

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

April 8, 2024 6:00PM  
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, March 11, 2024  
(Motion to approve, second, public comments, all in favor)
  
- 3. National Donate Life Month Proclamation – Mayor Karen Ostrand**  
(Motion to accept, second, public comments, all in favor)
  
- 4. Authorize Mayor to execute an agreement with Florida Power & Light to install three (3) additional streetlights on Indian River Drive – Terry O’Neil**  
(Motion to approve, second, public comments, Roll Call)
  
- 5. RESOLUTION #347-2024 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #2, TO THE SPECIAL REVENUE FUND IN THE AMOUNT OF \$1,000 FOR AN EDUCATIONAL SIGN DESCRIBING A SHORELINE PROTECTION PROJECT SPONSORED BY THE MARTIN COUNTY SCHOOL BOARD ENVIRONMENTAL STUDIES CENTER, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES – Terry O’Neil**  
(Motion to adopt, second, public comment, roll call)
  
- 6. Comments from the public on topics not on the Agenda (please limit comments to 3 – 5 minutes)**
  
- 7. Comments from the Council on topics not on the Agenda**
  
- 8. Update memo from Attorney Paul Nicoletti regarding Sun Communities and Seawalk development projects closeout issues – Terry O’Neil**
  
- 9. Comments from Town Management Consultant, Terry O’Neil**
  
- 10. Comments from Mayor Ostrand**
  
- 11. Announcements**
  - Regular Town Council Meeting – Monday, May 13, 2024, at 10:30AM to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze
  
- 12. Adjourn**  
(Motion, second, all in favor)

TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, March 11, 2024, 10:30AM  
Ocean Breeze Resort Clubhouse, Pineapple Bay Room  
700 NE Seabreeze Way, Ocean Breeze, FL

**1. Call to Order** – President Kelley 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 Sandy Kelley, Vice-President Liz Reese, Council Members Kevin Docherty, Michael Heller, Gina Kent, and Matthew Squires
- Staff Present – Town Management Consultant, Terry O’Neil; Attorney Paul Nicoletti; 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 Regular Meeting, Monday, January 8, 2024.

President Kelley asked for comments from the public.

There were none.

All in favor: Yes: Heller, Kent, Squires, Kelley, Docherty, Reese; No: None: motion passed 6-0.

Council Member Heller, seconded by Council Member Squires, made a motion to approve the minutes of the Regular Meeting, Monday, February 12, 2024.

President Kelley asked for comments from the public.

There were none.

All in favor: Yes: Heller, Kent, Squires, Kelley, Docherty, Reese; No: None: motion passed 6-0.

**3. Proclamation – Problem Gambling Awareness Month – Mayor Ostrand** – Mayor Ostrand read a portion of the Proclamation into the record and mentioned the importance of public awareness. She proclaimed March 2024 as Problem Gambling Awareness Month in the Town of Ocean Breeze.

Council Member Kent, seconded by Council Member Reese, made a Motion to approve the Proclamation.

President Kelley asked for comments from the public.

There were none.

All in favor: Yes: Heller, Kent, Squires, Kelley, Docherty, Reese; No: None: motion passed 6-0.

**4. Proposal to fund a project identification/public education sign, in an amount not to exceed \$1,000, for a shoreline restoration project sponsored by the neighboring Environmental Studies Center – Council President Sandy Kelley and Michael Glynn, Plant Operator, Environmental Studies Center** – President Kelley gave a brief explanation of the project and stated that it would be funded out of the gas tax funds in the special revenue account. She invited Mr. Glynn to speak about the project.

Michael Glynn, Environmental Studies Center, gave an update on the project. He reported that the Native Plant Society donated three hundred (300) native plants and after all the exotics were removed volunteers did the planting. He asked the Town to help fund a supplemental kiosk to explain the benefits of the project.

He took questions from the Council and Mayor regarding Phase II of the project, shoreline stabilization, the water environment and tidal restoration to create habitat, state and federal permits, timeline, funding, size of the shoreline, usage of the riverfront with the students, Florida Oceanographic Society, oyster and sea grass establishment, Representative John Snyder and funding set aside for such projects at the State level.

Mayor Ostrand gave a brief history of the Town of Ocean Breeze and its neighbor, the Environmental Studies Center.

Mr. O'Neil confirmed that consistently throughout the years, the Town had provided funding and collaborated on efforts for the neighboring school. He pointed out that the project was within the confines of the Indian River Drive water quality project and that it was consistent with the previous road project which included baffle boxes that filter runoff water before entering the lagoon. He stated that the gas tax funds were limited to this type of spending and added that if the Council approved the expenditure, staff would come back to the Council at a subsequent meeting with a budget amendment. He stated that staff was recommending the project.

Vice-President Reese, seconded by Council Member Heller, made a motion to approve the project with the Environmental Studies Center.

Roll Call Vote: Yes: Heller, Kent, Squires, Kelley, Docherty, Reese; No: None: motion passed 6-0.

**5. Comments from Attorney Paul Nicoletti regarding closeout of development projects** – Mr. Nicoletti referred the Council to his memorandum dated March 6, 2024. He added that on Friday (March 8, 2024) he sent a letter to Zachery Griffin, the Land Development Director for Forestar, regarding the Seawalk PUD indicating that there were issues that still needed to be resolved prior to final closeout. He added that he sent Mr. Griffin another copy of the matrix that had been prepared in December 2022 along with an updated checklist of outstanding items that staff had prepared. He stated that in the letter, he gave the Developer until July 1, 2024 to resolve these issues, invited him to contact staff and bring this to closure. He also spoke about the Sun Communities PUD and goals to complete that closeout.

Council Member Docherty asked if the Town had performed a “partial approval?”

Attorney Nicoletti replied “no” and that on several occasions, the Developer had asked for partial reduction of the bond which was in place to assure completion of the infrastructure. He added that so much of the infrastructure was bound up in other parts of the community like final elevations. He stated that in his letter to Mr. Griffin, the Town recognized that the Developer had an interest in reducing the performance bond. He commented that the renewal was in August 2024. He stated that he hoped everything would get resolved, that the professionals could agree that everything was complete and that the bond would be released. He added that even if the bond could be reduced, there was a “set aside” for warranty work for infrastructure; he believed it was a ten percent (10%) or four hundred thousand dollars (\$400,000) which was standard.

Mr. Nicoletti took questions from the Council regarding the final approvals and the additional fifteen (15) month period, water runoff behind Publix, drainage as part of the infrastructure, code enforcement violation procedures and county courts.

Melissa Heller, resident of Seawalk community and representative of the Seawalk HOA, spoke about her positive impressions of Town staff. She asked the Town Council to make additional resources available to Staff, if needed, to ensure that all the present deficiencies within the Seawalk Community and the Resort are thoroughly and fully resolved.

**6. Comments from the public on topics not on the Agenda** – Joe Beert, resident of the Seawalk community, spoke about his support of the Environmental Studies Center project using gas tax dollars. He stated that he did not agree with the Town Council making charitable donations out of the general fund. He provided some breakdowns of figures paid to the Town for ad valorem taxes. He spoke about the differences in ad valorem paid by residents of the Resort versus residents of the Seawalk community. He asked if the Town could investigate something more balanced and limit charitable donations.

President Kelley stated that charitable donations are considered when and if organizations come before the Council to ask for a donation.

Mr. O’Neil answered that during budget season, staff investigated some of the inequalities in the ad valorem. He stated that certain options are available, for example the possibility of adopting a utility tax, which was a tax on electricity and water usage. He commented that staff investigated some preliminary numbers on the issue and added that as the budget for the upcoming year was being developed, it might be appropriate to look at some other options that might make it more equitable. He commented that a tax on electricity was still a tax, but that staff could do an analysis to see how it would shake out in terms of equity versus the current use of ad valorem. He stated that he would not recommend doing away with ad valorem, but that it could be brought down to a fractionable amount. He added that staff would investigate the matter and be able to provide the residents with some other options at budget time.

