

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

January 13, 2025, 6:00 PM
Ocean Breeze Resort Clubhouse Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

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

- 1. Call to Order, President Docherty**
 - Pledge of Allegiance
 - Roll Call
- 2. Approval of Minutes** – Regular Meeting, Monday, December 9, 2024
(Motion, second, public comments, all in favor)
- 3. Request Approval of Proclamation Honoring Martin County First Responder, Master Deputy Sheriff Dawn Ferris** – Introduction by Council Member Galante
(Motion to adopt, second, public comments, all in favor)
- 4. Presentation by Dwight Chenette, CEO of the Area Agency on Aging, Palm Beach/Treasure Coast, Inc.**
– Introduction by Council Member Ciaschi
- 5. RESOLUTION #358-2025 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE APPROVING A STIPULATION AGREEMENT WITH NHC-FL143, LLC, AND SUN COMMUNITIES FOR COMPLETION OF THE OCEAN BREEZE EAST COMMERCIAL PLANNED UNIT DEVELOPMENT, KNOWN AS THE OCEAN BREEZE RESORT; AND PROVIDING FOR AN EFFECTIVE DATE - Town Attorneys Gemma Torcivia and Paul Nicoletti**
(Motion to adopt, second, public comment, roll call)
- 6. RESOLUTION #357-2025 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE 2025 FLORIDA LEAGUE OF CITIES' LEGISLATIVE PLATFORM –**
Mayor Ostrand
(Motion to adopt, second, public comment, roll call)
- 7. Review of Board and Agency Memberships / Appointments**
(Continued from December 9, 2024, Town Council Meeting)
- 8. Comments from the public on topics not on the Agenda**
- 9. Comments from the Council on topics not on the Agenda**
- 10. Comments from Town Attorneys, Gemma Torcivia and Paul Nicoletti**
- 11. Comments from Mayor Ostrand**
- 12. Announcements** Regular Town Council Meeting – Monday, February 10, 2025, at 10:30AM to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze
- 13. Adjourn** (Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, December 9, 2024, 10:30 a.m.
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

- 1. Call to Order** – President Kelley called the meeting to order at 10:30 a.m.
 - Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
 - Roll Call – Present: Mayor Karen M. Ostrand; President Sandy Kelley; Vice President Kevin Docherty; Council Members Michael Heller, and Matthew Squires
 - Staff Present – Town Management Consultant, Terry O’Neil; Attorney, Gemma Torcivia; Attorney Consultant, Paul Nicoletti; Permit Processor, Pam Orr; Town Clerk, Kim Stanton

- 2. Approval of Minutes** – Vice President Docherty, seconded by Council Member Squires, made a motion to approve the Minutes of the November 12, 2024, Regular Town Council Meeting.

President Kelley asked for comments from the public.

There were none.

(All in favor: Yes: Kelley, Docherty, Heller, Squires; No: none; motion passed 4-0)

- 3. Mayor Ostrand – Recognition of outgoing Town Council Member Gina Kent** – Mayor Ostrand thanked Gina Kent for her service to the residents and the Town Council of the Town of Ocean Breeze and presented her with a certificate.

Gina Kent spoke about her service.

President Kelley recognized Martin County Sheriff’s Department Officer Andy Adams.

- 4. Swearing-In of Elected Officials, Oath of Office** – Attorney Gemma Torcivia swore-in George Ciaschi, Janet Galante, and Sandy Kelley as Town Council Members. She then swore-in Karen Ostrand as Mayor.

- 5. Selection of Council President and Vice President; and Review of Board and Agency Memberships** – Council Member Docherty, seconded by Council Member Heller, nominated Council Member Kelley for office of President.

Council Member Kelley stated that she could not serve as President but that she would be willing to serve as Vice President.

Council Member Galante, seconded by Council Member Ciaschi, nominated Council Member Docherty for office of President.

(Roll call vote: Yes: Docherty, Ciaschi, Kelley, Squires, Galante, Heller; No: None; Motion passed 6-0)

President Docherty asked for nominations for the office of Vice President.

Council Member Ciaschi, seconded by Council Member Squires, made a motion to nominate Sandy Kelley for office of Vice President.

President Docherty asked for comments from the public.

There were none.

President Docherty asked for comments from the Town Council.

There were none.

President Docherty closed the nominations.

(Roll call vote: Yes: Docherty, Ciaschi, Kelley, Squires, Galante, Heller); No: None; Motion passed 6-0)

President Docherty reviewed the Board and Agency memberships.

Terry O'Neil, Management Consultant, discussed filling the Board and Agency memberships. He commented that the vacancies were highlighted in yellow, and Item #13 needed attention, but the remaining items could be brought back at the January meeting.

President Docherty introduced Amy Eason, Martin County Environmental Resource Engineer, Resilient Martin Program. Ms. Eason spoke about Martin County's Adaptation Plan, Vulnerability Assessment, and the next steps. She asked for a volunteer from the Town Council to serve on a Steering Committee for the development of the Adaptation Plan. She advised that the meetings would be in February and July, 2025 and January, 2026.

President Docherty asked for comments from the public.

There were none.

Vice President Kelley stated that she would like to be on this Steering Committee.

Council Member Squires, seconded by Council Member Heller, nominated Vice President Kelley to serve on the Steering Committee for Resilient Martin.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None; nomination passed 6-0)

6. Budget to Actual, Fiscal Year Ending September 30, 2024 – Mr. O'Neil gave a brief summary of Holly Vath's memorandum and stated that this report was produced quarterly.

President Docherty asked for questions from the public.

There were none.

President Docherty asked for comments from the Council.

Council Member Galante asked about line item "Special Projects."

Kim Stanton explained that the "Special Projects" line item included costs for Pam Orr's time spent on office duties which did not fall into the categories of "Permit Processing," or close-out duties (Code Compliance).

Council Member Galante, seconded by Council Member Ciaschi, made a motion to accept the Budget the Actual report for the fiscal year ending September 30, 2024.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None; Motion passed 6-0)

7. RESOLUTION No. 355-2024 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA, TO ADOPT STANDARDS TO SAFEGUARD AGAINST CYBERSECURITY THREATS; ADOPTING THE NIST CYBERSECURITY FRAMEWORK 2.0, PROMULGATED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE – Kim Stanton read the title of Resolution No. 355-2024 into the record.

Council Member Heller, seconded by Council Member Galante, made a motion to adopt Resolution No. 355-2024.

President Docherty asked for public comment.

There was none.

President Docherty asked for comments from the Council.

Council Member Ciaschi asked about the costs associated with this mandate and if the State of Florida was assisting with the costs.

Mr. O'Neil answered that the State of Florida was not assisting with the costs of this mandate and that Staff aimed to absorb the costs within the existing budget. He explained that if additional resources were needed, a budget amendment would be brought forward.

Mayor Ostrand spoke about the importance of cybersecurity.

(Roll call vote: Yes: Heller, Galante, Docherty, Squires, Ciaschi, Kelley; No: None; Motion passed 6-0)

8. Request for a letter supporting Martin County's efforts to secure grant funding to help build a Brightline passenger rail station in Downtown Stuart – Mr. O'Neil explained that George Stokus, Martin County Assistant Administrator, requested that the Town Council consider providing a letter of support for a Stuart/Martin County Brightline train station as Martin County was attempting to secure grant funding for the project.

President Docherty asked for comments from the public.

David Wagner, 124 NE Bay Drive, reported a large pile of debris alongside West End Boulevard on the east side of the road. He asked that this matter be brought to the attention of the appropriate party to get the pile removed.

President Docherty acknowledged that he saw the pile of debris and that he had taken pictures of it.

Mr. O'Neil answered that this pile of debris probably should not be there, and that Staff would contact either the railroad, the County or Sun Communities to ask that it be removed. He commented that Staff would report back.

President Docherty introduced Kevin Stroud, the new Manager of Ocean Breeze Resort, and Aaron Smith, the Assistant Manager, and welcomed them to speak regarding the debris.

Mr. Stroud answered that he would look into the matter and that if the debris were on Sun Communities property, they would remove the debris.

President Docherty asked for further comments from the public.

There were none.

President Docherty asked for comments from the Council.

Vice President Kelley asked Mr. O'Neil if the public safety barrier wall, that the Town was proposing, would be part of the letter.

Mr. O'Neil answered that the Town was on record with the County and the City concerning any physical improvements that would help.

Council Member Heller asked about the County Commission vote on quiet zones. He stated that he was meeting with Commissioner Vargas to discuss quiet zones and way-side horns on Friday. He remarked that if anyone had other specific questions for her, to let him know.

Mayor Ostrand spoke about a plan for which the Town paid to straighten out West End Boulevard, the debris pile being a fire hazard and no lighting along West End Boulevard. She asked Council Member Heller to bring up these items to Commissioner Vargas.

President Docherty asked for further comments from the Council.

Vice-President Kelley, seconded by Council Member Ciaschi, made a Motion to send the letter of support to Martin County to secure grant funding.

(Roll call vote: Yes: Galante, Docherty, Ciaschi, Kelley; No: Squires, Heller; Motion passed 4-2)

Vice President Kelley asked Council Member Squires and Council Member Heller why they voted "no."

Council Member Squires stated that he believed it was controversial to send a letter supporting a station versus a safety wall.

9. Comments from the public on topics not on the agenda – President Docherty asked for comments from the public on topics not on the Agenda.

There were none.

10. Comments from the Council on topics not on the agenda – Council Member Ciaschi spoke about the importance of elected officials' involvement with the Treasure Coast Regional League of Cities, and the Area Agency of Aging. He asked if the Town Council could have a representative speak at a meeting.

Tom Campenni stated that he was on the Board at the Area Agency of Aging and that he would attempt to make these arrangements around the first of the year.

Council Member Ciaschi discussed Local Voices United and the Treasure Coast Regional League of Cities.

President Docherty reported that Kevin Stroud, Manager and Aaron Smith, Assistant Manager, Sun Communities informed him that they are on top of the lights that are out within the Resort.

Mr. O'Neil invited the Council to develop a policy towards inviting speakers to make presentations at Town Council meetings.

President Docherty stated that he would like to ask someone from the Boys and Girls Clubs of Martin County and also, Congressman Brian Mast.

Council Member Galante stated that she would like to honor a first responder monthly at the Town Council meetings and that she would like to begin in January, 2025 if so moved by the Council.

Mr. O'Neil commented that these are tasks that Staff would have to undertake as directed.

Council Member Galante stated that she would like to see this happen in January and that she was willing to take the task on with Staff. She asked the Council to support this initiative.

Vice President Kelley asked for clarification.

Council Member Galante clarified that she would like to recognize first responders and give them a Proclamation.

President Docherty asked for further comments from the Council.

Council Member Galante stated that she had performed this task for many years and that it was not a burden.

