

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

May 13, 2024, 10:30 am
Ocean Breeze Resort Clubhouse Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

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

1. Call to Order, President Kelley

- Pledge of Allegiance
- Roll Call

2. Approval of Minutes – Regular Meeting, Monday, April 8, 2024
(Motion, second, public comment, all in favor)

3. Proclamation – Recognizing William F. Crary, II for his Remarkable Service and Dedication as the Town Attorney for 42 Years

4. Budget to Actual – January 1, 2024 – March 31, 2024 – Memo from Town Financial Consultant, Holly Vath
(Motion to accept, second, public comment, all in favor)

5. Comments from Attorney Paul Nicoletti Regarding Closeout of Development Project(s)

6. Comments from the public on topics not on the Agenda

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

8. Comments from Town Management Consultant, Terry O’Neil

9. Comments from Mayor Ostrand

10. Announcements – The following meetings will be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze:

- Monday, June 10, 2024, at 10:30AM – Regular Town Council Meeting
- Monday, July 8, 2024, at 6:00PM – Regular Town Council Meeting
- **Wednesday, July 24, 2024, at 6:00PM – Public Hearing Workshop / Special Meeting for setting of Millage Rate and Budget for FY 2024/2025**
- Monday, August 12, 2024, at 10:30AM – Regular Town Council Meeting
- Monday, September 9, 2024, at 10:30AM - Regular Town Council Meeting
- **Wednesday, September 11, 2024, at 6:00PM – Public Hearing for Setting of Tentative Millage Rate and Budget for FY 2024/2025**
- **Wednesday, September 25, 2024, at 6:00PM – Public Hearing for Adoption of Final Millage Rate and Budget for FY 2024/2025**

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

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, April 8, 2024, 6:00PM
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 6:00 p.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 and Gina Kent; Absent: Matthew Squires
- Staff Present – Town Management Consultant, Terry O’Neil; Town Clerk, Kim Stanton; Permit Processor, Pam Orr

2. Approval of Minutes – Council Member Docherty, seconded by Vice-President Reese, made a motion to approve the minutes of the Regular Meeting, Monday, March 11, 2024.

President Kelley asked for comments from the public.

There were none.

All in favor: Yes: Heller, Kent, Kelley, Docherty, Reese; No: None: motion passed 5-0.

President Kelley asked Mr. O’Neil to introduce Rory Newton, Railroad Safety Inspector, US Department of Transportation.

Mr. O’Neil further introduced Mr. Newton and mentioned he would be speaking about grant opportunities for a safety barrier wall.

Mr. Newton spoke about certain grants available for infrastructure and safety improvements. He commented that funding was available for public safety projects such as fencing, improving traffic control at intersections with grade crossings, improving warning devices, etc. He stated that the funds could not be used to establish quiet zones. He gave details regarding the grants available to local governments and joint efforts within local governments. He added that some of the funds could be used for planning purposes. He spoke about the problem of trespassing along the railways. He took questions from the Council regarding quiet zones, way side horns, public safety fences, maintenance of safety fences, safety lights at grade crossings, Treasure Coast Regional Planning Council, existing walls the were inadequate or insufficient for safety, timing of certain grants and teaming up with local community partners (multi-jurisdictional).

3. National Donate Life Month Proclamation – Mayor Karen Ostrand read a portion of the Proclamation into the record.

Council Member Docherty, seconded by Council Member Kent, made a motion to accept the National Donate Life Month Proclamation.

President Kelley asked for public comment.

There were none.

All in favor: Yes: Heller, Kent, Kelley, Docherty, Reese; No: None: motion passed 5-0.

4. Authorize Mayor to execute an agreement with Florida Power & Light to install three (3) additional streetlights on Indian River Drive – Mr. O’Neil gave a brief explanation of the installation of additional lighting along Indian River Drive. He commented that a budget amendment would not be necessary.

Council Member Kent, seconded by Vice-President Reese, made a motion to authorize the Mayor to execute the agreement with Florida Power and Light to install three (3) additional streetlights on Indian River drive.

President Kelley asked for comments from the public.

There were none.

Roll Call Vote: Yes: Heller, Kent, Kelley, Docherty, Reese; No: None; Absent: Squires; motion passed 5-0.

Council Member Docherty stated that the leaning power pole along Indian River Drive was inspected, and it was determined that the pole was safe. He added that he had inquired about replacing the current wooden power poles with cement poles. He asked staff to follow-up with Florida Power & Light.

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 – Mr. O’Neil explained that the item was follow-up of the approval at last month’s meeting to cover the cost of the educational sign.

Council Member Docherty, seconded by Council Member Heller, made a motion to adopt Resolution #347-2024.

President Kelley asked for public comments.

There were none.

Roll Call Vote: Yes: Kent, Heller, Docherty, Reese, Kelley; No: None; Absent: Squires; motion passed 5-0.

6. Comments from the public on topics not on the Agenda – Melissa Heller, resident of Seawalk, and a member of the Seawalk Homeowners Association spoke about her pleasure in learning that the Town Staff had meet with D. R. Horton (Forestar) staff at a lengthy meeting. She stated that the HOA was aware that they were responsible for maintaining their neighborhood in compliance with PUD documents in perpetuity going forward. She remarked that the HOA was also aware that there were a good number of elements with which the developer had yet to demonstrate compliance. She spoke specifically about the irrigation issue. She commented that they had been told repeatedly that this issue was not necessarily covered by the Bond, held by the Town, so she asked for the Town’s help understanding where the developer’s responsibility ended and where the HOA’s responsibilities begin. She thanked the Town for hiring Landscape Architect, Mike Flaugh, for his additional review of the landscaping which was completed in January 2024. She continued that in the report he stated that there were inconsistencies in the community’s documentation regarding the irrigation system. She added that the landscape management plan filed by the developer in 2017 stated that there would be no permanent irrigation in the common areas. She commented that an irrigation system, with four (4) separate control boxes, was included in the plans in the common areas. She remarked that those plans were dated 2019, per Mike Flaugh’s report, and were installed at an estimated construction costs of \$152,000.

