

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

August 12, 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, July 8, 2024  
(Motion, second, public comment, all in favor)

**3. Review of Board and Agency Memberships – Terry O’Neil**

**4. Comments from the public on topics not on the Agenda**

**5. Comments from the Council on topics not on the Agenda**

**6. Comments from Town Management Consultant, Terry O’Neil**

**7. Comments from Mayor Ostrand – Update on engaging a new Town Attorney**

**8. Regular, Special and Budget Meeting Announcements** – All meetings, including all **Budget meetings**, will be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, FL

- Monday, September 9, 2024: 10:30 am Regular Town Council Meeting
- **Wednesday, September 11, 2024: 6 :00 pm – Public Hearing for setting of Tentative Millage Rate and Budget for FY 2024/2025**
- **Wednesday, September 25, 2024: 6:00 pm – Public Hearing and Adoption of Final Millage Rate and Budget for FY 2024/2025**
- Monday, October 14, 2024: 6:00 pm Regular Town Council Meeting
- **~~Monday, November 11, 2024: 10:30 am~~ Veteran’s Day Holiday (Town Office closed)**
- **Tuesday, November 12, 2024: 10:30 am**
- Monday, December 9, 2024: Regular Town Council Meeting 10:30 am

**9. Adjourn**

(Motion, second, public comment, all in favor)

TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, July 8, 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, Council Members Kevin Docherty, Matthew Squires, and Gina Kent, Michael Heller
- 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 Kent, seconded by Council Member Docherty, made a motion to approve the minutes of the Regular Meeting, Monday, May 13, 2024.

President Kelley asked for comments from the public.

There were none.

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

President Kelley and Mayor Ostrand recognized former Vice President Reese for her service on the Town Council.

**3. Martin County Fire Rescue Hurricane Preparedness** – Sally Waite, Martin County Fire Rescue Emergency Management Director spoke about the functions of Emergency Management and Unified Command. She discussed planning, training and exercises that Emergency Management does throughout the year which include, evacuation zones, shelters, pet friendly shelter (Willoughby Elementary), storm surges, the importance of having a plan, resources to help shutter homes and the new connect Martin app.

She took questions from the Council and stated that she would send an evacuation map to the Town.

Discussion ensued regarding evacuation zones.

**4. Florida League of Cities Home Rule Hero Awards in Recognition of Mayor Ostrand and Council Member Docherty** – President Kelley recognized Mayor Ostrand and Council Member Docherty for receiving the Florida League of Cities Home Rule Hero Award.

Mayor Ostrand spoke about the importance of calling state legislators with issues that concern the Town, the County, and the State.

**5. Request motion to Accept and Transmit F/Y 2022-2023 Audit Report to appropriate state level Government agencies** – Mark Bymaster, Audit Manager, Nowlen, Holt & Miner, PA, gave a summary of the Town’s audit report.

Council Member Heller, seconded by Council Member Squires, made a motion to approve the audit report.

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

**6. 2024 Election Proclamation** – Mayor Ostrand asked the Town Clerk to read the Proclamation into the record. Town Clerk, Kim Stanton, read the Proclamation into the record and took questions from the Council. Council Member Heller, seconded by Council Member Docherty, made a Motion to accept the 2024 Election Proclamation.

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

**7. FIRST READING OF ORDINANCE No. 348-2024** – The Town Clerk read the title of Ordinance No. 348-2024 into the record.

**AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA AMENDING THE CODE OF ORDINANCES AT CHAPTER 2, ARTICLE I. ADMINISTRATION BY ADDING A SECTION 2-1 PROVIDING FOR A CODE COMPLIANCE OFFICER; AT CHAPTER 5, ARTICLE I. MISCELLANEOUS OFFENSES, BY PROVIDING FOR CODE COMPLIANCE MEASURES AND PENALTIES, AND IMPLEMENTING REGULATIONS PURSUANT TO GENERAL LAW BY PROVIDING FOR NON-VEHICULAR NOISE; AMENDING PROVISIONS FOR THE DISCHARGE OF FIREARMS, EXPLOSIVES, AND FIREWORKS; PARKING OF VEHICLES; STORING OF JUNKED OR ABANDONED VEHICLES, ETC.; CONTRACTING WITHOUT A LICENSE; AND ZONING VIOLATIONS; AT CHAPTER 5, ARTICLE II. PENALTIES, BY CLARIFYING THE PROVISIONS FOR ADMINISTRATIVE FINES AND COSTS; AND PROVIDING FINES AND COSTS FOR REPEAT VIOLATIONS; AND OTHER PROCEDURES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

Attorney Nicoletti explained the changes and the need for the ordinance in closing out the two projects.

Attorney Nicoletti took questions from the Council.

Council Member Docherty, seconded by Council Member Kent made a motion to adopt Ordinance No. 348-2024 on first reading.

President Kelley asked for comments from the public.

Melissa Heller, Seawalk resident, thanked Attorney Nicoletti for modernizing the code.

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

**11. Comments from Town Management Consultant, Terry O’Neil** – Mr. O’Neil explained that Council Member Reese had resigned from the Town Council, and he referred to information provided in the Charter and Ordinance regarding vacancies.

He stated that it was the Council’s discretion whether to appoint a new Council Member or to wait for the election in November.

Council Member Docherty stated that when this happened in the past the process took four months. He suggested waiting until the election.

Council Member Heller agreed.

President Kelley agreed and asked about nominating a Vice-President for the balance of the term. President Kelley asked for comments from the public.

There were none.

Council Member Kent, seconded by Council Member Squires, nominated Council Member Docherty to serve as Vice-President.

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

**8. Review of Board and Agency Memberships** – Mr. O’Neil explained that some positions were now vacant on the membership list of Boards and Agencies. He discussed a new organization called “Resilient Martin” which dealt with climate change and future planning. He commented that staff was alerting the Council of the vacancies and, unless otherwise directed, bring it back to the August meeting for appointments.

President Kelley remarked that she had not been contacted by the agencies for which she volunteered.

Mr. O’Neil suggested that staff make sure the agencies were aware of who the Town representatives were and make sure the meetings were made known.

**9. Comments from the public on topics not on the Agenda** – Ann Kagdis, 111 NE Bay Drive, Ocean Breeze, stated that she was a member of the Neighborhood Advisory Council (NAC), and she was there to report on the May 2024 meeting. She commented that they ordered 30 (thirty) street poles which mounted three-foot snowflake decorations on Jensen Beach Blvd., and that Martin County had agreed to store them. She mentioned that the committee requested a quote for a parking carousel from Parkmatic that would accommodate ten (10) cars. She informed the Council that the equipment installation would be \$230,000 and the maintenance would be done by Parkmatic, and it would cost approximately \$30.00 to rent a space. She commented that it would only accommodate cars, not SUVs or trucks. She added that it would be more expensive to park SUVs and trucks. She stated that Deputy Adams had been working hard on eliminating RV overnight parking and suggested obtaining “NO PARKING” signs. She invited everyone to attend the September 4, 2024, meeting which would be held at the Chamber of Commerce Community Center at 5:00 pm to talk about a crosswalk at Maple Avenue and Jensen Beach Blvd., and the issues on West End Blvd. She provided some voter registration applications.

**10. Comments from the Council on topics not on the Agenda** – There were none.

**12. Comments from Mayor Ostrand** – Mayor Ostrand reported on the status of the building located at 1900 NE Ricou Terrace, which was requested by a resident. She stated that a not-for-profit agency was looking at the building to rent and the County would complete the renovations. She commented that the Town had rented a portion of the building for five years for the Town office. She added that she did not have rental figures and that she would continue to gather information.

Mayor Ostrand announced that she would be happy to drive to the Treasure Coast Regional League of Cities annual luncheon in Okeechobee.

Mayor Ostrand spoke about her position on the Board of Directors with the Florida League of Mayors, and her involvement in legislation. She mentioned the Florida League of Cities annual conference in August and that her conference and travel line item was short \$508.20 to attend. She suggested using monies allotted to



the Vice-President, and other Council Members to be able to attend. She remarked that the cost of hotels and travel had gone up exponentially. She stated that she was paying for most of her mileage.

Vice-President Docherty stated that as a passenger with the Mayor that she did not charge for certain mileage.

Council Member Heller, seconded by Council Member Docherty/Kent, made a motion to approve shifting the funds from the Vice-President's account with a remaining total of \$425.00, to Mayor Ostrand's account.

President Kelley asked for public comment.

There were none.

President Kelly passed the gavel to Vice-President Docherty and made a Motion, seconded by Council Member Docherty/Heller/Squires to transfer the additional \$84.02 out of President Kelley's Conferences and Travel line item into the Mayor's travel account.

Vice-President Docherty asked for comments from the public.

There were none.

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

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

- Wednesday, July 24, 2024, at 6:00 pm – Public Hearing Workshop / Special Meeting for setting of Millage Rate and Budget for FY 2024/2025
- Monday, August 12, 2024, at 10:30 am – Regular Town Council Meeting
- Monday, September 9, 2024, at 10:30 am - Regular Town Council Meeting
- Wednesday, September 11, 2024, at 6:00 pm – Public Hearing for Setting of Tentative Millage Rate and Budget for FY 2024/2025
- Wednesday, September 25, 2024, at 6:00 pm – Public Hearing for Adoption of Final Millage Rate and Budget for FY 2024/2025
- Monday, October 14, 2024: 6:00 pm
- ~~Monday, November 11, 2024: 10:30 am (Veteran's Day)~~
- Monday, November 12, 2024: 10:30 am
- Monday, December 9, 2024: 10:30 am

**11. Adjourn** – Vice-President Docherty, seconded by President Kelley, made a motion to adjourn the meeting at 11:40 am.

Respectfully Submitted,

*Kim Stanton*  
Town Clerk

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

## MEMORANDUM

TO: MAYOR OSTRAND AND MEMBERS OF THE TOWN COUNCIL

FROM: KIM STANTON, TOWN CLERK

SUBJECT: MAYOR AND TOWN COUNCIL BOARD APPOINTMENTS AND LIAISON ACTIVITIES

DATE: August 12, 2024

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At the January 8, 2024 Regular Town Council Meeting, during the review of Board and Agency Memberships, the Mayor and Town Council members approved certain memberships and certain meetings throughout the year as scheduled.

With the passage of time, vacancies have opened and are listed below:

- Liaison to attend any pertinent MPO meetings.
- Attend the Martin County/Jensen Beach Community Redevelopment Area (CRA) Neighborhood Advisory Committee (NAC)
- Resilient Martin

After giving the Council time to consider appointments to these vacancies, staff proposes discussion to fill vacant positions, if so desired.