Mr. O'Neil stated that if Council Member Galante were to take the lead on this for the next twelve months and the remainder of the Council believed this was appropriate, it could be passed.

Council Member Galante stated that she envisioned honoring fire rescue, EMT, police officers on a rotating basis and that she would welcome any names, and anyone could vote for them.

Mr. O'Neil asked if the program Council Member Galante used before had certain criteria.

Discussion ensued.

Council Member Ciaschi asked about an advisory board from the public.

Mr. O'Neil answered that this rests with the Council about how to manage the matter.

Council Member Galante stated that she would ask for recommendations from the Sergeants about those people who are noteworthy or who have recently made some kind of impact in the community.

President Docherty spoke about the Council Members being bound by the Sunshine Act. He asked about the qualifications of individuals selected.

Mr. O'Neil asked for clarification and if the recognition would be coming from individual Council Members or the Town Council itself.

Council Member Galante stated that she would reach out to their officers, co-workers, and colleagues.

Mr. O'Neil asked if the recognition was by the Town Council itself.

Council Member Galante answered "yes."

Mr. O'Neil asked for additional time to understand how the process would work the best way so that all the Council Members would be comfortable.

Mayor Ostrand asked if the process of recognizing these individuals could be proposed by the agencies.

Council Member Galante answered that this was what she was proposing. She stated that if the Council would like preapproval from the Mayor, she would be able to dialogue with the Mayor.

Mayor Ostrand stated that this type of recognition was done at the Chamber of Commerce.

Mr. O'Neil stated that if the platform could be established that the head of these first responder agencies, each month, make a nomination, and if they are willing to make that recommendation so that we knew it was coming from the Sheriff or the Fire EMS Chief, it could be accepted because it was coming from that organization. He stated that then, the Town Council could recognize that individual and they could either accept it or not.

Council Member Galante stated that this was the vision.

President Docherty commented that he believed January was too early because the Town Council would need to know more about the process. He suggested performing this duty in February.

Council Member Galante stated that she would like to perform this in January and that these individuals would have already been vetted.

Vice President Kelley agreed with President Docherty that the Town Council might have questions concerning this process.

Council Member Heller stated that the Martin County Sheriff's Department has an "Officer of the Month" each month. He suggested getting last month's "Officer of the Month" and recognizing them at the January Town Council meeting. He stated that he did not know if the fire department had a "Firefighter of the Month."

Council Member Ciaschi remarked that he would be comfortable with having last month's "Officer of the Month" to attend a Town Council meeting to be recognized.

Officer Andy Adams, Martin County Sheriff's Department, commented that he would be able to assist with this. He stated that the new Sheriff would probably like to attend a Town Council meeting to introduce himself. He commented that he would be able to assist with this, also.

Council Member Galante, seconded by Council Member Squires, made a motion that the Town Council begin acknowledging first responders in January by inviting one to join the meeting.

(Roll call vote: Yes: Kelley, Docherty, Ciaschi, Heller, Squires, Galante; No: None; Motion passed 6-0)

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

12. Comments from Town Attorney, Gemma Torcivia – Attorney Torcivia reviewed the Florida Sunshine Act and public record laws by providing a printed, Power Point presentation. She took questions from Mayor Ostrand and the Council.

Attorney Torcivia gave an update on ADA compliance of Town meeting facility stating that she was working on a formal memorandum of law. She commented that the Town Engineering Consultant, Leo Giangrande, PE, did a full inspection of the facility and parking lot. She remarked that she would have a memorandum within the next few weeks with the findings. She added that the short answer was that the Town meeting facility complied with ADA law, and that she would be providing full details in a memorandum.

13. Comments from Mayor Ostrand – Mayor Ostrand announced that on December 18, 2024, the Town Council and Staff were invited to the Treasure Coast Regional League of Cities’ Annual Installation Luncheon at the Pelican Yacht Club in Fort Pierce, Florida, and that the President of the Florida League of Cities would be in attendance. She discussed attending a committee meeting and advocacy team meetings. She offered to speak to the Representatives about issues and provided information about contacting them. She stated that she would be reporting back to the residents on the Florida League of Cities Development Code and Compliance Committee meetings regarding affordable housing and impact fees.

President Docherty asked if there was an update on the close-out.

Mr. O’Neil stated that at the next meeting, Attorney Nicoletti would have an update report for the Town Council.

President Docherty announced his completion of IEMO II and encouraged other members to take the courses.

14. Announcements – President Docherty announced that the Regular Town Council meeting would be held on Monday, January 13, 2025, at 6:00 p.m. at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

15. Adjourn – Council Member Galante, seconded by Council Member Heller, made a Motion to adjourn the meeting at 11:48 a.m.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None; Motion passed 6-0)

Respectfully Submitted,

Kim Stanton
Town Clerk

Minutes approved: _____



Proclamation

Town Council and Honorable Mayor of the Town of Ocean Breeze, Florida Recognizing the Service of First Responder:

Master Deputy Sheriff Dawn Ferris

Whereas, due to many significant contributions that Master Deputy Sheriff **DAWN FERRIS** has made to the Town of Ocean Breeze, Florida, she is much deserving of this special recognition; and

Whereas, Master Deputy Sheriff **DAWN FERRIS** lives in the community of Jensen Beach, Florida with her husband, William Ferris, of 33 years and she has dedicated her career to the citizens of Martin County for over 20 years providing a vital public service; and

Whereas, Master Deputy Sheriff **DAWN FERRIS** is currently a *Field Training Officer* for new police officers which exemplifies her love of this career; and

Whereas, Master Deputy Sheriff **DAWN FERRIS** was the first female on the *Search and Rescue Dive Team* and was credited for being on the *Honor Guard* and was awarded the *"Toughest Cop First Responder;"* and

Whereas, Master Deputy Sheriff **DAWN FERRIS** has been selected as deserving of this award by fellow colleagues who credit her abilities, talents and commitment over the many years as our county has seen tremendous growth during her tenure; and

Whereas, Master Deputy Sheriff **DAWN FERRIS** volunteers her time to the Kane Center to better lives and assist the citizens of Martin County; and

Whereas, the Town of Ocean Breeze celebrates the distinguished career of Master Deputy Sheriff **DAWN FERRIS** and celebrates her service of over 20 years as a police officer for Martin County and her continued good works of public service,

Wherefore, be it resolved, We, the Town Council and Mayor of the Town of Ocean Breeze, Florida, do hereby find it fitting and proper to recognize and celebrate the service of Master Deputy Sheriff **DAWN FERRIS** and proclaim today, Monday, January 13, 2025, as **"DAWN FERRIS DAY"** in the Town of Ocean Breeze, Florida. We express our deepest appreciation for her dedication and commitment to the citizens of Ocean Breeze.

In, witness whereof, We have hereunto set our hand on this 13th day of January 2025, and have caused the Official Seal of the Town of Ocean Breeze, Florida be affixed hereto:

By: _____
Kevin Docherty, Town Council President

By: _____
Karen M. Ostrand, Mayor

Attested by: _____
Kim Stanton, Town Clerk

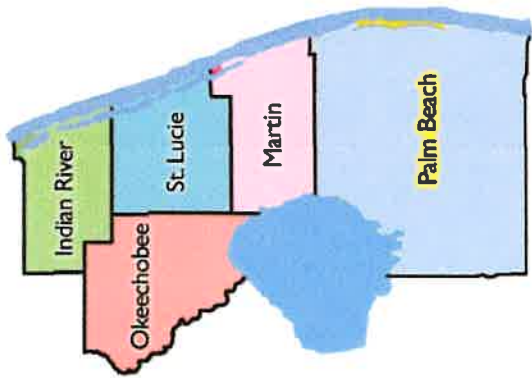
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Area Agency on Aging of Palm Beach/Treasure Coast

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West Palm Beach FL 33407
www.aaapbtc.org

Elder Affairs
FLORIDA



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Caregiver support and counseling help ease the confusion and anxiety of caring for a loved one.

Elder Rights staff and volunteers educate and empower seniors and their loved ones to prevent, respond to and recover from crimes, abuse, neglect and exploitation.

Foster Grandparent volunteers enrich the lives of children with special needs.

SHINE counselors provide free, unbiased information to Medicare beneficiaries.

Our Veteran's Independence Program puts the veteran in charge of his or her care plan.



PAUL J. NICOLETTI
Attorney at Law

[REDACTED]

MEMORANDUM

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

SUBJECT: 1. RESOLUTION AND STIPULATION AGREEMENT WITH SUN COMMUNITIES, INC.
2. STATUS OF THE SEAWALK PUD AND FORESTAR, INC.

DATE: JANUARY 8, 2025

THIS MEMORANDUM IS PUBLIC RECORD

1. RESOLUTION AND STIPULATION AGREEMENT WITH SUN COMMUNITIES, INC.

When I was retained last February, 2024, my mandate from the Mayor and Town Council was to bring about the completion of both the SeaWalk (OB West) PUD and the Sun Communities (OB East) PUD. This is much more complicated than anyone could have imagined. However, the Town has long wanted assurance that the Resort Infill Area would be completed as provided in the OB East CPUD first approved in 2015 by the Town Council and later amended several times through 2022, all with the issuance of Town Permit #1102. Also, you may be aware, the Town has been holding up the issuance of further building permits requested by Sun Communities since about the end of August, based on the Town's belief that Sun is in violation of the PUD Ordinance.

Based on several meetings with Sun Communities, I first sent a draft stipulation to Sun Communities on September 6, 2024, via their attorney, Bob Raynes, which would settle of all the outstanding issues related primarily to the Infill Area of the Resort. Several versions have been passed back and forth since that time, with many discussions regarding terms and conditions. Mayor Karen Ostrand, Town Attorney Gemma Torcivia, Terry O'Neil, Pam Orr, Kim Stanton and I have all continued meeting and negotiating with Sun Communities, Inc. Our final meeting on December 23, 2024 with Sun Communities turned out to be the turning point, with general

Telephone and Fax: +1 [REDACTED]

Email: [REDACTED]

MEMORANDUM

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

SUBJECT: 1. RESOLUTION AND STIPULATION AGREEMENT WITH SUN COMMUNITIES, INC.
2. STATUS OF THE SEAWALK PUD AND FORESTAR, INC.

DATE: January 8, 2025

agreement that a stipulation would be the best way to resolve all the issues. It also gave Gemma Torcivia and me the opportunity to *voir dire* Joe Capra, P.E. as Sun's consulting engineer, with Leo Giangrande, P.E. on behalf of the Town, and to ask further questions regarding what it would take to complete the Infill Area projects. Specifically, we Asked Mr. Capra about Paving, Stormwater and Drainage, Potable Water and Fire Flows, and Sanitary Sewers, and Roadway Lighting, and the status of his plans for each matter. In addition we talked to Sun about RV Parking.