Mayor Ostrand spoke about the amounts of annual increases (5%) in the rents paid by residents of the Resort, which include ad valorem.

Discussion ensued regarding the amount of ad valorem taxes that the Resort paid, the number of lots in the Resort, choice in charitable donations, budget process, legal fees, increase in HOA dues, 2024/2025 budget, and constituent concerns and beliefs regarding charitable donations made by the Town.

**7. Comments from the Council on topics not on the Agenda** – Council Member Kent asked about a sound barrier wall to block the noise of the Brightline trains. She stated that she believed that there was funding provided by the government to build a wall, similar to the one at Sun Communities, to make a difference in noise reduction. She asked Mr. O’Neil if he knew about how much funding might be available from the government to erect a wall like the wall along Green River Parkway, to block out the noise from the trains and to protect children from playing on the tracks.

Mr. O’Neil answered that staff would investigate and that a municipality could be a platform for certain grant applications, which would need to be coordinated with private property owners. He stated that “yes” staff would investigate.

Council Member Heller asked Pam Orr what additional expertise might be useful going forward in moving the closeout issues along.

Pam Orr answered that Attorney Nicoletti had a good handle on the close-out and staff was providing the appropriate paperwork.

Attorney Nicoletti remarked that staff had delivered excellent service in providing the necessary and anticipated documentation, and that he believed that there was nothing lacking in the ability to push this close-out over the finish line. He added that if Forestar / D. R. Horton decided to not do what they should, then there were mechanisms that could be employed and would be recommended to the Town Council prior to any filing; but there were things that could be done.

Council Member Heller asked if D. R. Horton were to start performing this corrective work, would a construction manager be employed to oversee and make sure the work was done properly.

Mr. O'Neil answered that the Town did not want to walk away from the model already in place. He added that follow-up inspections were to be paid for by the developer and the professional performing the work must report to the Town because of the fiduciary relationship. He stated that the Town would not release the bond or move off the position unless the professionals stepped-up and certified the work that was being required. He commented that a lot of the items on the list were not physical but records attesting to things having been done properly. He stated that "yes" the Town had to hire some expertise, and that Staff may come back before the Council for some additional assistance. He stated that he could see that the Town may need some additional advice along the way from Mike Flaugh, Landscape Engineer. He added that the two reports provided by Mike Flaugh, at the Town's expense, and on behalf of the Town had been provided to the developers and all other parties. He stated that there were open questions which needed to be answered at close-out particularly regarding irrigation, trees, and soil amendments. He commented that these things, which were not new, were items that the Town could not let go and they must be addressed at close-out.

Council Member Heller stated that this was like the fox watching the hen house because D. R. Horton was paying the inspectors.

Mr. O'Neil answered that the Florida legislative delegation needed to be addressed as to how this was set up, and that the Town must accept the model. He added that this did not mean that the Town Engineer, Town Attorney, Town Manager, or others were not going to ask for proof and if an attestation was provided that was clearly and plainly nonsensical, the Town could not close the project. He advised that there would have to be more conversations, and ultimately the professionals have obligations to their licensure through the State that they must tell the truth and be accurate.

Council Member Heller added that certain homeowners hired private inspectors. He stated that he was suggesting the same thing; that when the time comes, we hire our own.

Pam Orr asked Mr. O'Neil to confirm that the Town Engineer was reviewing things also.

Mr. O'Neil answered "yes" that the Town Engineer was looking over the shoulder of all the other professionals, as was the Town's Building Official. He added that it might be that the Town's Building Official would more involved.

Council Member Heller asked about the remedies for the deficiencies listed in Mike Flaugh' report.

Mr. O'Neil answered that the report had been shared with Attorney Nicoletti. He commented that it was part of the Town's position with the developer, within the matrix and confirmed that they had work to do in

closing out the landscaping issues. He stated that the Town had a licensed professional saying that these are deficiencies. He stated that for example, the irrigation system was not in compliance with the PUD and that was an enforceable issue. He added that their remedial efforts must coincide with the interest of the HOA and the residents because they were dealing with properties that were now under the control of the HOA, so the HOA had to be a partner in the remediation effort. He added that at the end of the project, there may be a need for a PUD amendment. He remarked that the issues were not major but would have to be done to the satisfaction of the Town and the HOA, because the HOA would be a co-applicant for an amendment.

Discussion ensued regarding the Seawalk HOA and their willingness to cooperate and coordinate any activities necessary.

Sheila Raver, Seawalk resident, (Lot #1) spoke about her issues with her lot, her attorney, the HOA, her engineering report, her survey, and her to date costs in the amount of \$14,800 dealing with problems created by D. R. Horton.

Council Member Reese spoke about the exit at Skyline Drive coming out of the Publix parking lot. She spoke about her desire to partner with the owners of the Shopping Plaza to remove the concrete on the road at that exit. She asked about using the gas tax funds to remove the concrete.

Mr. O'Neil stated that gas tax funds could be used for public purposes and in general when it came to physical improvements in the right-of-way that are under government control and added that some of the features in that area may be within the right-of-way, but not entirely. He stated that if the initiative went forward and a project could be done in cooperation with the Plaza owners and the Town would need County approval because it was in the County right-of-way. He added some of the gas tax funds could be used to do that. He spoke about other opportunities to improve that stretch of Skyline Drive within the right-of-way and with the County's approval; an improvement such as a sidewalk enhancement or beautification. He commented that opportunities to utilize the gas tax funds are constrained because the Town does not own a right-of-way. He commented as done in the past, that the Town could donate funds to Martin County for their efforts because a project was either in the Town or adjacent to the Town.

Council Member Reese asked how the Town would do this.

Mr. O'Neil answered that in this instance, the Town would need to know that the Plaza had an interest in doing what was described. He stated that the Plaza had a permit to develop the current configuration of that exit. He commented that if the Plaza wanted to maintain what they currently had, there was not much the Town could do. He added that because Skyline Drive was a County road, they would have to approve the intersection configuration under a permit or agreement. He informed the Council that over the years there had been some push back from the (South Street) neighborhood that objected to drive through traffic exiting the Plaza going down South Street to avoid Jensen Beach Boulevard.

Council Member Reese stated that they had agreed to move the Stop sign.

Mr. O'Neil stated that the Stop sign's removal was not a result of anything the Town had done.

Council Member Reese stated that she had gone to Martin County.

Mr. O'Neil commented that the sign was on private property.

Council Member Reese stated that whoever removed it said it was fine and that she did go through the Town.

Mr. O'Neil commented that the Town was aware of the issue and explored with the County what it would take to do that (remove the sign) and, in the meantime, no action was taken by the Town and the sign came down. He stated that the Town did not know who took the sign down.

Council Member Reese stated that the Town had spoken to the owners of the shopping center and then it disappeared.

Mr. O'Neil answered that the Town did speak with the Plaza owners to lay the groundwork to see if they were even interested in removing the sign.

Council Member Reese asked if the Town could pursue this.

Mr. O'Neil answered that staff could revisit the issue.

Council Member Reese asked if the Town could offer to pay for removal of concrete bump with the gas tax funds.

Mr. O'Neil answered that the money must be spent within the confines of the right-of-way and that he did not believe this could be accomplished without the Plaza paying for some of the costs because some of the improvements were on their property. Mr. O'Neil stated that the fuel tax dollars could not be spent on private property absent easements, etc.

Mayor Ostrand asked what needed to happen first to get this accomplished.

