

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

December 8, 2025, 10:30 a.m.
Ocean Breeze Resort Clubhouse Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

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

CIVILITY GUIDELINES

- Complete one “Request to Speak” card for each Agenda item on which you wish to comment.
- All remarks shall be addressed to the Town Council as a body.
- There will be one speaker at a time, without interruption. Speakers will be limited to **3 MINUTES**.
- Anger, rudeness, ridicule, impatience, and lack of respect for others are unacceptable behaviors.
- Demonstrations to support or oppose a speaker or idea are not permitted.
- Persons who refuse to abide by reasonable rules of civility and decorum or ignore repeated requests by the President to finish their remarks within the time limit adopted by the Town Council, shall be removed from the meeting room at the President’s request.

1. Call to Order, President Docherty

- Pledge of Allegiance
- Roll Call

2. Mayor Ostrand – Recognition of outgoing Town Council Members

3. Swearing-In of Elected Officials, Oath of Office – Gemma Torcivia, Town Attorney

Town Council Members:

- Gail Balogna
- Kevin Docherty
- Margaret Pugsley

4. Reorganization of Council President and Vice President

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

5. Council Member Orientation – Sunshine Law and Public Records

6. Approval of Minutes –

- Regular Meeting, November 12, 2025
- Tentative Budget and Proposed Millage Rate Hearing, September 11, 2025
(Motion, second, public comments, all in favor)
FORTHCOMING
- Final Budget and Proposed Millage Rate Hearing, September 24, 2025 (forthcoming)

7. Update Memo and Matrix Seawalk Close-out – Leo Giangrande, P.E.

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

9. Comments from the Council on topics not on the Agenda – Committee Reports

10. Comments from Town Management Consultant, Dan Hudson

11. Comments from Town Attorney, Gemma Torcivia

12. Comments from Mayor Ostrand

13. Announcements – Monday, January 12, 2026, at 6:00 p.m. – Regular Town Council Meeting will be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida.

14. Adjourn

(Motion, second, all in favor)



TOWN OF OCEAN BREEZE OATH OF OFFICE

STATE OF FLORIDA
COUNTY OF MARTIN

"I do solemnly swear (or affirm) that I will support, honor, protect and defend the Constitution and Government of the United States of America and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State and under the Charter of the Town of Ocean Breeze; and that I will faithfully perform the duties of the Town Council to the best of my abilities, so help me God."

STATE OF FLORIDA
COUNTY OF MARTIN

Sworn to and subscribed before me this _____ day of _____,
_____ A.D., personally appeared before me _____, personally
known by me _____ or produced driver's license or passport
_____.

Notary



Item # 4

MEMORANDUM

TO: Mayor and Town Council
FROM: Pam Orr, Town Clerk
DATE: December 8, 2025
RE: Reorganization of Town Council –
Annual Election of President and Vice President

After “Oath of Office” on your Agenda, you will need to elect a President and Vice President.

ANNUAL ELECTION OF PRESIDENT AND VICE-PRESIDENT

Election of President:

1. The current President asks for nominations for the office of President.
2. The current President asks if there are any other nominations.
3. The current President asks for a Motion to close the nominations.
4. The current President asks for “all in favor” of closing nominations.
5. If there is more than one nomination, the Clerk will call the roll and Council Members will voice their votes per open ballot.

Election of Vice President:

1. The new President asks for nominations for the office of Vice President.
2. The new President asks if there are any other nominations.
3. The new President asks for a Motion to close the nominations.
4. The new President asks for “all in favor” of closing nominations.
5. If there is more than one nomination, the Clerk will call the roll and Council Members will voice their votes per open ballot.

TOWN OF OCEAN BREEZE
MINUTES TENTATIVE BUDGET AND PROPOSED MILLAGE RATE HEARING
 Thursday, September 11, 2025, 6:00 p.m.
 Ocean Breeze Resort Clubhouse, Pineapple Bay Room
 700 NE Seabreeze Way, Ocean Breeze, FL

- **Call to Order** – President Docherty called the meeting to order at 6:00 p.m.
- **Civility Guidelines** – President Docherty reviewed the Civility Guidelines.
- **Pledge of Allegiance** – Mayor Ostrand led the Pledge of Allegiance
- **Roll Call** – Present: Mayor Karen M. Ostrand; President Kevin Docherty; Vice President Sandy Kelley; Council Members George Ciaschi, Janet Galante, Michael Heller, and Matthew Squires
- **Staff Present** – Town Management Consultant, Dan Hudson; Town Financial Consultant, Holly Vath; Attorney Gemma Torcivia; Town Clerk, Pam Orr; Bookkeeper, Wendy Price

President Docherty called for a moment of silence in remembrance of victims from September 11.

