmental Protection's proposed Environmental Resource Permitting Rules for Stormwater Design and Operation Regulations, Ch. 62-330, F.A.C.

Mobility Plans

The Florida League of Cities SUPPORTS legislation that defines and clarifies mobility plans in order to provide a clear and concise framework for Florida cities to acquire, construct, and implement both traditional and alternative modes of transportation.

Public Safety Recruitment and Retention

The Florida League of Cities SUPPORTS legislation and state funding to enhance the recruitment and retention efforts to attract talent in public safety positions. The Florida League of Cities SUPPORTS legislation that eases certification barriers for sworn law enforcement officers and firefighters relocating to the state of Florida.

Transportation Infrastructure

The Florida League of Cities SUPPORTS legislation to make equitable essential investments to ensure that transportation infrastructure can effectively serve the needs of present and future residents and visitors. This includes identifying new revenue sources for statewide, regional and local transportation requirements while promoting and leveraging existing funding channels. We SUPPORT the introduction of a fee for alternative fuel vehicles to ensure they fairly contribute to transportation infrastructure costs. We also SUPPORT the inflationary indexing of the Municipal Motor Vehicle Fuel Tax. A well-preserved transportation network not only inspires businesses to invest in our cities but also fuels job creation and economic development.

POLICY POSITIONS:**Property Assessed Clean Energy (PACE)**

The Florida League of Cities SUPPORTS legislation to clarify the term "local government" under the Property Assessed Clean Energy (PACE) program means a county, a municipality, a dependent special district or an intergovernmental entity that has jurisdiction only within the boundaries of the participating members of an interlocal agreement.

**Property Tax Protection**

The Florida League of Cities SUPPORTS legislation that maintains an equitable property tax system while preserving a municipality's ability to fund public infrastructure, police, fire, emergency services and other essential services. Any further erosions or exemptions on the current property tax structure will unfairly shift the tax burden to the business community, renters and others.

Short-Term Rentals

The Florida League of Cities SUPPORTS legislation that restores authority to local governments for the regulation of short-term rental properties as necessary for quality of life, public safety and the creation of fair lodging standards. The Florida League of Cities SUPPORTS legislation clarifying existing grandfathered municipal short-term rental ordinances can be amended without penalty. The Florida League of Cities OPPOSES legislation that preempts municipal authority as it relates to the regulation of short-term rental properties.

Sovereign Immunity

The Florida League of Cities SUPPORTS protecting Florida taxpayers by limiting the waiver of sovereign immunity on monetary damages recoverable in tort claims against government entities.



PROCLAMATION

Recognizing January, 2024 as Human Trafficking Awareness Month in Ocean Breeze, Florida

WHEREAS, Human Trafficking is a form of modern-day slavery in which human beings are controlled, abused, and exploited for a profit through labor and sex; and child sex trafficking is the fastest growing crime in the world.

WHEREAS, Children have become the primary target of traffickers and predators as reported by the Florida State Alliance to end human trafficking.

WHEREAS, Human Trafficking and Child Sexual Exploitation online is happening in our own backyards, with arrests documented in the Treasure Coast this year. Florida ranks #3 in the nation for human trafficking hotline calls; and

WHEREAS, local agencies, organizations, businesses, schools, and leaders are connecting to bring an end to this horror of enslaving and abusing children and adults through awareness and equipping citizens to provide tips to local law enforcement. Florida Faith Alliance is providing awareness videos and curriculum for children of all ages and for teachers, to be a large part of the sweep of awareness in the Treasure Coast.

NOW, THEREFORE, I, Karen M. Ostrand, by virtue of the authority vested in me as Mayor of the Town of Ocean Breeze, Florida, call upon all residents to support the first annual Florida Faith Alliance January Awareness Presentation, to equip parents, grandparents and concerned citizens to eliminate Human Trafficking and help empower schools and citizens to recognize the signs, turn in tips, and save lives. Together, we can work to stop this travesty through awareness and education, with a long-term plan to house and restore more victims.

We support Florida Faith Alliance to say, "NOT ON OUR WATCH!"

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Ocean Breeze to be affixed this 8th day of January, 2024.

Town of Ocean Breeze, Florida

Karen M. Ostrand, Mayor



Memorandum

To: Mayor and Town Council Members

From: Kim Stanton, Town Clerk

Date: 1/8/2024

Re: Council / Mayor Board Appointments and Liaison Activities

Message

At the Council's last meeting, the appointment of town representatives was delayed to allow staff ample time to prepare a more detailed summary of each entity's mission, location, meeting times, etc. (please see attached).

Staff recommendation:

Appointment of representatives to vacant positions.

ks

Council Mayor Board Appointments and Liaison Activities
January 8, 2024 Regular Town Council Meeting

Organization		Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments	Action Taken at Jan 8 2024 Regular Town Council Meeting
1	Florida League of Cities (FLC) - The League's mission is to serve the needs of Florida's cities and promote local self-government by supporting local voices making local choices to protect and enhance Florida's communities.	Paying Member (\$602)	Yes, with over 400 members, membership of the FLC Board is determined via a statewide nominating process, elimination ballots, etc.	Mayor Ostrand, Council Member Docherty	No		Mayor and Town Council members serve as time and travel budgets permit.	
2	Florida League of Cities Legislative Committee Sub Group (FLCLCSG) - Appointments are typically a one-year commitment and involve developing the League's legislative platform detailing priority issues that are most likely to affect daily municipal governance and local decision making during the upcoming legislative session. Policy committee members also help League staff understand the real-world implications of proposed legislation and are asked to serve as advocates throughout the legislative process.	The Town's elected officials are eligible to seek participation by virtue of its FLC membership.	Yes	Mayor Ostrand, Municipal Administration Committee	Yes	Council Member Docherty, Finance, Taxation and Personnel Committee	The Mayor currently serves on the Municipal Administration Committee; Council Member Docherty serves on the Finance, Taxation and Personnel Committee	