The vacancies are highlighted in yellow on the attached matrix. Some of the items highlighted in yellow (Item #7) are attended as needed and at your own initiative.

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

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments	Action Taken at Jan 8 2024 Regular Town Council Meeting
1 <b>Florida League of Cities (FLC)</b> - The League's mission is to serve the needs of Florida's cities and promote local self-government by supporting local voices making local choices to protect and enhance Florida's communities.	Paying Member (\$602)	Yes, with over 400 members, membership of the FLC Board is determined via a statewide nominating process, elimination ballots, etc.	Mayor Ostrand, Council Member Docherty	No		Mayor and Town Council members serve as time and travel budgets permit.	
2 <b>Florida League of Cities Legislative Committee Sub Group (FLCLCSG)</b> - Appointments are typically a one-year commitment and involve developing the League's legislative platform detailing priority issues that are most likely to affect daily municipal governance and local decision making during the upcoming legislative session. Policy committee members also help League staff understand the real-world implications of proposed legislation and are asked to serve as advocates throughout the legislative process.	The Town's elected officials are eligible to seek participation by virtue of its FLC membership.	Yes	Mayor Ostrand, Municipal Administration Committee	Yes	Council Member Docherty, Finance, Taxation and Personnel Committee	The Mayor currently serves on the Municipal Administration Committee; Council Member Docherty serves on the Finance, Taxation and Personnel Committee	
3 <b>Florida League of Mayors (FLM)</b> - The FLM was created in 2005 for Florida Mayors. Our membership statement is vision, leadership and public service. FLM is a member-driven organization that exists to serve the educational and professional needs of Florida's Mayors.	Paying Member (\$350)	Yes, membership on the board is determined through a statewide nominating process.	Mayor Ostrand	No		Mayor Ostrand currently serves on the board.	

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

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments	Action Taken at Jan 8 2024 Regular Town Council Meeting
<p>4 <b>Treasure Coast Regional League of Cities (TCRLC)</b> - The Treasure Coast Regional League of Cities promotes communication, collaboration and education among municipalities of Indian River, Martin, Okeechobee and St. Lucie Counties; encourages effective advocacy for home rule to all levels of government; fosters excellence in local self-governance and represents the Treasure Coast with the Florida League of Cities.</p>	Member (no fee)	Yes, as one of the organization's 16 (+/-) members, the Town is entitled to one member and an alternate on the board.	Mayor Ostrand is serving on this Board	Yes	Council Member Docherty is the alternate		
<p>5 <b>Treasure Coast Regional League of Cities Advocacy Team (TCRLCAT)</b> - encourages effective advocacy for home rule to all levels of government; fosters excellence in local self-governance.</p>	Eligible to participate by virtue of its TCRGLC membership	Yes, the team is generally made up of one or two volunteer representatives from each member jurisdiction. It should be noted that Sunshine Law requirements apply if there are two team members from a single jurisdiction.	Mayor Ostrand, Chairman of Advocacy	Yes	Council Member Docherty, Team Member		

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

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments	Action Taken at Jan 8 2024 Regular Town Council Meeting
<p>6 <b>Treasure Coast Council of Local Governments - A</b> (congenial) organization of local elected officials from County and Municipal governments and School Boards focused primarily on issues of regional impact.</p>	<p>Currently a member (\$200 due in January of each year)</p>	<p>Yes.</p>	<p>Former Vice-President Bill Arnold; Council Member Docherty has routinely attended meetings in Mr. Arnold's absence and has expressed a desire to be the Town's representative.</p>	<p>yes</p>	<p>Council Member Kevin Docherty</p>	<p>Council needs to appoint a primary and alternate representative. Meetings are held Jan 3 (Marsh Landing in Fellsmere - installation lunch), Feb 7, Mar 6, Apr 3, May 1, Jun 5, July 10 (Okeechobee BBQ), Aug 7, Sept 4, Oct 2, Nov 6, Dec 4. All meetings are held at 10AM, 2300 Virginia Avenue, Conference 3, Fort Pierce, FL 34982.</p>	<p>Council Member Docherty was appointed to serve as Primary and Council Member Kent to serve as alternate</p>
<p>7 <b>Local Legislative Delegation</b> - The local County Legislative Delegation Meeting held its annual public hearing on Thursday, October 5th, 2023. The delegation hearing is intended to afford local residents and officials an opportunity to request legislation or state funding and express opinions on issues to be considered by the state legislature during the 2023/2024 Regular Session. The Legislature is scheduled to convene in session on January 9, 2024 in Tallahassee.</p>	<p>Constituent Local Government</p>	<p>N/A</p>	<p>N/A</p>	<p>Mayor Ostrand regularly attends by virtue of Florida League of Cities participation.</p>		<p>The local delegation includes Senator Gayle Harrell, Representative John Snyder, Representative Toby Overdorf. Mayor and Town Council members attend as needed and at their own initiative. No fixed schedule.</p>	



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

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments	Action Taken at Jan 8 2024 Regular Town Council Meeting
<p>8 <b>Martin Metropolitan Planning Organization (MPO)</b> - Founded in 1993, the Martin MPO is a federally mandated public agency that works to coordinate the improvement of all facets of the transportation network in Martin County.</p>	Not a member	No.	NA	yes	Mayor and Council Members have routinely attended as needed.	Due to its small population, the Town does not have a seat on the MPO. Gaining membership, which requires broad local government support and ultimately the Governor's approval, is challenging and would involve a considerable "campaign" effort on the part of the Town. The MPO regularly meets and meetings are open to the public. Does Council wish to appoint a liaison to attend? The MPO Board meets six times per year on the third Monday of the month in the Martin County Commission Chambers. Visit their website for meeting dates.	
<p>9 <b>Martin Metropolitan Planning Organization Citizen Advisory Committee (CAC)</b> - The Citizens Advisory Committee (CAC) strives to represent the citizens of Martin County and is responsible for providing continuous public input for the MPO decision-making process. In this capacity, the Committee reviews and comments on transportation planning documents and relevant issues to be brought before the MPO Board.</p>	Currently, no Town citizen is participating	no	no	yes	Former Council President Ann Kagdis was appointed as a county representative by Commissioner Smith. No Town residents are on the committee at present.	Meeting are held Feb 7, April 3, June 5 & Sept 4, 2024 @ 9:00 AM (BOCC Commission Chambers)	Ann Kagdis, Town of Ocean Breeze resident, stated that she remained on the CAC

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

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments	Action Taken at Jan 8 2024 Regular Town Council Meeting
<p>10 <b>Martin Metropolitan Planning Organization Technical Advisory Committee (TAC)</b> - The Technical Advisory Committee (TAC) is a source of wide-ranging professional expertise for the MPO Board and includes representatives from state and local governmental agencies. The Committee is responsible for advising the Board on all technical matters, including transportation plans, studies, and implementation programs. Additional benefits result from the continuous and worthwhile coordination between Committee Members and agencies.</p>	Vacant	Yes	Former President De Angeles	No	NA	Council needs to appoint a Member and an alternate. The TAC consists of 12 voting members. The meetings are held Feb 5, April 3, June 3 & Sept 4, 2024 at 1:30 PM (4th Floor Workshop Room).	Council Member Squires was appointed to serve as the Town liaison; President Kelley was appointed to serve as the alternate to attend TAC meetings.
<p>11 <b>Martin Metropolitan Planning Organization Bicycle and Pedestrian Advisory Committee (BPAC)</b> - The Bicycle &amp; Pedestrian Advisory Committee (BPAC) represents the citizens of Martin County on all bicycle and pedestrian-related issues. The Committee is responsible for providing input into the MPO decision-making process, which includes reviewing and commenting on planning documents and identifying relevant issues to be brought before the MPO Board.</p>	No representation at time time	No; Council Member Docherty has served in the past	N/A	Yes	Kevin Docherty	Does Council wish to seek participation on this Board? If the Council wishes to pursue membership, it will need to approve a designee to be appointment. If yes, the nominee would need fall within the categories of merchant, homeowner's association, a representative from the disabled community or bicycling community. Meetings are held Feb 12, April 8, June 10 & Sept 9 at 2:00 PM (BOCC Commission Chambers)	Mr. O'Neil advised that if the Town wished to pursue attendance on this committee, the County Administrator could be asked to appoint a resident to this committee.



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

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments	Action Taken at Jan 8 2024 Regular Town Council Meeting
12 <b>Martin County/Jensen Beach Community Redevelopment Area (CRA) Neighborhood Advisory Committee (NAC)</b> - The Jensen Beach Neighborhood Advisory Committee (NAC) meets regularly at the Jensen Beach Community Center on Jensen Beach Boulevard and provides advice and recommendations to the Community Redevelopment Agency regarding the implementation of projects adopted within the Jensen Beach CRA Plan.	Not a member	No.	NA	The Mayor and Council Members have, at times, attended meetings particularly regarding matters of the Town.		Does Council wish to appoint a designated liaison and an alternate to monitor the activities of this Committee? All meetings are on Wednesday at 5:00PM (unless otherwise noted) at the Jensen Beach Community Center, 1912 NE Jensen Beach Boulevard, Jensen Beach on the following dates in 2024: January 3, March 6, May 1, July 3, September 4 and November 6.	
13 <b>Resilient Martin</b> - A Martin County initiative assisting the residents of Martin County in understanding the future risks of sea-level rise and what "Resilient Martin" is doing to mitigate those risks.	Not a member	Need representation from the Town in their stakeholder/steering committee group.	No one is currently serving	No		Does the Council wish to appoint a designated liaison and an alternate to assist "Resilient Martin" on their stakeholder / steering committee group? Contact Resilient Martin at (772) 288-5927 for meeting schedule.	