She commented that without knowing the timing of these documents and without being a land development expert, she was not sure what to make of it, which documents would take precedence, how could the documents contradict each other and what exactly should be in the ground. She remarked that she did not know the answer to these questions, so she was asking the Town to tell her collectively and conclusively what exactly the developer was obliged to install, including the electric required to power the sprinkler systems and control boxes, the dates upon which each of these elements were inspected and by whom. She said that she did not expect this information tonight or even this week, if that was how long a review would take. She added that the one thing that was clear was that the Homeowners Association was the party that was responsible for the condition of the common areas in the long term; and according to their landscaping experts, unless they could start watering it soon, they were on the brink of losing what was left of the common area landscaping.

Mr. O'Neil commented that he had a conversation with, Mike Flaugh, the landscape architect representing the Town's interest and that it was determined that the Town would need his continuing services, and he agreed to be available for a meeting with the HOA and their representatives. He added that Mike Flaugh wanted to bring in someone he deemed as an expert in the irrigation field. He remarked that the purpose of the meeting would be to understand what was not right, what the fix looked like, and the long-term sustainability so that the HOA could rely on the design going forward. He spoke about issues of compliance and who was responsible – the Town had looked at the possibility of whether the irrigation would fit within the bond. He added that the attorney was aware of it. He commented that the next step would be a meeting with Mr. Flaugh and the HOA to determine what was done, what had to be fixed to make it workable, and to look at the landscaping materials to make sure that they were proper materials for the irrigation system proposed; and get to a solution. He added that Mr. Flaugh said that they would be meeting within a weeks' time.

7. Comments from the Council on topics not on the Agenda – Council Member Docherty spoke about his endeavors to get the name of the Town corrected with the Property Appraiser's office by removing the word "Park." He mentioned his meetings with the Treasure Coast Council of Local Governments and other meetings online, in which the topic of hurricanes was discussed. He stated that he would check with the Resort to see if someone could come to talk to the residents and visitors about hurricane season. He commented that the Seawalk HOA would like to have a meeting regarding what to do for hurricane preparation. He added that he would be willing to seek out someone to talk to the Town.

Mr. O'Neil reported that in May or June of the last few years, the Town had someone from the Martin County Fire Rescue emergency personnel give a presentation and that staff would contact them to come and speak about their protocols and all that was entailed in hurricane preparation.

Mayor Ostrand stated that she was also attending such meetings. She spoke about the importance of knowing who to contact.

Mr. O'Neil remarked that a Town the size of Ocean Breeze did not have an emergency system other than to participate in Martin County's program by an Interlocal Agreement and the planning the County does, included the Town. He stated that staff would invite someone to speak at a meeting.

Mayor Ostrand stated that the Federal Government also had funds available to assist Towns that may be affected by a hurricane.

8. Comments from Town Management Consultant, Terry O’Neil – Mr. O’Neil referred to Attorney Nicoletti’s summary of where things stand with the Seawalk and the Resort closeout projects. He reported that a meeting was scheduled for April 9, 2024, with representatives from the Resort about the remedial work that remained outstanding and that they needed to complete on the north side of the Resort. He stated that the Town continues to push for compliance with the developers.

Council Member Docherty stated that the Town had been working with and waiting on Martin County to get the new crosswalks finished, new signage and road paint.

9. Comments from Mayor Ostrand – Mayor Ostrand gave a legislative update which included bills that the Governor had signed, including broadband and cybersecurity. She spoke about the homestead exemption tax bill, short-term rentals bill and a bill regarding permitting that passed; and other bills that had failed. She added that one lane on the Jensen Beach causeway would be closed to traffic going east April 21 – 25 from 10:00PM to 6:00AM and the other side, going west would be closed to one lane traffic April 28 – May 2.

10. Announcements – Regular Town Council Meeting to be held Monday, May 13, 2024, at 10:30AM at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

11. Adjourn – Council Member Docherty, seconded by Council Member Heller, made a motion to adjourn the meeting at 7:30PM.

Respectfully Submitted,

Kim Stanton
Town Clerk

Minutes approved:

Memorandum

TO: TOWN COUNCIL AND MAYOR

FROM: HOLLY VATH, FINANCIAL CONSULTANT

SUBJECT: QUARTERLY FINANCIAL REPORT

DATE: APRIL 30, 2024

Attached is the quarterly financial report for the second quarter of fiscal year 2024. The quarterly report indicates the fiscal activity is trending as expected with no unplanned expenses at this time.

Revenue

The total budgeted revenues were \$138,387, the Town received \$146,845 which is \$8,457 more than budgeted. State Revenue sharing and ½ Cent sales tax remains below budget. These revenues have a one-month lag, so we anticipate receiving the budgeted revenue. Building permit revenue is above budget by \$611. Interest income continues to exceed budgetary expectations. The federal funds rate remains high. When the federal funds rate declines, the Town will see a decrease in interest earnings.

Expenditures

The total budgeted expenditures through March 31, 2024 were \$175,701. The Town expended \$139,119 which is \$36,582 less than budgeted. Some of the positive variance will be utilized later in the fiscal year. General government expenditure are under budget while Public Safety are slightly over budget. The total net income for the year was \$7,725. The positive net income will reverse with the utilization of budgeted reserves. We expect to remain within budget for the remaining of the fiscal year.

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

	<u>Oct '23 - Mar 24</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
6001 · Taxes from other Governments			
312300 · State Fuel Tax	2,167.64	9,499.98	-7,332.34
312410 · Local Option Gas Tax	12,622.58	0.00	12,622.58
312420 · New Local Option Gas Tax	9,338.53	0.00	9,338.53
314200 · Local Communications Svc Tax	2,693.25	1,899.96	793.29
335120 · State Revenue Sharing	8,611.45	11,499.96	-2,888.51
335140 · Mobile Home Tags	1,920.90	1,449.96	470.94
335150 · Alcoholic Beverage Licenses	0.00	999.96	-999.96
335180 · 1/2 Cent Sales Tax	23,298.81	30,499.98	-7,201.17
Total 6001 · Taxes from other Governments	60,653.16	55,849.80	4,803.36
6002 · Licenses & Permits			
322000 · Building Permits	10,715.20	9,999.96	715.24
338200 · Occupational Licenses	96.44	199.98	-103.54
Total 6002 · Licenses & Permits	10,811.64	10,199.94	611.70
6003 · Other Fees for Services			
322001 · Fire Inspections	0.00	249.96	-249.96
322004 · Charges for Services	0.00	0.00	0.00
Total 6003 · Other Fees for Services	0.00	249.96	-249.96
6004 · Investment & Other Earnings			
361000 · Interest Income	12,278.25	7,999.98	4,278.27
Total 6004 · Investment & Other Earnings	12,278.25	7,999.98	4,278.27
6005 · Ad Valorem Revenue			
312100 · Ad Valorem	63,102.46	63,938.00	-835.54
Total 6005 · Ad Valorem Revenue	63,102.46	63,938.00	-835.54
6007 · Miscellaneous Income			
369000 · Misc Inc - MCSB Admin Fee, Etc.	0.00	150.00	-150.00
Total 6007 · Miscellaneous Income	0.00	150.00	-150.00
Total Income	146,845.51	138,387.68	8,457.83