Council Mayor Board Appointments and Liaison Activities
January 8, 2024 Regular Town Council Meeting

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3	Florida League of Mayors (FLM) - The FLM was created in 2005 for Florida Mayors. Our membership statement is vision, leadership and public service. FLM is a member-driven organization that exists to serve the educational and professional needs of Florida's Mayors.	Paying Member (\$350)	Yes, membership on the board is determined through a statewide nominating process.	Mayor Ostrand	No		Mayor Ostrand currently serves on the board.	
4	Treasure Coast Regional League of Cities (TCRLC) - The Treasure Coast Regional League of Cities promotes communication, collaboration and education among municipalities of Indian River, Martin, Okeechobee and St. Lucie Counties; encourages effective advocacy for home rule to all levels of government; fosters excellence in local self-governance and represents the Treasure Coast with the Florida League of Cities.	Member (no fee)	Yes, as one of the organization's 16 (+/-) members, the Town is entitled to one member and an alternate on the board.	Mayor Ostrand is serving on this Board	Yes	Council Member Docherty is the alternate		

Council Mayor Board Appointments and Liaison Activities
January 8, 2024 Regular Town Council Meeting

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5	Treasure Coast Regional League of Cities Advocacy Team (TCRLCAT) - encourages effective advocacy for home rule to all levels of government; fosters excellence in local self-governance.	Eligible to participate by virtue of its TCRGLC membership	Yes, the team is generally made up of one or two volunteer representatives from each member jurisdiction. It should be noted that Sunshine Law requirements apply if there are two team members from a single jurisdiction.	Mayor Ostrand, Chairman of Advocacy	Yes	Council Member Docherty, Team Member		
6	Treasure Coast Council of Local Governments - A (congenial) organization of local elected officials from County and Municipal governments and School Boards focused primarily on issues of regional impact.	Currently a member (\$200 due in January of each year)	Yes.	Former Vice-President Bill Arnold; Council Member Docherty has routinely attended meetings in Mr. Arnold's absence and has expressed a desire to be the Town's representative.	yes	Council Member Kevin Docherty	Council needs to appoint a primary and alternate representative. Meetings are held Jan 3 (Marsh Landing in Fellsmere - installation lunch), Feb 7, Mar 6, Apr3, May1, Jun 5, July 10 (Okeechobee BBQ), Aug 7, Sept 4, Oct 2, Nov 6, Dec 4. All meetings are held at 10AM, 2300 Virginia Avenue, Conference 3, Fort Pierce, FL 34982.	

Council Mayor Board Appointments and Liaison Activities
January 8, 2024 Regular Town Council Meeting

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7 Local Legislative Delegation - The local County Legislative Delegation Meeting held its annual public hearing on Thursday, October 5th, 2023. The delegation hearing is intended to afford local residents and officials an opportunity to request legislation or state funding and express opinions on issues to be considered by the state legislature during the 2023/2024 Regular Session. The Legislature is scheduled to convene in session on January 9, 2024 in Tallahassee.	Constituent Local Government	N/A	N/A	Mayor Ostrand regularly attends by virtue of Florida League of Cities participation.		The local delegation includes Senator Gayle Harrell, Representative John Snyder, Representative Toby Overdorf. Mayor and Town Council members attend as needed and at their own initiative. No fixed schedule.	
8 Martin Metropolitan Planning Organization (MPO) - Founded in 1993, the Martin MPO is a federally mandated public agency that works to coordinate the improvement of all facets of the transportation network in Martin County.	Not a member	No.	NA	yes	Mayor and Council Members have routinely attended as needed.	Due to its small population, the Town does not have a seat on the MPO. Gaining membership, which requires broad local government support and ultimately the Governor's approval, is challenging and would involve a considerable "campaign" effort on the part of the Town. The MPO regularly meets and meetings are open to the public. Does Council wish to appoint a liaison to attend?	

Council Mayor Board Appointments and Liaison Activities
January 8, 2024 Regular Town Council Meeting

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9	Martin Metropolitan Planning Organization Citizen Advisory Committee (CAC) - The Citizens Advisory Committee (CAC) strives to represent the citizens of Martin County and is responsible for providing continuous public input for the MPO decision-making process. In this capacity, the Committee reviews and comments on transportation planning documents and relevant issues to be brought before the MPO Board.	Currently, no Town citizen is participating	no	no	yes	Former Council President Ann Kagdis was appointed as a county representative by Commissioner Smith. No Town residents are on the committee at present.	Meeting are held Feb 7, April 3, June 5 & Sept 4, 2024 @ 9:00 AM (BOCC Commission Chambers)	

Council Mayor Board Appointments and Liaison Activities
January 8, 2024 Regular Town Council Meeting

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10	Martin Metropolitan Planning Organization Technical Advisory Committee (TAC) - The Technical Advisory Committee (TAC) is a source of wide-ranging professional expertise for the MPO Board and includes representatives from state and local governmental agencies. The Committee is responsible for advising the Board on all technical matters, including transportation plans, studies, and implementation programs. Additional benefits result from the continuous and worthwhile coordination between Committee Members and agencies.	Vacant	Yes	Former President De Angeles	No	NA	Council needs to appoint a Member and an alternate. The TAC consists of 12 voting members. The meetings are held Feb 5, April 3, June 3 & Sept 4, 2024 at 1:30 PM (4th Floor Workshop Room).	