2. Proposed Millage for Fiscal Year 2025/2026 — Holly Vath, Town Financial Consultant, stated that the mileage rate set at the Budget workshop on July 16, was .8 mills. She continued that .8 mills was 4.37% above the roll back rate of .7665.

President Docherty asked for Public Comments:

Joseph Beert, 2850 NE Breezeway Circle, commented that the District 1 tax that was compared to last meeting, was .81 and was now down to .666. He suggested using that as a benchmark rate.

Pam Hurlock, 2840 NE Breezeway Circle, asked for clarification from Ms. Vath that on the utility tax revenue that was shown as a line item on the budget for 2026, was \$53,402.

Ms. Vath confirmed the amount and stated that it would not take effect until January, 2026.

Ms. Hurlock stated that on page 3 of the budget, .8 mills was reflected as a revenue income of \$72,410 but on page 11 of the budget, it showed an increase of \$76,037.

Ms. Vath responded that the entire 100% was assessed, but in Florida there was a 4% discount if the bill was paid in November; so, the revenue recognized was 96% of what was levied.

Ms. Hurlock continued that she understood that the Town needed to keep reducing their reliance on reserves. She thanked the Town Council and Mayor Ostrand for limiting the tax increase for 2026 and moving forward with the utility tax.

President Docherty asked for comments for the Town Council.

Vice President Kelley commented that when the utility tax was discussed it included lowering the mileage rate from .8 and introducing the utility tax. She would like to see the Millage rate reduced.

Mayor Ostrand stated her concern about the elimination of Property Taxes in the state of Florida.

Town Attorney, Gemma Torcivia, commented that property taxes pay for essential services such as police, fire, roads, bridges, water and wastewater. If property taxes were not paid, then services would not be received.

Vice President Kelley, seconded by Council Member Squires, made a **motion** to set the millage rate at .6.

President Docherty asked for comments from the public.

There were none.

President Docherty asked for comments from the Council.

Council Member Ciaschi commented that if the Town adopted a millage rate of .6, the budget would be \$46,000 below expenses, which would reduce the reserves, and added that they were already at a critical level. He suggested keeping the millage rate at .8 and the utility tax at 6%.

Council Member Galante expressed her support to Seawalk to finish the closeout. She commented that it would be fiscally irresponsible to lower the millage rate from .8.

Council Member Heller remarked that if the cell phone, travel and charity expenses were cut, it would equal itself out.

Council Member Squires commented that if the Town applied the utility tax, he felt the millage rate should be lowered. He continued that the millage rate was affecting Seawalk, and not the entire Town. He suggested that if the Town kept the utility tax at 6%, the millage rate should be dropped.

Mayor Ostrand stated that if the millage rate went below .8, there will not be enough funds to cover the legal fees for Seawalk to go up against the Developer.

Discussion ensued.

(Roll Call Vote): Yes: Heller, Kelley, Squires; No: Ciaschi, Docherty, Galante: **3-3, motion failed**

President Docherty as for public comments.

Pam Hurlock, 2840 NE Breezeway Circle, suggested raising the utility tax to 7%, lowering the millage rate to .7. She commented that if the Council agreed to remove the cell phone stipend and the charitable contribution line item than it would be an increase in revenue of \$8,000.

Attorney Gemma Torcivia commented that if the Council were to raise the utility tax, they would need to revise the Ordinance as well as advertise with first and second readings to amend the utility tax rate.

Discussion Ensued.

Vice President Kelley, seconded by Council Member Squires made a motion to reduce the millage rate to .7.

President Docherty asked for comments from the public.

Melissa Heller, 2760 NE Breezeway Circle, stated that reducing property taxes by 25% or less, would not bankrupt the Town. She continued that the Council could reduce the millage to .7 or .6 and reduce a few expenses and there would be no impact on the reserves.

Pam Hurlock, 2840 NE Breezeway Circle, suggested reducing cell phone expenses by \$5,100 and eliminating the charity expenses of \$1,000.

Discussion Ensued.

Mayor Ostrand commented that she did not want to see conference or cell phone stipends removed as President Docherty and herself use their cell phone regularly for Town business and to represent the Town at conferences, and they are pushing for important items currently at hand.