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

Expense	Oct '23 - Mar 24	Budget	\$ Over Budget
6101 - General Government			
513150 - Gross Payroll	25,712.50	33,799.98	-8,087.48
513155 - PTO Accrual	0.00	0.00	0.00
513301 - Management Consultant	3,895.00	14,000.00	-10,105.00
513302 - Rent	8,792.29	7,087.50	1,704.79
513304 - Communications / Website	6,142.70	8,077.50	-1,934.80
513305 - Engineering	0.00	2,499.96	-2,499.96
513306 - Accountant	420.00	3,999.96	-3,579.96
513308 - Insurance W/C	1,429.00	5,000.00	-3,571.00
513309 - Insurance Package	25,042.00	24,300.00	742.00
513311 - Public Advertising Notices	463.50	1,999.98	-1,536.48
513312 - Office Equipment & Supplies	6,929.07	5,115.00	1,814.07
513313 - Postage	409.73	399.96	9.77
513314 - Petty Cash	0.00	0.00	0.00
513315 - Audit	0.00	8,250.00	-8,250.00
513316 - Utilities	409.32	360.00	49.32
513317 - Dues	1,152.00	762.48	389.52
513318 - Mileage Reimb. - Clerks	29.48	349.98	-320.50
513319 - Conferences & Travel - Council	3,910.48	2,899.98	1,010.50
513320 - Bank Fees	239.88		
513321 - Election Expenses	0.00	999.96	-999.96
513322 - Safety Deposit Box	0.00	0.00	0.00
513324 - Special Project-Digitizing	0.00	0.00	0.00
513325 - Meeting Security	0.00	0.00	0.00
513326 - Special Projects	5,754.00	2,499.96	3,254.04
513820 - Contributions	300.00	499.98	-199.98
514100 - Legal Counsel	9,124.00	12,000.00	-2,876.00
514200 - Computer Services	2,639.41	3,450.00	-810.59
531110 - Payroll Taxes - Fica	1,594.19	2,100.00	-505.81
531111 - Payroll Taxes - Medicare	372.84	499.98	-127.14
531112 - Benefits	0.00	0.00	0.00
Total 6101 - General Government	104,761.39	140,952.16	-36,190.77
6102 - Public Safety			
524200 - Building Official Services	9,475.00	13,500.00	-4,025.00
524210 - Building Code Compliance Ser	7,217.50	3,999.96	3,217.54
524220 - Code Compliance Legal	8,150.00	4,499.96	3,650.04
524300 - Fire Safety Inspector	0.00	249.96	-249.96
524310 - Permit Processing Services	8,707.50	9,999.96	-1,292.46
Total 6102 - Public Safety	33,550.00	32,249.84	1,300.16

9:12 AM

04/29/24

Accrual Basis

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

	<u>Oct '23 - Mar 24</u>	<u>Budget</u>	<u>\$ Over Budget</u>
6104 · Transportation			
541300 · Road and Street Maintenance	325.00	1,249.98	-924.98
541301 · Street Lights	483.28	1,249.98	-766.70
541400 · Sheriff Road Patrol	0.00	0.00	0.00
Total 6104 · Transportation	<u>808.28</u>	<u>2,499.96</u>	<u>-1,691.68</u>
Total Expense	<u>139,119.67</u>	<u>175,701.96</u>	<u>-36,582.29</u>
Net Ordinary Income	<u>7,725.84</u>	<u>-37,314.28</u>	<u>45,040.12</u>
Net Income	<u><u>7,725.84</u></u>	<u><u>-37,314.28</u></u>	<u><u>45,040.12</u></u>



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: REVIEW OF RESPONSIBILITIES FOR THE SEA WALK DEVELOPMENT

DATE: APRIL 23, 2024

THIS MEMORANDUM IS PUBLIC RECORD

It has become apparent to me that there are some responsibilities which need to be clarified as to which entity is responsible for action... essentially, I am attempting to answer the "who" does "what" to "whom" regarding the Sea Walk development.

Essentially, there are five parties involved in the Sea Walk Planned Unit Development (PUD), each of which bears responsibility, some of which is overlapping. The players are:

1. The developer, Forestar;
2. The home builder, DR Horton;
3. The homeowners' association, Sea Walk Homeowners Association;
4. The individual property owners (143 owners); and
5. The Town of Ocean Breeze.

Collaterally, there are other governmental agencies which also have some regulatory responsibilities, including Martin County; the South Florida Water Management District; the Florida Department of Environmental Protection; and the US Army Corps of Engineers. These agencies have more to do with things like public safety including access to county roads, policing, fire prevention and protection, potable water supply, sanitary sewers, storm water drainage, and protection of fresh water and saltwater resources. In addition, there are private utilities, such as Florida Power and Light Co., AT&T, Comcast, and perhaps others who operate in the space known as the Sea Walk neighborhood.