Council Mayor Board Appointments and Liaison Activities
January 8, 2024 Regular Town Council Meeting

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11	Martin Metropolitan Planning Organization Bicycle and Pedestrian Advisory Committee (BPAC) - The Bicycle & Pedestrian Advisory Committee (BPAC) represents the citizens of Martin County on all bicycle and pedestrian-related issues. The Committee is responsible for providing input into the MPO decision-making process, which includes reviewing and commenting on planning documents and identifying relevant issues to be brought before the MPO Board.	No representation at time time	No; Council Member Docherty has served in the past	N/A	Yes	Kevin Docherty	Does Council wish to seek participation on this Board? If the Council wishes to pursue membership, it will need to approve a designee to be appointment. If yes, the nominee would need fall within the categories of merchant, homeowner's association, a representative from the disabled community or bicycling community. Meetings are held Feb 12, April 8, June 10 & Sept 9 at 2:00 PM (BOCC Commission Chambers)	

Council Mayor Board Appointments and Liaison Activities
January 8, 2024 Regular Town Council Meeting

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12	Martin County/Jensen Beach Community Redevelopment Area (CRA) Neighborhood Advisory Committee (NAC) - The Jensen Beach Neighborhood Advisory Committee (NAC) meets regularly at the Jensen Beach Community Center on Jensen Beach Boulevard and provides advice and recommendations to the Community Redevelopment Agency regarding the implementation of projects adopted within the Jensen Beach CRA Plan.	Not a member	No.	NA	The Mayor and Council Members have, at times, attended meetings particularly regarding matters of the Town.		Does Council wish to appoint a designated liaison and an alternate to monitor the activities of this Committee? All meetings are on Wednesday at 5:00PM (unless otherwise noted) at the Jensen Beach Community Center, 1912 NE Jensen Beach Boulevard, Jensen Beach on the following dates in 2024: January 3, March 6, May 1, July 3, September 4 and November 6.	
13	Jensen Beach Chamber of Commerce (JBCC) - Chambers of Commerce main activities are, among others, safeguarding business interests and sharing business experiences and business interests, contact with governments, civil society, local media and the press and organizing trade shows and events.	Paying Member (\$250)	No	NA	Yes	Mayor and Council Members routinely attend events.	It is assumed the Town Council members and Mayor will continue to participate in various Chamber events at their own initiative.	Participate at the discretion of Mayor and Town Council

Council Mayor Board Appointments and Liaison Activities
January 8, 2024 Regular Town Council Meeting

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14	Invitations to official events, ribbon cuttings, State of the County Speech, etc.	NA	NA	NA	NA	NA	Attendance at these types of events has been at the discretion of individual Council Members and the Mayor. Unless otherwise directed, staff will continue the role of informing everyone of events as they become known and assisting with reservations, RSVP's, etc.	Participation at the discretion of Mayor and Town Council

From: ron@jensenchamber.com
Sent: Wednesday, January 3, 2024 9:44 AM
To: Town Clerk
Subject: History Museum & Foundation

You don't often get email from ron@jensenchamber.com. [Learn why this is important](#)

The Entrepreneurship Foundation, Inc. is a specialized business educational foundation that provides resources needed to support entrepreneurial development in the community. The Foundation fosters, encourages and promotes an entrepreneurial culture and acts as the unifying source of educational, government and private sector resources to benefit current and future entrepreneurs.

Contact Foundation President: Ed Griffith (772) 334-1950

The History Museum of Jensen Beach, Inc. preserves the heritage of Jensen Beach for the benefit of present and future generations. Housed in the Jensen Beach Community Center in downtown Jensen Beach, the museum promotes the collection, preservation, and educational interpretation of its people, institutions, and culture. The museum also displays early artifacts, photos, and documents.

Contact Museum President: Ann Kagdis (772) 334-3444

[Ronald E. Rose, President CEO](#)
Jensen Beach Chamber of Commerce
Jensen Beach Community Center
1912 NE Jensen Beach Boulevard
Jensen Beach, FL 34957
w: (772) 334-3444
c: (772) 341-6772
Ron@JensenChamber.com
www.JensenChamber.com

CP 8 # 2msfI

1. *Phragmites* (Common Reed)

[illegible]

**TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, September 11, 2023
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 Seabreeze Way, Ocean Breeze, FL**

- 1. Call to Order** – President De Angeles called the meeting to order at 10:30AM
 - President De Angeles asked for a moment of silence for the victims of the 9/11 terror attack.
 - Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
 - Roll Call – Present Mayor Karen M. Ostrand, President Kenneth De Angeles, Vice-President Bill Arnold, Council Members Kevin Docherty, Sandy Keblbeck-Kelley, Gina Kent and Liz Reese
 - Staff Present –Town Management Consultant, Terry O’Neil, Kim Stanton, Town Clerk; and Administrative Assistant, Shannon Roger

- 2. Approval of Minutes** – Council Member Docherty, seconded by Council Member Reese, made a motion to approve the Minutes of the August 14, 2023 regular meeting.

All in Favor: Yes: De Angeles, Arnold, Docherty, Reese, Kelley, Kent; No: None; Motion Passed – 6-0

- 3. Comments from the public on topics not on the Agenda** – Ann Kagdis, resident of Ocean Breeze Resort, announced that she was the President of the History Museum of Jensen Beach. She requested a donation to the History Museum in the amount of \$150.00 which represented the sponsorship level. She also requested a donation to the Entrepreneurship Foundation in the amount of \$200.00 to support high school students in the classroom. She spoke about the art and music auction, which was held in April of each year, and benefited the art and music programs at Jensen Beach Elementary School and Jensen Beach High School. She requested that the Town Council consider again donating a basket of items for the auction; she also asked the Town Council and the Mayor to consider donating their services for set-up and break-down.

President De Angeles inquired of Mr. O’Neil the process for making such a donation.