Town Financial Consultant Holly Vath clarified that the new half-cent infrastructure sales tax could not be used for anything in operations or close out expenses.

Council Member Galante requested year-to-date expense numbers be brought to the next budget meeting on September 24, 2025.

Council Member Squires stated that by lowering the millage, it didn't affect the Resort only, it also affected the commercial property in Seawalk. He continued that lowering the rate and raising the utility tax would make it more equitable across all parcels within the Town.

Town Management Consultant Dan Hudson suggested that the questions regarding the conference money and cell phone stipends be addressed at a regular Town Council meeting.

Attorney Torcivia stated that the 2024 fees for legal and engineer 2024, based on what the Council had directed and what had already been done, that the budget numbers were too low. She continued that there were two to three months of outstanding invoices and that the budgeted legal fees of \$26,000, would not cover the Seawalk bond issues.

(Roll Call Vote: Yes: Heller, Squires, Kelley; No: Docherty, Ciaschi, Galante; motion failed 3-3)

Discussion ensued regarding the cost of the legal and engineering fees if the Bond was called.

Mayor Ostrand commented that the residents of Ocean Breeze Resort pay pass through taxes with their rent. She remarked that the Resort had an increase of 5% each year.

Vice President Kelley stated that at the present time, Council is only referring to the taxes paid to the Town.

President Docherty asked for comments from the Public.

Liz Reese, 1363 NE White Pine Terrace, remarked that Seawalk was in the exact same place as they were three years ago. She continued that nothing had been accomplished with the money that had already been spent and that Seawalk was not closer to the close-out.

Joseph Beert, 2850 NE Breezeway Circle, commented that rent and taxes are not the same. He added that residents of Seawalk could not use the pool or clubhouse, as they are considered guests at Ocean Breeze Resort. He continued that Ocean Breeze Resort residents pay money to a corporation, and those payments are not taxes and should not be brought up at the meeting.

Paul (Inaudible), 369 NE Wharf Way, stated that commercial and residential were different and that the Town could not keep supplementing the deficit with the reserves. He added that the Council needed to increase revenue so that it did not need to keep taking from the reserves.

Council Member Heller, seconded by Council Member Squires, made a motion to adopt .7 millage rate.

(Roll Call Vote: Yes: Heller, Squires, Kelly; No: Docherty, Galante, Ciaschi; **motion failed 3-3**)

Council Member Squires, seconded by Vice President Kelley, made a motion to set the millage at .750.

Discussion Ensued

Mayor Ostrand commented that the community needed to come up with some ideas to raise funds to bring in additional revenue.

President Docherty asked Ms. Vath to clarify the millage rates of past years.

Ms. Vath responded that the 2024/2025 millage rate was .8; the 2023/2024 millage rate was .8; the 2022/2023 Millage rate was 1.0; the 2021/2022 millage rate was 1.4 and in 2019/2020 it was 6.38, which was the highest it had been.

Discussion Ensued

President Docherty asked for comments from the public.

Pam Hurlock, 2840 NE Breezeway Circle, stated there needed to be a compromise and a .8 millage was not a compromise. She continued that a .75 Millage rate will only be a \$4,500 difference and pointed out that reducing a few budget line items could make up the difference.

(Roll Call Vote: Yes: Squires, Kelley, Heller; No: Docherty, Galante, Ciaschi; **motion failed 3-3**)

Council Member Ciaschi commented that because 60% of the residents in Seawalk were snowbirds, that most of those people were not using their electricity for 6-7 months. He added that unfortunately the utility tax was still not going to be equitable.

Discussion Ensued

President Docherty handed the gavel to Vice President Kelley and made a motion, seconded by Council Member Ciaschi, to set a millage rate of .7665.

Vice President Kelley asked for public comments.

There were none.

(Roll Call Vote: Yes: Squires, Ciaschi, Kelley, Heller, Galante, Docherty; **motion passed 6-0**)

D. Resolution No. 367-2025 to adopt the tentative Millage rate.

Council Member Squires, seconded by Council Member Ciaschi, motioned to adopt Resolution No. 367-2025.