Mr. O'Neil answered that the Plaza owners would need to be contacted first and then approach the County about a reconfiguration project using some gas tax funds. He stated that the Council would need to direct Staff to talk to the Town Engineer because safety would have to come first. He continued that there might be some push back from the County, the Plaza owners, or the neighboring residents.

Council Member Reese, seconded by Council Member Squires, made a motion to investigate the possibility of eliminating the right turn only configuration (no left turn) of the exit onto Skyline Drive from the Ocean Breeze Plaza, and that any costs be paid using gas tax funds.

Council Member Docherty asked that this reconfiguration be performed by first asking the Plaza owners if they would be willing to change the configuration and that the funds to pay for such a project come from gas tax funds. He spoke about the lengthy amount of time he had spent waiting for Indian River Drive safety upgrades.

Council Member Kelley asked for comments from the public.

(unknown) spoke about the current configuration of no left turn and the ramifications caused by this configuration.

Roll Call Vote: Yes: Kent, Reese, Kelley, Squires, Heller, Docherty; No: None: motion passed 6-0.

Council Member Heller asked about lights or reflector improvements along the railroad tracks at Jensen Beach Boulevard.

Mr. O'Neil answered that the Town was advised by the Martin County Public Works Director that they have hired a firm to do a plan for West End Blvd. which included the intersection at the railroad and the circle. He stated that they were closing in on their final report and that staff had communicated to County staff the Town's concerns. He commented that the Town did not have a draft of their work product yet and indicated that they were struggling with right-of-way issues, trying to establish two-way traffic on West End Blvd. and accommodation of pedestrian and ADA traffic. He remarked that he believed the County's goal was to change the traffic northbound on West End rather than the current configuration. He stated that he hoped to have something for the Council to look at in the next few weeks. He commented that it was conceivable if there was a component the Town would like to see added, the Town could advise the County and participate with gas tax funds.

Mayor Ostrand commented that she had been working on the West End Boulevard project for four years and that these types of things take a lot of time.

Council Member Docherty discussed his attendance at the Treasure Coast Council of Local Governments and talked about the new reservoir restoration projects being built around Lake Okeechobee to help the rivers.

**8. Comments from Town Management Consultant, Terry O'Neil – There were none.**

**9. Comments from Mayor Ostrand –** Mayor Ostrand mentioned the St. Patrick's Day parade in downtown Jensen Beach. She also spoke about the legislative actions that recently took place, and that she would be coming back at the next meeting with an update.

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

**11. Adjourn –** Council Member Docherty, seconded by Council Member Kent, made a motion to adjourn the meeting at 11:47AM.

Respectfully Submitted,

*Kim Stanton*  
Town Clerk

Minutes approved: \_\_\_\_\_





Item #3

### National Donate Life Month Proclamation

- WHEREAS: One of the most meaningful gifts that a human being can bestow upon another is the gift of life; and
- WHEREAS: Over 103,000 men, women and children are currently on the national waiting list for organ transplantation, of which nearly 5,100 reside in Florida; and
- WHEREAS: 46,630, a record number of transplants, occurred in the calendar year 2023 thanks to the generosity of 23,287 deceased and living donors, of which 3,302 transplant patients and 1,343 deceased and living donors were from Florida; and
- WHEREAS: More than 2.5 million people throughout the country and in Florida benefit annually from tissue transplantation thanks to thousands of tissue donors; and
- WHEREAS: The need for organ, eye, and tissue donation remains critical as a new patient is added to the national waiting list for an organ transplant every 8 minutes and each day roughly 17 people die due to the lack of available organs; and
- WHEREAS: More than 11.3 million Floridians have already registered their decision to give the Gift of Life through organ and tissue donation at [www.DonateLifeFlorida.org](http://www.DonateLifeFlorida.org) or on their driver license; and
- WHEREAS: LifeLink® of Florida, the non-profit organization dedicated to the recovery of organs and tissue for transplantation therapy in Florida, with a mission to honor donors and save lives through organ and tissue donation.

Now, therefore, I, Karen M. Ostrand, Mayor of the Town of Ocean Breeze, Florida do hereby proclaim the month of April, 2024 as

### DONATE LIFE MONTH

in Ocean Breeze, Florida, and encourage all residents to consider giving life through organ donation and to sign up on Florida's organ and tissue donor registry by visiting [www.DonateLifeFlorida.org](http://www.DonateLifeFlorida.org) or when renewing their driver license or state identification card.

\_\_\_\_\_  
KAREN M. OSTRAND, MAYOR

\_\_\_\_\_  
DATE

## Memorandum

**To:** Town Council and Mayor

**CC:**

**From:** Terry O'Neil, Management Consultant

**Date:** April 1, 2024

**Re:** Placement of three (3) additional streetlights on Indian River Drive

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For some time now, staff has been working with Florida Power & Light to install three (3) additional streetlights on Indian River Drive. Staff turnover at Florida Power & Light has caused considerable delays. This request stems from residents' concerns that certain areas of the sidewalk are too dark at night. Finally, some good news; attached is a contract from Florida Power and Light agreeing to install the lights, the location of which are shown in the attached materials.

While there are no costs for installation, the town will be responsible for a monthly electric bill for all three lights of approximately \$75. The monthly bill is paid from the Town's gas tax fund line item "Street Lights." No budget amendment is necessary to allow for this transaction.

**Recommendation:** Authorize Mayor to execute the attached contract.



FPL Account Number: 4061622736

FPL Work Request Number: \_\_\_\_\_

### LED LIGHTING AGREEMENT

In accordance with the following terms and conditions, Town of Ocean Breeze (hereinafter called the Customer), requests on this 6th day of September, 2023, from FLORIDA POWER & LIGHT COMPANY (hereinafter called FPL), a corporation organized and existing under the laws of the State of Florida, the following installation or modification of lighting facilities at (general boundaries) 132 NE INDIAN RIVER DR, located in Jensen Beach, Florida.

- (a) Installation and/or removal of FPL-owned facilities described as follows:

Fixture Description (1)	Watts	Lumens	Color Temperature	# Installed	# Removed
Roadway	59	7,500	3000K	3	N/A

(1) Catalog of available fixtures and the assigned billing tier for each can be viewed at [www.fpl.com/led](http://www.fpl.com/led)

Pole Description	# Installed	# Removed
Existing	N/A	N/A

- (b) Installation and/or removal of FPL-owned additional lighting facilities where a cost estimate for these facilities will be determined based on the job scope, and the Additional Lighting Charges factor applied to determine the monthly rate.
- (c) Modification to existing facilities other than described above or additional notes (explain fully): Install 4 LED's Roadway 59W - 7,500L - 3000K on existing poles.

That, for and in consideration of the covenants set forth herein, the parties hereto covenant and agree as follows:

**FPL AGREES:**

1. To install or modify the lighting facilities described and identified above (hereinafter called the Lighting System), furnish to the Customer the electric energy necessary for the operation of the Lighting System, and furnish such other services as are specified in this Agreement, all in accordance with the terms of FPL's currently effective lighting rate schedule on file at the Florida Public Service Commission (FPSC) or any successive lighting rate schedule approved by the FPSC.