Mr. O’Neil answered that the Town Council had decided during the budget hearings that a certain amount of money would be set aside in the budget for such donations and that each request would be considered, and that these requests could be considered at the budget hearing or at the next regular meeting in October and he suggested making a decision on this request at a subsequent meeting.

Dedrie Henry, resident of Ocean Breeze Resort commented that she supported these donations.

President De Angeles asked for further comments from the public.

There were none.

- 4. Comments from the Council on topics not on the Agenda** – Council Member Docherty commented that he and the Mayor attended the Florida League of Cities Legislative conference in Orlando, and gave an update on the Finance, Taxation and Finance Committee meetings he attended. He reiterated the importance of the Town having a voice at these meetings.

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
October 2023 through September 2024

	<u>Oct '23 - Sep 24</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Expense			
6101 · General Government			
513820 · Contributions	<u>0.00</u>	<u>1,000.00</u>	<u>-1,000.00</u>
Total 6101 · General Government	<u>0.00</u>	<u>1,000.00</u>	<u>-1,000.00</u>
Total Expense	<u>0.00</u>	<u>1,000.00</u>	<u>-1,000.00</u>
Net Ordinary Income	<u>0.00</u>	<u>-1,000.00</u>	<u>1,000.00</u>
Net Income	<u>0.00</u>	<u>-1,000.00</u>	<u>1,000.00</u>

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.

FYI

Permits

From: Permits
Sent: Tuesday, January 2, 2024 2:58 PM
To: Mike Flaugh
Cc: Terry O'Neil (terracewoneil@gmail.com); Town Clerk
Subject: Re: Seawalk Landscaping and Irrigation

Happy New Year, Mike!
Perfect, thank you for the update?

Pam Orr
Permits Processor
Town of Ocean Breeze
772-807-2557

From: Mike Flaugh <mike@mikeflaughla.com>
Sent: Tuesday, January 2, 2024 1:04:09 PM
To: Permits <permits@TownofOceanBreeze.org>
Subject: RE: Seawalk Landscaping and Irrigation

You don't often get email from mike@mikeflaughla.com. [Learn why this is important](#)

Hi Pam,
Hope you had wonderful Christmas and New Years!
As you know we were just green lighted on the project Dec 14th and then we had 2 weeks of holidays, so we are just looking at it in earnest right now. Bert will be on site this week and next, I would look for the report in 3 weeks.
Thank you,
Mike

Thank you for using email, it is the best way for us to accurately interpret, respond, share and archive client comments and information.

Mike Flaugh, Landscape Architect
772-419-0024

FL reg # LA0001728
Member American Society of Landscape Architects
www.MikeFlaughLA.com

Stuart
3744 SE Ocean Blvd, Stuart, FL 34996.

Islamorada
80925 Overseas Highway, #7, FI 33036

Naples
4850 Tamiami Trail N Suite 301, FL 34103

From: Permits <permits@TownofOceanBreeze.org>
Sent: Friday, December 29, 2023 5:16 PM
To: Mike Flaugh <mike@mikeflaughla.com>
Subject: Seawalk Landscaping and Irrigation

Hi Mike:

We are preparing for the Town Council meeting and are wondering if you could please give us an update on your progress regarding the landscaping and irrigation at Seawalk.

Thank you!
Happy New Year!

Pam Orr
Permit Processor



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

FVI

ROSS EARLE BONAN ENSOR & CARRIGAN, P.A.
ATTORNEYS AT LAW

DEBORAH L. ROSS*
DAVID B. EARLE +*
ELIZABETH P. BONAN*
JACOB E. ENSOR*

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789 SW FEDERAL HIGHWAY
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(772) 287-1745

TRANSOCEAN BUILDING
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VERO BEACH, FLORIDA 32963
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JOHN P. CARRIGAN*
GARY E. SIMMONS, JR.
KATE E. BRADFORD
KURT A. McDAVID

+CERTIFIED CIRCUIT CIVIL MEDIATOR

BOARD CERTIFIED IN CONDOMINIUM*
& PLANNED DEVELOPMENT LAW

December 20, 2023

**Via Regular U.S. Mail and
Certified Mail RRR**

Town Of Ocean Breeze
c/o Michael Cristoforo, Esquire
759 SW Federal Highway, Suite 106
Stuart, FL 34994

RE: Sea Walk Homeowners' Association, Inc.
Development Deficiencies

Dear Mr. Cristoforo:

As you are aware, our firm represents the unit owner-controlled Sea Walk Homeowners' Association, Inc. (the "Association"). Pursuant to our recent conversations, please accept this letter as a preliminary summary of the Association's identification of the Developer's failure to fully and accurately comply with the landscaping and infrastructure elements of the Sea Walk Subdivision Project (the "Project"), as identified in your letter to the Town of Ocean Breeze (the "Town"), dated July 10, 2023.

In an effort to identify the Association's concerns in a format that the Town is familiar with, the deficiencies identified herein are tracked according to the numbering of the "Sea Walk Close Out Working List" dated December 6, 2022 (copy attached for ease of reference).

3. **Individual Parcel Landscaping.** As reflected in Michael Flaugh (Landscape Architect)'s report dated March 23, 2023 (the "Landscape Report"), and onsite observation, it has become evident that the individual lots were landscaped without proper topsoil. The lack of proper topsoil has resulted in a situation where the ground is unusually dry and does not retain moisture. This has resulted in widespread deterioration of the lots' landscaping and is endemic throughout the Project.

5. **Common Area Landscaping and Irrigation.** As reflected in the Landscape Report, some required trees are missing, and a majority of the easements and common areas are very dry due to the lack of Common Area irrigation and proper topsoil. It is the Association's understanding that the project was approved by the Town to be constructed *without* common area irrigation (except at the entrance), under the premise that the Common Area landscaping to be installed by the Developer would be "drought proof".