Town Clerk, Pam Orr read the Title into record: **RESOLUTION NO. 367-2025: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, MARTIN COUNTY, FLORIDA ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR THE TOWN OF OCEAN BREEZE, MARTIN COUNTY FOR FISCAL YEAR 2025/2026; PROVIDING FOR AN EFFECTIVE DATE.**

(Roll Call Vote: Yes: Docherty, Squires, Ciaschi, Kelley, Heller, Galante; **motion passed 6-0**)

3. Proposed Budget for Fiscal Year 2025/2026 – Holly Vath, Town Financial Consultant

Council Member Galante, seconded by Council Member Squires, made a motion to approve the budget.

President Docherty asked for comments from the public.

Liz Reese, 1363 NE White Pine Terrace, asked if Seawalk de-annexed by the end of the year, what would happen with the utility tax.

Town Management Consultant Dan Hudson replied that it would change from the Town of Ocean Breeze to Martin County which already had a 6% utility tax.

President Docherty asked for comments from the Council.

Council Member Galante asked Town Clerk, to look into the cost of doing the Town Council meetings on Zoom.

(Roll Call Vote: Yes: Docherty, Squires, Galante; No: Heller, Ciaschi, Kelley; **motion failed 3-3**)

Vice President Kelley recommended that the budget line items for cell phone stipends, charitable contributions and travel and conference be cut by half.

Mayor Ostrand commented that she did not want the conference and travel budget cut as she had used that full amount, plus she contributed her own money. She continued that only once, for a trip to Tallahassee had she asked for travel pay.

President Docherty stated he would like to see Mayor Ostrand's conference and travel budget be reduced.

Council Member Ciaschi suggested that some of the conference and travel budget go toward training for the Council members in the future.

Discussion Ensued.

Council Member Squires, seconded by Council Member Heller, made a motion to cut the budget by \$5,000.

President Docherty asked for public comments.

Pam Hurlock, 2840 NE Breezeway Circle, commented the if the budget needed to be cut by \$5,000, then the Council needed to reallocate other budget line items to Legal and Engineering to increase them to \$18,000.

Discussion ensued.

President Docherty asked for Council comments.

There were no additional comments.

(Roll call: Yes: Squires, Docherty, Ciaschi, Kelley, Heller; No: Galante; **motion passed 5-1**)

D. Resolution No. 368-2025 to adopt the tentative budget.

Town Clerk, Pam Orr, read Resolution No. 368-2025: **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, MARTIN COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2025/2026; PROVIDING FOR AN EFFECTIVE DATE.**

Council Member Squires, seconded by Council Member Ciaschi, made a motion to approve Resolution No. 368-2025.

(Roll Call Vote: Yes: Heller, Squires, Ciaschi, Docherty, Kelley; No: Galante; **motion passed 5-1**)

4. Announcements - All meetings, including all Budget meetings, will be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, FL

- Wednesday, September 24, 2025: 6:00 pm — Public Hearing and Adoption of Final Millage Rate and Budget for FY 2024/2025
- Monday, October 13, 2025: 6:00 pm Regular Town Council Meeting
- Monday, November 10, 2025: 10:30 am Regular Town Council Meeting
- Monday, December 8, 2025: Regular Town Council Meeting 10:30 am

5. Adjourn –

Council Member Galante, seconded by Vice President Kelley, made a motion to adjourn the meeting at 8:35 pm.

(All in favor: Yes: Heller, Galante, Docherty, Squires, Kelley, Ciaschi)

Minutes approved _____

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, November 10, 2025, 10:30 a.m.
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

1. Call to Order – President Docherty 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 Kevin Docherty; Vice President Sandy Kelley; Council Members, Janet Galante, Michael Heller; Absent: George Ciaschi, Matthew Squires
- **Staff Present** – Town Management Consultant, Dan Hudson; Town Attorney Gemma Torcivia; Town Clerk, Pam Orr; Bookkeeper/Office Assistant, Wendy Price

2. Approval of Minutes –

President Docherty asked for comments from Council:

Council Member Galante outlined several corrections.

Town Clerk, Pam Orr, replied that the minutes must be typed as it was recorded.

Council Member Galante made a motion to approve the regular meeting minutes from October 13, 2025, but deferred approving the Budget Workshop/Setting Tentative Millage Rate meeting minutes from July 16, 2025.

There was no second. **Motion failed.**

Vice President Kelley, seconded by Council Member Galante, made a **motion** to approve the minutes of the regular meeting of October 13, 2025, and the Budget Workshop/Setting Tentative Millage Rate on July 16, 2025.

President Docherty asked for comments from the Public.

There were none.