**THE CUSTOMER AGREES:**

2. To pay a monthly fee for fixtures and poles in accordance to the Lighting tariff, and additional lighting charge in the amount of \$4.12. These charges may be adjusted subject to review and approval by the FPSC.
3. To pay Contribution in Aid of Construction (CIAC) in the amount of \$0.00 prior to FPL's initiating the requested installation or modification.
4. To pay the monthly maintenance and energy charges in accordance to the Lighting tariff. These charges may be adjusted subject to review and approval by the FPSC.
5. To purchase from FPL all the electric energy used for the operation of the Lighting System.
6. To be responsible for paying, when due, all bills rendered by FPL pursuant to FPL's currently effective lighting rate schedule on file at the FPSC or any successive lighting rate schedule approved by the FPSC, for facilities and service provided in accordance with this agreement.
7. To provide access, suitable construction drawings showing the location of existing and proposed structures, and appropriate plats necessary for planning the design and completing the construction of FPL facilities associated with the Lighting System.
8. To have sole responsibility to ensure lighting, poles, luminaires and fixtures are in compliance with any applicable municipal or county ordinances governing the size, wattage, lumens or general aesthetics.
9. For new FPL-owned lighting systems, to provide final grading to specifications, perform any clearing if needed, compacting, removal of stumps or other obstructions that conflict with construction, identification of all non-FPL underground facilities within or near pole or trench locations, drainage of rights-of-way or good and sufficient easements required by FPL to accommodate the lighting facilities.
10. For FPL-owned fixtures on customer-owned systems:
  - a. To perform repairs or correct code violations on their existing lighting infrastructure. Notification to FPL is required once site is ready.
  - b. To repair or replace their electrical infrastructure in order to provide service to the Lighting System for daily operations or in a catastrophic event.
  - c. In the event the light is not operating correctly, Customer agrees to check voltage at the service point feeding the lighting circuit prior to submitting the request for FPL to repair the fixture.

**IT IS MUTUALLY AGREED THAT:**

11. Modifications to the facilities provided by FPL under this agreement, other than for maintenance, may only be made through the execution of an additional lighting agreement delineating the modifications to be accomplished. Modification of FPL lighting facilities is defined as the following:
  - a. the addition of lighting facilities;
  - b. the removal of lighting facilities; and
  - c. the removal of lighting facilities and the replacement of such facilities with new facilities and/or additional facilities.

Modifications will be subject to the costs identified in FPL's currently effective lighting rate schedule on file at the FPSC, or any successive schedule approved by the FPSC.

12. FPL will, at the request of the Customer, relocate the lighting facilities covered by this agreement, if provided sufficient rights-of-way or easements to do so and locations requested are consistent with clear zone right-of-way setback requirements. The Customer shall be responsible for the payment of all costs associated with any such Customer-requested relocation of FPL lighting facilities. Payments shall be made by the Customer in advance of any relocation.  
Lighting facilities will only be installed in locations that meet all applicable clear zone right-of-way setback requirements.
13. FPL may, at any time, substitute for any fixture installed hereunder another equivalent fixture which shall be of similar illuminating capacity and efficiency.

14. This Agreement shall be for a term of ten (10) years from the date of initiation of service, and, except as provided below, shall extend thereafter for further successive periods of five (5) years from the expiration of the initial ten (10) year term or from the expiration of any extension thereof. The date of initiation of service shall be defined as the date the first lights are energized and billing begins, not the date of this Agreement. This Agreement shall be extended automatically beyond the initial ten (10) year term or any extension thereof, unless either party shall have given written notice to the other of its desire to terminate this Agreement. The written notice shall be by certified mail and shall be given not less than ninety (90) days before the expiration of the initial ten (10) year term, or any extension thereof.
15. In the event lighting facilities covered by this agreement are removed, either at the request of the Customer or through termination or breach of this Agreement, the Customer shall be responsible for paying to FPL an amount equal to the original installed cost of the facilities provided by FPL under this agreement less any salvage value and any depreciation (based on current depreciation rates approved by the FPSC) plus removal cost.
16. Should the Customer fail to pay any bills due and rendered pursuant to this agreement or otherwise fail to perform the obligations contained in this Agreement, said obligations being material and going to the essence of this Agreement, FPL may cease to supply electric energy or service until the Customer has paid the bills due and rendered or has fully cured such other breach of this Agreement. Any failure of FPL to exercise its rights hereunder shall not be a waiver of its rights. It is understood, however, that such discontinuance of the supplying of electric energy or service shall not constitute a breach of this Agreement by FPL, nor shall it relieve the Customer of the obligation to perform any of the terms and conditions of this Agreement.
17. The obligation to furnish or purchase service shall be excused at any time that either party is prevented from complying with this Agreement by strikes, lockouts, fires, riots, acts of God, the public enemy, or by cause or causes not under the control of the party thus prevented from compliance, and FPL shall not have the obligation to furnish service if it is prevented from complying with this Agreement by reason of any partial, temporary or entire shut-down of service which, in the sole opinion of FPL, is reasonably necessary for the purpose of repairing or making more efficient all or any part of its generating or other electrical equipment.
18. This Agreement supersedes all previous Agreements or representations, either written, oral, or otherwise between the Customer and FPL, with respect to the facilities referenced herein and constitutes the entire Agreement between the parties. This Agreement does not create any rights or provide any remedies to third parties or create any additional duty, obligation or undertakings by FPL to third parties.
19. In the event of the sale of the real property upon which the facilities are installed, upon the written consent of FPL, this Agreement may be assigned by the Customer to the Purchaser. No assignment shall relieve the Customer from its obligations hereunder until such obligations have been assumed by the assignee and agreed to by FPL.
20. This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the Customer and FPL.
21. The lighting facilities shall remain the property of FPL in perpetuity.
22. This Agreement is subject to FPL's Electric Tariff, including, but not limited to, the General Rules and Regulations for Electric Service and the Rules of the FPSC, as they are now written, or as they may be hereafter revised, amended or supplemented. In the event of any conflict between the terms of this Agreement and the provisions of the FPL Electric Tariff or the FPSC Rules, the provisions of the Electric Tariff and FPSC Rules shall control, as they are now written, or as they may be hereafter revised, amended or supplemented.

IN WITNESS WHEREOF, the parties hereby caused this Agreement to be executed in triplicate by their duly authorized representatives to be effective as of the day and year first written above.

Charges and Terms Accepted:

Town of Ocean Breeze  
Customer (Print or type name of Organization)

FLORIDA POWER & LIGHT COMPANY

By: \_\_\_\_\_  
Signature (Authorized Representative)

By: Valeska Madera  
(Signature)

Karen M. Ostrand  
(Print or type name)

Valeska Madera  
(Print or type name)

Title: Mayor

Title: FPL LT-1 Representative

Total #6 DPX OH: 135ft

INACCESSIBLE  13 kV  FUTURE 23 kV  23 kV  SALT SPRAY  \_\_\_\_\_

Feeder: 403435



**Construction Notes:**

FPL Contractor to connect to existing OH TX. FPL Contractor to install #6 DPX UG cables to all locations shown.  
 LOC 1 - 3: Install 1 ROADWAY – 7,500L - 3000K LED with 6ft Arm Bracket on existing Wood pole in (NE) orientation.

'CHECK VOLTAGE – CONVERT 480V to 120V or 240V'

On 480V circuits, change the relay prior to installing the lights. Verify the source and amount of lights on that relay.