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

Organization	Town's status	Is the Town entitled to official representation on the organization's board?	If yes, who is currently serving?	Have any Town elected officials, not serving as an official representative, been involved with the organization?	If yes, who?	Comments	Action Taken at Jan 8 2024 Regular Town Council Meeting
14 <b>Jensen Beach Chamber of Commerce (JBCC)</b> - Chambers of Commerce main activities are, among others, safeguarding business interests and sharing business experiences and business interests, contact with governments, civil society, local media and the press and organizing trade shows and events.	Paying Member (\$250)	No	NA	Yes	Mayor and Council Members routinely attend events.	It is assumed the Town Council members and Mayor will continue to participate in various Chamber events at their own initiative.	Participate at the discretion of Mayor and Town Council
15 <b>Invitations to official events, ribbon cuttings, State of the County Speech, etc.</b>	NA	NA	NA	NA	NA	Attendance at these types of events has been at the discretion of individual Council Members and the Mayor. Unless otherwise directed, staff will continue the role of informing everyone of events as they become known and assisting with reservations, RSVP's, etc.	Participation at the discretion of Mayor and Town Council



# 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. Seawalk close-out correspondence
- B. County response regarding possibility of a left-hand turn onto Skyline Drive from Ocean Breeze Plaza
- C. Update on bid from Sunshine Land Design for possible crosswalk improvements, etc. on Indian River Drive
- D. Correspondence regarding possible development of fast-food restaurant on Ocean Breeze Plaza property. FYI only, no application has been made
- E. Correspondence regarding construction activities beyond times allowed by OB East PUD



## Permits

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**From:** pnicoletti@comcast.net  
**Sent:** Wednesday, July 31, 2024 4:29 PM  
**To:** Will McFetridge  
**Cc:** Terry O'Neil (terrancewoneil@gmail.com); Permits; Town Clerk; Deborah Ross; David Earle; Gary Simmons  
**Subject:** Sea Walk Closeout  
**Attachments:** Letter to McFetridge regarding 1082 page submittal by Forestar.pdf; Closeout Matrix of 7-30-2024.pdf

**Importance:** High

Dear Will:

On June 29, 2024, the Town of Ocean Breeze received a submittal of 1082 pages from Forestar purporting to comply with all outstanding compliance requirements. During the past 30 days, the Town has endeavored to review all the materials, and I am replying to Forestar through you as their attorney. There remain several outstanding issues for Forestar to resolve, but none of them are insurmountable. The Town is providing an additional time period for this compliance.

After you have had an opportunity to read through everything, please contact me with any questions or issues you would like to discuss. I look forward to resolving this matter for both of our clients in a timely manner.

### Paul J. Nicoletti | Attorney at Law

Board Certified in City County and Local Government Law  
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**PAUL J. NICOLETTI**  
Attorney at Law  
1445 SE Lark Boulevard  
Stuart, Florida 34996-2609

July 31, 2024

William F. McFetridge, IV, Esquire  
Johnson Pope Bokor Ruppel & Burns LLP  
400 N Ashley Dr Ste 3100  
Tampa, FL 33602-4337

Office: 813-579-4177  
Fax: 813-223-7118  
[wmcfetridge@jpfirm.com](mailto:wmcfetridge@jpfirm.com)

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

Dear Mr. McFetridge:

The Town staff has reviewed the 1082 pages which your client, Zachary Griffin, at Forestar, Inc., submitted on June 29, 2024 regarding the closeout of the Sea Walk Planned Unit Development (PUD) Ordinances and Resolutions. **Reference is made to the TABs on the Attached Matrix dated July 30, 2024.**

In response to your client's submittal, I would call your attention to the following issues of concern:

**1. Items and Matters which are accepted and approved, as submitted:**

a. **TABs 3 through 9:** Are accepted as cleared, not necessarily by Forestar, but by individual evidence provided by the Town staff or submitted to the Town by the HOA.

b. **TAB 11:** The certification of Shaun G. MacKenzie, P.E. dated January 15, 2024 is accepted as final evidence of compliance with the **Individual Lot Landscaping** in accordance with the approved landscaping plan in the PUD.

July 31, 2024

William F. McFetridge, IV, Esquire

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

c. **TAB 23:** This acceptance has been received by the Town from Martin County for all utility easements within the PUD.

d. **TAB 24:** This acceptance has been received by the Town from the SFWMD and FDEP of all approval documentation for the PUD.

**2. Items and Matters which require additional explanation or certification prior to acceptance:**

a. **TAB 2:** The approved Landscape Plan provides there shall be no permanent irrigation of the common areas, except for the entrance features. Notwithstanding this provision, many common areas and rights of way have been piped for irrigation. As understood by the Town, the HOA agrees to allow for this permanent irrigation on the common areas. However, this arrangement is not in compliance with the PUD and a Minor Amendment to the PUD must be proposed by Forestar/DR Horton, which in turn requires prior HOA approval, along with complete drawings showing the irrigation system (as built, plus an "after the fact" Construction Permit from the Town. Whatever the resolution, it must be demonstrated that the common area vegetation will be reliably sustained in a viable condition.

b. **TAB 13:** The Infrastructure As-Built certification by Shaun G. MacKenzie, P.E. dated January 15, 2024 cannot be considered correct, accurate or complete. This certification indicates the "fill on individual lots is documented separately on lot grading plans," but no certification is provided regarding the fill on individual lots, especially as regarding drainage performance and consistency with the Approved Stormwater Master Plan.

c. **TAB 14:** The Infrastructure As-Built certification by Shaun G. MacKenzie, P.E. dated January 15, 2024 cannot be considered correct, accurate or complete. There is no specific consideration of the street signs, and other traffic signs or other traffic devices meeting the requirements of MUTCD and the Approved PUD Master Plan.

d. **TAB 15:** The Infrastructure As-Built certification by Shaun G. MacKenzie, P.E. dated January 15, 2024 cannot be considered correct, accurate or complete. There is no mention of that the project's entrance gates are in compliance with ASTM Designation F2200-20 "Standard Specification for Automatic Vehicular Gate Construction," and the PUD Master Plan.



July 31, 2024

William F. McFetridge, IV, Esquire

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

e. **TAB 21:** The survey documentation for the overall Approved Master Plan is lacking a certification provided by Shaun G. MacKenzie, P.E. or a Florida Land Surveyor, indicating that markers (PRM's, etc.) have been found and located for the overall boundaries of the Plat.

f. **GENERAL REQUIREMENT:** There are 700+ photo pages which are not adequately correlated to any certifications required of your client's firm. For these to be acceptable, they must indicate for each and every photo, the name and contact information of the photographer, the date and time each photo was taken, the exact location and direction of the camera when taking the photo referenced to the Approved Master Plan, whether the photo accurately shows what the photographer was viewing when taking the photo, the exact purpose of the photo, that is, the evidentiary value expressed or being provided by the photo, whether the photo has been altered in any way, and to what extent the photo was altered, and by whom.

**3. Items and Matters which require additional work on the part of your firm:**

a. **TAB 1:** This issue has long term impacts on the Stormwater System. No information was provided by your client in the submittal of June 29, 2024. The Lucido and Associates Certification of Landscaping Installation and Maintenance dated September 13, 2022 is deemed inadequate and cannot be considered correct, accurate or complete. The Town has obtained the Assessment Report on the Landscape for Seawalk PUD filed by Michael Flaugh, Landscape Architect dated March 23, 2023, and January 29, 2024. Recommendations have been provided by Mr. Flaugh dated June 12, 2024, copies of all reports have been provided earlier to your client. **TAB 10** has been merged with this **TAB 2** regarding Landscaping compliance.

b. In addition, Lucido and Associates, as the PUD designer, certified the entire PUD as complying with the PUD requirements and the Approved Master Plan. However, and for instance, the roadway T-turnaround immediately adjacent to Lot 1 (1519 NE Skyhigh Terrace) is not even shown on the Approved Master Plan drawings, and the turn around must either be removed or added to the Approved Master Plan by a proposed Minor PUD Amendment. In order to comply with this requirements, Forestar must also confirm and

July 31, 2024

William F. McFetridge, IV, Esquire

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

certify that all preserve areas are free of exotics, debris, and intrusions and are in compliance with the Preserve Area Maintenance Plan (PAMP).

c. **TAB 12:** Lot 1. This issue has long term impacts on the Stormwater System. The grading and slopes on the front, rear and west side of Lot 1, are not consistent with acceptable engineering standards or the Approved Master Plan. The Final Survey fails to address the steep slope which adversely impacts the 3 foot drainage easement on the north and west boundary of Lot 1. In the rear of the lot, the slopes vary as much as 1.8:1. Lot 1 needs to be corrected, and harmonized with the contiguous Preserve Area to the west. This issue requires re-grading and re-planting, and most likely a retaining wall, to provide protection from erosion and protection of the Preserve Area. To the extent that remedial work impacts the adjoining preserve area, those impacts must be offset by new plantings specified in the PAMP and approved by the Town.

d. In addition, the T-turnaround which was constructed by Forestar or DR Horton, is not shown on the Approved Master Plan and must be either removed, or a Plan Amendment furnished, as a result PUD Consistency Certification by Shaun G. MacKenzie, P.E. dated January 15, 2024 cannot be considered correct, accurate or complete.

e. **TAB 17:** The PUD Consistency Certification by Shaun G. MacKenzie, P.E. dated January 15, 2024 cannot be considered correct, accurate or complete. Forestar must produce a new engineer's inspection and compliance report, acceptable to the Town regarding the failed grout at storm drain inlets, and failed asphalt installed at the south side of the entry island as provided in the comments from Scott Montgomery, P.E. dated January 8, 2024 to Pam Orr, the Town's Permit Processor, a copy of which was sent to Zachary Griffin at Forestar on January 18, 2024.

f. **TAB 19:** The PUD Consistency Certification by Shaun G. MacKenzie, P.E. dated January 15, 2024 cannot be considered correct, accurate or complete. The project's infrastructure was designed and partially certified by Grzelka Engineering before the developers advised the Town on June 15, 2021 that Mr. Grzelka was no longer the infrastructure engineer-of-record and that Melissa Corbett, P.E. of the MilCorps Group would be the new Engineer of Record. The Town requires Forestar to produce an affirmative statement acceptable to the Town, as to which engineer was the engineer-of-record for each and every one of the major components of the infrastructure plan.

July 31, 2024

William F. McFetridge, IV, Esquire

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

g. **TAB 20:** The Stormwater Adequacy certification by Shaun G. MacKenzie, P.E. dated January 15, 2024 cannot be considered correct, accurate or complete. The certification indicates "In addition, based on the performance of the stormwater ponds historical events over the past three years, adequate capacity is available to accommodate limited additional discharge from the plaza." Nonetheless, the As-built drawings of the area of concern are not accurate as to the walkway to the Plaza, and no drawings reflect the drainage discharge onto Lot 11, which discharge needs to be corrected, to be consistent with the Approved Stormwater Master Plan. In addition, there are reports of erosion from several homeowners on both the north and southeast side of the community. Additional information is available from the Town staff, and is evolving as of the writing of this letter, but may require additional work by Forestar to comply with the stormwater and landscaping requirements of the P.U.D.

h. **TAB 22:** The PUD Consistency Certification by Shaun G. MacKenzie, P.E. dated January 15, 2024 cannot be considered correct, accurate or complete. There is a "Do Not Enter" sign located near the exit gate on White Pine Terrace just east of Hickory Ridge Avenue. The sign does not conform to the Approved Master Plan, and must be relocated closer to Hickory Ridge Avenue, consistent with the Approved Master Plan.

i. **TAB 25:** All documentation required by Westchester Fire Insurance Company for a proposed bond reduction must be prepared in draft by your client and provided to the Town no later than the compliance date.