(Roll Call Vote: Yes: Docherty, Kelley, Heller, Galante; No: None; Absent: Ciaschi, Squires; **Motion passed 4-0**)

President Docherty noted that no vote was needed to pass the Canvassing Board meeting minutes from November 5, 2025.

3. Approval of Resolution #373-2025 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING FISCAL YEAR 2024-2025 BUDGET AMENDMENT #1, TO THE GENERAL FUND IN THE AMOUNT OF \$49,000 FOR ADDITIONAL PUBLIC SAFETY EXPENSES, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

Vice President Kelley, seconded by President Docherty, made a motion to accept Resolution #373-2025.

President Docherty asked for public comments:

There were none.

(Roll Call Vote: Yes: Kelley, Docherty, Galante, Heller; No: None; Absent: Ciaschi, Squires; **Motion passed 4-0**)

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

Melissa Heller, 2760 Breezeway Circle, commented that regarding the Preserve Area Maintenance Plan, the developer did not file the required monitoring reports which were required when the development began. She continued that the HOA requested that the developer fully remove all invasive species in the preserve and fully restore any damage done by the equipment required for the removal of twelve large trees. Ms. Heller continued that with respect to de-annexation, the HOA attorney advised them that setting an election date to vote on de-annexation would be premature and should not occur until completion of close-out. She confirmed that Forestar was not waiting for any information on irrigation from the HOA. She continued that they had not heard from Forestar in some time. Ms. Heller continued that the Town recognized what conditions did not meet the requirement of the development order and the developer needed to propose a solution. She commented that Dixie had been the landscaping company working with Forestar, and emails indicated that Dixie was doing an assessment. Ms. Heller stated that they were still waiting for a response.

Attorney Torcivia responded that Consulting Engineer, Leo Giangrande was out of the country and would be returning November 10, 2025, and would do inspections upon his return. Ms. Torcivia stated that she would have Mr. Giangrande send an email regarding his findings and forward it to the Council Members.

Liz Reese, 1363 NE White Pine Terrace, inquired as to whether a response was received from Chubb regarding the bond letter sent.

Attorney Torcivia replied that Chubb had not responded.

Ms. Reese asked about rezoning in Ocean Breeze Resort as homes were residential and no longer trailers.

Town Management Consultant, Dan Hudson, responded that the determination on the status of real estate rested with the Martin County Property Appraiser. Mr. Hudson stated that the Town could not influence that decision.

The Mayor stated that she had recently met with Representative Overdorf and expressed her concerns to him about the unevenness of taxes between a modular home versus a residential home. She explained that this was a State issue.

Attorney Torcivia reiterated that this was a State statute (320.015) and that a mobile home was subject to a license tax. She continued that a mobile home was considered real property only when the owner of the mobile home was also the owner of the land on which the mobile home is situated.

Liz Reese questioned the money from the Plaza and how that would work.

Pam Orr, Town Clerk, responded that the costs included in the Memorandum, under the blue sheet items, would be pass-through costs and that Phillips Edison would reimburse to the Town.

Gemma Torcivia, Attorney, explained that the Florida Legislature was aggressively stripping away the rights and abilities of towns and cities to function. She continued that one of the items

passed in the last session was a statute that meant plat approval took power away from elected officials. Ms. Torcivia stated that Council Members would not be permitted to review it and it would be approved administratively.

Council Member Heller asked if at AutoZone moved forward, would the Council Members be involved in the voting.

Attorney Torcivia replied that the Council Members would not be involved in voting for the plat. She continued that if amendments were presented than Council Members would be able to vote to approve them.

Council Member Galante inquired if additional businesses wanted to build on the Plaza property, would there be any way to pass a moratorium to control what type of businesses would be allowed.

Town Clerk, Pam Orr, responded that the property had a B-1 zoning which allowed certain uses.

Attorney Torcivia added that it was in the code of ordinances. She continued that inside the Town of Ocean Breeze they had very little control over what businesses would be allowed. Ms. Torcivia stated that the Town could not do a moratorium.

Dana Pace, 295 NE Coastal Drive, inquired as to whether the Town could have golf cart parking in Ocean Breeze Plaza.

Dan Hudson, Town Management Consultant, stated that he would look into it.