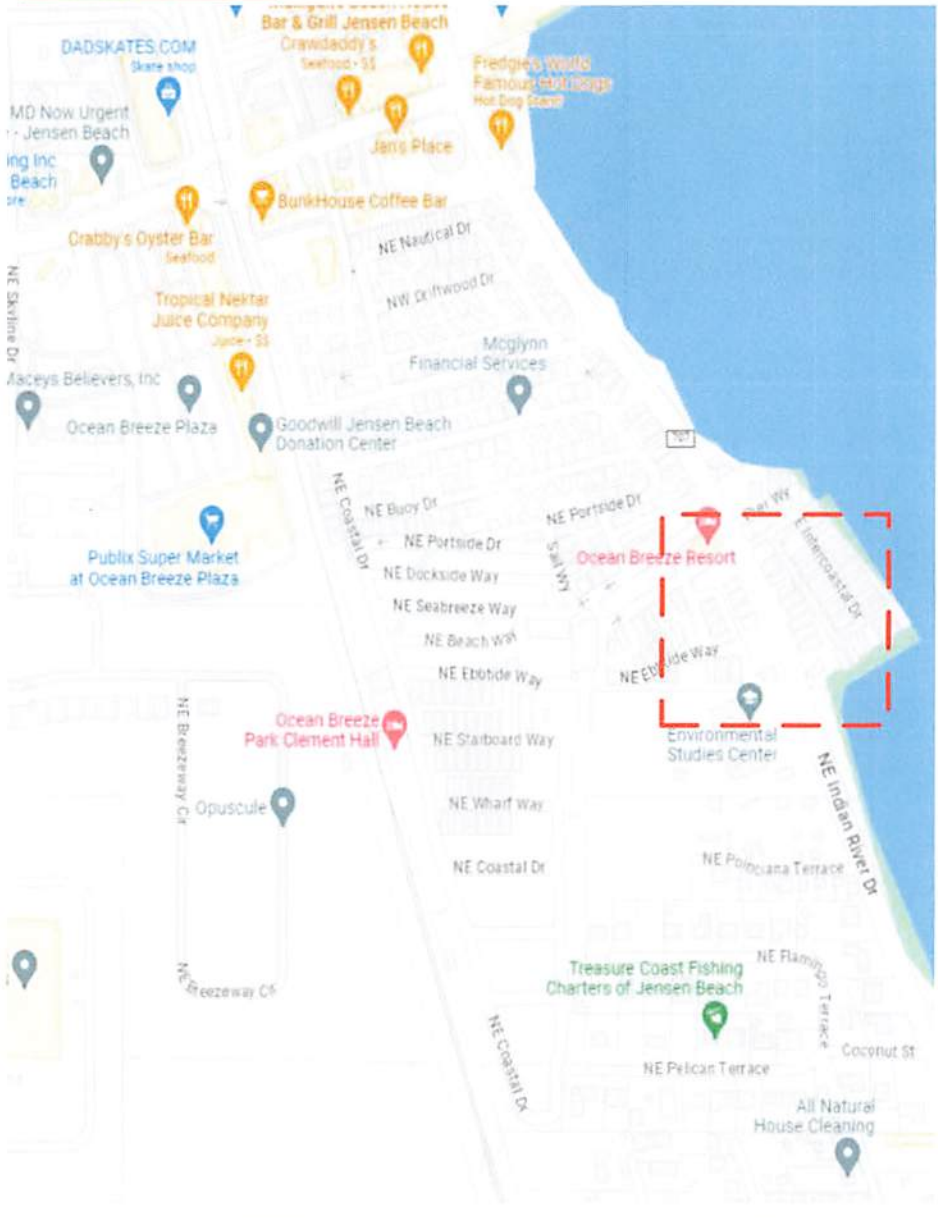
-Verify fixture is working correctly after installation. Check 120V to terminal blocks.

-Customer is responsible for any restoration incurred.

FPL LED Representative: Valeska Madera

AS-BUILT CREW PRINT				ALL MEASUREMENTS SHOWN BASED ON THE DESIGN & DIMENSIONS TO BE SHOWN ON THE DRAWINGS. VALUES ARE SHOWN AT ALL LOCATIONS.				NO OFFENSES IDENTIFIED AS SHOWN ON THIS AS-BUILT PRINT. MATERIAL CHANGES SHOWN ON RISE				AS-BUILT COPY	
FOREMAN'S INITIALS		DATE		FOREMAN'S SIGNATURE		DATE		SUPERVISOR'S SIGNATURE		DATE		REVISED	DATE
Easement?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Survey/Stake?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Work with UMG?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>FPL</b>		Town of Ocean Breeze INSTALL 4 New Lights V/O NE Indian Blvd & NE Coastal DR, Ocean Breeze, FL 34957					
Tree Work?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Designer/Stake?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CT/Special Mts?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	City	County Rd.	County Air	State Road	FAA	Designed by: Melissa Leyva Date: 09/06/23		
Request Tel. Co. Set Poles?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Request Tel. Co. Transfer?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Request CAVT Transfer?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	WMD	RR Xing	DR. Dist.	Transm.		Drawn by: ML Check by: Dwg No. 2 OF 3		
POLE LINE FEET						0'	DUCT BANK FT.		0'	Rural Location Sec. 22 TWP. 37 S, RGE. 41 E.			
POLE LINE FT. ON TRANSM. POLES						0'	TRENCH FT.		0'	SCALE: N.T.S. St. Lt MAP No. MAP# Pri Map No. AG0544			
TIM/LDS MODEL No. -						Map Posting?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Posted by:		WR XXXXXXXX		M/A XX	

Total #6 DPX OH: 209ft



INACCESSIBLE     13 kV     FUTURE 23 kV     23 kV     SALT SPRAY     \_\_\_\_\_

Feeder: 403435

FPL Construction Notes	
	Existing Distribution Wood Pole
	Existing Aerial Transformer
	New OH Conductor
	New Fixture with Bracket

Product summary					
Symbol	Description	Watts	Color Temp	Lumens	Quantity
	ROADWAY	59W	3000K	7,500L	3

AS-BUILT CREW PRINT		ALL REQUIRED LICENSES MUST HAVE BEEN ISSUED & RECEIVED TO BE WITHIN THE DESIGNATED ZONES AND OTHER AT ALL LOCATIONS.		FOR CONTRACTS COMPLETED AS SHOWN ON THIS AS-BUILT PRINT, MATERIAL QUANTITIES SHOWN ON BILL		AS-BUILT COPY	
DESIGNER'S SIGNATURE _____ DATE _____		SURVEYOR'S SIGNATURE _____ DATE _____		SUPERVISOR'S SIGNATURE _____ DATE _____		PRINTED _____ DATE _____	
Easement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Survey/Stake? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Work with SMO? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>FPL</b>				
Tree Work? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Designer/Stake? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CT/Special Mt? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Town of Ocean Breeze INSTALL 4 New Lights				
City: <b>WMD</b>	County Rd.:	County Air:	State Road:	FAA:	V/O NE Indian Blvd & NE Coastal DR, Ocean Breeze, FL 34957		
Requested Tel. Co. Set Poles? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Requested Tel. Co. Transfer? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Request CAVT Transfer? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Telephone Co. Job No. _____		Designed by: Melissa Leyva	Date: 09/06/23	
POLE LINE FEET: 0'	DUCT BANK FT.: 0'	Rural Location Sec. 22 TWP. 37 S, RGE. 41 E.		Drawn by: ML	Check by: _____	Dwg No. 1 OF 3	
POLE LINE FT. ON TRANSM. POLES: 0'	TRENCH FT.: 0'	SCALE: N.T.S.		St. Lt MAP No. MAP#	Pri Map No. AG0544		
TIM/LDS MODEL No. -	Map Posting? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Posted by: _____	WR XXXXXXX		M/A XX		





# LED Lighting Plan

## Town of Ocean Breeze - New Streetlights

Month	Day	Year
10	9	2023

\* Close date is inclusive of  
 -Signed Agreement  
 -CIAC  
 -Permitting & Easements  
 -Backbone WR in status 60 for subdivisions

Completion Date - Calculator Tool	Date
Expected Close Date	10/9/2023
Material Delivery Date	1/8/2024
Estimated Requested Completion Date	4/24/2024

**Going Green**

This plan reduces power consumption by: (504) kWh / year  
 and that eliminates: (0) metric tons of CO<sub>2</sub> every year<sup>1</sup>  
 or removing: (0) cars from the road<sup>2</sup>