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

Email: pnicoletti@comcast.net

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL
SUBJECT: REVIEW OF RESPONSIBILITIES FOR THE SEA WALK DEVELOPMENT
DATE: APRIL 23, 2024

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In this particular situation, I want to address (almost exclusively) the 5 numbered entities above:

1. THE DEVELOPER: Forestar, was the one which envisioned use of the property, applied for and obtained a Planned Unit Development Ordinance, approved by the Town Council, and which bear ultimate responsibility for the creation of the Planned Unit Development, submitting an overall design and plan to develop single family homes, common areas, and rights of way (roads, sidewalks and other public use pathways) for the entire property. They are the ones who initially adopt and file in the County records, a Declaration of Covenants which ultimately bind the homeowners association and the individual property owners to certain standards, rules and regulations. Beyond the Town requirements, they had to satisfy some of the requirements of the collateral agencies discussed above. Forestar had the initial responsibility for the installation and maintenance for both the common areas and rights of way. They are the ones who submitted an infrastructure Performance Bond to the Town in the amount of around \$4 million, and who now are seeking the closeout of the development so they can reduce the Bond to the residual amount of around \$400k to resolve any remaining issues. Infrastructure includes the contouring of the land, installation of the drainage patterns and structures, the above ground and underground utilities structures and piping (water, sewer, and drainage), the roads, sidewalks, common use paths, and other hardscape, the right of way and common area landscaping, gates and signage. Some or all of this responsibility may have been shifted to the home builder. Forestar has a strong corporate familial relationship with D.R. Horton, but it is not clear (even after questioning) how the two entities ultimately relate and interact. For our purposes, we are treating Forestar as the responsible party, unless advised otherwise.

2. THE HOME BUILDER: D.R. Horton, bears the later responsibility for the actual construction permits, proper construction, and completion of the rights of way, the common areas, and the individual home sites, along with the construction of the individual homes. They also had to satisfy some of the requirements of the collateral agencies discussed above for the installation of utilities, drainage, and preserve areas. But, most importantly they are responsible for proper completion of the individual lots and homes. That is, from the time D.R. Horton initially contracted with individual buyers until the issuance of a Certificate of Occupancy (CO) by the Town, and continuing through Closing in which legal title to the lot

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and home passes to the Individual Property Owner via a Deed, and then continuing through the warranty period, D.R. Horton continues to be responsible for resolving the individual homeowner warranty items, until the warranty expires. Warranty items are for the materials and installation of the home structure itself, including the roof, floor, walls, plumbing, heating-ventilation-air conditioning (HVAC) systems, electrical, and other items such as fixtures and built-ins supplied by the home builder. This responsibility includes the required landscaping of the lot. This responsibility is also typically for any utilities installed by the builder, and includes any item which is defective or not installed properly. However, this warranty typically does not include appliances which usually are covered by the manufacturer's warranty.

3. THE HOMEOWNERS ASSOCIATION: Under the Town's PUD ordinance, and Chapter 720, Florida Statutes, the law provides for the Developer to create a not for profit corporation called a homeowners association (HOA), which becomes the homeowner's means of partially controlling the development. Once the homeowners take over controlling interest in the Association, the Developer is typically no longer responsible for the maintenance of the common areas, unless the developer is contractually obligated to the HOA to do so. In this case, the homeowners have assumed control of the HOA, which now bears this responsibility. The HOA is also responsible for assessing fees for the continuing maintenance of the common areas, and to create rules and regulations which can be enforced by the HOA for certain matters on the individual properties, or within the HOA common areas and rights of way. The HOA officers and directors have a fiduciary relationship toward the individual property owners to act in their interest and to enforce HOA covenants, assessments, and rules, and generally to create a harmonious community.

4. THE INDIVIDUAL PROPERTY OWNER (HOMEOWNER): Once "Closing" (transfer of ownership) occurs on their house and lot, the homeowner assumes control and responsibility for maintenance and well-being of their individual homes and lots, subject only to any remaining warranty issues which need to be resolved by the Builder. It is important to note, the parties cannot Close or transfer ownership from the Builder to the Individual Property Owner unless and until the Town issues a Certificate of Occupancy (CO). A "CO" is the Town's last official action regarding the construction of any home or other structure, subject only to any later regulatory authority of the Town for code violations. This is not to say that the Town is without authority if it is later discovered that certain construction

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materials or methods did not meet the Florida Building Code. In Sea Walk there were questions regarding whether roof vents, air conditioning systems, and a couple of other issues met the Florida Building Code, and the Town was responsive in reviewing and examining those issues with its Building Official. It required the Builder to change out certain items to satisfy the Florida Building Code or to explain to the Building Official the methods and materials used and approved by the Builder's hired building inspector. The Town's Building Official is ultimately responsible under Florida law for the issuance of the final certificate of approval or Certificate of Occupancy.

5. THE TOWN OF OCEAN BREEZE:

The Town has many responsibilities and "wears many hats" regarding the development of any large property, but this is particularly true of a Planned Unit Development (PUD). There are "quasi-judicial," "legislative," and "regulatory" authorities and responsibilities which must be differentiated and respected. When any developer approaches a municipality with a set of plans for a PUD, there is an extensive staff review of the plans and working documents submitted, prior to any formal review and hearing by the Town Council. If the land use involves a change to the Comprehensive Plan, then the matter is legislative, and involves the adoption of a Town Council ordinance to allow the subject property to be assigned a compatible "future land use" called a Future Land Use Amendment (FLUM) ordinance, as required by the State of Florida. After that, a PUD Ordinance is introduced to permit the requested PUD to be developed on the land. This is quasi-judicial, and has heightened notice, hearing, and approval requirements. It allows and requires public notice and a hearing. Once approved, it is not unusual to have PUD ordinance and any later PUD resolutions to be amended along the way... this happened with the Sea Walk PUD. In fact, there may be one or more additional ordinance or resolution amendments, as a means of finalizing the PUD, when all remaining items have been satisfied. Each of the ordinances and resolutions adopted for the Sea Walk community included an "agreement" signed by the Developer to abide by the ordinance or resolution. This is not just a meaningless formality... rather, it is the assurance executed and signed by the Developer that all of the PUD requirements will be completed as they are stated in the respective ordinance or resolution.

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The regulatory requirements are contained within the FLUM, the PUD ordinances and resolutions, and require the developer to satisfy the requirements or face enforcement action by the Town. In this case, it would involve an ordinance violation action in County court.

Along the path of development, the Town has ultimate regulatory authority over the actual construction of the rights of way, the common areas, and the individual lots and homes. The Developer has the option, and it is not unusual for the Developer, to pay for independent inspectors to furnish their inspection results and approvals to the Town. Forestar did this, and as D.R. Horton was constructing homes and lots, those inspection results were furnished to the town by a number of independent consultants.