**The items above contained in this response letter must be completed and submitted to the Town on or before September 30, 2024, unless authorization to extend the date is issued in writing by the Town (the "compliance date"), failing which legal action will be taken by the Town.** The Town staff has tried to be as specific and clear as possible, but if you or your client have questions or need further clarification, please let me know.

If your client disputes any of the items listed, they should provide the Town with a letter clearly specifying the disputed item(s), the extent and basis for the dispute, and asking for specific consideration regarding the item(s).

Please note that some of the action items will require coordination with the Sea Walk Homeowners Association, and I encourage you or your client to contact their representatives

July 31, 2024

William F. McFetridge, IV, Esquire

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

in that regard. The HOA attorney, Deborah Ross, Esq., and the attorney for Mrs. Sheila Raver (Lot 1), David Earle, Esq. have specifically asked for copies of any correspondence (including this letter) under the Florida Public Records laws.

**PERFORMANCE BOND:** I also recognize that your client wishes to have the Performance Surety Bond reduced at the earliest possible date. Working on the items that need attention is the best possible way to accomplish this goal. If we receive all of the final items required by the Town in a complete and acceptable form which can be approved by the Town within the time set for compliance, I will then ask the Ocean Breeze Town Council to consider a Bond Reduction at its next Regular Town Council Meeting. If there is a failure by your client to submit all of the final items required by the Town in a complete and acceptable form which can be approved by the Town within the time set for compliance, **it is my intent at the next Regular Town Council Meeting following such failure to ask the Ocean Breeze Town Council for authority to make a claim on the Performance Surety Bond furnished by Westchester Fire Insurance Company forthwith.** Because there are various dates associated with the Bond, including its original issuance on August 27, 2018, and a Verification Certificate for Indefinite Term Surety Bond dated March 25, 2022, I will be contacting the Insurer to have them verify in writing that this Bond is not in jeopardy of expiration on August 27, 2024. If the bonding company advises us that the Bond expires August 27, 2024, I will be making a claim for all work which is not in compliance by Forestar. I am certainly willing to work with you jointly on this issue.

**INDEMNITY:** On August 27, 2018, the Forestar (USA) Real Estate Group, Inc. [Fee Owner] issued its Indemnity Agreement for, among other things, "...certification services for all civil engineering work... and all other improvements authorized under the Ocean Breeze West P.U.D. and its related plat approved by Town Resolution No. 277-2018, for which permits are required to be obtained by Fee Owner." A copy of this Indemnity Agreement is attached for your review. The Indemnity Agreement goes on to say in paragraph 2 that the "Fee Owner hereby agrees to fully indemnify, defend, and hold harmless the Town of Ocean Breeze, and the Town Engineer, Building Official (and all other officials, representatives and personnel of the Town having any oversight responsibility with respect to services being provided by Fee Owner's private providers)." Clearly it was the intent of the parties that this indemnity would protect the Town from any inaction or improper action by the private providers hired by Forestar on behalf of the Town. For many reasons which do not need to be enumerated here, the five year statute of limitations on the filing of an action regarding the Indemnity Agreement could expire on August 27, 2024. **Please be advised this is the**

July 31, 2024

William F. McFetridge, IV, Esquire

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

**Town's notice to your client that this Indemnity Agreement must be extended in a timely manner for a two year period, until August 27, 2026** by the Fee Owner so that the Town may rely on this indemnification if the private providers hired by the Fee Owner are later are discovered to have violated or failed to "comply with all applicable laws, codes, and ordinances" as provided in the Indemnity Agreement. As consideration for this extension, I am willing to ask the Town Council to agree that it shall forego any code violation actions described below until not earlier than December 1, 2024, thereby giving your client additional time within which to comply with the Town Codes, if needed. **Failure by your client to extend this Indemnity Agreement on or before August 26, 2024 is also deemed a violation of the Ocean Breeze West P.U.D.**

**CODE VIOLATION ACTIONS:** I am preparing a list of current violations of the relevant PUD ordinances and resolutions which will be ready in case your client is not responsive and there is a failure by your client to submit all of the final items required by the Town in a complete and acceptable form which can be approved by the Town within the time set for compliance and I must later file an action in our state courts. In addition to a claim on the Performance Surety Bond and the Indemnity Agreement, I am also considering an ordinance violation action in state court, as the Town's initial, but not exclusive, legal remedy. There are Town Code provisions which provide for fines of up to \$500.00 per day per violation for failure to comply with the zoning provisions of the Code, including a failure to abide by the time frames provided in the Conditions of Development provided in the Ocean Breeze West P.U.D ordinances and resolutions. **This is notice to your client that such fines and reasonable administrative costs can be assessed by the court.**

**CIVIL ACTIONS:** I am also discussing with the Town staff the possibility of filing a civil lawsuit regarding the failure of your client to do all things necessary and proper to closeout the Ocean Breeze West PUD in a timely manner. This situation has caused certain damages to the Town by incurring additional professional expenses for surveys, reports and studies paid for using the taxpayer's money, and for legal expenses, all caused by the failure of your client to comply with its written agreement including the timetable for development and the Development Conditions adopted in the PUD ordinance.

July 31, 2024

William F. McFetridge, IV, Esquire

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

The Town wants to avoid any and all of these enforcement measures, and is looking to Forestar and/or D.R. Horton to thoroughly and professionally resolve the issues listed as specified herein and in the attached documents.

Very truly yours,



PAUL J. NICOLETTI

Attachment: Sea Walk Matrix

Cc:

Ocean Breeze Mayor and Town Council

Town Staff

Deborah Lynn Ross, Esquire

David B. Earle, Esquire

Gary E. Simmons, Jr., Esquire

Ross Earle Bonan Ensor & Carrigan, P.A

Attorneys for the Sea Walk HOA

PO Box 2401

Stuart, FL 34995-2401

Office: 772-287-1745 x218

Fax: 772-287-8045

[dlr@reblawpa.com](mailto:dlr@reblawpa.com)

## SEA WALK CLOSEOUT MATRIX

TAB #	SEA WALK PUD -- ISSUE	PARTY RESPONSIBLE	PUD REQUIREMENT	CURRENT STATUS	ACTION ITEM
1	ENVIRONMENTAL & PAMP	FORESTAR /DR HORTON	Forestar to confirm and certify that all preserve areas are free of exotics, debris, and intrusions and are in compliance with the PAMP; and that all PAMP annual reporting requirements are up to date.	1. Some exotics and debris exist in Preserve Areas and the PAMP compliance may have been compromised. 2. Per the HOA on 7/9/24, all annual reporting requirements have been met.	Forestar to perform all work necessary to remove exotics and construction debris; and provide an updated final environmental inspection and compliance report.
2	IRRIGATION IN RIGHTS OF WAY AND COMMON AREAS	HOA/ TOWN COUNCIL	With the exception of entrance landscaping features, the PUD Ordinances prescribe that "there is no permanent irrigation of the common areas." Notwithstanding this provision, common areas have been piped for irrigation. This arrangement is not in compliance with the PUD and must be corrected or proposed as an amendment to the PUD, possibly via a minor PUD amendment application.	Town staff agrees with HOA to APPROVE THE INSTALLATION OF A PERMANENT IRRIGATION SYSTEM, even though the PUD states otherwise. A PUD Ordinance Amendment required.	Town Staff will make favorable recommendation to the Town Council and prepare a Minor PUD Amendment AT SUCH TIME AS ALL OTHER PUD REQUIREMENTS ARE MET.
3	ENTRANCE LOCK BOX	HOA	HOA to confirm that entrance lock box configurations are in compliance with the Martin County Sheriff and Martin County Fire-Rescue standards.	HOA REPAIRED	NO ACTION REQUIRED
4	ENTRANCE CALL BOX ELECTRICAL "SHORT"	HOA	HOA to confirm that entrance call boxes are free from low voltage shocks.	HOA REPAIRED	NO ACTION REQUIRED
5	MC SHERIFF	HOA	Has the HOA entered into a Patrol Agreement with the Martin County Sheriff's Office?	DOCUMENT NOT REQUIRED	NO ACTION REQUIRED
6	MC FIRE-RESCUE	HOA	Has MCFR Approved the Fire Hydrants and locations and tested hydrants?	DOCUMENT NOT REQUIRED	NO ACTION REQUIRED
7	MC HEALTH DEPT	HOA	Provide a copy of the MC Health Department approval of community pool.	HOA PROVIDED	NO ACTION REQUIRED
8	OCEAN BREEZE PLAZA	FORESTAR	Provide a copy of the Ocean Breeze Plaza Access Agreement	DOCUMENT NOT REQUIRED	NO ACTION REQUIRED
9	SOLID WASTE REMOVAL	HOA	Provide a copy of the Solid Waste Removal Agreement	HOA PROVIDED	NO ACTION REQUIRED
10	LANDSCAPE COMMON AREA COMPLIANCE	FORESTAR / DR HORTON	Lucido & Associates earlier statement of landscaping compliance, must be revisited based upon more recent Flaugh reports (2 reports) and recommendations.	Flaugh reports (2) and recommendations identify deficiencies which need to be corrected.	Forestar to consider Flaugh Reports and recommendations; do the necessary work; and provide a new landscape inspection and compliance report acceptable to the Town.
11	LANDSCAPE INDIVIDUAL PARCEL COMPLIANCE	MACKENZIE	Some parcel owners reported discrepancies in the final landscaping of their properties by DR Horton. Confirm the individual parcel landscaping was installed in accordance with the PUD Master Site Plan	So much time has passed since Certificates of Occupancy were issued that Town finds individual property owners may have altered the landscape in such a manner that it is impossible to accurately certify compliance. Therefore, the Certification statement regarding Individual Lot Landscaping by Shaun G. MacKenzie, P.E. dated January 15, 2024 IS ACCEPTED AS SUBMITTED.	NO ACTION REQUIRED