In turn, I believe Sun Communities has seriously considered the Town's threat of prosecution, the uncertainty of the Town's claims of paving and other work done without permits, the need to remove certain RVs from the Infill Area, the overall need to free up the requested building permits, complete Infill development in a timely and phased manner, and the need to have a normalized relationship with the Town and their own tenants.

While I cannot tell you the Stipulation Agreement is "perfect," I can absolutely confirm that each of the outstanding development issues has been addressed in a manner that assures the thorough completion of the development and is enforceable in court if necessary. In addition, we have finally and favorably obtained a commitment from Sun Communities to address the tenant flooding situations at 348 Starboard Way, and other residents affected by excess rainwater, along with a commitment to complete the roadway lighting throughout the entire community.

I am pleased to announce this ultimately culminated in an agreement which works for both parties, and perhaps most importantly, the above Town representatives concur the Stipulation Agreement (as prepared) deserves the approval of the Town Council by Resolution #350-2025.

To facilitate your understanding of the document I am transmitting a copy of the proposed Stipulation Agreement which is also on the January 13, 2025 Town Council Agenda. Please take some time to read through it. As always, I am available to answer any questions you may have regarding individual provisions, prior to the Town Council Meeting.

2. STATUS OF THE SEA WALK PUD AND FORESTAR, INC:

On December 9, 2024, the Mayor, the Town Attorney, Terry O'Neil Pam Orr, Kim Stanton and I met with John Carrigan, Esq., attorney for the Sea Walk HOA. Some of you may be aware that

Telephone and Fax: +1 [REDACTED]

Email: [REDACTED]

MEMORANDUM

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

SUBJECT: 1. RESOLUTION AND STIPULATION AGREEMENT WITH SUN COMMUNITIES, INC.
2. STATUS OF THE SEAWALK PUD AND FORESTAR, INC.

DATE: January 8, 2025

John's law partner, David Earle, Esq. passed away suddenly on November 8th. Participants included Melissa Heller on behalf of the HOA. Mr. Carrigan is a construction litigator for the firm of Ross, Earle, Bonan, Ensor & Carrigan here in Stuart. Deborah Ross, Esq. normally represents the HOA, and David Earle, Esq. represented the owner of Lot 1, Sea Walk regarding issues related to conditions on the lot. Mr. Carrigan has taken over the representation of the HOA regarding possible litigation it may have with Forestar, Inc and their builder, D.R. Horton. They indicated the HOA has filed a "Notice and Opportunity to Repair," under Chapter 558, Florida Statutes. This statute concerns construction defects, and provides a mandatory alternative dispute resolution procedure for homeowners and associations to follow. It usually takes a few months to complete, and if not successful, then the homeowners or association may file an appropriate lawsuit. During the meeting, Mr. Carrigan suggested the Town hold off on any further contemplated actions against Forestar or D.R. Horton until the end of the "558 process." This makes ultimate sense, because the Town has many of the same issues with Forestar and D.R. Horton concerning the finalization of the PUD development, and now that the HOA owns all of the common areas, some of which are in technical violation of the PUD, it would allow the 558 process to proceed unhindered. I am hopeful that we may either have a resolution, or the clearance to proceed with litigation by the end of January or early February when Forestar and D.R. Horton's responses to the 558 Notice are due. My firm recommendation and plan of action is to allow the 558 process to happen, before we do anything further.

Naturally, if you have any questions about either of these matters, please contact me prior to the Town Council Meeting.

Respectfully submitted,



PAUL J. NICOLETTI

Cc:

Gemma Torcivia, Town Attorney
Terry O'Neil, Management Consultant
Pam Orr, Permit Processor
Kim Stanton, Town Clerk

Telephone and Fax: +1 [REDACTED]

Email [REDACTED]



Resolution No. 358-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE APPROVING A STIPULATION AGREEMENT WITH NHC-FL143, LLC, AND SUN COMMUNITIES FOR COMPLETION OF THE OCEAN BREEZE EAST COMMERCIAL PLANNED UNIT DEVELOPMENT, KNOWN AS THE OCEAN BREEZE RESORT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about January 27, 2015, the Ocean Breeze Town Council adopted Ordinance No. 220-2015, approving and rezoning the Subject Property as the "Ocean Breeze East Commercial Planned Unit Development (CPUD), which CPUD has been amended several times; and

WHEREAS, thereafter the development of Phases 1A, 1B, Phase 2, the Waterfront, and the Storage Area, all as named on the CPUD Master Plan were completed, except for the Roadway Lighting, and leaving the Infill Area unfinished; and

WHEREAS, the Town Council supports the expeditious completion of the CPUD development in the Roadway Lighting and the Infill Area.

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

SECTION 1. That certain Stipulation Agreement by and between the Town and Sun Communities, Inc. on behalf of itself and on behalf of NHC-FL143, LLC, a copy of which attached hereto as **Exhibit "A,"** is hereby ratified, approved and incorporated herein as if set forth below.

SECTION 2. The Mayor, the President of the Town Council and the Town Clerk are each hereby directed to execute the Stipulation Agreement forthwith, and the Town Clerk shall affix the Town Seal, and is directed to send an executed copy to the other parties.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

RESOLUTION No. 358-2025
 STIPULATION AGREEMENT WITH SUN COMMUNITIES, INC.

Council Member _____ made the motion to approve the Resolution, and Council Member _____ seconded the motion, and having been put to a vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
KEVIN DOCHERTY, PRESIDENT				
SANDY KELLEY, VICE PRESIDENT				
GEORGE CIASCHI, COUNCIL MEMBER				
JANET GALANTE, COUNCIL MEMBER				
MICHAEL HELLER, COUNCIL MEMBER				
MATTHEW SQUIRES, COUNCIL MEMBER				

PASSED AND ADOPTED by the Town Council of the Town of Ocean Breeze Florida on this _____ day of _____, 2025.

KEVIN DOCHERTY
 President

KAREN M. OSTRAND
 Mayor

ATTEST:

KIM STANTON
 Town Clerk

APPROVED AS TO FORM AND LEGALITY:

GEMMA TORCIVIA
 Town Attorney

STIPULATION AGREEMENT

The Town of Ocean Breeze, Florida, (the "Town") and Sun Communities, Inc., on behalf of itself and on behalf of NHC FL143 LLC ("Sun"), hereby stipulate, consent, and agree to the following:

This Stipulation Agreement is being entered into by the parties to obviate the Town seeking to enforce the Development Orders later described in this Stipulation Agreement by any other means, which were issued up to the date of its approval and adoption by the parties. Nothing contained herein shall prohibit the Town from enforcing any of its ordinances or other laws. In consideration of the Town's forbearance and for other good and valuable consideration the amount and sufficiency of which is hereby accepted, approved and acknowledged, the parties further agree as follows:

1. DISPUTE RESOLUTION. This Stipulation resolves civil ordinance infractions alleged by the Town and clarifies for Sun the future complete development of an area of real property known as the "Infill Area" and for the remainder of the PUD area both of which are later described herein.
2. THE PARTIES AND SUBJECT PROPERTY.
 - a) The Town is a Florida municipal corporation and is authorized by the laws of the State of Florida to enter into agreements and contracts, and to adopt and enforce its ordinances within its jurisdiction. It has its principal office at 1508 NE Jensen Beach Blvd., Jensen Beach, Florida 34957, Martin County, Florida.
 - b) NHC-FL143, LLC, is a Delaware Limited Liability Company, authorized to do business in the State of Florida, and is the fee simple owner of all of the land described in Special Warranty Deed dated July 17, 2013 and recorded at Official Record Book 2665, Page 1410 on July 23, 2013 in the public records of Martin County, Florida ("Subject Property"), and which deed is incorporated herein and which becomes a part of this Stipulation Agreement by reference as if set forth below. This property was referenced in the past as the "Carefree Resort," and is likewise recorded as an exhibit to Ordinance No. 220-2015, described below.
 - c) Sun Communities, Inc. is a Maryland for profit corporation authorized to do business in the State of Florida, with its principal office at 27777 Franklin Road, Suite 300, Southfield, Michigan 48034. Sun is the sole owner and parent corporation of NHC-FL143, LLC. Sun is the operating entity for the property owned by NHC-FL143 LLC, a Delaware Limited Liability Company, authorized to do business in the State of Florida. Sun acknowledged such relationship on or about February 1, 2017, when accepting Town Ordinance No. 241-2016 described herein as the Ocean Breeze East CPUD, and also known as the "Resort" development and which is located within the Subject Property.

STIPULATION AGREEMENT

The Town of Ocean Breeze, Florida, (the "Town") and Sun Communities, Inc., on behalf of itself and on behalf of NHC FL143 LLC ("Sun"), hereby stipulate, consent, and agree to the following:

This Stipulation Agreement is being entered into by the parties to obviate the Town seeking to enforce the Development Orders later described in this Stipulation Agreement by any other means, which were issued up to the date of its approval and adoption by the parties. Nothing contained herein shall prohibit the Town from enforcing any of its ordinances or other laws. In consideration of the Town's forbearance and for other good and valuable consideration the amount and sufficiency of which is hereby accepted, approved and acknowledged, the parties further agree as follows:

1. **DISPUTE RESOLUTION.** This Stipulation resolves civil ordinance infractions alleged by the Town and clarifies for Sun the future complete development of an area of real property known as the "Infill Area" and for the remainder of the PUD area both of which are later described herein.

2. **THE PARTIES AND SUBJECT PROPERTY.**
 - a) The Town is a Florida municipal corporation and is authorized by the laws of the State of Florida to enter into agreements and contracts, and to adopt and enforce its ordinances within its jurisdiction. It has its principal office at 1508 NE Jensen Beach Blvd., Jensen Beach, Florida 34957, Martin County, Florida.

 - b) NHC-FL143, LLC, is a Delaware Limited Liability Company, authorized to do business in the State of Florida, and is the fee simple owner of all of the land described in Special Warranty Deed dated July 17, 2013 and recorded at Official Record Book 2665, Page 1410 on July 23, 2013 in the public records of Martin County, Florida ("Subject Property"), and which deed is incorporated herein and which becomes a part of this Stipulation Agreement by reference as if set forth below. This property was referenced in the past as the "Carefree Resort," and is likewise recorded as an exhibit to Ordinance No. 220-2015, described below.

 - c) Sun Communities, Inc. is a Maryland for profit corporation authorized to do business in the State of Florida, with its principal office at 27777 Franklin Road, Suite 300, Southfield, Michigan 48034. Sun is the sole owner and parent corporation of NHC-FL143, LLC. Sun is the operating entity for the property owned by NHC-FL143 LLC, a Delaware Limited Liability Company, authorized to do business in the State of Florida. Sun acknowledged such relationship on or about February 1, 2017, when accepting Town Ordinance No. 241-2016 described herein as the Ocean Breeze East CPUD, and also known as the "Resort" development and which is located within the Subject Property.