<sup>1</sup>EGRID, U.S. annual non-fossil fuel CO<sub>2</sub> output emissions file, year 2012 data  
<sup>2</sup>U.S. Environmental Protection Agency

<b>TOTAL</b>	<b>3</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>25.06</b>	<b>\$</b>	<b>4.12</b>	<b>\$</b>	<b>4.12</b>
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Installation Details		Existing	Option 1	Option 2	Option 3				
1	select fixture		Roadway 5,000L						
	fixture / pole:	1	1	1	1				
	select pole		Existing						
	Fixture*		\$ 13.49						
Quantity:	3		\$ -						
FPL Non-LED Conversion:	No		\$ 4.35						
Full/Hybrid:	Full		\$ 3.11						
FPL NW Area:	No		\$ 20.94						
	Monthly Total		\$ 20.94						
<b>SUB TOTAL</b>	<b>3</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>20.94</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>

Installation Details		Existing	Proposed
Additional Lighting Charge (ALC)			
	ALC FEE		\$ 4.12
	Total	\$ -	\$ 4.12

<b>TOTAL</b>	<b>3</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>25.06</b>	<b>\$</b>	<b>4.12</b>	<b>\$</b>	<b>4.12</b>
--------------	----------	-----------	----------	-----------	--------------	-----------	-------------	-----------	-------------

\*Includes fixture fee and monthly conversion fee where applicable  
 \*\*Includes Non-Fuel Energy charge, Fuel, Conservation, Capacity, Environmental, and Storm Charges.  
 Based upon FPL bill rates as of 01.01.22

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## Memorandum

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**TO: MAYOR AND TOWN COUNCIL**

**FROM: HOLLY VATH, FINANCIAL CONSULTANT**

**SUBJECT: 2024 BUDGET AMENDMENT #2**

**DATE: APRIL 8, 2024**

---

The Town would like to provide funding for a sign highlighting the shoreline restoration efforts of the Environmental Studies Center's improvements to the Indian River Lagoon along Indian River Drive.

Resolution 347-2024 amends the 2024 budget.



BEFORE THE TOWN COUNCIL OF THE TOWN OF  
OCEAN BREEZE, FLORIDA

RESOLUTION NUMBER 347-2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #2, TO THE SPECIAL REVENUE FUND IN THE AMOUNT OF \$1,000 FOR AN EDUCATIONAL SIGN DESCRIBING A SHORELINE PROTECTION PROJECT SPONSORED BY THE MARTIN COUNTY SCHOOL BOARD ENVIRONMENTAL STUDIES CENTER, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

\* \* \* \* \*

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA that:

SECTION 1: For the purpose of increasing the 2024 budget for purchase of a sign for the Martin County School Board Environmental Studies Center. Amending the Special Revenue Fund Budget of the Town of Ocean Breeze adopted by Resolution No. 341-2023 of the Town Council of the Town of Ocean Breeze, is hereby amended, as follows:

FROM:	Gas Tax Reserves	\$1,000
TO:	Road and Street Maintenance	\$1,000

SECTION 3: This resolution shall take effect on adoption.

ADOPTED this 8<sup>th</sup> day of April 2024.

Council Member \_\_\_\_\_ offered the foregoing resolution and moved its adoption. The motion was seconded by Council Member \_\_\_\_\_ and upon being put to a roll call vote, the vote was as follows:

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

YES	NO	ABSENT

**ATTEST:**

\_\_\_\_\_  
 KIM STANTON  
 TOWN CLERK

\_\_\_\_\_  
 SANDY KEBLBECK-KELLEY  
 PRESIDENT

\_\_\_\_\_  
 KAREN M. OSTRAND  
 MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
 ATTORNEY: \_\_\_\_\_  
 (print name)



**PAUL J. NICOLETTI**  
Attorney at Law  
1445 SE Lark Boulevard  
Stuart, Florida 34996-2609

**MEMORANDUM**

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

SUBJECT: STATUS OF SUN COMMUNITIES AND  
SEA WALK PUD DEVELOPMENT CLOSEOUTS

DATE: APRIL 3, 2024

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THIS MEMORANDUM IS PUBLIC RECORD

SUN COMMUNITIES: Following the March Town Council Meeting, I first met with Town Staff and Robert Raynes, Esq. to discuss the Sun Communities closeout. At that time, Bob Raynes represented Sun regarding the time extensions granted by Governor DeSantis through Executive Orders. The significance of those Orders is to extend any existing Development Orders, such as a Planned Unit Development (PUD) granted by Ordinance or Resolution of the Town Council, and any permits issued by the Town Staff. Terry O'Neil, Pam Orr and I acquainted Mr. Raynes with the difficulty the Town has with how some of the development in the northern third of the Resort area was completed (or in some cases not completed). I had already spoken with Joe Capra, P.E. the engineer of record for Sun Communities, and also indicated the need to finish the documentation regarding the work already completed, and to then complete the utilities (underground) work for the northern portion of the Resort. He told me that he was aware of the problem and indicated that he would turn his attention to the issues.

With this as a backdrop, we also tried to obtain a meeting with Gena May, Vice President of Sun Communities who has the responsibility for completion of the development. It is she who has corresponded with Mayor Ostrand, in response to the Mayor's December letter to Ms. May. Due to scheduling conflicts, this meeting has yet to occur, but should be accomplished shortly. The goal of the meeting is to advise Ms. May of the need to close-out any open

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL

SUBJECT: STATUS OF SUN COMMUNITIES AND SEA WALK PUD DEVELOPMENT CLOSEOUTS

DATE: MARCH 6, 2024

Page 2 of 2

construction permits, and perhaps to obtain (after the fact) permits for work started or completed in the northern Resort area.

SEA WALK:

During the month, we received full cooperation and several documents from Melissa Heller on behalf of the Sea Walk HOA. I believe we may now have all the documentation necessary from the HOA, and we look forward to working with the HOA to obtain the documents needed from Forestar.

On March 28, 2024, Mayor Ostrand, Terry O'Neil, Pam Orr, Kim Stanton, Scott Montgomery, P.E., Town Engineer, and I convened a meeting in the Town Office with Zachary Griffin and Mike Campbell of Forestar, to discuss what was needed for closeout from Forestar. They described a scenario with the home builder, D.R. Horton, regarding the responsibility for completion, which indicates that Forestar will be ultimately responsible for the closeout work. Mr. Griffin's purpose in meeting with us was to request a reduction in the Performance Bond from approximately \$4 million down to about \$400,000. I did firmly tell both of them that this would not be possible, unless and until Forestar produced the closeout documentation identified on the Closeout Matrix prepared by Terry O'Neil on December 6, 2022, and reiterated in a new matrix which I prepared. I was heartened by their responsiveness, but I also assured them it would be very difficult to obtain Town Council approval for a reduction without their full compliance.

All in all, I think we are on-track to complete these projects by the end of the fiscal year (September 30<sup>th</sup>). It may be the Resort project will take a while longer, but the documentation should be up to date by that time. I am hopeful the Sea Walk project is complete in July, so that the Town Council can reduce the Bond at its July or August meeting.

Respectfully Submitted,

Cc:

Terry O'Neil, Management Consultant

Pam Orr, Permit Processor

Kim Stanton, Town Clerk

## Town Clerk

---

**From:** Paul Nicoletti <pnicoletti@comcast.net>  
**Sent:** Thursday, March 28, 2024 3:13 PM  
**To:** Zachary Griffin; MikeCampbell@forestar.com; Karen Ostrand; Permits; Town Clerk; Scott Montgomery; Terrance O'Neil  
**Subject:** Today's Marathon Ocean Breeze-Forestar Meeting  
**Attachments:** Transmittal letter to Zachary Griffin.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from pnicoletti@comcast.net. [Learn why this is important](#)

First and foremost... Thank you all for participating in the 4 hour meeting today. I was hopeful we would complete the tasklist and be able to assign responsibilities and a timeframe to complete each segment of the work. Most of the remaining work does fall upon Forestar to work with its consultants or the HOA, and I think you all understand that fact, but the approvals remain for the Town staff and consultant, Scott Montgomery.