Dated: July 30, 2024



## SEA WALK CLOSEOUT MATRIX

TAB #	SEA WALK PUD – ISSUE	PARTY RESPONSIBLE	PUD REQUIREMENT	CURRENT STATUS	ACTION ITEM
12	LANDSCAPE INDIVIDUAL PARCEL COMPLIANCE	FORESTAR / D.R. HORTON	LOT 1 site deficiencies require remedial improvements to address inconsistencies with the infrastructure plan and/or the individual parcel plan, including but not limited to improper grading and slopes, risks of erosion and access to perimeter landscaping. To the extent that remedial work impacts the adjoining preserve area, those impacts must be offset by new plantings specified in the PAMP and approved by the Town.	Lot 1 Property Owner (Sheila Raver) has indicated a willingness to accept the Patrick LaConte drawing, regarding how to reconfigure her lot; the Town and HOA are waiting for input from Forestar.	Forestar to work with the HOA and the Owner of Lot 1 regarding the reconfiguration of Lot 1 and how it fits into the PAMP and overall Master Site Plan; then obtain Town Permits, do the work, and provide a new engineer's Infrastructure inspection and compliance report, addressing this issue which is acceptable to the Town.
13	SITE PLAN INDIVIDUAL PARCEL COMPLIANCE	MACKENZIE	Confirm that all other infrastructure components (including those discussed above) have been installed properly and in accordance with the approved PUD Master Site Plan and Infrastructure Plan.		Forestar to provide a new engineer's Infrastructure inspection and compliance report, addressing this issue which is acceptable to the Town.
14	MASTER SITE PLAN INFRASTRUCTURE	MACKENZIE	Confirm that all street signs, speed signs, and other traffic signs or devices are consistent with MUTCD and PUD Master Site Plan, as amended.	There is no confirmation that streets signs and traffic devices meet MUTCD standards and PUD Master Plan. For instance, the "Do Not Enter" sign on White Pine Terrace does not conform to the Approved Master Plan (See TAB 22).	Forestar to provide a new engineer's Infrastructure inspection and compliance report, addressing this issue which is acceptable to the Town.
15	MASTER SITE PLAN "AS BUILT"	MACKENZIE	Confirm that the project's entrance gates are in compliance with ASTM Designation F2200-20 "Standard Specification for Automatic Vehicular Gate Construction"	There is no mention of this requirement in the engineer's report of January 15, 2024.	Forestar to provide a new engineer's Infrastructure inspection and compliance report, addressing this issue which is acceptable to the Town.
16	MASTER SITE PLAN "AS BUILT"	MACKENZIE	Does the as-built infrastructure plan, submitted by the developer's design engineer(s) of record, and approved by MacKenzie Engineering, account for DR Horton's placement of fill on individual sites?	As stated by Forestar representatives, the individual lot surveys (143) are the "as built" document for each individual lot. There is no overall "as built" drawing which shows the final configuration of the PUD.	NO ACTION REQUIRED
17	MASTER SITE PLAN "AS BUILT"	MACKENZIE	Confirm the final road asphalt and concrete road inlets (drainage) were installed correctly and is consistent with the PUD Master Site Plan, as amended.	See email comments from Scott Montgomery, P.E. 01/08/2024 indicating failing grout at inlets, and failed asphalt installed at south side of entry island	Forestar to do the necessary work and provide a new engineer's (MacKenzie) Infrastructure inspection and compliance report, addressing this issue acceptable to the Town.
18	MASTER SITE PLAN "AS BUILT"	MACKENZIE	Confirm the final configuration of the "as built project" is consistent with the PUD Master Site Plan, as amended.	There does not appear to be a final "As Built" drawing for the overall Master Plan.	Forestar to review all components of the Approved Master Plan, do any necessary work to conform the components to the Approved Master Plan, and provide a new engineer's (MacKenzie) inspection and compliance report, addressing this issue acceptable to the Town.

Dated: July 30, 2024

## SEA WALK CLOSEOUT MATRIX

TAB #	SEA WALK PUD – ISSUE	PARTY RESPONSIBLE	PUD REQUIREMENT	CURRENT STATUS	ACTION ITEM
19	REQUEST FOR REDUCTION OR RELEASE OF PERFORMANCE BOND	FORESTAR / D.R. HORTON	A request for Bond reduction will follow the process in the bond agreement contract and the outline provided by the Town Attorney dated October 12, 2022.	The project's infrastructure was designed (and partially certified?) by Grzelka Engineering before the developers advised the Town on June 15, 2021 that Mr. Grzelka was no longer the infrastructure engineer-of-record and that Melissa Corbett, PE at the MilCorps Group would be the new Engineer of Record.	Forestar to provide an affirmative statement acceptable to the Town, as to which engineer is the engineer-of-record for each of the components of the infrastructure plan.
20	COMPLIANCE WITH HISTORICAL STORM WATER FLOWS	FORESTAR / D.R. HORTON	Developer's Engineer to confirm that the Seawalk infrastructure design provides for historical storm water flows from the Plaza site; and whether the Plaza's discharge exceeds what the Seawalk site is obliged to accommodate.	The Town has received video evidence that rainwater drainage is flowing southward from the Ocean Breeze Plaza property along the walkway and flowing into Lot 11, causing minor flooding. The "As Built" drawing showing this feature is not correct. This issue needs to be corrected by Forestar.	Forestar to do the necessary work and provide a new engineer's (MacKenzie) Infrastructure inspection and compliance report, addressing this issue acceptable to the Town.
21	"AS BUILT" SURVEY CONFORMITY WITH MASTER PLAN	FORESTAR / D.R. HORTON	Survey issues, corner markers shown on "As Built" Survey?	Since no "As built" drawing was completed for the entire Master Plan, the engineer of record must certify that all of the survey markers (PRM's, etc.) have been found and located for the overall boundaries of the Plat.	Forestar to do the necessary work and provide a new engineer's (or Certified Land Surveyor's) compliance report, addressing this issue acceptable to the Town.
22	MARTIN COUNTY APPROVAL OF "OFF-SITE" IMPROVEMENTS	FORESTAR / D.R. HORTON	Documentation needed confirming Martin County's acceptance of all off-site improvements. (drainage, sidewalk(s), signage, etc.)	For instance, there is a "Do Not Enter" sign on White Pine Terrace just east of Hickory Ridge Avenue. This sign does not conform to the Approved Master Plan. There may be other examples known to the Developer which need correction.	Forestar to do the necessary work and provide a new engineer's (MacKenzie) Infrastructure inspection and compliance report, addressing this issue acceptable to the Town.
23	MARTIN COUNTY INFRASTRUCTURE APPROVALS	FORESTAR / D.R. HORTON	Proof of Martin County acceptance or easements for water line located on Parcel A	The Town has received acceptance documentation from Martin County.	NO ACTION REQUIRED
24	SFWMD AND FDEP INFRASTRUCTURE APPROVALS	FORESTAR / D.R. HORTON	SFWMD and FDEP acceptance and approval documentation.	The Town has received acceptance documentation from SFWMD and FDEP.	NO ACTION REQUIRED
25	REQUEST FOR REDUCTION OF PERFORMANCE BOND	FORESTAR / D.R. HORTON	Furnish bond reduction documents to Town Attorney for review and approval.		When all infrastructure issues are resolved and certifications are acceptable to the Town, Forestar shall provide a formal written request and draft documents to the Town for a proposed Bond Reduction.



## SEA WALK CLOSEOUT MATRIX

	SEA WALK PUD – ISSUE	PARTY RESPONSIBLE	HOA OR RESIDENT MATTERS	CURRENT STATUS	STAFF ACTION ITEM
26	AC Units Not Sized Correctly	DR HORTON	Allegation by HOA or Residents	CLEARED BY DAVID WOJCIESZAK, PE	NO STAFF ACTION REQUIRED
27	Attic Access Panels	DR HORTON	Allegation that Attic Access Panels were not properly installed	CLEARED BY TOWN BUILDING OFFICIAL	NO STAFF ACTION REQUIRED
28	Foundations Cracking	DR HORTON	Allegation of foundations cracking on some homes	CLEARED BY TOWN BUILDING OFFICIAL	NO STAFF ACTION REQUIRED
29	Ridge Vents Properly Installed	DR HORTON	Allegation that offset roof vents were not properly installed	CLEARED BY TOWN BUILDING OFFICIAL	NO STAFF ACTION REQUIRED
30	Improper Insulation Installed	DR HORTON	Allegation that insulation was not sufficient with typical weather	CLEARED BY DAVID WOJCIESZAK, PE	NO STAFF ACTION REQUIRED
31	Minimum Landscape Not Installed on Lots	DR HORTON	Allegation that not all required landscape was installed	CLEARED BY CERTIFICATES OF OCCUPANCY AND PASSAGE OF TIME	NO STAFF ACTION REQUIRED
32	Parking Problems on Turf Blocks	DR HORTON	Allegation that Grass blocks not properly installed		STAFF IS REVIEWING
33	Drainage Issues on Lots	DR HORTON	Allegation that certain lot owners and HOA claim drainage problems	A drainage issue was verified on Lot 11 which requires Forestar action as discussed in TAB 20, but does not require additional staff action at this time.	NO STAFF ACTION REQUIRED

## Permits

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**From:** Permits  
**Sent:** Monday, July 29, 2024 12:57 PM  
**To:** 'Michael Grzelka'  
**Subject:** RE: Ocean Breeze Plaza entrance/exit at Skyline Drive

Thank you, Mike! We appreciate your assistance

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

---

**From:** Michael Grzelka <mgrzelka@martin.fl.us>  
**Sent:** Monday, July 29, 2024 12:44 PM  
**To:** Permits <permits@Townofoceanbreeze.org>  
**Cc:** Terry O'Neil (terrancewoneil@gmail.com) <terrancewoneil@gmail.com>; Town Clerk <townclerk@townofoceanbreeze.org>  
**Subject:** RE: Ocean Breeze Plaza entrance/exit at Skyline Drive

Pam,

Yes, a Right-Of-Way Use permit would be required.

Thanks,

Michael

**Michael J Grzelka, P.E.**  
County Engineer  
Public Works Department  
Martin County Board of County Commissioners  
772-223-7945 (office)

---

**From:** Permits <[permits@Townofoceanbreeze.org](mailto:permits@Townofoceanbreeze.org)>  
**Sent:** Monday, July 29, 2024 12:25 PM  
**To:** Michael Grzelka <[mgrzelka@martin.fl.us](mailto:mgrzelka@martin.fl.us)>

Cc: Terry O'Neil ([terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)) <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>; [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)  
Subject: RE: Ocean Breeze Plaza entrance/exit at Skyline Drive

**Caution: This email originated from an external source.  
Be Suspicious of Attachments, Links, and Requests for Login Information**

Hi Mike:

Thanks for the information, understood!