Stipulation Agreement
Town of Ocean Breeze, Florida and
NHC-FL143 LLC and Sun Communities, Inc.

3. **COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE.** On or about January 27, 2015, the Ocean Breeze Town Council adopted Ordinance No. 220-2015, approving and rezoning the Subject Property as the "Ocean Breeze East Commercial Planned Unit Development, which ordinance was recorded at Official Record Book 2769, Page 135, Public Records of Martin County, Florida (the "Ocean Breeze East CPUD," the "PUD Ordinance," or simply the "PUD"), which also binds the successors and assigns to the PUD by written agreement. Such PUD ordinance is incorporated in and becomes a part of this Stipulation Agreement by reference as if set forth below.
4. **DEVELOPMENT STATUS.** The Subject Property is a commercial and residential development composed of single-family homes, manufactured housing, motor homes/recreational vehicles and commercial property located on land owned by NHC-FL143 LLC and leased by Sun to individual unit owners.
5. **ORDINANCE AND RESOLUTION AMENDMENTS.** Subsequent to the adoption of the PUD Ordinance it was amended by Resolution No. 223-2015 for a minor amendment, and recorded at Official Records Book 2808, Page 1066, Public Records of Martin County, Florida; and amended by Resolution No. 234-2016 for a minor amendment, and recorded at Official Records Book 2835, Page 840 Public Records of Martin County, Florida; and amended by Resolution No. 238-2016 for a minor amendment and recorded at Official Records Book 2872, Page 2590, Public Records of Martin County, Florida; and amended by Ordinance No. 241-2016 for various substantive major amendments, which ordinance was recorded at Official Records Book 2906, Page 2598, Public Records of Martin County, Florida; and amended by Resolution No. 291-2019, for a minor amendment and recorded Official Records Book 3073, Page 2598, Public Records of Martin County, Florida; and amended by Resolution No. 303-2020, for a minor amendment, recorded Official Records Book 3150, Page 1028, Public Records of Martin County, Florida. Each of the Ordinances and Resolutions enumerated in this paragraph are incorporated in and become a part of this Stipulation by reference as if set forth below, and collectively constitute the PUD as the "Development Orders." The parties stipulate that the Development Orders were properly adopted according to Florida law.
6. **DEVELOPMENT COMPLETION REQUIRED.** Ordinance No. 241-2016, required Sun to complete development of the PUD on or before December 12, 2019, which did not occur. Sun asserts that under various Florida gubernatorial Executive

Stipulation Agreement
Town of Ocean Breeze, Florida and
NHC-FL143 LLC and Sun Communities, Inc.

Orders it has until November 20, 2027, to comply with the development orders of the Town.

7. DEVELOPMENT UNDER PERMIT No. 1102. Notwithstanding the above paragraph, Sun did develop the PUD Master Plan under Town Infrastructure Building Permit No. 1102 ("Permit No. 1102") and includes the areas described on its approved Master Plan as "Phase 1A," "Phase 1B," "Phase 2," the "Waterfront," and the "Storage Area." Those areas were completely developed except for the roadway lighting, which remains to be completed. Any further work to be done under the PUD Master Plan, as amended, including the Infill Area, shall be accomplished by issuance of a sub-permit under Permit No. 1102, with permit applications made by Captec Engineering, Inc. and upon Town plan review and approval by MacKenzie Engineering, and paid for by Sun. Once all the work contemplated under this Stipulation Agreement is completed both Permit No. 1102 and the sub-permit under Permit No. 1102 shall be closed out.
8. INFILL AREA. With the exception of roadway lighting, the remaining area on the Master Plan that requires development is the "Infill Area," which can be described as the northeast portion of the Subject Property, and which is shown and defined on the Master Plan.
9. SUN'S ENGINEER. Sun affirms that it has Captec Engineering Inc. under contract as the primary designer and construction supervisor of the civil engineering systems required for completion of the PUD and sub-permit under Permit No. 1102. Sun assures the Town that it will always have a professional engineering firm under contract to design and supervise the work required herein until such work is completed and approved by the Town's engineer.
10. COMPLETION ASSURED. Sun agrees for itself and its successors in interest, to complete the development of what is described herein as the "Infill Area" and "Roadway Lighting" as set forth in paragraphs 11-17 and according to the following additional terms and conditions:
11. POTABLE WATER AND FIRE HYDRANT SYSTEM: Sun shall submit to the Town all applications for construction permits required by the Town, and other governmental authorities, and shall make proper payment, and obtain all necessary construction permits to replace and upgrade the entire potable water and fire hydrant main distribution system in the Infill Area in accordance with the professional drawings and application to be submitted by Captec Engineering, Inc., a copy of which incomplete drawings have been submitted to the Town for

Stipulation Agreement
Town of Ocean Breeze, Florida and
NHC-FL143 LLC and Sun Communities, Inc.

preliminary review. The complete record drawings and sub-permit application shall be submitted not later than February 14, 2025. Thereafter, and upon the issuance of all required permits from the Town and other governmental agencies, Sun shall properly and timely pursue and accomplish all of the work needed to implement the approved and permitted system in a timely and workmanlike manner. Sun shall complete the work with full approvals by the Town and other governmental authorities including written notification to the Martin County Fire Rescue Department regarding hydrant location. The project has been designed and will be completed in two phases with Phase 1 providing the requested fire protection and being completed by no later than December 31, 2025, and Phase 2 being completed by no later than December 31, 2026. Both deadlines being dependent upon permitting approvals that are out of the control of Sun.

12. ROADWAY PAVING. Town Ordinance No. 241-2016 required Sun to make "Road Repairs" and perform "Road Resurfacing" in the Infill Area no later than December 31, 2017. Sun opines that it has no knowledge of any repaving in the Infill Area, and the Town has never been requested to issue permits for Infill Area repaving by Sun for this work. Sun shall submit any and all reports regardless of form or format it may have regarding the current condition of each of the roadways located within the Infill Area no later than February 14, 2025. Thereafter, if such reports or those later generated indicate the need for repair or maintenance, and upon the issuance of all required permits from the Town, Sun shall properly and timely pursue and accomplish all of the work needed to repair or properly maintain such roadways in a timely and in a workmanlike manner.

13. STORMWATER SYSTEM IMPROVEMENTS.

a) STORMWATER IMPROVEMENTS (GENERALLY). Sun shall submit to the Town all applications for construction permits required by the Town and to other governmental authorities, and make proper payment, and obtain all necessary construction permits to repair, replace, and improve the stormwater system in the Infill Area in accordance with the professional drawings and application to be submitted by Captec Engineering, Inc., a copy of which incomplete drawings have been submitted to the Town for preliminary review. The complete record drawings shall be submitted to the Town not later than August 1, 2025. Thereafter, and upon the issuance of all required permits from the Town and other governmental agencies, Sun shall properly and timely pursue and accomplish all of the work needed to implement the approved and permitted system in two phases with Phase 1 being completed by no later than December 31, 2025, and Phase 2 being

Stipulation Agreement
Town of Ocean Breeze, Florida and
NHC-FL143 LLC and Sun Communities, Inc.

completed by no later than December 31, 2026. Both deadlines being dependent upon permitting approvals that are out of the control of Sun.

b) **STORMWATER (FLOODING).** Until the general stormwater improvements can be approved and constructed, Sun agrees to take temporary measures on an expedited basis to resolve the flooding issues for the few existing residents who are experiencing periodic storm-related flooding events in accordance with the findings and recommendation made by Captec Engineering, Inc. To the extent that such work requires construction permits the Town agrees to expedite such permitting.

14. **SANITARY SEWER SYSTEM.** Sun shall submit any all reports regardless of form or format it may have regarding the current condition of the sanitary sewer collection system within the Infill Area, no later than February 14, 2025. Preliminary indications orally related to the parties by Captec Engineering, Inc. on December 23, 2024, and based upon a recent televideo survey of the sanitary sewer system indicate that the sanitary sewer system is adequately sized and in generally good repair, in the opinion of Captec Engineering, Inc. Thereafter, if any reports indicate the need for repair or maintenance, and upon the issuance of all required permits from the Town and other governmental agencies, Sun shall properly and timely pursue and accomplish all of the work needed to repair, replace or properly maintain such sanitary sewer system in a timely and workmanlike manner.
15. **ROADWAY LIGHTING SYSTEM.** Town Resolution No. 291-2019 adopted "Revised Standards for a Master Lighting Plan" requiring completion of the lighting program "within 75 days" of Resolution adoption on July 8, 2019 (on or around September 21, 2019). This work was never completed. Sun shall submit to the Town all applications for construction permits required by the Town (including a Lighting Plan showing proposed fixture specifications with proposed lumen output and proposed roadway foot-candle levels), and make proper payment, and obtain all necessary construction permits to repair, replace or add lighting within the roadway lighting system in the entire PUD Area in accordance with the professional drawings and application to be submitted by Captec Engineering, Inc. by or through its subcontractors. The complete record drawings shall be submitted to the Town by no later than August 1, 2025, with approvals by the Town not to be unreasonably withheld. Thereafter, and upon the issuance of all required permits from the Town, Sun shall properly and timely pursue and accomplish all of the work needed to implement the approved and permitted lighting system and shall repair or properly maintain such work in a timely and workmanlike manner.

Stipulation Agreement
Town of Ocean Breeze, Florida and
NHC-FL143 LLC and Sun Communities, Inc.

16. ADDITIONAL LOT. Sun in its sole discretion may decide to submit a proposed Amendment to its Master Site Plan to accommodate an additional building lot located in between Lot 92 and Lot 93 by submitting a complete minor PUD amendment application and payment to the Town. This provision and its timing is discretionary on the part of Sun. The Town would consider such application, as it does any other request for a development order and is under no obligation to grant such a request.
17. RECREATIONAL VEHICLES. All RVs within the Infill Area shall be removed by no later than December 31, 2025. All other RVs, other than those located upon the 44 permanently designated RV sites, shall be removed by no later than November 20, 2027.
18. EXISTING BUILDING PERMIT APPLICATIONS. Upon full approval of this Stipulation Agreement by the parties, the Town agrees to release any and all building permits it currently is holding and agrees that no future building permits will be put on hold based on the issues set forth in this Stipulation Agreement.
19. ADMINISTRATIVE COSTS. Sun agrees that the Town's reasonable administrative costs in the amount of \$10,000.00 shall be paid by Sun to the Town upon the signing of this Stipulation Agreement.
20. COMPLIANCE AND ENFORCEMENT. Sun and the Town shall be free to pursue all legal actions available in a court of competent jurisdiction, including injunctive relief, to require and compel compliance and performance with this Stipulation Agreement. If Sun is found by a court of competent jurisdiction not to have complied with the material provisions of this Stipulation Agreement Sun consents to the entry of an order by such court requiring Sun to comply with the Stipulation Agreement, or be subject to the levy of a civil penalty to be paid to the Town in the amount of up to \$500.00 per day for its continued violation for each and every day of violation exceeding thirty (30) days from the entry of such order.
21. MEDIATION. The parties agree that prior to any legal action being taken by the other party regarding this Stipulation Agreement or generally, mediation shall be held to seek a resolution to any dispute which may arise. The parties shall first meet informally to discuss any dispute, and thereafter either party may require the other party to attend a formal mediation conducted by a professional mediator selected and paid for mutually by the parties.