Joe Beert, 2850 Breezeway Circle, stated that he was disheartened by the comments from the residents of Ocean Breeze Resort wishing ill on Seawalk residents. He continued that because of the results of the recent election, the Town was now a monopoly. Mr. Beert further explained that Seawalk candidates ran on knowledge, abilities and resumes, but that the Ocean Breeze Resort candidates ran on the basis of living in the Resort. He continued that if Seawalk were to remain a part of the Town then there needed to be some pathway to making things equal between the communities. Mr. Beert thought that because Seawalk paid 90% of the taxes, that they should have 90% of the vote.

President Docherty responded that there was a possibility that the Town could change the Charter to protect both sides of the Town. He stated that he wanted to keep the Town together and to make it fair at the same time.

Vice President Kelley inquired as to whether there is a way to split the Town into equal voting.

Attorney Torcivia explained that many places had districts, in which case, council members would become commissioners. She stated this would require a charter change and would need to be approved by the voters. Ms. Torcivia strongly recommended that if the Town chose to do a charter amendment, the council members should be an uneven amount of members.

Pete Luther, 2830 NE Breezeway Circle, asked Attorney Torcivia, whether within the Sunshine Law, if it was fair and legal to have two serving council people at the voting place handing out recommended votes. Mr. Luther continued that regarding the Sunshine Law, he heard that there were council members who had discussed future items on which there might be a vote.

Attorney Torcivia stated the rules regarding campaigning within a certain footage of the polling location should be referred to the Martin County Elections Commission. Ms. Torcivia continued that regarding the Sunshine Law, if there was evidence of a Sunshine Law Violation it should be reported to the Florida Commission on Ethics.

Vice President Kelley encouraged Mr. Luther to report any violations of the sunshine law.

Mayor Ostrand stated that all council members had taken an Oath of Office to do what is right for the entire Town. She continued that the Council wanted it to be fair for both Seawalk and Ocean Breeze Resort but not at the detriment to the Town.

President Docherty asked for clarification of the Sunshine Law and what would be considered proof or here say against council members.

Attorney Torcivia explained the details of the Sunshine Law and added that there would be a training session for the council members, including the new incoming members.

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

Council Member, Janet Galante, thanked everyone for coming out to vote.

Council Member Galante asked Town Clerk, Pam Orr, to look into a missing tree in front of the Marine Science building. She also asked Town Management Consultant, Dan Hudson, to research the handicap parking spot on the river side.

President Docherty thanked the entire Town for the voter turnout for the recent election. He stated that he and Mayor Ostrand would be attending the last Legislative Conference in December.

Council Member Heller commented that comments by Joe Beert and Pete Luther that the position of certain council members at the polling place was not an issue. He stated that he would be going forward with an ethics violation investigation for topics that were discussed between council members at the polling location regarding issues that may be deliberated and voted upon at future meetings.

6. Comments for Town Management Consultant, Dan Hudson

Town Management Consultant, Dan Hudson, commented that the status report on the AutoZone project was included in the Blue Sheet items as well as the update from Sun Communities regarding the Ocean Breeze Resort.

Mr. Hudson remarked that in the blue sheet items there was an email from Sun Communities that stated they would not provide set-up services for the Town meetings in the future and that the Town would not be able to store any equipment for those meetings at the Resort.

Council member Janet Galante suggested setting up a committee to help with the set up and tear down at future meetings.

Discussion ensued regarding possible solutions and liability concerns.

Mr. Hudson commented that Martin County requested support for a grant application for the high-speed rail station in Stuart.

Discussion ensued regarding Brightline.

Mayor Ostrand commented that she had joined an organization, which would be meeting on December 1, 2025, regarding the noise level of the trains through Martin County. She stated that she would be pushing to lower the noise level as well as the time schedule.

Council Member Galante inquired as to who would be leading the AutoZone project for the Town of Ocean Breeze.

Pam Orr, Town Clerk, replied that Town Engineer, Scott Montgomery, would be handling the project.

Town Management Consultant, Dan Hudson, stated that there would be an orientation to cover the Sunshine Law and public records, for the benefit of the new council members.

7. Comments from Town Attorney, Gemma Torcivia – Attorney Torcivia, thanked the Staff and Town Management Consultant, Dan Hudson, for all their support. Ms. Torcivia welcomed the new council members and thanked the outgoing council members for their service.

Ms. Torcivia stated that house code 145 had moved forward in Tallahassee and it is a very bad deal for the Town. Under our current law, local governments were liable for up to \$200,000 per person and \$300,000 per incident for negligence and tort hearings if there was an accident. She continued that this would increase the limits to \$500,000 per person and \$1,000,000 per incident starting in 2026 and then in 2031 it would increase to \$600,000 per person and \$1,200,000 per incident. Ms. Torcivia stated this would dramatically increase insurance costs.