Once homes are certified as meeting all the requirements of the Florida Building Code, the Town (by the Building Official) issues its Certificate of Occupancy, which then enables the Builder to "sell" the house and lot to an Individual Owner at Closing. In this case all 143 homes have been issued a Certificate of Occupancy, and those properties have been occupied by the owners for some time.

It is also not unusual for some property owners to discover items that were not constructed in accordance with their Contract for Purchase, or later failed to meet the requirements stated in the Closing or approval documents. This can trigger a warranty claim by the homeowner to the builder, and sometimes, builders are recalcitrant in making good on work, which in turn then may require private legal action by the homeowner. But, it is not unusual for homeowners to seek help from the HOA or Town in this regard. The Town went over and above what was required by law by hiring additional landscape and HVAC professionals, and its own Town Engineer, and its Building Official to re-review and give opinions regarding issues that had received complaints from residents.

The Town (and I also believe the HOA) does not have a legal right to attempt an intervention on behalf of an individual homeowner, because to do so could become a "tortious interference" with a contractual business relationship between the builder and the homeowner. In all cases this is ill advised. If tortious interference is found by a court, the party interfering is liable for up to triple damages. Individual property owners have a their own remedy, and it is by and through the warranty provided by the Builder. This warranty is a part of the contractual relationship between the Builder and the Individual Property Owner.

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

Email: pnicoletti@comcast.net

MEMORANDUM

TO: THE MAYOR AND MEMBERS OF THE OCEAN BREEZE TOWN COUNCIL
SUBJECT: REVIEW OF RESPONSIBILITIES FOR THE SEA WALK DEVELOPMENT
DATE: APRIL 23, 2024
Page 6 of 6

By and large, the developer or builder will attempt to perform warranty work unless and until legal action is threatened by the homeowner, and thereafter, it usually does not occur until legal action is either withdrawn or completed. However, most Builders, including D.R. Horton have a fairly robust warranty program (at least on paper), and it is up to the Individual Property Owner to require its performance by the Builder.

I have noticed one unique anomaly. A CO was issued for Lot 1, however, the lot does not meet the overall requirements of the PUD issued by the Town as to land contours or its relationship to the contiguous Upland Preserve Tract 1 property now controlled by the HOA. This is not a Florida Building Code issue, rather it is a zoning matter. Prior to closeout, the HOA, the Developer, and the Town are aware of the need to rectify this situation. To my knowledge, there are no other situations like this within the community, and I do not believe exerting regulatory authority in this regard constitutes tortuous interference.

I hope this helps to clarify the issues you face when confronted by your constituents, and I suggest if any further questions arise, please provide those to the Town Staff for review.

Respectfully submitted,

// Original signed //

PAUL J. NICOLETTI

Cc:
Terry O'Neil, Management Consultant
Pam Orr, Permit Processor
Kim Stanton, Town Clerk

GENERAL INFORMATION ITEMS

The attached items (i.e.: correspondence, emails, 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.

- a. Memorandum regarding possible collaboration with City of Stuart regarding FEC Railroad impact mitigation grants and quiet zones
- b. Indian River Drive crosswalks / refurbishment
- c. Confirmation of meeting with Landscape Architect, Mike Flaugh and Seawalk HOA reps
- d. Confirmation of speed sign repair and reinstallation
- e. Confirmation of Martin County hurricane presentation on June 10, 2024
- f. Response to Council Member Docherty regarding wooden FP&L power poles on Indian River Drive
- g. Routine Budget and Election mailing to Town of Ocean Breeze occupants and Florida Department of Revenue confirmation of TRIM timetable
- h. Confirmation that the recently executed lighting agreement with FP&L includes four (4) led lights rather than three (3) lights
- i. Email confirming contact with Martin County engineering regarding possibility of allowing a left turn movement at the plaza west entrance / exit at Skyline Drive
- j. Contact with Sun Communities regarding mediation of north Resort infrastructure items.

Memorandum

To: Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

Cc: Mike Mortell, Stuart City Manager
Rory Newton, Federal Railroad Administration
Jacquiline May, City of Stuart Grants Administrator

Date: May 6, 2024

Re: FEC Railroad impact mitigation grants and quiet zones

As encouraged by Rory Newton of the Federal Railroad Administration (FRA), who you'll recall spoke to the Town Council on April 8, 2024, I met recently with Stuart City Manager, Mike Mortell, to discuss the possibility of collaborating on matters of railroad impact grants and quiet zones. Mike generously volunteered his expert staff to help analyze the Town's potential competitiveness in seeking funds, which, in our case, would be for a safety barrier, remote horn system, or other similar improvements. Should his staff's analysis indicate a reasonable chance of success, the Town will then execute a memorandum of understanding (MOU) piggybacking on the City's own grant acquisition efforts. At present, Mr. Mortell does not envision a cost for assisting the Town. We spoke about quiet zones as well and agreed to fully explore the possibility of further collaboration.

Permits

From: Permits
Sent: Friday, April 19, 2024 2:52 PM
To: Bpanaro@sunshinelanddesign.com
Cc: Terry O'Neil (terrancewoneil@gmail.com); Town Clerk; Kevin Docherty
Subject: Indian River Drive crosswalks
Attachments: 02 Apendix A - As-Built Record Drawings.pdf

Hi Brad:

I am working with Terry on the refurbishing of the crosswalks on Indian River Drive. As per my discussion with him you will please find attached the as-built drawings from the project done in July of 2017. We look forward to receiving your estimate soon. We appreciate your assistance.

Have a wonderful weekend!

Pam Orr
Permit Processor



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

Permits

From: Permits
Sent: Thursday, May 2, 2024 2:41 PM
To: Bpanaro@sunshinelanddesign.com
Cc: Terry O'Neil (terrancewoneil@gmail.com); Town Clerk
Subject: Indian River Drive crosswalks

Hi Brad:

We appreciate you working with the Town to refurbish the crosswalks on Indian River Drive, we are hoping to see an estimate soon. In addition, would you be able to give us an estimate to paint **25 mph** in two locations as well. Also, could you estimate the cost of installing two 25 mph speed limit signs, (according to Martin County specifications)? We look forward to hearing from you soon.

Thank you!

Pam Orr
Permit Processor



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

C.