Stipulation Agreement
Town of Ocean Breeze, Florida and
NHC-FL143 LLC and Sun Communities, Inc.

22. **PERMITTING.** Sun bears the burden of contacting the Town of Ocean Breeze Permit Processor at 772-807-2557 to arrange for all permit applications, payment, and inspections of the work required in order to verify that the Subject Property has been brought into compliance with the applicable sections of this Stipulation Agreement, the Planned Unit Development Ordinances and Resolutions, Infrastructure Building Permit No. 1102, and the Town's Code.
23. **JURISDICTION, VENUE AND APPLICABLE LAW.** The jurisdiction for this Stipulation Agreement shall be exclusively in the state courts of Florida with venue in Martin County, Florida. The applicable law shall be the laws of the State of Florida. Nothing herein including the conditions and deadlines established herein, is intended to relieve the parties of the requirement to comply with all applicable federal, state, or local laws, rules or ordinances.
24. **LIMITED (MUTUAL) RELEASE AND HOLD HARMLESS.** Each party hereby releases and holds harmless the other party from any liability or actions resulting from the specific provisions of Paragraphs 11 through 18 inclusive of this Stipulation Agreement up and to the full execution and approval of this Stipulation Agreement. However, the parties acknowledge and reaffirm that the Acceptance and Agreement for each of the PUD ordinances and resolutions signed by the parties remains in full force and effect.
25. **MISCELLANEOUS MATTERS.** The parties represent, under penalty of perjury, that they have read and approved this Stipulation Agreement, and the persons signing this Stipulation Agreement have the authority to enter into this Stipulation Agreement and bind the respective parties to the terms contained herein; and this Stipulation Agreement is being entered into knowingly and voluntarily, and with the intent of being bound thereby. The parties assert that this Stipulation Agreement is only for the benefit of the parties and their lawful successors, and no third party shall look to, benefit by, or rely upon this Stipulation Agreement. The parties agree that in the event of legal action taken by either party to enforce the terms of the Stipulation Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs, at all levels of court action. This Stipulation Agreement is the complete agreement of the parties concerning the matters expressed herein, and no amendment or waiver of the Stipulation Agreement shall be binding on the parties unless in a writing approved by the parties.

(ALL SIGNATURES ON NEXT PAGE)

Stipulation Agreement
Town of Ocean Breeze, Florida and
NHC-FL143 LLC and Sun Communities, Inc.

TOWN OF OCEAN BREEZE, FLORIDA

NHC-FL143, LLC,
a Delaware limited liability company

By: _____
Kevin Docherty, Council President

By: NRVC-Holding Co. LLC,
a Delaware limited liability company,
Sole Member

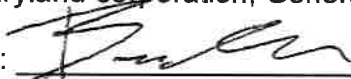
By: _____
Karen Ostrand, Mayor

By: Sun Communities Operating
Limited Partnership, a Michigan limited
partnership, Sole Member

Date: _____

By: Sun Communities, Inc., a
Maryland corporation, General Partner

ATTESTED BY:

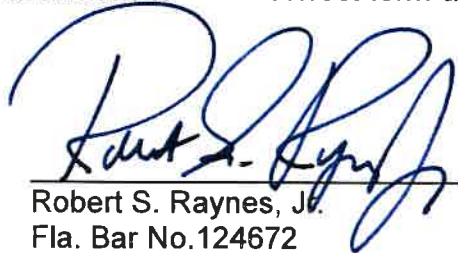
By: 
Bruce Thelen, Chief Operating Officer

By: _____
Kim Stanton, Town Clerk

Date: 1/8/2025

The undersigned attorneys have found this document to be in correct form and legally sufficient.

Paul J. Nicoletti
Fla Bar No. 366269
Attorney for the Town



Robert S. Raynes, Jr.
Fla. Bar No. 124672
Attorney for NHC FL 143 LLC and
SUN COMMUNITIES, INC.

Gemma Torcivia
Fla Bar No. 1009366
Town Attorney

From: Allison Payne <APayne@flcities.com>
Sent: Monday, December 16, 2024 11:50 AM
Cc: Brenda Jones; Casey Cook
Subject: Draft Resolution supporting 2025 FLC Legislative Platform
Attachments: Draft Resolution supporting 2025 FLC Legislative Platform.docx

Follow Up Flag: Follow up
Flag Status: Flagged

FLC Advocacy Committee,

The FLC 2025 Legislative Platform was adopted by the membership at the recent Legislative Conference in Orlando. Here is a link: <https://www.floridaleagueofcities.com/docs/default-source/resources/final-2025-legislative-platform.pdf>

In an effort to build support for our legislative issues, attached is a draft resolution your city can adopt supporting the 2025 FLC Legislative Platform.

This will provide more exposure for our legislative platform, educate other municipal officials on key legislative issues and encourage support with members of the Florida Legislature.

A special thanks to Mayor Lois Paritsky, Ponce Inlet, for the great idea.

Please share your city's resolution with the League too.

Thank you for your advocacy.

Happy Holidays!

Allison

Allison Payne
Manager, Advocacy Programs & Federal Affairs
Florida League of Cities, Inc.
Executive Director, Florida Association of City Clerks
850.701.3602 (direct)
850-545.2755 (cell)
www.flcities.com





Resolution No. 357-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE 2025 FLORIDA LEAGUE OF CITIES' LEGISLATIVE PLATFORM.

WHEREAS, the Florida Legislature will convene the 2025 Legislative Session on March 4, 2025; and

WHEREAS, the membership of the Florida League of Cities (FLC) adopted its 2025 Legislative Platform during the FLC Legislative Conference on December 6, 2024; and

WHEREAS, the Town Council of the Town of Ocean Breeze supports the 2025 FLC Legislative Platform, which includes:

- Supporting legislation that allows for a collaborative approach that balances the pressing needs for affordable and workforce housing while respecting the ability of local governments to effectively manage growth to ensure developments align with the character, capabilities and resources of each community.
- Supporting legislation that ensures all vehicles, regardless of fuel type, contribute fairly to the funding of Florida's transportation infrastructure, which will allow cities to maintain safe and reliable roads for all residents.
- Supporting the preservation of municipal authority over utility revenues and the ability to realize a reasonable rate of return on utility assets. Legislation should honor current practices, existing contracts, utility operation and maintenance costs, service territory obligations and revenues obligated for debt service and planned projects.
- Supporting the levy of property taxes by municipalities to provide critical services such as infrastructure, police, fire and emergency services. Further changes or exemptions to the property tax system and tangible personal property taxes would create inequities and unfairly shift the tax burden onto families, homeowners, renters, businesses and our most vulnerable population.
- Supporting the preservation of reasonable sovereign immunity liability caps for municipal governments to protect taxpayer funds and ensure the delivery of public services.

WHEREAS, the Town Council of the Town of Ocean Breeze, also supports the FLC policy positions relating to:

- Annexation
- Impact Fees
- Local Business Taxes
- One Water
- Public Safety Recruitment and Retention

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

SECTION 1. The Town of Ocean Breeze will work with our local legislative delegation in support of these and other issues affecting Florida's cities, towns and villages during the upcoming 2025 Legislative Session.

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

SECTION 3. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair validity, force, or effect any other section or part of this Resolution.

SECTION 4. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Ocean Breeze Florida on this _____ day of _____, 2025.

- KEVIN DOCHERTY, PRESIDENT
- SANDY KELLEY, VICE PRESIDENT
- GEORGE CIASCHI, COUNCIL MEMBER
- JANET GALANTE, COUNCIL MEMBER
- MICHAEL HELLER, VICE PRESIDENT
- MATTHEW SQUIRES, COUNCIL MEMBER

YES	NO	ABSENT

KEVIN DOCHERTY
President

KAREN M. OSTRAND
Mayor

ATTEST:

KIM STANTON
Town Clerk

APPROVED AS TO FORM AND LEGALITY:

GEMMA TORCIVIA
Town Attorney



PRIORITIES:

Affordable Housing

The Florida League of Cities SUPPORTS legislation that allows for a collaborative approach that balances the pressing needs for affordable and workforce housing while respecting the ability of local governments to effectively manage growth to ensure developments align with the character, capabilities and resources of each community.

Electric Vehicles

The Florida League of Cities SUPPORTS legislation that ensures all vehicles, regardless of fuel type, contribute fairly to the funding of Florida's transportation infrastructure, which will allow cities to maintain safe and reliable roads for all residents.

Enterprise Fund Transfers and Extraterritorial Surcharges

The Florida League of Cities SUPPORTS preserving municipal authority over utility revenues and the ability to realize a reasonable rate of return on utility assets. Legislation should honor current practices, existing contracts, utility operation and maintenance costs, service territory obligations and revenues obligated for debt service and planned projects.

Property Taxes

The Florida League of Cities SUPPORTS the levy of property taxes by municipalities to provide critical services such as infrastructure, police, fire and emergency services. Further changes or exemptions to the property tax system and tangible personal property taxes would create inequities and unfairly shift the tax burden onto families, homeowners, renters, businesses and our most vulnerable population.

Sovereign Immunity

The Florida League of Cities SUPPORTS preserving reasonable sovereign immunity liability caps for municipal governments to protect taxpayer funds and ensure delivery of public services.

POLICY POSITIONS:

Annexation

The Florida League of Cities SUPPORTS legislation that facilitates the municipal annexation of unincorporated areas in a manner that respects municipal boundaries, protects private property rights and encourages cooperation between municipal and county governments.

Impact Fees

The Florida League of Cities SUPPORTS protecting municipal authority to set impact fees that safeguard existing taxpayers from incurring additional infrastructure costs.



Local Business Taxes

The Florida League of Cities SUPPORTS preserving municipal ability to collect local business taxes in order to foster economic growth, ensure public safety, deliver emergency services and drive community development.

One Water

The Florida League of Cities SUPPORTS the state legislature’s endorsement of One Water policies that seek to enhance integration between different water systems while maintaining local flexibility.

Public Safety Recruitment and Retention

The Florida League of Cities SUPPORTS legislation and funding to enhance recruitment and retention of municipal public safety personnel, which will help communities maintain effective emergency response and public safety services.

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: January 13, 2025

Each December, at its regular meeting, the Town Council members approve certain board appointments and liaison activities. At the December meeting, this item was moved to the January meeting.