8. Comments from Mayor Ostrand -

Mayor Ostrand stated that this was the tenth time that house code 145 had come up and because of the public speaking up, it had been squashed until next year. She agreed with Attorney Torcivia that this would hurt small towns.

9. Announcements – President Docherty stated that the swearing in of the new council members would be at the December 8, 2025, meeting. He announced that Monday, December 8, 2025, meeting would be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze

10. Adjournment – Council Member Galante, seconded by Vice President Kelly, made a motion to adjourn the meeting at 12:10 p.m.

(All in favor: Yes: Docherty, Kelley, Galante, Heller; No: None; Absent: Squires, Ciaschi; Motion passed 4-0))

Respectfully Submitted,

Pam Orr
Town Clerk

Minutes approved: _____



Review Memorandum

Date: December 1, 2025
To: Town of Ocean Breeze
From: Leo Giangrande, P.E. o
Subject: **Seawalk Development-PUD Closeout Punchlist**
GEP No.: 24-034

Distribution: Town File

The purpose of this memorandum is to identify the remaining items required to properly close out the PUD site plan approval. The matrix published by the Town of Ocean breeze should also be included with this memorandum to close out the PUD.

1. Lot 1 has an engineering improvement plan to address the incomplete grading of this lot.
2. Dixie Landscaping will hand grade and resod the retention areas that are failing
3. Removal of exotic vegetation from the preserved areas.
4. Makes the required Minor Amendments to the PUD to:
 - a. Provide for and require an annual certification of PAMP Compliance by the HOA; and
 - b. Approves the existing installation of permanent irrigation in the rights of way and other common areas as requested by the HOA;
 - c. Approves the reconfiguration of Lot 1 as approved by the HOA and the owner of Lot 1;
 - d. Accepts and approves an As-Built Survey of the development (to be) provided by Forestar.
5. Acknowledges final approval of the development by authorizing staff closing out all permits and development orders
6. Acknowledges and approves reduction of the Performance Bond to the amount authorized for warranty work.
7. Provide signed and sealed asbuilt surveys of the entire site development work
8. Provide engineering certification of the sites paving, grading and drainage improvements