I am resending a copy of my March 8, 2024 letter for your review and use, and we will continue to work with the completion date established in it (July 1, 2024) until another date is proposed and approved.

I will endeavor the clean-up the Matrix, by adding the Tab #s, and creating a column for "Delivery Dates" which can be filled-in as we go, and then transmitting it to everyone on this email. As stated at the meeting, my goal is have as much as possible wrapped up by July 1<sup>st</sup>, which would enable consideration of a bond reduction at the July 8, 2024 Town Council Meeting... but, this a goal, not a promise!

I look forward to working with each of you on behalf of the Town.

### Paul J. Nicoletti | Attorney at Law

Board Certified in City, County and Local Government Law

1445 SE Lark Boulevard

Stuart, Florida 34996-2609

Voice & Fax: (772) 600-5581

Cell: (772) 260-3276



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Virus-free [www.avast.com](http://www.avast.com)



**PAUL J. NICOLETTI**  
Attorney at Law  
1445 SE Lark Boulevard  
Stuart, Florida 34996-2609

March 8, 2024

VIA EMAIL to: [ZacharyGriffin@forestar.com](mailto:ZacharyGriffin@forestar.com) and  
US CERTIFIED MAIL No. 7020 0640 0002 2177 0442

Mr. Zachary Griffin  
Land Development Director, Southeast Florida  
Forestar (USA) Real Estate Group Inc.  
1001 Yamato Road, Suite 408  
Boca Raton, FL 33431

Reference: Closeout Requirements for the Sea Walk PUD, Town of Ocean Breeze, Florida

Dear Mr. Griffin:

I represent the Town of Ocean Breeze for the limited purpose of helping them closeout the above development. I have also seen your recent emails regarding this matter, and know that you too would like to get this matter resolved.

I have reviewed the current status of the Sea Walk Planned Unit Development (PUD) Ordinances and Resolutions with the Mayor, the Town Council, the Town staff, the Town's professional consultants, and also with the Sea Walk Homeowners Association. My understanding, and perhaps yours as well, shows there are still several items which need the attention of Forestar (or perhaps D.R. Horton, Inc.) and which remain lacking, even though Forestar has submitted some documentation indicating completion or compliance.

As you must realize, the Town cannot accept, and is under no obligation to accept, certifications by your contractors which are incomplete or otherwise insufficient. As a result, on December 6, 2022, the town sent you (by email) a matrix addressing those items which needed attention. This matrix included those items identified at that time by the Town as required, but it did not foreclose the need for additional items identified by your professionals, or those of the Town.

Telephone and Fax: +1 (772) 600-5581

Email: [pnicoletti@comcast.net](mailto:pnicoletti@comcast.net)

March 8, 2024

Mr. Zachary Griffin

Forestar (USA) Real Estate Group Inc.

Reference: Closeout Requirements for the Sea Walk PUD, Town of Ocean Breeze, Florida

Page 2 of 2

Today, I am re-sending the matrix, and enclosing an updated list of items (Handwritten & marked "Draft") required by the Town prior to any final approvals. This is an attachment total of 47 pages. This marking is on purpose, as you may have some additional input for a final list. **The action items on this list must be completed and submitted to the Town on or before July 1, 2024. If the PUD is not closed out, I will be recommending the Town take action to enforce the PUD Ordinance, as amended.** The Town staff has tried to be as specific and clear as possible in the updated list, but if you or your staff have questions or need further clarification, I encourage you to pose any and all questions you or your staff may have.

Some of these action items will require coordination with the Sea Walk Homeowners Association, and I also encourage you to contact their representatives in that regard.

I further recognize that you wish to have the Performance Bond reduced at the earliest possible date. Completing the items that need attention is the best possible way to accomplish this goal. Hopefully, all of it will be accomplished and accepted by the Town prior to what appears to be the Bond renewal date in August, 2024.

I am currently preparing a list of current violations of the relevant PUD ordinances and resolutions just in case your company is not responsive and I must later file an action in our state courts. Please be aware that I am considering an ordinance violation action in criminal court, as the Town's initial legal remedy. Obviously, the Town wants to avoid this measure, and is looking to Forestar and/or D.R. Horton to thoroughly and professionally resolve the issues listed.

I wanted to bring this matter to your specific attention, knowing that you direct or coordinate with the individuals who can be most responsive to this requirement.

Very truly yours,



PAUL J. NICOLETTI

With Attachment (47 Pages)

cc: Mr. Donald J. Tomnitz  
Executive Chairman, Director  
Forestar (USA) Real Estate Group Inc.  
10700 Pecan Park Blvd., Ste 150, Austin, Texas 78750

Telephone and Fax: +1 (772) 600-5581

Email: pnicoletti@comcast.net

## **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:** Brenda Jones <BJones@flcities.com>  
**Sent:** Wednesday, March 20, 2024 1:06 PM  
**Subject:** Home Rule Hero Presentation - May 15th

Some people who received this message don't often get email from [bjones@flcities.com](mailto:bjones@flcities.com). [Learn why this is important](#)

Good afternoon,

Congratulations again on receiving the FLC Home Rule Hero Award!

Home Rule Hero Awards will be presented at the Treasure Coast Regional League of Cities meeting Wednesday, May 15 at 11:30 am in the City of Fort Pierce. Please RSVP with Patricia Christensen ([pchristensen@tcrhc.com](mailto:pchristensen@tcrhc.com)) whether you are able to attend the meeting. There may be a cost associated to attend the meeting. If you are not attending, please let us know and we will leave your award with Patricia Christensen to present to you at another time.

Thank you,

**Brenda Jones**  
Legislative Coordinator  
Florida League of Cities, Inc.  
850-701-3644  
[www.flcities.com](http://www.flcities.com)





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301 S. Bronough St., Suite 300 • Post Office Box 1757 • Tallahassee, FL 32302-1757  
850.222.9684 • Fax: 850.222.3806 • Website: [flcities.com](http://flcities.com)

## Kevin Docherty Honored with 2024 Home Rule Hero Award

*The Town of Ocean Breeze recognized for advocacy efforts during the 2024 Legislative Session*

**FOR IMMEDIATE RELEASE:** March, 2024

**CONTACT:** Kim Stanton

[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org) (772) 334-3826

**Town of Ocean Breeze, FL** – The **Florida League of Cities (FLC)**, the united voice for Florida’s municipal governments, recently recognized Town of Ocean Breeze, Town Council Member, Kevin Docherty, with a 2024 Home Rule Hero Award for their hard work and advocacy efforts during the 2024 Legislative Session. Council Member Docherty worked tirelessly throughout session to promote local voices making local choices, protect the Home Rule powers of Florida’s municipalities and advance the League’s legislative agenda.

“The dedication and effort of these local officials who tirelessly advocated for local decision-making was a difference-maker this legislative session,” said **FLC Chief of Legislative Affairs Casey Cook**. “On behalf of the League and its legislative team, we’re proud to recognize each of them and thank them for their service.”

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.