Attached you will find the matrix which outlines the meeting dates and times of the organizations along with a brief description of the activities. Vacancies are highlighted in yellow.

Recommendation:

Discuss vacancies and make appointments by Council vote.

Council \ Mayor Board Appointments and Liaison Activities
January 13, 2025 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 January 13, 2025 Regular Town Council Meeting
<p>1 Florida League of Cities (FLC) - The League's mission is to serve the needs of Florida's cities and promote local self-government by supporting local voices making local choices to protect and enhance Florida's communities.</p>	<p>Paying Member (\$632)</p>	<p>Yes, with over 400 members, membership of the FLC Board is determined via a statewide nominating process, elimination ballots, etc.</p>	<p>Mayor Ostrand, Vice President Docherty</p>	<p>No</p>		<p>Mayor and Town Council members serve as time and travel budgets permit.</p>	
<p>2 Florida League of Cities Legislative Committee Sub Group (FLCLCSG) - Appointments are typically a one-year commitment and involve developing the League's legislative platform detailing priority issues that are most likely to affect daily municipal governance and local decision making during the upcoming legislative session. Policy committee members also help League staff understand the real-world implications of proposed legislation and are asked to serve as advocates throughout the legislative process.</p>	<p>The Town's elected officials are eligible to seek participation by virtue of its FLC membership.</p>	<p>Yes</p>	<p>Mayor Ostrand, Code Compliance and Redevelopment Committee</p>	<p>Yes</p>	<p>Vice President Docherty, Finance and Taxation Committee</p>	<p>The Mayor currently serves on the Development, Code Compliance and Redevelopment Committee; Vice President Docherty serves on the Finance and Taxation Committee</p>	
<p>3 Florida League of Mayors (FLM) - The FLM was created in 2005 for Florida Mayors. Our membership statement is vision, leadership and public service. FLM is a member-driven organization that exists to serve the educational and professional needs of Florida's Mayors.</p>	<p>Paying Member (\$350)</p>	<p>Yes, membership on the board is determined through a statewide nominating process.</p>	<p>Mayor Ostrand</p>	<p>No</p>		<p>Mayor Ostrand currently serves on the board.</p>	

Council \ Mayor Board Appointments and Liaison Activities
 January 13, 2025 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 January 13, 2025 Regular Town Council Meeting
4 Treasure Coast Regional League of Cities (TCRLC) - The Treasure Coast Regional League of Cities promotes communication, collaboration and education among municipalities of Indian River, Martin, Okeechobee and St. Lucie Counties; encourages effective advocacy for home rule to all levels of government; fosters excellence in local self-governance and represents the Treasure Coast with the Florida League of Cities.	Member (no fee)	Yes, as one of the organization's 16 (+/-) members, the Town is entitled to one member and an alternate on the board.	Mayor Ostrand is serving on this Board	Yes	Vice President Docherty was the alternate for 2024	Board meetings are held monthly on the 3rd Wednesday at 10:00AM at Indian River State College (no meetings in June and August). Membership meetings are in Nov., Dec., Mar., and May at various locations (TBD); the July meeting is the BBQ in Okeechobee.	
5 Treasure Coast Regional League of Cities Advocacy Team (TCRLCAT) - encourages effective advocacy for home rule to all levels of government; fosters excellence in local self-governance.	Eligible to participate by virtue of its TCRLC membership	Yes, the team is generally made up of one or two volunteer representatives form 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	Vice President Docherty, Team Member		

Council \ Mayor Board Appointments and Liaison Activities
 January 13, 2025 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
<p>6 Treasure Coast Council of Local Governments - A (congenial) organization of local elected officials from County and Municipal governments and School Boards focused primarily on issues of regional impact.</p>	<p>Currently a member (\$200 due in January of each year)</p>	<p>Yes.</p>	<p>In 2024, Vice President Kevin Docherty was appointed to serve as primary and Council Member Kent to serve as alternate</p>	<p>No</p>	<p>N/A</p>	<p>Council needs to appoint a primary and alternate representative. Meetings are held Jan 8 (Marsh Landing in Fellsmere - installation lunch), Feb 5, Mar 5, Apr 9, May 7, Jun 4, July 2 (Okeechobee BBQ), Sept 3, Oct 1, Nov 5, Dec 3. All meetings are held at 10AM, 2300 Virginia Avenue, Conference 3, Fort Pierce, FL 34982 (unless otherwise indicated).</p>	<p>January 13, 2025 Regular Town Council Meeting</p>
<p>7 Local Legislative Delegation - The local County Legislative Delegation Meeting holds its annual public hearing in the Fall each year. 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. The Legislature is scheduled to convene in session on March 4, 2025 in Tallahassee.</p>	<p>Constituent Local Government</p>	<p>N/A</p>	<p>N/A</p>	<p>Mayor Ostrand and Vice President Docherty regularly attends by virtue of Florida League of Cities participation.</p>	<p></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>	<p></p>

Council \ Mayor Board Appointments and Liaison Activities
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8 Martin Metropolitan Planning Organization (MPO) - Founded in 1993, the Martin MPO is a federally mandated public agency that works to coordinate the improvement of all facets of the transportation network in Martin County.	Not a member	No.	NA	yes	Mayor and Council Members have routinely attended as needed.	Due to its small population, the Town does not have a seat on the MPO. Gaining membership, which requires broad local government support and ultimately the Governor's approval, is challenging and would involve a considerable "campaign" effort on the part of the Town. The MPO regularly meets and meetings are open to the public. Does Council wish to appoint a liaison to attend? The MPO Board meets on Dec 16, Feb 24, Apr 21, May 19 and June 16 in the Martin County Commission Chambers 9:00AM - 11:00AM (2401 SE Monterey Road). Visit their website for further information.	
9 Martin Metropolitan Planning Organization Citizen Advisory Committee (CAC) - The Citizens Advisory Committee (CAC) strives to represent the citizens of Martin County and is responsible for providing continuous public input for the MPO decision-making process. In this capacity, the Committee reviews and comments on transportation planning documents and relevant issues to be brought before the MPO Board.	Currently, no Town citizen is participating	no	no	yes	Former Council President Ann Kagdis was appointed as a county representative by Commissioner Smith.	Meeting are held Feb 5, May 7 & June 4, 2025 @ 9:00AM - 11:00AM (BOCC Commission Chambers); Joint Advisory Committee Meetings (CAC, TAC and BPAC) are held Dec 2 and Apr 7 from 1:30PM - 3:30PM.	Ann Kagdis, Town of Ocean Breeze resident, stated that she remained on the CAC (August, 2024 TC meeting)

Council \ Mayor Board Appointments and Liaison Activities
January 13, 2025 Regular Town Council Meeting

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<p>10 Martin Metropolitan Planning Organization Technical Advisory Committee (TAC) - The Technical Advisory Committee (TAC) is a source of wide-ranging professional expertise for the MPO Board and includes representatives from state and local governmental agencies. The Committee is responsible for advising the Board on all technical matters, including transportation plans, studies, and implementation programs. Additional benefits result from the continuous and worthwhile coordination between Committee Members and agencies.</p>	<p>Vacant</p>	<p>Yes</p>	<p>In 2024, 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>	<p>No</p>	<p>NA</p>	<p>Council needs to appoint a Member and an alternate. The TAC consists of 12 voting members. The meetings are held Feb 3, May 5 & June 2, 2025 at 1:30PM - 3:30PM (4th Floor Workshop Room, Martin County Administrative Center). Joint Advisory Committee Meetings (CAC, TAC and BPAC) are held Dec 2 and Apr 7 from 1:30PM - 3:30PM.</p>	
<p>11 Martin Metropolitan Planning Organization Bicycle and Pedestrian Advisory Committee (BPAC) - The Bicycle & Pedestrian Advisory Committee (BPAC) represents the citizens of Martin County on all bicycle and pedestrian-related issues. The Committee is responsible for providing input into the MPO decision-making process, which includes reviewing and commenting on planning documents and identifying relevant issues to be brought before the MPO Board.</p>	<p>No representation at time time</p>	<p>No; Vice Docherty has served in the past</p>	<p>N/A</p>	<p>No</p>	<p>N/A</p>	<p>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 10, May 12 & June 9 at 2:00PM-4:00PM (BOCC Commission Chambers). Joint Advisory Committee meetings (CAC, TAC and BPAC) are held Dec 2 and Apr 7 from 1:30PM - 3:30PM.</p>	

Council \ Mayor Board Appointments and Liaison Activities
January 13, 2025 Regular Town Council Meeting

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<p>12 Martin County/Jensen Beach Community Redevelopment Area (CRA) Neighborhood Advisory Committee (NAC) - The Jensen Beach Neighborhood Advisory Committee (NAC) meets regularly at the Jensen Beach Community Center on Jensen Beach Boulevard and provides advice and recommendations to the Community Redevelopment Agency regarding the implementation of projects adopted within the Jensen Beach CRA Plan.</p>	<p>Not a member</p>	<p>No.</p>	<p>NA</p>	<p>The Mayor and Council Members have, at times, attended meetings particularly regarding matters of the Town. At the August 12, 2024 Town Council meeting, President Kelley volunteered to be the Town's liaison.</p>	<p>President Kelley</p>	<p>Does Council wish to appoint a designated liaison and an alternate to monitor the activities of this Committee? All meetings are on the first Wednesdays at 5:00PM (unless otherwise noted) at the Jensen Beach Community Center, 1912 NE Jensen Beach Boulevard, Jensen Beach in the months of January, March, May, July, September and November, 2025.</p>	
<p>13 Resilient Martin - 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.</p>	<p>Not a member</p>	<p>Need representation from the Town in their stakeholder/steering committee group.</p>	<p>No one is currently serving</p>	<p>No</p>		<p>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.</p>	<p>12/9/2024 TC Meeting: Sandy Kelley volunteered to represent Ocean Breeze on committee (MS seconded by MH)</p>

Council \ Mayor Board Appointments and Liaison Activities
 January 13, 2025 Regular Town Council Meeting

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14 Jensen Beach Chamber of Commerce (JBCC) - Chambers of Commerce main activities are, among others, safeguarding business interests and sharing business experiences and business interests, contact with governments, civil society, local media and the press and organizing trade shows and events.	Paying Member (\$250)	No	NA	Yes	Mayor and Council Members routinely attend events.	It is assumed the Town Council members and Mayor will continue to participate in various Chamber events at their own initiative.	Participate at the discretion of Mayor and Town Council
15 Invitations to official events, ribbon cuttings, State of the County Speech, etc.	NA	NA	NA	NA	NA	Attendance at these types of events has been at the discretion of individual Council Members and the Mayor. Unless otherwise directed, staff will continue the role of informing everyone of events as they become known and assisting with reservations, RSVP's, etc.	Participation at the discretion of Mayor and Town Council