That said, it appears that the Town did issue a permit for irrigation in a portion of the Common Areas. Ms. Orr confirmed this when Association representatives met with the Town on November 7, 2023. Please provide us with a copy of that permit. The Association needs to understand what portion of the irrigation was intended to be permanent and what portion was not.

Unfortunately, although it appears that the Developer may have installed some sort of “temporary irrigation” (there is still an outstanding question as to whether some of that temporary irrigation was connected to individual lots’ irrigation lines), now that the “temporary irrigation” used to water common area irrigation during the Developer’s sales period is non-functioning, the native trees installed are struggling due to lack of water; retention ponds are very dry and sand cordgrass is dying. The Landscape Report’s field notes identify which trees are missing, which trees have died, and which areas are unacceptably dry. The Association believes that this deficiency is caused both by installation of plantings that require irrigation (where there is none) and the failure of the Developer to utilize proper topsoil, resulting in ground covering that cannot hold moisture. The Association has had to have several plants and trees removed from the Common Area as a result of this deficiency, both to protect the surviving foliage and the aesthetics of the community and has been damaged as the result of same.

The Association’s understanding is that Mr. Flaugh will be preparing a follow up report which more specifically identifies areas that are improperly irrigated (based upon the plants called out in the Town’s approved landscape plans), or require topsoil, and that the such report will include recommendations for remedial actions to bring the landscaping into compliance with the PUD – including replacement of plantings and trees that were removed and the addition of plantings and trees that were improperly omitted by the Developer.

Moreover, the Landscape Report has documented Gopher Tortoise nests in the retention ponds, which should have been addressed by the Developer prior to construction and must be addressed before the Performance and Surety Bond is released.

6. Preserve Area PAMP Compliance. To date, the Association has not been provided with a copy of EW Consultant (Paul Ezzo)’s certification that all preserve areas are free of exotics, debris, intrusions caused by construction activities, etc., and are in compliance with the PAMP, and that all required PAMP reporting obligations to the Town and Martin County have been satisfied.

Moreover, when the Association requested copies of the required PAMP monitoring reports, the Town has confirmed to the Association that it is missing the following reports which were due from the Developer: Time-Zero Monitoring Report (due 6 months after Baseline Report or September 2019), 2nd Annual Monitoring Report (due 12 months after 1st Annual Report or April 2021), and 3rd Annual Monitoring Report (due 12 months after 2nd Annual Report or April 2022). The Town must enforce its PUD and take affirmative action regarding the Developer’s failure to submit the required monitoring reports.

Note, the Association is specifically aware of the fact that there is a stand of invasive trees on the west side of the Project that were reportedly not removed from the Project by the Developer in order to shield an adjacent community from the construction of the Project. However, upon completion of

construction, the Developer failed to remove such invasives. It is believed that proper monitoring reports will reveal additional deficiencies.

9. **Agreement with Martin County Sheriff's Office for Traffic Control.** Such an agreement is called out on the Close-Out list. In order to enter into same, the Developer would have to demonstrate that the roadways, traffic calming and signage are DOT compliant. The Association requests that the Town require same.

11. **Ocean Breeze Access Agreement.** Like the Town, the Association requires a copy of such an agreement.

13. **Bond Retention/Refund/Reduction.** The Association is in receipt of a copy of Town Attorney, Rick Crary's emailed memorandums dated August 19, 2022, and October 12, 2022, regarding the maintenance and release of the Performance and Surety Bond posted for the Project (the "Bond"). The Association requests an update on the Town's analysis of the Developer's compliance with the PUD and any request by the Developer or response from the Town regarding a reduction or release of the Bond. Moreover, we need clarification on the term of the Bond (which was touched upon in Eick Crary's email of August 19, 2023, to the Town.

18. **Drainage from Ocean Breeze Plaza Causing Erosion.** There appears to be stormwater flowing from Ocean Breeze Plaza lot located behind Sea Walk lots 11-21, into the Projects dry retention area in contravention of SFWMD requirements. The Town must require the Developer to confirm that the Sea Walk infrastructure design took into account historical storm water flows from the Plaza site and to confirm whether the Plaza's discharge exceeds what the Sea Walk site is obliged to accommodate.

19. **Deficient Lot and Common Area Drainage.** There are observable drainage deficiencies in the Project. One specific example is in the common area behind lots 60-68. This area was inspected by McKenzie engineering who then reported to the Town:

*We reviewed lots 60-68 and they were **generally constructed** in accordance with the approved master stormwater design plans. Additionally, we verified the Finished Floor Elevations, drainage flows, swale bottoms/slopes, and lot lines elevations. The final construction surveys show **minor variations** from the proposed design elevations. (emphasis added)*

The Association believes that the Developer's engineer should be required to verify that all lots and the common area were constructed in *strict* accordance with the approved master stormwater design plans and without variation from the proposed design elevations. At a minimum, any variations from the approved stormwater design plans and the design elevations should be specifically identified so that they can be evaluated by the Town and the Association.

20 - 22. **Deficient Project Entry Gates and Turnaround Radius.** There are several areas of deficiency in this category. Specifically:

- A. As reflected in the LaConte Engineering Report dated November 18, 2023, the “T” turnaround immediately adjacent to Lot 1 of the Project is deficient and requires modification.
- B. The turnaround at the Project’s entrance on NE Skyline Drive is too narrow in that it creates an unsafe condition whereby vehicles that are denied access to the Project must back out into the street.
- C. The western 'residents only' gate which has an asphalt turnaround is too narrow for anything besides a small passenger car.