Permits

From: HOA Melissa Heller <hoamelissaheller@gmail.com>
Sent: Tuesday, April 30, 2024 11:04 AM
To: Permits
Cc: Mike Flaugh; Town Clerk; Terry O'Neil (terrancewoneil@gmail.com); Michael Heller
Subject: Re: Meeting with Seawalk HOA.

Good morning Pam. Thursday May 16 at 10:30 works for me.
Thank you,
Melissa

On Tue, Apr 30, 2024 at 10:25 AM Permits <permits@townofoceanbreeze.org> wrote:
It looks like Thursday, May 16th at 10:30, at the Town office, will work for us if it works for you. Please confirm.

Thanks!

Pam Orr
Permit Processor

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

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

From: Mike Flaugh <mike@mikeflaughla.com>
Sent: Tuesday, April 30, 2024 10:14 AM
To: Permits <permits@Townofoceanbreeze.org>; Terrance O'Neil <terrancewoneil@gmail.com>
Cc: Town Clerk <townclerk@townofoceanbreeze.org>
Subject: RE: Meeting with Seawalk HOA.

Hi Pam,
14th, 15th, 16th are good, but 17th Pete is out of office.
Thanks
M

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, Fl 33036

Naples
4850 Tamiami Trail N Suite 301, FL 34103

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

From: Permits <permits@Townofoceanbreeze.org>
Sent: Tuesday, April 30, 2024 10:11 AM
To: Mike Flaugh <mike@mikeflaughla.com>; Terrance O'Neil <terrancewoneil@gmail.com>
Cc: Town Clerk <townclerk@townofoceanbreeze.org>
Subject: RE: Meeting with Seawalk HOA.

Hi Mike:

The Council Member and HOA representative who are key to the landscape/irrigation situation at Seawalk will be out of town the week of May 6, 2024. Would you and your landscape specialist be available May 14 - 17th, or the following week? Please let me know.

Thank you,

Pam Orr
Permit Processor

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

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

From: Mike Flaugh <mike@mikeflaughla.com>
Sent: Tuesday, April 30, 2024 8:16 AM
To: Terrance O'Neil <terrancewoneil@gmail.com>
Cc: Permits <permits@Townofoceanbreeze.org>; Town Clerk <townclerk@townofoceanbreeze.org>
Subject: RE: Meeting with Seawalk HOA.

Good morning,

Sure anytime, I'm here working at the desk feel free to call anytime Thanks 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, FL 33036

Naples

4850 Tamiami Trail N Suite 301, FL 34103

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

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

Sent: Tuesday, April 30, 2024 6:52 AM

To: Mike Flaugh <mike@mikeflaughla.com>

Cc: Permits <permits@townofocceanbreeze.org>; Town Clerk <townclerk@townofocceanbreeze.org>

Subject: Meeting with Seawalk HOA.

Hello Mike. Any chance we can talk this morning?

Best,

Terry

772 486 2190

Sent from my iPhone

d.

1:09 PM 4/29/2024

FROM: Sign It, Alan Marcus

RE: Your Speed Sign on Indian River Drive

"All hooked up and working"

e.

From: Sally Waite
Sent: Wednesday, April 17, 2024 11:07 AM
To: Terrance O'Neil
Cc: Amy Heimberger Lopez
Subject: Re: Request for hurricane preparedness presentation.

Hi Terry, the meeting in June would be perfect for us. Most of my staff, including myself are at the Governors Hurricane Conference that week of May. So if that's OK you can confirm me for June 10.
Sent from my iPhone

> On Apr 17, 2024, at 12:43 AM, Terrance O'Neil <terracewoneil@gmail.com> wrote:

>

> This Email Sent From External Sender

>

> Hello Sally,

>

> As we've done for the past several years, may we again impose on your department to have someone come to a Town Council meeting to speak about hurricane preparedness? Our next meeting is Monday, May 13, 2024 at 10:30 AM at the Ocean Breeze Resort clubhouse facility. Our meeting in June is on Monday the 10th. Same time and place.

>

> We have several new council members and they are interested in how the town, with its modest resources, fits into the county's comprehensive emergency response plan and EOC operations, particularly during a storm.

>

> Look forward to hearing from you.

>

> Regards,

> Terry O'Neil

>

> Sent from my iPhone

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The comments and opinions expressed herein are those of the author of this message and may not reflect the policies of the Martin County Board of County Commissioners. Under Florida Law, email addresses are public records. If you do not want your email address released in response to a public records request do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

f.

Town Clerk

From: Park, Sue <Sue.Park@fpl.com>
Sent: Tuesday, April 30, 2024 8:57 AM
To: Town Clerk
Cc: Kevin Docherty; Park, Sue
Subject: RE: Wooden Poles within The Town of Ocean Breeze

Kim,

I just now heard back on my end from our hardening department.

They indicated that at this time there are no plans to harden that section.

Should something change and I am notified I will let you know.

Have a good day!

Sue Park
Customer Advisor
561-315-2529
9001 Ellis Rd Melbourne FL 32904



Rebates available to help you save [FPL Rebate Programs](#)
To track, analyze and control energy usage with the [Business Energy Manager](#)
Report, track and learn if your area is affected by [Outages](#)
Learn more about how you can manage your [Multiple Accounts](#)
Manage your construction or new projects on the [FPL Project Portal](#)
Line clearing program and tree maintenance [Vegetation Request](#)

*Visit the new **FPL Project Portal** at [FPL.com/construction](https://www.fpl.com/construction) to manage your FPL Residential and Commercial construction projects. Get information on construction services and project types, apply for your construction project, track project milestones, manage your project team and more.*

Link to FPL's Electrical Service Standards: <https://www.fpl.com/partner/builders/service-standards.html>

Find my Project Manager Link Below:
<https://inapp.fpl.com/fpl/construction/pmLocator.html#>

Pay invoice:
<https://internet.speedpay.com/fplconstruction/-/login/guest>

Postal mail payment:
FPL
General Mail Facility

Miami, FL 33188-0001

Overnight payments:

Attn: FPL Payment Processing Center
5100 NW 159th St.
Miami Gardens, FL 33018

<https://www.fpl.com/rates/tax-exemptions.html>

From: Town Clerk <townclerk@townofoceanbreeze.org>
Sent: Tuesday, April 23, 2024 12:43 PM
To: Park, Sue <Sue.Park@fpl.com>
Cc: Kevin Docherty <kdocherty@Townofoceanbreeze.org>
Subject: Wooden Poles within The Town of Ocean Breeze

Hi Sue,

Would you be able to give us some idea as to when the wooden poles along the Indian River Drive corridor in the Town of Ocean Breeze will be converted over to cement poles?