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. Attorney's / Town Engineer Consultant's report on ADA accommodations for public meetings
- B. Update on replacement of waste receptacle and bench within the Ocean Breeze East PUD
- C. Update on the removal of debris reported at the December 2024 meeting
- D. Notice regarding Lake Okeechobee discharges
- E. Letter from Town Management Consultant to Mayor Ostrand
- F. Email from Environmental Studies Center regarding intended removal of exotics

Memorandum

To: Kim Stanton, Town Clerk, Town of Ocean Breeze, Florida

From: Gemma Torcivia, Esq., Town Attorney

Date: January 2, 2025

Re: Americans with Disabilities Act (ADA) Accommodations for Public Meetings

The Americans with Disabilities Act (“ADA”) ensures that individuals with disabilities have equal access to participate in and benefit from government meetings and public services. In the context of public meetings, accommodations commonly fall into the following categories:

1. **Accessible Facilities.** The meeting location should be physically accessible to individuals with disabilities. This may include the provision of wheelchair ramps, accessible entrances, and accessible seating. If reasonable, it may be appropriate to arrange for assistance for those with mobility impairments to access or move around the facility.
2. **Accessible Meeting Format.** The meeting format itself should be accessible. For example, microphones should be available for participants to use, and there should be a clear process for requesting accommodations.
3. **Communication Accessibility.** If reasonable, communication accommodations for individuals with disabilities who may have hearing, speech, or communication impairments should be provided. This may include sign language interpreters, captioning services, or assistive listening devices. Governments may also consider using accessible communication technology, such as video conferencing platforms with built-in captioning or the ability to accommodate sign language interpreters remotely.
4. **Public Notice and Information.** Public notices and meeting materials advising of the public meeting should be accessible. This is mostly commonly seen in the context of individuals with visual impairments and their ability to utilize a screen reader or other similar device for online notices.

However, the duty of governments to provide accommodations is not absolute and, while governments should certainly strive for equality and accessibility for all citizens, accommodations need only be reasonable. See *Baughman v. Walt Disney World Co.*, 685 F.3d at 1135 (9th Cir. 2012) (“Facilities are not required to make any and all possible accommodations that would provide full and equal access to disabled patrons; they need only make accommodations that are reasonable.”). “[W]hat constitutes [a] reasonable modification is highly fact-specific, requiring case-by-case inquiry.” *Crowder v. Kitagawa*, 81 F.3d 1480, 1486 (9th Cir. 1996). One of the key factors in determining the reasonableness of an accommodation is the imposition of an undue financial or administrative burden on the government. See *Where Do We Go Berkeley v. Cal. DOT*, 32 F.4th 852, 862 (9th Cir. 2022). A government cannot simply speculate that an accommodation is not feasible and must gather sufficient information to determine what

accommodations are necessary before making a determination. *See Duvall v. County of Kitsap*, 260 F.3d 1124 (9th Cir. 2001).

Because the range of disabilities and possible accommodation requests is so wide and varied, it is important that the Town receive and evaluate accommodation requests. Based on a review of the Town's website and the Town's processes, provisions for these matters are already in place, which is a strong indicator of the Town's commitment to equality and accessibility in the provision of its services to all people.

Additionally, the Town recently hired Leo Giangrande, P.E., of Giangrande Engineering & Planning to evaluate the community center located at 700 NE Seabreeze Way within the Ocean Breeze Resort Community to ensure ADA compliance for public meetings. Engineer Giangrande confirmed that adequate access is provided per the 1990 American Disabilities Act and all subsequent revisions.

Technical Memorandum

Date: January 5, 2025
To: Town of Ocean Breeze
From: Leo Giangrande, P.E.
Subject: **Community Center ADA Access**
GEP No.:16-013



Distribution: Town File

This technical memorandum has been prepared to provide the results from the site observations made at the community center located at 700 NE Seabreeze Way, Jensen Beach.

located within the Ocean Breeze Resort Community. The purpose for the site observations was to review the site's Handicap (ADA) access into the community center. It appears that adequate access is provided per the 1990 American Disabilities act and all subsequent revisions. In conclusion, the site has compliant located parking and access to a double door to enter the facility.

Should you have any further questions on this, please do not hesitate to contact me at (772) 888-9076 or Leo@GEP-LLC.com.

Town Clerk

From: Town Clerk
Sent: Monday, December 30, 2024 9:08 AM
To: Kevin Docherty
Cc: Permits; Terry O'Neil (terrancewoneil@gmail.com)
Subject: RE: OB East PUD, Comprehensive Plan, and Zoning and Land Development Regulations

Great news, thanks for the update. I will write to Aaron and thank him.

- Resolved -

Happy New Year!

Kim Stanton
Town Clerk



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

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From: Kevin Docherty <kdocherty@Townofoceanbreeze.org>
Sent: Saturday, December 28, 2024 8:17 AM
To: Town Clerk <townclerk@townofoceanbreeze.org>
Cc: Permits <permits@Townofoceanbreeze.org>; Terry O'Neil (terrancewoneil@gmail.com) <terrancewoneil@gmail.com>
Subject: Fw: OB East PUD, Comprehensive Plan, and Zoning and Land Development Regulations

Good morning, Kim,

I want to inform you that the garbage can was installed sometime yesterday. Suggest that we thank Aaron for getting this done so quickly.

Thanks,

Kevin

From: Aaron Smith <asmith29@suncommunities.com>
Sent: Thursday, December 26, 2024 11:38 AM
To: Town Clerk <townclerk@townofoceanbreeze.org>
Cc: Permits <permits@Townofoceanbreeze.org>; Kevin Docherty <kdocherty@Townofoceanbreeze.org>; Terry O'Neil (terrancewoneil@gmail.com) <terrancewoneil@gmail.com>
Subject: RE: OB East PUD, Comprehensive Plan, and Zoning and Land Development Regulations

Shawn just informed me that the trash can we ordered was the wrong one and he reordered the correct one. It will be installed very soon. Sorry for the delay.

Aaron Smith

Assistant General Manager

OCEAN BREEZE RESORT | OCEAN VIEW, A Sun Community

3000 NE Indian River Dr. Ocean Breeze, FL 34957

Office: (772) 334-2494 | Cellphone: (636) 290-6054

Email: asmith29@suncommunities.com 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

From: Town Clerk <townclerk@townofoceanbreeze.org>
Sent: Thursday, December 26, 2024 11:22 AM
To: Aaron Smith <asmith29@suncommunities.com>
Cc: Permits <permits@Townofoceanbreeze.org>; Kevin Docherty <kdocherty@Townofoceanbreeze.org>; Terry O'Neil (terrancewoneil@gmail.com) <terrancewoneil@gmail.com>
Subject: FW: OB East PUD, Comprehensive Plan, and Zoning and Land Development Regulations

EXTERNAL EMAIL - Verify sender before opening links or attachments!

Hi Aaron,

This is just a follow up on the status of the bench and trash receptacle. We understand that the bench has been installed. Will you please let us know when the garbage receptacle will be installed?

Thank you in advance for your help and Happy New Year in 2025!

Kim Stanton
Town Clerk



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From: Kevin Docherty <kdocherty@Townofoceanbreeze.org>
Sent: Tuesday, November 19, 2024 5:01 PM
To: Permits <permits@Townofoceanbreeze.org>
Subject: Re: OB East PUD, Comprehensive Plan, and Zoning and Land Development Regulations

Pam,

Thank you for letting me know.

Kevin

From: Permits <permits@Townofoceanbreeze.org>
Sent: Tuesday, November 19, 2024 12:13 PM
To: Terrance O'Neil <terracewoneil@gmail.com>; Kevin Docherty <kdocherty@Townofoceanbreeze.org>
Cc: Town Clerk <townclerk@townofoceanbreeze.org>; Karen Ostrand <mayor@Townofoceanbreeze.org>; Kevin Docherty (<kdocherty2323@gmail.com>) <kdocherty2323@gmail.com>; Andy Adams (<aaadams@mcsofl.org>) <aaadams@mcsofl.org>; Aaron Smith <asmith29@suncommunities.com>
Subject: RE: OB East PUD, Comprehensive Plan, and Zoning and Land Development Regulations

I spoke to Aaron Smith, Assistant Manager at the Resort and he told me that the bench and the garbage can had been vandalized. They have the new ones which will be installed soon. He asked if we could secure extra patrol in that area to help with the situation so I am copying Deputy Adams to ask for 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: Terrance O'Neil <terracewoneil@gmail.com>
Sent: Tuesday, November 19, 2024 11:53 AM
To: Kevin Docherty <kdocherty@Townofoceanbreeze.org>
Cc: Permits <permits@Townofoceanbreeze.org>; Town Clerk <townclerk@townofoceanbreeze.org>
Subject: Re: OB East PUD, Comprehensive Plan, and Zoning and Land Development Regulations

Kim, as you've done before, can you pull out a copy of Indian River Dr. infrastructure project plans? By agreement with the Town, Sun is obliged to maintain the landscaping, lighting, and furniture. If the missing bench is on both the IRD plan and the PUD master plan, it strengthens the Town's position in calling for its replacement.

Thanks,
Terry

Sent from my iPhone

On Nov 19, 2024, at 10:09 AM, Kevin Docherty <kdocherty@townofoceanbreeze.org> wrote:

Hi Pam & Kim,

I've reviewed all the above plans and was unable to locate the requirement for benches and trash cans in the park area. It doesn't mean there isn't a requirement by Sun Communities to have a bench and trash can. May be Terry will be able to find it.

Thanks,

Kevin





Town Clerk

From: Town Clerk
Sent: Friday, December 27, 2024 9:04 AM
To: Kevin Docherty; Permits
Subject: Re: *NEW information is available on your Request # 530221 submitted to Martin County Florida.

- Resolved -

Thank you, Kevin! Thank you for following up on this.

Kim

Sent via the Samsung Galaxy Note20 5G, an AT&T 5G smartphone
Get [Outlook for Android](#)

From: Kevin Docherty <kdocherty@TownofOceanbreeze.org>
Sent: Friday, December 27, 2024 6:51:04 AM
To: Town Clerk <townclerk@townofOceanbreeze.org>
Subject: Fw: *NEW information is available on your Request # 530221 submitted to Martin County Florida.

Good morning, Kim,

The pile of tree debris was removed yesterday afternoon from the West End location.

Kevin

From: Martin County Florida <do_not_reply@martin.fl.us>
Sent: Thursday, December 26, 2024 3:42 PM
To: Kevin Docherty <kdocherty@TownofOceanbreeze.org>
Subject: *NEW information is available on your Request # 530221 submitted to Martin County Florida.

 **Martin County Florida - Request for Service System**

New information is available on your "Curbside Residential Pickup Issues" request # 530221 submitted to the Martin County Florida Request for Service System.

Please keep your Request # and Security Code below to allow you to check the status or add to your request.