Moreover, there have been a myriad of problems with the entrance gates and the safety gate system at the Project’s swimming pool (which are required to be installed correctly by code and the Florida Administrative Rules). The Association requests that the Town require the Developer to replace same as necessary and to reimburse the Association for monies spent to attempt to correct the deficiencies to date. More data from the Association regarding same will be provided under separate cover. These items were more particularly brought to the Town’s attention at the November 7, 2023 Town meeting that Association Board representatives attended, and the Association will provide a detailed list of the costs incurred by it upon request.

23. **Lot 1 Deficiencies.** The Association agrees that Developer, must make remedial improvements to Parcel 1, as approved by the Owner of Lot 1, that address inconsistencies with the infrastructure plan and/or the individual parcel plan, including but not limited to improper grading and slopes, risks of erosion and questionable access to perimeter landscaping. Further, to the extent that the remedial work impacts the adjoining preserve area, those impacts must be offset by new native plantings specified by EW (Paul Ezzo), to be shown on the plan and approved by the Town.

27. **Parcel A.** According to the approved Revised Master Final Site Plan, Parcel “A” was to be a parcel within the Project to be dedicated to The Town. However, it has been sold to a third party for residential development, despite the fact that there is a Martin County water line that services the Project located thereon. The Close Out list confirms that the Town has received Martin County’s acceptance of the water line located on Parcel A which services the Project. However, the Association requires a copy. Also, where is the revision to the Revised Master Site Plan removing Parcel A from the Project?

30. **Flooding to Adjacent Properties Due to Improper Stormwater Retention.** There have been reports of stormwater flowing from the Project onto residential properties outside of the Project. The Association requests that the Town confirm that there is no improper offsite flow or discharge of stormwater before it issues its final approval.

31. **Overall Infrastructure Concerns.**

- A. **Roadways** – it has come to the Association’s attention that the asphalt just inside the main entry gates to the community is “bubbling up”, by several inches in some cases. This has been reported to the Town on at least two (2) occasions, and the Town had indicated it would send an engineer out to inspect this condition. To date, it does not appear this inspection has been

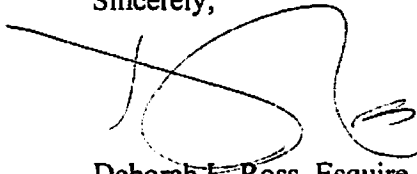
completed. The Association also requires written certification that the community's roadways have received the proper final lift of asphalt.

- B. Storm Drain Cleanout: The Association paid for a storm drain cleanout and removed substantial amounts of construction debris from drains. There continues to be construction debris visible in the common/preserve areas (cinder blocks, PVC pipe, etc.), thus it is clear that the Developer didn't adequately remove debris as was required.

Moreover, as reported to the Town and Forestar in August 2023, there appears to be a defect in the sewer pipes, as they appear to show evidence of collapse (which is more than cosmetic cracking in the brick overlay above the sewer pipes as claimed by Forestar). Scott Montgomery opined in August that additional inspection was required – and we agree, as we have verified that there is significant sand and soil within the community's sewer pipes.

- C. Closeout List Attachment #5. Item 31 on the closeout list states: "Over the course of the project's development both individual residents and the HOA have raised several questions or concerns regarding components of both the PUD and the scope of the infrastructure improvements (see attachment #5)". The copies of the closeout list that the Association has do not include attachment #5. Please provide us with a copy of attachment #5.

Sincerely,

A handwritten signature in black ink, appearing to read 'DLR', with a large loop and a horizontal line extending to the left.

Deborah L. Ross, Esquire
DLR/mj
Enclosures

cc: Association
Management

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

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

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

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

Town Clerk

From: Michael Heller
Sent: Sunday, January 7, 2024 5:01 PM
To: Terry O'Neil (terracewoneil@gmail.com)
Cc: Town Clerk
Subject: Train Noise Diagram and Wayside Horn Description

Follow Up Flag: Follow up
Flag Status: Flagged

Terry,

Is there any way these two articles can be printed and placed at each Council Members' seat for tomorrow's meeting? I plan to ask about the feasibility of installing wayside horns at the railroad crossings at Jensen Beach Blvd and Palmetto Drive. These devices will substantially reduce the current 90+ decibel train horn sound that most - if not all - of our Town's residents are exposed to more than 30 times each day. Thank you.

This article provides a good overview of train crossing Supplemental Safety Measures (SSM"s) that are required before a quiet zone can be requested.

<https://www.fortworthtexas.gov/files/assets/public/v/1/tpw/documents/rrprogramoverview6-052.pdf>

This article contains a diagram of the noise fields associated with standard train horns and wayside horns:

<https://portal.ct.gov/DOT/CTDOT-Press-Releases/2019/CTDOT-ANNOUNCES-NEW-WAYSIDE-HORN-SYSTEM-THAT-REDUCES-TRAIN-NOISE-ALONG-THE-HARTFORD-LINE-RAIL-CORRID>

Regards,
Council Member
Mike Heller

RAILROAD PROGRAM OVERVIEW

Including New QUIET ZONE ESTABLISHMENT

RAILROAD PROGRAM OVERVIEW

The City is developing a new Railroad Program to improve railroad crossing safety and to create quiet zones to minimize train horn noise. The Program will improve railroad crossings citywide by upgrading crossing equipment, developing quiet zones, and raising public awareness about crossing safety.

The City was granted the authority to create quiet zones at railroad crossings because of the recently approved Federal Railroad Administration's (FRA) Train Horn Rule design and certification requirements, which became effective June 24, 2005. The City may implement a quiet zone project if a crossing is suitable for adding quiet zone devices and if project funding has been secured.

QUIET ZONE REQUIREMENTS

Train Horn Rule

The newly approved Train Horn Rule published by the FRA establishes the conditions under which a train horn must be used and the requirements for quiet zone implementation. Unless a crossing is designated as a quiet zone, federal law requires that train locomotives must sound the horn 15-20 seconds prior to arrival at a crossing. This means that the train horn must be sounded continuously from about ¼ mile in advance of a crossing until the train reaches the crossing.