Please let us know if a County permit is necessary should the Plaza owner seek to establish a left turn.

Thak 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

---

**From:** Michael Grzelka <[mgrzelka@martin.fl.us](mailto:mgrzelka@martin.fl.us)>  
**Sent:** Wednesday, July 24, 2024 10:48 AM  
**To:** Permits <[permits@Townofoceanbreeze.org](mailto:permits@Townofoceanbreeze.org)>  
**Cc:** Terry O'Neil ([terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)) <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>; Town Clerk <[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)>  
**Subject:** RE: Ocean Breeze Plaza entrance/exit at Skyline Drive

Pam,

Commissioner Smith is not in favor of any changes to the intersection at this time.

Thanks,

Michael

**Michael J Grzelka, P.E.**  
County Engineer  
Public Works Department  
Martin County Board of County Commissioners  
772-223-7945 (office)

---

**From:** Permits <[permits@Townofoceanbreeze.org](mailto:permits@Townofoceanbreeze.org)>  
**Sent:** Tuesday, July 16, 2024 11:35 AM  
**To:** Michael Grzelka <[mgrzelka@martin.fl.us](mailto:mgrzelka@martin.fl.us)>  
**Cc:** Terry O'Neil ([terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)) <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>; [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)  
**Subject:** FW: Ocean Breeze Plaza entrance/exit at Skyline Drive

**Caution: This email originated from an external source.  
Be Suspicious of Attachments, Links, and Requests for Login Information**

Hi Mike:

Any new developments on this questions?

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

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**From:** Permits <[permits@Townofoceanbreeze.org](mailto:permits@Townofoceanbreeze.org)>  
**Sent:** Wednesday, April 17, 2024 9:47 AM  
**To:** [mgrzelka@martin.fl.us](mailto:mgrzelka@martin.fl.us)  
**Cc:** Town Clerk <[townclerk@Townofoceanbreeze.org](mailto:townclerk@Townofoceanbreeze.org)>  
**Subject:** Fwd: Ocean Breeze Plaza entrance/exit at Skyline Drive

Hi Mike:

Hope all is well with you!

Terry asked that I forward this email to you. Please let us know if you need anything further.

Have a great day!!

---

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

---

**From:** Terrance O'Neil <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>  
**Sent:** Wednesday, April 17, 2024 1:27:42 AM  
**To:** Permits <[permits@Townofoceanbreeze.org](mailto:permits@Townofoceanbreeze.org)>  
**Cc:** Town Clerk <[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)>  
**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

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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.*



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.

## Permits

---

**From:** Brett Panaro <Bpanaro@sunshinelanddesign.com>  
**Sent:** Sunday, August 4, 2024 9:46 PM  
**To:** Permits  
**Subject:** RE: Indian River Drive crosswalks

Pam,  
Please excuse my delay, this was my error.  
We would be glad to submit a proposal to you for this work.  
I will make this my priority tomorrow and will follow up with you in a timely manner.

Respectfully,  
Brett



Brett Panaro,  
Estimating Department  
3291 Se Lionel Terrace,  
Stuart Florida 34997  
772-284-5362 Office  
772-260-0809 Cell

---

**From:** Permits <permits@Townofoceanbreeze.org>  
**Sent:** Sunday, August 4, 2024 5:59 PM  
**To:** Brett Panaro <Bpanaro@sunshinelanddesign.com>  
**Subject:** FW: Indian River Drive crosswalks

Hi Brett:  
If you are unable to assist, would you please recommend someone who could?

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

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**From:** Permits  
**Sent:** Thursday, July 4, 2024 3:16 PM

To: [Bpanaro@sunshinelanddesign.com](mailto:Bpanaro@sunshinelanddesign.com)  
Subject: FW: Indian River Drive crosswalks

Have a wonderful 4<sup>th</sup> of July!

---  
Pam Orr  
Permit Processor



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

---

**From:** Permits  
**Sent:** Wednesday, June 26, 2024 1:58 PM  
**To:** [Bpanaro@sunshinelanddesign.com](mailto:Bpanaro@sunshinelanddesign.com)  
**Subject:** FW: Indian River Drive crosswalks

Hi Brad:  
We would love to see Sunshine Land Design make this happen, but if you are not able, please let us know so that we may look at other options.

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

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**From:** Permits  
**Sent:** Tuesday, May 21, 2024 2:43 PM  
**To:** [Bpanaro@sunshinelanddesign.com](mailto:Bpanaro@sunshinelanddesign.com)  
**Subject:** FW: Indian River Drive crosswalks

For your convenience, please see the email below and the attached plans. We appreciate your assistance. Please let us know if you need anything further.



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

---

**From:** Permits

**Sent:** Thursday, May 2, 2024 2:41 PM

**To:** [spanaro@sunshinelanddesign.com](mailto:spanaro@sunshinelanddesign.com)

**Cc:** Terry O'Neil ([terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)) <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>; Town Clerk  
<[townclerk@TownofOceanBreeze.org](mailto:townclerk@TownofOceanBreeze.org)>

**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

Permits

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**From:** Permits  
**Sent:** Monday, July 29, 2024 11:00 AM  
**To:** Carl Romero  
**Cc:** Scott Montgomery; Terry O'Neil (terrancewoneil@gmail.com); Town Clerk  
**Subject:** RE: Pre-Application Meeting Inquiry Ocean Breeze Plaza  
**Attachments:** Drainage issues Ocean Breeze Plaza-Seawalk.mp4

Good morning, Carl:

Thank you for providing your firm's minutes as well as the video of the preapplication meeting. Please be aware that while we are confident that the information provided by the Town was accurate, preapplication meetings are advisory and cannot be viewed as a substitute for review upon formal application.

Attached please find the video showing the drainage issues at Ocean Breeze Plaza. During a heavy rain, water encroaches on the neighboring Seawalk Development.

With regard to compensation for preapplication meeting, the Town's costs are as follows:

Town Clerk	\$ 34.00
Town Permitting Consultant	\$ 45.00
Town Management Consultant	\$ 95.00
Total Due	\$174.00

Please mail a check payable to the Town of Ocean Breeze in that amount to the P. O. Box below.

For the purpose of effective coordination, If you would like a copy of the video provided to the Town from Bohler Engineering, please let us know. We will be asking Bohler if they would like to receive a copy of your video as well.

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

**From:** Carl Romero <cromero@atwell-group.com>  
**Sent:** Thursday, July 25, 2024 9:34 AM  
**To:** Permits <permits@Townofoceanbreeze.org>  
**Cc:** Terry O'Neil (terrancewoneil@gmail.com) <terrancewoneil@gmail.com>; Town Clerk <townclerk@townofoceanbreeze.org>; Kyle Wood <kwood@atwell-group.com>  
**Subject:** RE: Pre-Application Meeting Inquiry Ocean Breeze Plaza

Good morning Pam,







**MEETING NOTES:**

<b>PROJECT NAME:</b>	L/C 9-2793 - Jensen Beach - NE Jensen Beach and NW Skyline	<b>NOTES BY:</b>	Carl Romero
<b>PROJECT #:</b>	24003479 - McD - Jensen Beach	<b>LOCATION:</b>	MS Teams - Virtual
<b>SUBJECT:</b>	Pre-app Meeting w/ Town of Ocean Breeze	<b>DATE/TIME:</b>	7/23/2024

Meeting (Virtual)     
  Phone Conversation     
  Incoming Call     
  Outgoing Call

**ATTENDEE | PHONE | EMAIL:**

Copies to attendees (check all that apply)

<input checked="" type="checkbox"/> Anthony Lynch (McD)	<input checked="" type="checkbox"/> Carl Romero (Atwell)
<input checked="" type="checkbox"/> Kim Ernest (McD)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Pam Orr (Town of Ocean Breeze)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Terry O'Neil (Town of Ocean Breeze)	<input type="checkbox"/>

**TOPICS DISCUSSED:**

- **Recording and Transcript:** Carl agreed to record the meeting and provide a transcript for the town's records.
- **Project Management:** Kyle Wood is the project manager for Atwell (Civil Engineer) on this project.

- **Stormwater Management:** Town expressed concerns about the existing stormwater system's inadequacy and the need for improvements alongside the new development, highlighting environmental and infrastructural considerations.
  - **Stormwater System Concerns**
    - The town highlighted the existing stormwater system's inadequacy, with issues of water going southward into a residential subdivision. Town emphasized the need for corrective measures alongside the new development.
    - The existing system is comprised of several infiltration trenches that aren't functioning properly.
  - **Stormwater Improvement Requirement:** The town will require an improvement plan that supports the new development and rectifies the current system's deficiencies.
    - The town will require at a minimum the following:
      - Analysis of the existing system.
      - A proposed maintenance schedule to remedy the existing system to ensure proper function and capacity for all design storms for the property in the post-developed condition or
      - Proposed improvements to the existing system to ensure that the stormwater system has sufficient capacity for all design storms for the property in the post-developed condition.
    - The town referred Carl to Scott Montgomery (part-time engineer) to coordinate on stormwater permitting requirements.
      - The town will provide Scott's contact information to Carl following the meeting.
  - **Stormwater Video Evidence:** The town offered to send a video showing water leaving the site during heavy rains, which alerted them to the stormwater problem, providing Carl with clues for remediation.
- **Parking Analysis:** A parking analysis was discussed to address potential overparking and shared parking concepts.
  - **Parking Analysis Requirement:** The town will require a parking analysis in addition to Civil CDs for 1<sup>st</sup> submittal to address potential overparking and shared parking concepts.
    - Note: town emphasized flexibility and openness to practical solutions.
  - **Shared Parking Consideration:** The town discussed the possibility of a shared parking concept to avoid creating excess parking spaces, noting the town council's authority to vary from the existing code based on the analysis.
- **Traffic Impact:** The town mentioned the need for a traffic statement from Martin County to accompany the parking analysis, ensuring a comprehensive understanding of the overall increase in traffic to the site and the adequacy of the existing site access points.
  - An email from the county will suffice. Martin County will be the governing body and will determine if a traffic impact analysis will be required.
    - Unlike the parking study, any (potentially) required traffic studies may be omitted from the 1<sup>st</sup> submittal (if required by County).
    - We'll need to have the county DOT to say that we either do or do not have acceptable site access for what we're proposing.
    - County will need to give feedback on the stacking here and any other potential issues, additional capacity needed, etc.
  - A separate discussion will need to be held w/ the county regarding the RI/RO configuration of the NE Skyline Dr access to the site to determine adequacy.