Town Clerk

From: Wade Barfield <wbarfield@martin.fl.us>
Sent: Thursday, December 26, 2024 1:05 PM
To: Kevin Docherty
Subject: RFS#530221
Attachments: Martin_County_BOCC_RFS_530221_Detail_20241226_122055.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Some people who received this message don't often get email from wbarfield@martin.fl.us. [Learn why this is important](#)

Good Afternoon,
We received an RFS regarding storm debris that needs to be picked up.
I will forward this request to WM and have you put on the schedule for pickup.
In the future you can call WM directly at (772)546-7700 for any of your garbage collection needs.
Should you have any other questions, you can email me at wbarfield@martin.fl.us
Thank you, have a great day.



Wade Barfield
Solid Waste Manager
9101 SW Busch St.
Palm City, FL. 34990
(772) 419-6940 (office)

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at www.martin.fl.us/accessibility-feedback

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Town Clerk

From: Levario, Jazika CIV CESAJ <Jazika.Levario@usace.army.mil>
Sent: Friday, December 13, 2024 12:46 PM
Subject: [Non-DoD Source] USACE issues draft Supplemental Environmental Assessment & Proposed Finding of No Significant Impact

Release No.: NR 24-103
Contact: Jacksonville District Public Affairs

For Release: Dec. 12, 2024
E-mail: publicmail.cesaj-cc@usace.army.mil

FOR IMMEDIATE RELEASE

U.S. Army Corps of Engineers issues draft Supplemental Environmental Assessment and Proposed Finding of No Significant Impact

JACKSONVILLE, Fla. (Dec. 12, 2024) – The U.S. Army Corps of Engineers (USACE), Jacksonville District pursuant to the National Environmental Policy Act (NEPA) issues the Notice of Availability (NOA) of the Draft Supplemental Environmental Assessment (SEA) and Proposed Finding of No Significant Impact (FONSI) for the Automated Injection of Peroxide-Based Algaecide and Phosphorus Sequestration Agent to Control Harmful Algal Blooms and Manage Phosphorus in the C-44 Canal, Lake Okeechobee, Florida.

The proposed demonstration project will implement HAB management technology and is necessary to implement the Harmful Algal Bloom (HAB) Demonstration Program as authorized by the WRDA 2020, Section 128. The C-44 Canal is a 26-mile canal that runs from the eastern edge of Lake Okeechobee at Port Mayaca, Florida to the St. Lucie Estuary and into the Indian River Lagoon. EutroPHIX, a Division of SePRO Corporation, proposes a ten-day demonstration project utilizing automated-injection technology to administer the continuous application of both a peroxide-based algaecide and a phosphorus sequestration agent into the C-44 Canal near the Port Mayaca Lock & Dam Facility at Lake Okeechobee. The purpose of this demonstration project is to study a commercial technology to manage HABs and reduce water column phosphorus levels in water releases from Lake Okeechobee through the C-44 Canal. This project will demonstrate large-scale utilization of a peroxide-based algaecide to reduce downstream movement of cyanobacteria, phosphorus, and related cyanotoxins from Lake Okeechobee to the St. Lucie Estuary.

The draft SEA, proposed FONSI, and a signed copy of the NOA are available for your review on the Jacksonville District, USACE Environmental Documents website at

<https://www.saj.usace.army.mil/About/Divisions-Offices/Planning/Environmental-Branch/Environmental-Documents/>.
Click the dropdown box beside Martin County and scroll to the bottom row of the table.

USACE is requesting that any comments be submitted via email to Dr. Ken Bradshaw at james.k.bradshaw@usace.army.mil comments are due **Wednesday, January 8**, with the subject heading “**Draft Supplemental Environmental Assessment (SEA) and Proposed Finding of No Significant Impact (FONSI) for the Automated Injection of Peroxide-Based Algaecide and Phosphorus Sequestration Agent to Control Harmful Algal Blooms and Manage Phosphorus in the C-44 Canal, Lake Okeechobee, Florida (NEPA ID No. SEAX-202-00-K3P- 1728315568).**” Questions concerning the proposed action can be submitted to Dr. Ken Bradshaw by email.

-30-

If you would rather not receive future communications from U.S. Army Corps of Engineers, let us know by clicking [here](#).
U.S. Army Corps of Engineers, Jacksonville District - ATTN CCO 701 San Marco Blvd, Jacksonville, FL 32207 United States

Town Clerk

From: Levario, Jazika CIV CESAJ <Jazika.Levario@usace.army.mil>
Sent: Friday, December 6, 2024 12:45 PM
Subject: Lake Okeechobee Recovery Operations Begin December 7

Follow Up Flag: Follow up
Flag Status: Flagged

Some people who received this message don't often get email from jazika.levario@usace.army.mil. [Learn why this is important](#)

Release No.: NR 24-101

For Release:

Dec 6, 2024

Contact: Jacksonville District Public Affairs

E-

mail: publicmail.cesaj-cc@usace.army.mil

FOR IMMEDIATE RELEASE

Lake Okeechobee Recovery Operations Begin December 7

JACKSONVILLE, Fla. -- U.S. Army Corps of Engineers (USACE) -Jacksonville District will begin releases under Lake Okeechobee Recovery Operations December 7.

For the past five years, Lake Okeechobee has experienced several storm events and extended moderately high lake stages. This has led to degraded ecological conditions within the lake, including significant loss of submerged aquatic vegetation (SAV), high turbidity and nutrient concentrations, and negative changes in emergent vegetation.

There are six considerations for implementing Recovery Operations – lake stage not receding below 13 feet in summer, SAV coverage significantly below 11,000 acres, no strong El Nino, nor strong La Niña forecasted for the dry season, lake stage not receding below 11 feet NGVD in the last five years, ecological and Snail Kite conditions, and no water supply concerns. Each of these six of the considerations have been met, and current projections show that conditions this dry season are favorable for success.

The goal of recovery is to lower lake levels before the onset of the wet season to allow for recovery of lake ecology, specifically SAV. The operational strategy for these operations intends to slowly bring water levels down by making moderate, non-harmful releases to the estuaries while also sending maximum beneficial flow south to the Everglades. Lowering water levels will allow light to penetrate to the bottom and allow SAV to regeminate and regrow during the April-July period. Regrowth of SAV in Lake Okeechobee will reduce water turbidity and nutrient concentrations. Improved water quality within the lake benefits the estuaries if significant releases are necessary in the coming seasons/years.

Consistent with the Lake Okeechobee System Operating Manual (LOSOM), the maximum allowable releases under Recovery Operations are:

- a. up to 2,100 cfs at S-79 to the Caloosahatchee River Estuary (CRE)

- b. up to 1,400 cfs total St. Lucie Estuary (SLE) inflows (S-80 + S-97 + S-49 + Gordy Road)
- c. up to 300 cfs to the Lake Worth Lagoon (LWL) at S-271 and S-352
- d. up to maximum practicable south at S-351 and S-354

Releases will be made in the most beneficial way possible. USACE will continue to collaborate with South Florida Water Management District (SFWMD) and other partners to evaluate flow and salinity to inform estuary releases on a weekly basis. Depending on conditions, releases will either be made as a pulse, or a constant flow targeted at S-80 and S-79. The releases allowed under Recovery Operations are within the RECOVER optimal flow envelope for the estuaries and will not impact oyster spawn, sea grass, spawning, or other ecological activities.

“We remain committed to communication, collaboration, and transparency with our partners, stakeholders, and the public throughout this process,” said Col. Brandon Bowman, Jacksonville District commander.

Flow south from the lake has started to increase significantly, as water supply demand has picked up early in this dry season. Flow south to the Everglades will occur based upon capacity of the state’s Stormwater Treatment Areas (STA’s) and the capacity of the Water Conservation Areas (WCA’s) to the south. The capacity of those will generally increase as we move through the dry season.

Exactly when and how much to release within limits will be based on the considerations including, but not limited to, coordination with stakeholders and partner agencies, current and historical lake levels, recession rates, climate outlooks, El Niño-Southern Oscillation (ENSO) forecasts, precipitation forecasts, drought conditions, water-supply conditions, and nesting activities and ecological conditions in the lake, Northern Estuaries, and the Greater Everglades. USACE is constantly monitoring the entire system, and the recovery releases and strategy can be discontinued at any time throughout the dry season if warranted.

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Contact

Corporate Communications Office
904-232-2568
publicmail.cesaj-cc@usace.army.mil

Release no. 24-101

Jaz Levario
Public Affairs Specialist
Corporate Communications Office
U.S. Army Corps of Engineers, Jacksonville District Palm Beach Gardens
jazika.levario@usace.army.mil
Cell: 561-943-7678
Twitter @JaxStrong
Jacksonville District Facebook:

Blue Sheet
Item E.

December 5, 2024

Dear Mayor Ostrand,

After nearly 20 years, it is with mixed emotions that I propose by year's end or soon thereafter to step away from my general, day-to-day duties as Town Management Consultant. To say that it has been a joy and a privilege to serve the citizens of Ocean Breeze fails to capture how grateful I am for the opportunity.

As you and I have discussed, if the Town wishes to maintain its contract with me for specific tasks such as assistance with recruiting, development project reviews, zoning code updates, comprehensive plan amendments, fee studies, issue analysis, briefings, and the like, I am more than glad to remain as a potential resource to the Town on an open-ended, as-desired basis.

Finally, I want to extend my heartfelt thanks to you and the Council, (as well as town leaders past), for your selfless dedication to public service, fiscal prudence and remarkable stewardship of the Town's renaissance. Pam Orr and Kim Stanton are of course the glue that holds it all together.

Yours Truly,



Terry O'Neil

Town Clerk

From: Glynn, Michael <glynnm@martinschools.org>
Sent: Monday, January 6, 2025 2:55 PM
To: Town Clerk
Cc: kstourd@suncommunities.com; Gaynor, Valerie
Subject: Environmental Studies Center- native buffer planting

Happy 2025. Just giving you all a heads up in case you hear concerns from the neighborhood.

We are doing some more native plantings this year on our perimeter area adjacent to Ocean Breeze property. Our north and west side property lines. We are intending to install native trees and understory plants to eventually have a native buffer for enhanced habitat areas.

To do this we have to remove the exotic invasive species on our property. Some of which is Tropical Almond trees, Terminalia catappa (Florida Invasive Species Council Cat 2 invasive). One of which is a very large tree in our NW corner.

I thought I would notify the Town in case some of the residents called with concern, you would know what we are doing.

Please let me know if you should have any questions or if I can ever be of help.

Thanks always!

Mike Glynn

Environmental Studies Center
Plant Operator
Martin County Schools
#MCSDBetterTogether
#IgniteTogetherMCSD
ISA Certified Arborist #FL-9228A
2900 NE Indian River Dr
Jensen Beach, Florida 34957
Office: 772.219.1887 ext. 59108
Cell: 772-238-0055
Email- glynnm@martinschools.org