Quiet Zone Development

The Rule provides procedures that the City can follow to create quiet zones which would prohibit routine train horn use. The City must install Supplemental Safety Measures (SSMs) to compensate for the train horn. With a proper SSM, or quiet zone device, in place the City can issue a certification notice to inform the FRA, the railroad, and others that the crossing is in compliance with the federal standards for a quiet zone. A group of crossings qualifies for quiet zone status if each individual crossing meets requirements. Federal approval is not necessary, however, strict guidelines are established to certify that each crossing is in compliance with FRA standards.

The FRA identifies specific methods to implement a quiet zone. The following techniques describe basic methods or devices used to deploy a quiet zone:

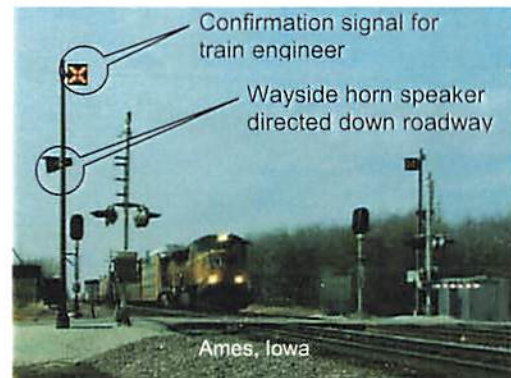
Median Barrier. In order to prevent drivers from deliberately driving around lowered railroad gates, a median barrier may be placed along the centerline of a roadway. A median barrier should project at least 100 feet in advance of the crossing gate on each side of the tracks. In certain cases, the median may be only 60 feet in length. The median barrier is the preferred quiet zone SSM device because it is the least expensive to install and maintain. It typically may be used unless there is an intersecting street or driveway nearby that will not allow sufficient length for a median to be placed.

Typical cost range: \$15,000-\$30,000.



Wayside Horn System. Wayside horns may be used in lieu of the locomotive train horn. This device is a set of roadside mounted speakers that emit a train horn sound only in the vicinity of the crossing and directed toward the roadway. A dramatically smaller portion of the neighborhood hears this horn noise sound. The system includes a confirmation for the train engineer that provides an indication that the wayside horn system is functional.

Typical cost range: \$60,000-\$80,000.



Four-Quadrant Gate System. The use of four sets of gates blocks vehicle passage on the entire roadway and effectively prohibits a motorist from driving around the gate. Typically, all four gates are lowered at the same time; however, as an additional safety feature, if a car is on the tracks the departure gate will raise until the car leaves the track area. Vehicle sensors installed in the roadway at the crossing will automatically keep the gates raised until the car passes by.

Typical cost range: \$150,000-\$500,000.



Street Closure. A street closure eliminates the railroad crossing thereby removing the need for a train horn. If the street is not necessary for local needs or for emergency service vehicle access, and other nearby streets are suitable to provide traffic circulation, then the street can be considered for closure.

Typical cost range \$10,000 to \$200,000. A closure may entail the installation of one barricade on each side of the track. However, some streets will require a cul-de-sac and right-of-way acquisition, which will increase the cost significantly.



For additional information on these methods, refer to the Federal Railroad Administration publication, 49 CFR Parts 222 and 229, Use of Locomotive Horns at Highway Grade Crossings: Final Rule. The Train Horn Rule is available at the FRA's website at <http://www.fra.dot.gov/>, then search for the "Final Rule" document.

Quiet Zone Design, Certification and Funding

Because each crossing has unique characteristics such as the number of roadway lanes, or the presence of adjacent streets or driveways, the design requirements may dictate the use of one quiet zone method over another. If a crossing has only railroad cross-buck signs, in addition to the quiet zone device, a modern gated railroad signal must be installed. Some existing gated railroad signals may require modernization. In a few cases it may be impractical to create a quiet zone.

Once proper SSMs are in place, a city can issue a certification notice to inform the FRA, the railroad, and others that the crossing is in compliance with the federal standards for a quiet zone.

The City or private groups will normally fund the SSM devices. For some projects, it will also be required to fund necessary upgrades to bring the railroad signal equipment up to modern standards.

OVERVIEW - CITY OF FORT WORTH RAILROAD PROGRAM

The goals of the City's proposed Railroad Program are to update railroad grade crossings, reduce train horn noise, and improve crossing safety. These goals will be accomplished by improving crossing protection devices, deploying quiet zones, and promoting the safe use of railroad grade crossings. The type of applicable projects, design methods, and funding options are described in the following sections:

Railroad Crossing Improvements

Typical projects within the program include the following:

- Crossing Protection Improvements. Railroad crossing protection devices (signing, signals and gates) may be installed as safety improvements.
- Crossing Elimination. Closing unneeded streets at a grade crossing eliminates the railroad crossing.
- Quiet Zone Development. A quiet zone is one or a group of grade crossings in an area that use approved crossing devices or techniques (SSMs) to eliminate the use of train horns, thus improving the environmental (noise) quality in a neighborhood.

Railroad Project Funding

Funding for City of Fort Worth railroad projects may be accomplished with Capital Improvement Project (CIP) funds, federal grant programs, or developer or private contributions. CIP Railroad Program funds and grant programs are intended to support projects initiated by the city. A private entity may initiate a quiet zone project at the City, and

fund the project in its entirety. If a private entity provides complete project funding for installation and maintenance, then the project will be prioritized for installation.

Capital Project Ranking and Project Selection

In order to ensure the best use of public funds, the Railroad Program includes a project ranking and selection process. Candidate projects are rated using a set of project priority rating criteria. Basic steps for a candidate project that meets all requirements in this policy are as follows.