- **Sanitary Sewer:** There's a lift station located on the south side of the site that "should have enough capacity for the proposed development"
  - Existing lift station connects to the county system and all sanitary sewer connection(s) will need to go through the county review process.
- **Domestic Water:** There's a water main located in NE Jensen Beach Blvd and multiple FHs located around the site.
  - Existing water lines are a county system and all domestic water connection(s) will need to go through the county review process.
- **Fire Protection:** County will provide fire protection for this site and coordination will be required with County Fire Marshall for review process.
- **Signage and Landscaping:**
  - **Signage Consistency:** Parties discussed the need for signage to be consistent with the Plaza's overall aesthetic, with the town expressing a desire for an improvement in signage clutter at the site's entrance.
  - **Landscaping Complementarity:** The town emphasized that the site's landscaping should complement the rest of the Plaza, welcoming any enhancements that align with the existing aesthetic.
  - **Historical Facade Consideration:** The town suggested considering a "retro" facade for the new building that complements the Publix's facade, indicating a preference for historical aspects in design.
  - **Governing codes:** Town noted that Martin County code would govern signage requirements, as town ordinance does not provide as much detailed guidance.
  - **Monument sign:** A free standing monument "should be allowed" per city code but Atwell will confirm with county guidelines.
  - **Alternatives:** Potential opportunity to explore a mutually advantageous "re-signing" with Publix/the rest of the plaza.
- **Permitting Process:**
  - **Permitting Coordination:** Coordination will be required for various permits that the town does not issue, including stormwater, transportation, fire protection, and utility (water and sewer) services.
  - **Third-Party Inspections:** The town suggested the use of third-party inspectors for infrastructure and vertical construction inspections, funded by the applicant but representing the town's interests.
  - **Permit Fee Schedule:** Atwell requested the town's permit fee schedule, with the town agreeing to send the information, indicating a model based on the county's permit schedule.
- **Impact Fee Credits:** Town mentioned the possibility of impact fee credits from previous developments, suggesting financial considerations and negotiations with the Plaza owner for the new development.
  - **Impact Fee Credits Discussion:** The town discussed the potential for impact fee credits from previous developments, suggesting the need for financial considerations and negotiations with the Plaza owner regarding the new development.
  - **Credit Allocation Negotiation:** Anthony and the town talked about the allocation of impact fee credits, with the town indicating that the Plaza owner would likely determine the distribution of credits for future developments.





Follow-up tasks:

- **Recording and Transcript:** Send the meeting recording and transcript to the town for their files. (Atwell)
- **Stormwater Permitting:** Coordinate with Scott Montgomery on stormwater permitting requirements. (Atwell & Town of Ocean Breeze)
- **Fire Protection Review:** Contact the county official for fire protection review, specifically truck turn analysis. (Atwell)
- **Building Permit Application:** Submit the building permit application along with civil construction documents and associated parking study. (Atwell)
- **Impact Fee Credits:** Discuss with the Plaza owner about the allocation of impact fee credits. (Anthony/McDonald's)
- **Signage Program:** Consider a uniform signage program for the Plaza in coordination with the Plaza owner. (Atwell/McDonald's coordination with property owner)
- **Facade Design:** Consider a retro facade design in the spirit of the Publix facade. (McDonald's/Architectural team)

## Permits

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**From:** Permits  
**Sent:** Tuesday, August 6, 2024 11:56 AM  
**To:** Carl Romero  
**Cc:** Terry O'Neil (terrancewoneil@gmail.com); Town Clerk  
**Subject:** RE: Ocean Breeze Plaza QSR Information Request  
**Attachments:** Plan.jpg

Hi Carl:

I spoke to our Town Management Consultant regarding impact fee credits, and this is his response:

“The firm should familiarize itself with the site plan when the plaza was fully developed, which we can provide, and calculate the square footage that was torn down and its last use(s). Bohler should then contact Martin County’s growth management department to verify credits vs. fees for the newly proposed fast-food restaurant. It’s been a while, but I think Samantha Lovelady is still the go-to person. Her email is: [slove@martin.fl.us](mailto:slove@martin.fl.us) and her phone number is 772-288-5664.

Ultimately, the plaza owner and the fast-food tenant will have to agree upon the distribution of county impact fee credits so that there’s no confusion about future claims.

Whatever credits are granted, or fees owed, the Town will require written confirmation from the County before a development permit is issued.”

I have attached a snapshot from the full-size site plan which includes the former buildings. Utilities are handled by Martin County Utilities and their phone number is: 772-221-1434.

As we discussed, regarding the sign, it will need to be approved by Phillips Edison and fall within the guidelines of Martin County and no fee would be applicable at this time. Please let me know if you have any other questions or need anything further.

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

---

**From:** Carl Romero <[cromero@atwell-group.com](mailto:cromero@atwell-group.com)>  
**Sent:** Tuesday, August 6, 2024 11:13 AM  
**To:** Permits <[permits@Townofoceanbreeze.org](mailto:permits@Townofoceanbreeze.org)>

Cc: Kyle Wood <kwood@atwell-group.com>  
Subject: Ocean Breeze Plaza QSR Information Request

Hi Pam,

I apologize for missing your call, I was out on a family vacation Friday and Monday. I got your voicemail and wanted to follow up with you on a couple items:

1. At your earliest convenience, would you please send over and of the impact fee credit info that you mentioned in your VM?
2. Would you please give us a bit more detail about the process regarding the required Mayoral Approval for the Town for illuminated signage?
  - a. Is this a Public Hearing, or would Mayoral Approval come after a set of drawings are sent to the mayor's office for review?
  - b. Are there any fees or timelines associated with Mayoral Review?
  - c. Is a meeting with me mayor required/encouraged to discuss?

Please review and advise at your earliest convenience.

Thanks!

**Note: Our email addresses are changing to @atwell.com on Sept. 1**

**Carl Romero, PE**  
Associate Project Manager  
**ATWELL, LLC**  
770.423.0807 Office  
202.465.6204 Mobile  
1850 Parkway Place | Suite 650 | Marietta, GA 30067  
**We've Moved, Please Note Our New Address**  
[www.atwell.com](http://www.atwell.com)  
*Local Solutions | National Presence*



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At your earliest convenience, would you please send me the fee information for the town per our preapp meeting on Tuesday? Thanks again for taking the time out and sharing the information. Looking forward to working with you on this project!

Best,

**Carl Romero, PE**  
Associate Project Manager  
**ATWELL, LLC**  
770.423.0807 Office  
202.465.6204 Mobile

---

**From:** Carl Romero  
**Sent:** Tuesday, July 23, 2024 6:56 PM  
**To:** Permits <[permits@TownofOceanBreeze.org](mailto:permits@TownofOceanBreeze.org)>; [anthony@integrityeng.net](mailto:anthony@integrityeng.net); Ernest Kim <[kim.ernest@us.mcd.com](mailto:kim.ernest@us.mcd.com)>  
**Cc:** Terry O'Neil ([terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)) <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>; Town Clerk <[townclerk@townofOceanBreeze.org](mailto:townclerk@townofOceanBreeze.org)>; Kyle Wood <[kwood@atwell-group.com](mailto:kwood@atwell-group.com)>  
**Subject:** RE: Pre-Application Meeting Inquiry Ocean Breeze Plaza  
**Importance:** High

Good afternoon everyone,

Thanks for your time earlier today. Please see attached for the meeting minutes from our meeting. Please reply with any revisions to the attached meeting minutes by 7/25/2024 (EOD); otherwise, these minutes shall be accepted as submitted.

@Permits – Pam, at your earliest convenience would you please send me the fee information as discussed? Additionally, would you please provide me with Scott Montgomery's contact info for coordination on stormwater? Lastly, please see below for a link to the meeting data for your records.

Link: <https://atwell-group.sharefile.com/public/share/web-s3ce8e8f4e6a9452898ca2114825a47f4>

Please let me know if anyone has any comments, questions, or would like to discuss further.

Thanks again,

**Carl Romero, PE**  
Associate Project Manager  
**ATWELL, LLC**  
770.423.0807 Office  
202.465.6204 Mobile

---

**From:** Carl Romero <[cromero@atwell-group.com](mailto:cromero@atwell-group.com)>  
**Sent:** Tuesday, July 23, 2024 12:58 PM  
**To:** Permits <[permits@TownofOceanBreeze.org](mailto:permits@TownofOceanBreeze.org)>  
**Cc:** Terry O'Neil ([terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)) <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>; Town Clerk <[townclerk@townofOceanBreeze.org](mailto:townclerk@townofOceanBreeze.org)>; Kyle Wood <[kwood@atwell-group.com](mailto:kwood@atwell-group.com)>; [anthony@integrityeng.net](mailto:anthony@integrityeng.net); Ernest Kim <[kim.ernest@us.mcd.com](mailto:kim.ernest@us.mcd.com)>  
**Subject:** RE: Pre-Application Meeting Inquiry Ocean Breeze Plaza

Good afternoon Pam,



Is there a link to the meeting that you could share so that everyone cc'd might join? Please advise at your earliest convenience. Looking forward to speaking with you.

Best,

**Carl Romero, PE**  
Associate Project Manager  
**ATWELL, LLC**  
770.423.0807 Office  
202.465.6204 Mobile

-----Original Appointment-----

**From:** Permits <[permits@Townofoceanbreeze.org](mailto:permits@Townofoceanbreeze.org)>  
**Sent:** Tuesday, July 16, 2024 6:54 PM  
**To:** Permits; Carl Romero  
**Cc:** Terry O'Neil ([terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)); Town Clerk; Kyle Wood; [anthony@integrityeng.net](mailto:anthony@integrityeng.net); Ernest Kim  
**Subject:** Pre-Application Meeting Inquiry Ocean Breeze Plaza  
**When:** Tuesday, July 23, 2024 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:**

---

**From:** Carl Romero <[cromero@atwell-group.com](mailto:cromero@atwell-group.com)>  
**Sent:** Tuesday, July 16, 2024 5:22 PM  
**To:** Permits <[permits@Townofoceanbreeze.org](mailto:permits@Townofoceanbreeze.org)>  
**Cc:** Terry O'Neil ([terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)) <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>; Town Clerk <[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)>; Kyle Wood <[kwood@atwell-group.com](mailto:kwood@atwell-group.com)>; [anthony@integrityeng.net](mailto:anthony@integrityeng.net); Ernest Kim <[kim.ernest@us.mcd.com](mailto:kim.ernest@us.mcd.com)>  
**Subject:** RE: Pre-Application Meeting Inquiry Ocean Breeze Plaza

Hi Pam,

Perfect, thanks so much for setting this up. Please invite all cc'd recipients of this email and me. Please let me know if you need anything else from our team before the meeting.