Town Council Member Kevin Docherty has been asking about this issue for quite a while and we were hopeful that you would have an answer.

Our billing address for the light poles in questions is: 132 NE INDIAN RIVER DRIVE, JENSEN BEACH, FL 34957

Thank you for your attention to this matter.

Kim Stanton
Town Clerk



Town of Ocean Breeze
Post Office Box 1025
Jensen Beach, FL 34958
Telephone: (772) 334-6826
Cell: (772) 215-2700
Fax: (772) 334-6823
www.townofoceanbreeze.org

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, please contact this office. This communication may

June 24, 2024

Dear Occupant:

In an effort to keep you informed, the Town of Ocean Breeze wishes to make you aware of the following important meetings and events.

1. Regular Town Council Meetings are held on the second Monday of each month at 10:30 am located at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, FL. Except during the months of January, April, July and October, the meeting times are 6:00 pm.

2. Annual budget adoption schedule for fiscal year 2024/2025 is shown below. The meetings will take place at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze at 6:00 pm.

- Millage Rate and Budget Workshop / Special Meeting, Wednesday, July 24, 2024
- Tentative Millage Rate and Budget Hearing, Wednesday, September 11, 2024
- Final Millage Rate and Budget Hearing, Wednesday, September 25, 2024

3. Town Council Elections. Please see Election Proclamation on the reverse side of this letter.

If you have any questions regarding our meeting schedule, the budget process, or seeking a seat on the Town Council, please do not hesitate to contact the Town Clerk or visit our website at www.townofoceanbreeze.org.

Sincerely,

Karen M. Ostrand
Mayor

TOWN OF OCEAN BREEZE, FLORIDA PROCLAMATION – 2024 TOWN ELECTION

ELIGIBILITY:

Persons eligible to run for Council Member must be a full-time resident of the Town of Ocean Breeze and a registered voter in Martin County.

CANDIDATES:

Candidates for office shall file for qualifying with the Town of Ocean Breeze Town Clerk between the qualifying period of Thursday, August 1, 2024 through Wednesday, August 21, 2024. All qualifying documents are provided by the Town Clerk and can also be accessed on the Town's web-site at: www.townofoceanbreeze.org

VACANCIES:

The positions of three (3) Council Members and the Mayor are open. Term is for two (2) years. The Council Members currently holding these positions are: Council Members Sandy Kelley, Gina Kent and Liz Reese. The current Mayor is Karen M. Ostrand.

REGULAR ELECTION:

The Regular Town Election will be held Tuesday, November 5, 2024.

VOTE BY MAIL BALLOTS:

Please Contact – Vicki, Davis, Supervisor of Elections
135 SE Martin Luther King Jr. Blvd.
Stuart, FL 34994
Phone: (772) 288-5637 Fax: (772) 288-5765
www.MartinVotes.com

VOTING PLACE & TIME: Langford Park, 2369 NE Dixie Highway, Jensen Beach, FL 34957. Polls are open from 7:00 a.m. to 7:00 p.m.

ELECTION RETURNS:

Election returns shall be furnished after the Election at the Canvassing Board Meeting on Saturday, November 16, 2024 at 9:00 am at: Martin County Supervisor of Elections, 135 NE Martin Luther Kind, Jr. Blvd, Stuart, Florida.

DATE TO TAKE OFFICE: Monday, December 9, 2024

VOTER REGISTRATION:

The deadline for registering to vote in the November 5, 2025 Election, is Monday, October 7, 2024. Registration takes place at the Supervisor of Elections' office. Town Office is located at: 1508 NE Jensen Beach Blvd., Jensen Beach, FL 34957
Office hours of operation: Monday – Friday, 9:00 a.m. – 2:00 p.m.

Revised 4/24/2024

Proclamation to be approved by the Town Council at the July 8th, 2024 meeting to be held at 6:00 p.m.

TRIM Timetable FY 2024-2025
For: Town of Ocean Breeze

- | | | |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| July 1, 2024
(Monday) | Property Appraiser certifies Tax Roll | ✓ |
| July 24, 2024
(Wed, 6:00 pm) | Millage Rate & Budget Workshop/Special Meeting | ✓ |
| August 2, 2024
(Friday) | Town certified the completed DR-420, DR-420MMP and any additional forms back to the property appraiser using e-trim system | ✓ |
| Sept 11, 2024
(Wed, 6:00 pm) | Hearing – Setting of the Tentative Millage Rate & Budget | ✓ |
| Sept 22, 2024
(Sunday) | Advertise intent to adopt a final Millage Rate & Budget Advertise Budget Summary. Deadline for all advertisements. | ✓ |
| Sept 25, 2024
(Wed, 6:00 pm) | Hold a public Hearing to adopt the final Millage Rate & Budget | ✓ |
| By Sept 27, 2024
(Friday) | Send Resolution adopting the final Millage Rate to the Property Appraiser, the Tax Collector, and the Department of Revenue | ✓ |
| | Within 3 days after receipt of Form DR-422 (and any other applicable forms) from the Property Appraiser, the Town completes and certifies millage back to the Property Appraiser using e-trim system. | ✓ |
| By Oct 2, 2024 | Within 30 days following adoption of the Millage Rate and Budget Resolutions, Town uses Form DR-487, Certification of Compliance, to certify compliance to the Property Tax Oversight Program. | ✓ |

Town Clerk

From: Madera, Valeska <Valeska.Madera@fpl.com>
Sent: Tuesday, April 16, 2024 3:48 PM
To: Park, Sue
Cc: Town Clerk; Permits
Subject: RE: Street Lights - Town of Ocean Breeze
Attachments: Town of Ocean Breeze LED Lighting Agreement.pdf; Town of Ocean Breeze - NE Indian Blvd & NE Coastal DR - Preliminary Design - REV1.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Some people who received this message don't often get email from valeska.madera@fpl.com. [Learn why this is important](#)

Sue,

Attached is the revised agreement. FPL will be installing 4 LED lights on existing poles.