1. Project Evaluation

An evaluation of the crossing(s) will be conducted. Basic design and preliminary costs will be produced. The project will be rated with other crossing projects, and as funds are available, higher rated projects will be recommended.

Draft Railroad Program – Project Priority Rating Criteria

A priority rating criteria is used to rank each candidate project. Evaluation criteria for each individual project consist of factors related to the anticipated benefits from a proposed improvement.

- **Project Crossing Exposure** – Based on the amount of trains at the crossing per day.
- **Land Use and Density** – Based on population and the number of schools and hospitals within ½ mile of the crossing.
- **Local Site and Other Considerations** – Based on the impact the project achieves to improve specific crossing problems.
- **Project Cost** – Based on the cost to construct the project and to maintain the facility. Improvements funded by a grant or outside contributions will lower the city's cost to deploy the project.

2. Preliminary Engineering and Community Support

Projects that are recommended from the Project Evaluation stage will be further examined for feasibility. Preliminary engineering will be undertaken with the railroad company and roadway designers to determine the specific design and project cost. Community support for the project may also be requested at this time.

3. Project Authorization

The City Council will authorize projects as necessary. Project agreements and design will be completed, and construction will commence.

For additional information about the quiet zones or the City's Railroad Program, please call Russ Wiles, Transportation and Public Works Department, 817-392-7978 or 817-392-2405.



Connecticut Department of Transportation

[CT.gov Home](#) / [Department of Transportation](#) / [DOT](#) / CTDOT ANNOUNCES NEW WAYSIDE HORN SYSTEM THAT REDUCES TRAIN NOISE ALONG THE HARTFORD LINE RAIL CORRIDOR

Press Releases



CONNECTICUT DEPARTMENT OF TRANSPORTATION
NEWS RELEASE
2800 BERLIN TURNPIKE
NEWINGTON, CT 06111

01/22/2019

CTDOT ANNOUNCES NEW WAYSIDE HORN SYSTEM THAT REDUCES TRAIN NOISE ALONG THE HARTFORD LINE RAIL CORRIDOR

Connecticut is the first state in New England to install Wayside Horn Systems

(NEWINGTON, CT) – The Connecticut Department of Transportation (CTDOT) today announced that Connecticut has become the first state in New England to utilize automated horn systems, commonly known as wayside horns, installed in at-grade railroad crossings as part of noise mitigation efforts along the **CTrail** Hartford Line corridor. The horns were put into service on Monday, January 21, 2019, at the Cooper Street crossing, located between Cherry Street and South Colony Street in Meriden. In the coming weeks, wayside horns will be installed at the Pent Highway railroad crossing, located between North Plains Industrial Road and North Colony Road in Wallingford. CTDOT plans to continue the installation of wayside horns at grade crossings along the Hartford Line Rail to reduce noise.

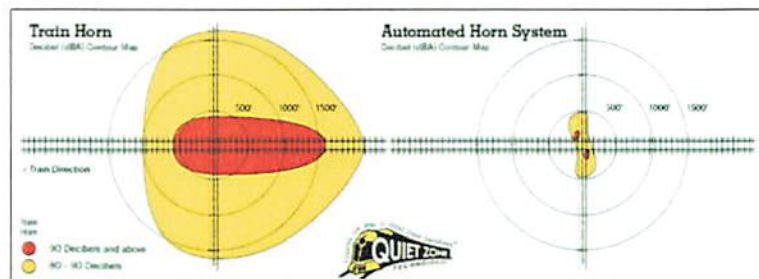
An automated horn system consists of stationary horns mounted on poles at active railroad crossings. The system is designed to direct a consistent audible warning toward the roadway, alerting motorists, pedestrians, and bicyclists to an approaching train.

Wayside horns are designed to limit loud warning sounds to a 250-foot perimeter. Outside the 250-foot perimeter, the noise produced by wayside horns is substantially reduced, mitigating noise pollution to nearby residences and businesses. Wayside horns take the place of train-mounted horns, which are typically activated, and can be heard, from distances as far as a half-mile from a rail crossing.

"The installation of wayside horns is part of CTDOT's obligation to reduce noise associated with the Hartford Line rail service and to improve the quality of life for communities along the corridor," said Richard Andreski, CTDOT's Public Transportation Bureau Chief. "We recognize the benefits the new system brings and look forward to installing additional systems in the near future."

The 2012 Environmental Assessment prepared for the New Haven-Hartford-Springfield Rail Program requires noise associated with the enhanced Hartford Line rail service to be mitigated near "sensitive noise receptors" such as residential neighborhoods, educational institutions, and recreational areas.

The diagram below illustrates the substantial difference in how far noise can be heard from train mounted-horns versus wayside horns (referred to as "Automated Horn System").



For more information on the New Haven – Hartford – Springfield (NHHS) Rail Program and to receive email updates, please visit www.nhhsrail.com (<http://www.nhhsrail.com>).

For questions regarding the wayside horn installations, contact Judd Everhart, CTDOT Director of Communications, at (860) 594-3062 or judd.everhart@ct.gov (<mailto:judd.everhart@ct.gov>).

About the Hartford Line: The new rail service features 17 weekday round trips between New Haven and Hartford, with 12 of these trips continuing north, terminating at Union Station in Springfield, MA. Trains operate at speeds up to 110 MPH, with a travel time between New Haven and Springfield of approximately 81 minutes. Hartford Line service provides direct or connecting service to New York City, Boston, and Vermont. Ticketing and other information available at www.hartfordline.com (<http://www.hartfordline.com>).

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FOR FURTHER INFORMATION:
OFFICE OF COMMUNICATIONS
TELEPHONE: (860) 594-3062 (tel:8605943062)
FAX: (860) 594-3065
WEB SITE: www.ct.gov/dot (/DOT)