Thanks again!

**Carl Romero, PE**  
Associate Project Manager  
**ATWELL, LLC**  
770.423.0807 Office  
202.465.6204 Mobile

---

**From:** Permits <[permits@Townofoceanbreeze.org](mailto:permits@Townofoceanbreeze.org)>  
**Sent:** Tuesday, July 16, 2024 2:46 PM  
**To:** Carl Romero <[cromero@atwell-group.com](mailto:cromero@atwell-group.com)>  
**Cc:** Terry O'Neil ([terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)) <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>; Town Clerk <[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)>; Kyle Wood <[kwood@atwell-group.com](mailto:kwood@atwell-group.com)>  
**Subject:** RE: Pre-Application Meeting Inquiry Ocean Breeze Plaza

Hi Carl:

As per our conversation today, we will set up a Teams meeting for Tuesday, July 23, 2024, at 1:00. We will initiate it from our end so please send the email addresses of whomever you would like to include. Please confirm and let me know if you have any questions.

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

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**From:** Carl Romero <[cromero@atwell-group.com](mailto:cromero@atwell-group.com)>  
**Sent:** Thursday, July 11, 2024 2:29 PM  
**To:** Permits <[permits@Townofoceanbreeze.org](mailto:permits@Townofoceanbreeze.org)>  
**Cc:** Terry O'Neil ([terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)) <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>; Town Clerk <[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)>; Kyle Wood <[kwood@atwell-group.com](mailto:kwood@atwell-group.com)>  
**Subject:** RE: Pre-Application Meeting Inquiry

You don't often get email from [cromero@atwell-group.com](mailto:cromero@atwell-group.com). [Learn why this is important](#)

Hi Pam,

Absolutely, please see attached for our conceptual test fit site plan. Please let me know if you need any additional documentation from us before we proceed to scheduling the meeting. Additionally, we understand the cost associated with the meeting and agree to pay the associated fee. Does the town accept payment electronically (credit card) or will that need to be made out as a check? Please advise at your earliest convenience and let me know which date(s) and time(s) work best to schedule the meeting.

Thank you,

**Carl Romero, PE**  
Associate Project Manager  
**ATWELL, LLC**  
770.423.0807 Office  
202.465.6204 Mobile

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**From:** Permits <[permits@Townofoceanbreeze.org](mailto:permits@Townofoceanbreeze.org)>  
**Sent:** Thursday, July 11, 2024 1:51 PM  
**To:** Carl Romero <[cromero@atwell-group.com](mailto:cromero@atwell-group.com)>  
**Cc:** Terry O'Neil ([terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)) <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>; Town Clerk <[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)>  
**Subject:** RE: Pre-Application Meeting Inquiry

Hi Carl:

It was a pleasure speaking with you.

To have an effective discussion it would be helpful for you to submit a plan, exhibits and other documentation beforehand to assist in the discussion, after which we would promptly schedule a meeting. Staff time associated with the meeting will be charged at an approximate cost of \$400.00 for an hour. Please let me know if this is agreeable.

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

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**From:** Carl Romero <[cromero@atwell-group.com](mailto:cromero@atwell-group.com)>  
**Sent:** Thursday, July 11, 2024 1:01 PM  
**To:** Permits <[permits@Townofoceanbreeze.org](mailto:permits@Townofoceanbreeze.org)>  
**Cc:** Kyle Wood <[kwood@atwell-group.com](mailto:kwood@atwell-group.com)>  
**Subject:** RE: Pre-Application Meeting Inquiry

You don't often get email from [cromero@atwell-group.com](mailto:cromero@atwell-group.com). [Learn why this is important](#)

Hi Pam,

I just wanted to follow up from our call earlier today and thank you for your time. I apologize for getting rushed off the phone towards the end of our call, but I just wanted to confirm that you received my contact information and respectfully request the pre-application information as we discussed. Please let me know if you have any questions or comments for me before the meeting and I hope you enjoy the time spent with your grandson!

Best,

**Carl Romero, PE**  
Associate Project Manager  
**ATWELL, LLC**  
770.423.0807 Office  
202.465.6204 Mobile

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**From:** Carl Romero  
**Sent:** Thursday, July 11, 2024 9:03 AM  
**To:** 'permits@townofoceanbreeze.org' <[permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org)>  
**Cc:** Kyle Wood <[kwood@atwell-group.com](mailto:kwood@atwell-group.com)>  
**Subject:** Pre-Application Meeting Inquiry

Hi Pam,



My name is Carl Romero and I'm with Atwell Group working on a concept plan for a client who would like to build a restaurant in the Ocean Breeze Plaza. As part of our research into the proposed project, we wanted to see if you or someone in your office would have availability to discuss this project and permitting process in a pre-application meeting in the next week or two? Please advise at your earliest convenience as to what the steps are for setting up a pre-app meeting, and please let me know if you have any comments or questions for me on this before we proceed.

Thanks in advance and I look forward to hearing back from you!

Best,

**Carl Romero, PE**

Associate Project Manager

**ATWELL, LLC**

770.423.0807 Office

202.465.6204 Mobile

1850 Parkway Place | Suite 650 | Marietta, GA 30067

**We've Moved, Please Note Our New Address**

[www.atwell-group.com](http://www.atwell-group.com)

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**External Email: Do not click any links or open any attachments unless you trust the sender and know the content is safe.**

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is



**Permits**

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**From:** jngroslyn <jngroslyn@aol.com>  
**Sent:** Thursday, July 25, 2024 12:40 PM  
**To:** Permits  
**Cc:** Janet Galante  
**Subject:** Galante  
**Attachments:** IMG\_2190.HEIC

We are trusting this will work and that the concerns will be resolved  
Posted by new Manager Daniel  
Thank you  
Janet and Richard Galante xxx

Sent from my iPhone

WORK HOURS

7am – 6pm

WORKING OUTSIDE THOSE  
HOURS WILL RESULT IN FINES  
AND PROJECT TERMINATION

HORAS LABORALES

7am-6pm

TRABAJAR FUERA DE ESE  
HORARIO RESULTARÁ EN  
MULTAS Y LA TERMINACIÓN  
DEL PROYECTO

• NO WORK SUNDAY

• • DOMINGO SIN TRABAJO



## Permits

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**From:** Dan Lewandowski <dlewandowski@suncommunities.com>  
**Sent:** Friday, July 19, 2024 7:36 PM  
**To:** Permits  
**Cc:** Terry O'Neil (terrancewoneil@gmail.com); Town Clerk  
**Subject:** Re: Code Enforcement Officer

My pleasure. I look forward to meeting with you and working together through this project.

Have a nice weekend.

Warmly,  
Daniel

### Daniel E. Lewandowski CHA

District Manager | Certified Hospitality Administrator

OCEAN BREEZE RESORT | OCEAN VIEW, A Sun Community

3000 NE Indian River Dr. Ocean Breeze, FL 34957

Office: (772) 334-2494 | Cellphone: (561) 323-5226

Email: [dlewandowski@suncommunities.com](mailto:dlewandowski@suncommunities.com) [www.SunOutdoors.com](http://www.SunOutdoors.com)



COMMITMENT · INTENSITY · ACCOUNTABILITY · EMPOWERMENT · SERVICE

Live the Golden Rule | Do the Right Thing | We Over Me | Nothing Changes if Nothing Changes | Mindset is Everything | Keep it Simple | Be Yourself & Thrive

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**From:** Permits <permits@Townofoceanbreeze.org>  
**Sent:** Friday, July 19, 2024 7:33 PM  
**To:** Dan Lewandowski <dlewandowski@suncommunities.com>  
**Cc:** Terry O'Neil (terrancewoneil@gmail.com) <terrancewoneil@gmail.com>; Town Clerk <townclerk@townofoceanbreeze.org>  
**Subject:** Code Enforcement Officer

**EXTERNAL EMAIL - Verify sender before opening links or attachments!**

Hi Dan:

The Town Code Enforcement Officer, David Holcomb, was on site at Intercoastal this afternoon and had a conversation with Jacobson's subcontractors through Burns Construction, and reiterated that construction needed to end by 6:00. They acknowledged they had already been told. Thank you! Mr. Holcomb would like to meet you when we have our meeting at the Town office, hopefully next week. Thursday may be a good day if that works for you. I will find out availability on our end and will let you know. We appreciate your assistance with this!!

Have a good evening!

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Pam Orr  
Permit Processor

**EXHIBIT C**

**DEVELOPMENT CONDITIONS**

1. All development and the use thereof shall comply with this ordinance.
2. Civil plans shall be reviewed and approved by all applicable departments prior to the issuance of a site permit.
3. All regulatory agency permits, including but not limited to the South Florida Water Management District and Army Corp of Engineers, shall be obtained by the applicant and copies provided to the Town. All construction shall comply with regulatory standards as mandated by the Florida Building Code.
4. Prior to the issuance of any permits for new residential or commercial buildings, the applicant shall provide written confirmation to the Town that all applicable Martin County impact fees, including school impact fees, have been paid.
5. Construction activity shall be limited from 7:00 am to 6:00 pm Monday - Saturday.
6. Approval of this ordinance shall not be deemed a reservation of capacity for the purposes of meeting the Town's concurrency requirements, which shall be determined at the time of building permit.
7. A minimum of ten percent of the site shall be set aside for recreational amenities and civic infrastructure, which may include but not be limited to central community clubhouse facilities/recreation center, pool, fitness center, pickle board courts, etc.
8. A major PUD amendment shall be required before any portion of the subject property can be used (sold, leased, licensed or conveyed) for railroad purposes, including a required demonstration that such use will not negatively impact the Town's residents.
9. The applicant shall comply with all current and future flood prevention standards adopted by the Town.
10. Martin County shall provide water and sewer services to the entire subject property. The use of septic tanks beyond 30 months from the date of approval of this ordinance, or upon completion of Phase I, whichever occurs first, is prohibited.