Thank you,

Valeska Madera
 Business Analyst III - LED Lighting Solutions | Office: 305-442-5317 | Cell: 786 -893-1854

From: Park, Sue <Sue.Park@fpl.com>
Sent: Wednesday, April 10, 2024 11:42 AM
To: Madera, Valeska <Valeska.Madera@fpl.com>; townclerk@townofoceanbreeze.org; Permits <permits@Townofoceanbreeze.org>
Cc: Park, Sue <Sue.Park@fpl.com>
Subject: FW: Street Lights - Town of Ocean Breeze

Valeska,

I believe these belong to you.

Thank you.

Sue Park
 Customer Advisor
 561-315-2529
 9001 Ellis Rd Melbourne FL 32904



Rebates available to help you save [FPL Rebate Programs](#)
 To track, analyze and control energy usage with the [Business Energy Manager](#)
 Report, track and learn if your area is affected by [Outages](#)
 Learn more about how you can manage your [Multiple Accounts](#)
 Manage your construction or new projects on the [FPL Project Portal](#)



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	4# Installed	# Removed
Roadway	59	7,500	3000K	3 ⁴	N/A

V.M
04/16/2021
RNO 4-17-24

(1) Catalog of available fixtures and the assigned billing tier for each can be viewed at 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 50W-7.500L - 3000K on existing poles.



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 4: 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 MATERIALS SHOWN MUST BE USED UNLESS OTHERWISE NOTED BY THE CONTRACTOR. MATERIALS NOT SHOWN ARE TO BE USED AS SHOWN.		ALL DISTANCES SHOWN ARE IN FEET UNLESS OTHERWISE NOTED BY THE CONTRACTOR.		AS-BUILT COPY	
Easement? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Tree Work? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Survey/Stub? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Design/Stub? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Work with S&A? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (1/Typical Job) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		FPL	
City: WMD County: RR King County Air: DR Dist. State Road: Transum FAA:		Town of Ocean Breeze INSTALL 4 New Lights V/O NE Indian Blvd & NE Coastal DR, Ocean Breeze, FL 34957		Designed by: Melissa Leyva Date: 09/06/23		Drawn by: ML Check by: Dwg No. 3 OF 3	
Requested Tel. Co. Set Point? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Requested Tel. Co. Transfer? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Requested CRCT Transfer? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Pole Line Feet: 0' Pole Line Ft. on Truncal Poles: 0' Trench Ft.: 0'		Rural Location Sec: 27 TWP: 37 S, RGE: 41 E SCALE: N.T.S. St. Lt. MAP No. MAP# Pri Map No. AG0544		Map Posting? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Posted by: WR	
TLM/ADR MODEL No.:		Map Posting? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Posted by:		Scale:		M/A <input checked="" type="checkbox"/>	

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		NO WORKING CONTRACTS SHALL BE WITH OTHERS & SUBJECT TO THE TERMS OF AGREEMENT, INCLUDING WORK ON ALL CONTRACTS		AS-BUILT COPY	
DATE: _____		DATE: _____		DATE: _____	
Easement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Tree Work? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Survey/Strike? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Designer/Strike? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Work with SMO? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> CI/Special Mtg? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	FPL		
City: WMD County Rd: _____ County Air: _____ State Road: _____ FAA: _____ RR Xing: _____ DR, Dist: _____ Transm: _____		Town of Ocean Breeze INSTALL 4 New Lights V/O NE Indian Blvd & NE Coastal DR, Ocean Breeze, FL 34957			
Requested Tel. Co. Int. Poles? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Requested Tel. Co. Transfer? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Requested LAMP Transfer? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Pole Line Feet: 0' DUCT BANK FT.: 0' Pole Line Ft. on Transm. Poles: 0' TRENCH FT.: 0'		Designed by: Melissa Leyva Date: 09/06/23 Drawn by: ML Check by: _____ Dwg No.: 2 OF 3	Rural Location Sec: 22 TWP: 37 S, RGE: 41 E SCALE: N.T.S. St. Lt MAP No. MAP# Pri Map No. AG0544 TUM/DR MODEL No. - Map Posting? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Poured by: WR XXXXXXXX M/A XXX	

Permits

i.

From: Terrance O'Neil <terrancewoneil@gmail.com>
Sent: Wednesday, April 17, 2024 1:28 AM
To: Permits
Cc: Town Clerk
Subject: Ocean Breeze Plaza entrance/exit at Skyline Drive

Pam and Kim,

I spoke to County Engineer, Mike Grzelka. He is familiar with the plaza entrance/exit issue and will be consulting with Don Donaldson and Jim Gordon before providing us with answers to the questions:

Is a county permit necessary to modify the existing design configuration, which he confirms includes a "no left turn" sign; and if so and a permit is sought by the plaza owners/town to install both right and left turn exit features, will the county approve the change?

Mike is aware of South Street's long-held view on the matter, which is why he's checking in with his higher-ups.

More soon.

Ps: Please cc this email to Mike, as I don't have his address at hand.

Thanks,

Terry

Sent from my iPhone

J.

Permits

From: Terrance O'Neil <terrancewoneil@gmail.com>
Sent: Monday, May 6, 2024 7:54 PM
To: Paul Nicoletti
Cc: Permits; Town Clerk
Subject: Fwd: Follow up to meeting

Sent from my iPhone

Begin forwarded message:

From: Permits <permits@townofoceanbreeze.org>
Date: May 6, 2024 at 12:46:03 PM EDT
To: Gena May <GMay@suncommunities.com>, Brad Pinover <BPinover@suncommunities.com>
Cc: "Terry O'Neil (terrancewoneil@gmail.com)" <terrancewoneil@gmail.com>, Town Clerk <townclerk@townofoceanbreeze.org>, Karen Ostrand <mayor@townofoceanbreeze.org>
Subject: **Follow up to meeting**

Thank you for meeting with the Town on April 9, 2024, to talk about the close out of the infrastructure permit. We look forward to your follow-up response on or about May 10, 2024, with more detail about the proposed remedy.

Have a great day!

Pam Orr
Permit Processor



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