###

*Founded in 1922, the Florida League of Cities is the united voice for Florida’s municipal governments. Its goals are to promote local self-government and serve the needs of Florida’s cities, which are formed and governed by their citizens. The League believes in “Local Voices Making Local Choices,” which focuses on the impact citizens and city leaders have in improving Florida’s communities. For more information, visit [flcities.com](http://flcities.com).*



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301 S. Bronough St., Suite 300 • Post Office Box 1757 • Tallahassee, FL 32302-1757  
850.222.9684 • Fax: 850.222.3806 • Website: [flcities.com](http://flcities.com)

## **Karen M. Ostrand Honored with 2024 Home Rule Hero Award**

*Town of Ocean Breeze official recognized for advocacy efforts during the 2024 Legislative Session*

**FOR IMMEDIATE RELEASE:** March, 2024

**CONTACT:** Kim Stanton

[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org) (772)334-3826

**Town of Ocean Breeze, FL** – The **Florida League of Cities (FLC)**, the united voice for Florida’s municipal governments, recently recognized Town of Ocean Breeze, Mayor, Karen M. Ostrand with a 2024 Home Rule Hero Award for her hard work and advocacy efforts during the 2024 Legislative Session. Mayor Ostrand worked tirelessly throughout session to promote local voices making local choices, protect the Home Rule powers of Florida’s municipalities and advance the League’s legislative agenda.

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PLEASE SUPPORT ART & MUSIC PROGRAMS IN OUR LOCAL SCHOOLS

# Art, Music &

BENEFIT AUCTION

Inside the Treasure Coast Square Mall

Tuesday, April 23, 2024- 5-8pm



**Student Concerts + Art Show + Fundraising Auction**  
Supporting the art and music programs at:  
Jensen Beach Elementary School, Felix A. Williams Elementary School,  
Stuart Middle School, and Jensen Beach High School.

### 12th Annual Art, Music & Benefit Auction,

The Art, Music & Benefit Auction is a great opportunity to support the art and music programs in our local schools as well as promote your business by:

- Donating a themed basket representing your business full of gift items.
- Donate a gift item or gift card that can be included in a themed basket.
- Donate an item for the silent auction (value greater than \$100)

The Art, Music & Benefit Auction is presented by The Entrepreneurship Foundation, Inc., a 501c3 tax deductible charitable organization, and supported by the Jensen Beach Chamber of Commerce.

### For auction item donation pick-up or drop off contact...

Jensen Beach Chamber of Commerce

1912 NE Jensen Beach Blvd.

Jensen Beach, FL 34957

Scan form and email to: [info@JensenChamber.com](mailto:info@JensenChamber.com)

(772) 334-3334

### Performances by:

- Felix A. William Elementary School Sailfish Singers
- Jensen Beach Elementary School Tonlist/Ukulele Club
- Stuart Middle School Jazz Band
- Jensen Beach High School Jazz Band (JB2)
- Stuart Middle School Chorus (Bella Voce)
- Jensen Beach High School Choir (Jubilate)

### Plus:

Student Art Show



### 2024 Art, Music & Benefit Auction Donor & Sponsor Form (Commit to participate by: Friday, April 5, 2024)

Company: \_\_\_\_\_ Contact: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email address: \_\_\_\_\_ Phone: \_\_\_\_\_

- Stage Sponsor \$500: **Brightway Insurance, The Moody Agency (SOLD)**
- Auction Donors: (merchandise, basket, gift certificates, resort stays, event tickets, etc.)
- Donor contribution of \$ \_\_\_\_\_ to support art and music in our schools.
- Exhibit Table: \$100, plus gift basket for auction (limited number of table exhibit spaces available)

Please make tax-deductible auction donations and financial contributions to:  
**The Entrepreneurship Foundation, Inc.** (EIN: 26-2948572) (CH55265)  
Mail to: Jensen Beach Chamber of Commerce, PO Box 1536, Jensen Beach FL 34958-1536



**From:** Terrance O'Neil <terrancewoneil@gmail.com>  
**Sent:** Wednesday, April 3, 2024 10:05 AM  
**To:** Permits; Town Clerk  
**Subject:** Fwd: Register Today for the FY23-24 Consolidated Rail Infrastructure and Safety Improvements (CRISI) NOFO Webinar!

Sent from my iPhone

Begin forwarded message:

**From:** "Newton, Rory (FRA)" <rory.newton@dot.gov>  
**Date:** April 2, 2024 at 5:01:02 PM EDT  
**To:** terrancewoneil@gmail.com  
**Subject:** **FW: Register Today for the FY23-24 Consolidated Rail Infrastructure and Safety Improvements (CRISI) NOFO Webinar!**

Terry,

The NOFO for the FY 23-24 CRISI grant was announced this week. This grant can be used towards projects like public safety fencing/barriers.

Thanks,

**Rory Newton** | Railroad Safety Inspector  
U.S. Department of Transportation  
Federal Railroad Administration  
Grade Crossing & Trespasser Outreach – D3

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P.O. Box 13653  
Fort Pierce, FL 34979  
518-321-8379 / Rory.Newton@dot.gov

**From:** Federal Railroad Administration <usdotfra@info.dot.gov>  
**Sent:** Friday, March 29, 2024 2:01 PM  
**To:** Newton, Rory (FRA) <rory.newton@dot.gov>  
**Subject:** Register Today for the FY23-24 Consolidated Rail Infrastructure and Safety Improvements (CRISI) NOFO Webinar!



## **FY23-24 Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant Program Notice of Funding Opportunity (NOFO) Webinar**

**Tuesday, April 9, 2024**

**2:00 – 3:30 PM ET**

**[Register Now!](#)**

Join the Federal Railroad Administration (FRA) for an overview of the [Fiscal Year \(FY\) 2023-2024 Consolidated Rail Infrastructure and Safety Improvements \(CRISI\) Grant Program Notice of Funding Opportunity \(NOFO\)](#).

The FY23-24 [CRISI Grant Program](#) makes available more than \$2.4 billion for freight and intercity passenger rail projects that improve transportation safety, efficiency, and reliability. Eligible projects include those that address congestion challenges, highway-rail grade crossings, and workforce development and training; and those that upgrade short line or regional railroad infrastructure, relocate rail lines, improve intercity passenger rail capital assets, and target railroad trespassing. At least 25 percent of available funds are reserved for projects in rural communities.

The webinar will explore best practices for constructing the project narrative, statement of work, and benefit-cost analysis, and for complying with environmental requirements. Attendees will also learn how FRA evaluates applications and about grant lifecycle time frames.

For more grantee technical assistance on Federal grant programs, visit FRA's [Webinars page](#), Grants & Loans tab.

If you would like to be added to FRA's mailing list to learn about future trainings and events, please [subscribe](#) and select Program Delivery announcements. You may [unsubscribe](#) at any time by deselecting notifications in your profile.

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Visit us on the web at [www.fra.dot.gov](http://www.fra.dot.gov) or connect with us on social media at USDOTFRA.

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This email was sent to [roby.newton@dot.gov](mailto:roby.newton@dot.gov) using GovDelivery Communications Cloud on behalf of: Federal Railroad Administration



**Permits**

FYI

**From:** Permits  
**Sent:** Wednesday, April 3, 2024 12:17 PM  
**To:** Scott Montgomery  
**Cc:** James Gorton; Terry O'Neil (terrancewoneil@gmail.com); Town Clerk  
**Subject:** West End Blvd.

Hi Scott:

Terry asked that you reach out to Jim Gorton, Director, Martin County Public Works Department regarding the County study currently underway at West End Blvd and the FEC intersection at Jensen Beach Blvd. We are expecting a report soon. In the meantime, could you reach out to Mr. Gorton and advise that you will be assisting the Town in understanding what is being proposed and what might be done in respect to the Town's concerns. Jim has been very forth coming about the project and keeping us in the loop.

Thank you!

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Pam Orr  
Permit Processor



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