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

SEA WALK CLOSEOUT MATRIX

TAB #	SEA WALK PUD ISSUE	PARTY RESPONSIBLE	PUD REQUIREMENT	CURRENT STATUS	ACTION ITEM
1	ENVIRONMENTAL & PAMP	TOWN COUNCIL	Forestar to confirm and certify that all preserve areas are free of exotics, debris, and intrusions and are in compliance with the PAMP; and that all PAMP annual reporting requirements are up to date.	1. Per the HOA on 7/9/24, all annual reporting requirements have been met.	TO BE ADDRESSED IN FINAL MINOR PUD AMENDMENT RESOLUTION TO REQUIRE ONGOING PAMP COMPLIANCE BY HOA
2	IRRIGATION IN RIGHTS OF WAY AND COMMON AREAS	TOWN COUNCIL	With the exception of entrance landscaping features, the PUD Ordinances prescribe that "there is no permanent irrigation of the common areas." Notwithstanding this provision, common areas have been piped for irrigation. This arrangement is not in compliance with the PUD and must be corrected or proposed as an amendment to the PUD, possibly via a minor PUD amendment application.	Town staff agrees with HOA to APPROVE THE INSTALLATION OF A PERMANENT IRRIGATION SYSTEM, even though the PUD states otherwise. A PUD Amendment required.	TO BE ADDRESSED IN FINAL MINOR PUD AMENDMENT RESOLUTION TO APPROVE PERMANENT IRRIGATION
10	LANDSCAPE COMMON AREA COMPLIANCE	FORESTAR / DR HORTON	Forestar to consider Flaugh Reports and recommendations; do the necessary work; and provide a new landscape inspection and compliance report acceptable to the Town.	FORESTAR STILL NEEDS TO REMOVE INVASIVES IN PRESERVE AREA; AND STABILIZE OR PROVIDE OTHER GROUND COVER ON BANKS IN RETENTION AREAS.	LEO GIANGRANDE, P.E. TO INSPECT WORK WHEN COMPLETED BY FORESTAR
12	LANDSCAPE INDIVIDUAL PARCEL COMPLIANCE	FORESTAR / D.R. HORTON	LOT 1 site deficiencies require remedial improvements to address inconsistencies with the infrastructure plan and/or the individual parcel plan, including but not limited to improper grading and slopes, risks of erosion and access to perimeter landscaping. To the extent that remedial work impacts the adjoining preserve area, those impacts must be offset by new plantings specified in the PAMP and approved by the Town.	FORESTAR'S ENGINEER HAS RESUBMITTED AN ACCEPTABLE ENGINEER'S PLAN; the Town and HOA are waiting for input from Forestar.	FORESTAR NEEDS TO OBTAIN A CONSTRUCTION PERMIT AND COMMENCE WORK
15	MASTER SITE PLAN "AS BUILT"	MACKENZIE	Confirm that the project's entrance gates are in compliance with ASTM Designation F2200-20 "Standard Specification for Automatic Vehicular Gate Construction"	There is no mention of this requirement in the engineer's report of January 15, 2024.	LEO GIANGRANDE, P.E. TO REVIEW CURRENT STATUS ON-SITE AND REPORT ANY FURTHER ACTION NEEDED
20	COMPLIANCE WITH HISTORICAL STORM WATER FLOWS	FORESTAR / D.R. HORTON	Developer's Engineer to confirm that the Seawalk infrastructure design provides for historical storm water flows from the Plaza site; and whether the Plaza's discharge exceeds what the Seawalk site is obliged to accommodate.	The Town has received video evidence that rainwater drainage is flowing southward from the Ocean Breeze Plaza property along the walkway and flowing into Lot 11, causing minor flooding. The "As Built" drawing showing this AREA is not correct AS SUBMITTED. This issue needs to be corrected by Forestar	LEO GIANGRANDE, P.E. TO REVIEW MATTER WITH TERRY O'NEIL TO DETERMINE IF FORESTAR OR PLAZA IS RESPONSIBLE
21	"AS BUILT" SURVEY CONFORMITY WITH MASTER PLAN	FORESTAR / D.R. HORTON	Survey issues, corner markers shown on "As Built" Survey?	Since no "As built" drawing was completed for the entire Master Plan, AN AS BUILT (SIGNED AND SEALED) SURVEY NEEDS TO BE COMPLETED.	LEO GIANGRANDE, P.E. TO REVIEW FOR APPROVAL WHEN SUBMITTED

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. Update Sun Communities North Infill Area Schedule – Captec Engineering Memo and Giangrande Engineering Approval.
- B. Update on Proposed Development at Ocean Breeze Plaza
- C. Boards and Agencies for Consideration for January meeting

Item A.

Town Clerk

From: Leo Giangrande <leo@gep-llc.com>
Sent: Tuesday, December 2, 2025 11:36 AM
To: Dan Hudson; Paul Nicoletti; Town Clerk; Gemma Torcivia; Zackery Good; Terry O'Neil
Subject: RE: Phase1-Phase2 Schedule

Thanks Dan and team

I have reviewed the schedule and recommend approval by the town. Let us know if you have any additional questions on this matter

Have a wonderful day

Leo Giangrande, PE
Principal



Giangrande Engineering & Planning

(O) 772-888-9076

(C) 703-999-8972

710 SE Ocean Blvd, Stuart, FL 34994

www.gep-llc.com

Town Clerk

From: Joe Capra <jcapra@gocaptec.com>
Sent: Monday, December 1, 2025 2:37 PM
To: Town Clerk
Cc: Karen Krumbholz; Brad Pinover
Subject: FW: Phase1-Phase2 Schedule
Attachments: Phase 1-Phase 2 Schedule.docx

Pam,

Please find the updated schedule to complete the Water, Sanitary Sewer, and Stormwater Improvements within the Phase 1 and 2 Infill Area.

If you should need any further clarification, please do not hesitate to contact this office.

From Joseph W. Capra P. E.
CAPTEC Engineering Inc.
772-692-4344



MEMORANDUM

DATE: December 1, 2025

TO: Ms. Pam Orr, Town Clerk
Mr. Dan Hudson, Town Manager
Mr. Leo Giangrande, Town Engineer
Mr. Paul Nicoletti, Town Attorney

FROM: Joseph W. Capra, P.E.

RE: Ocean Breeze Resort – Northern Infill Area
Town of Ocean Breeze Resolution No. 258-2025 Stipulation Agreement
Schedule of Water / Sewer / Drainage Improvements

=====

In accordance with the Stipulation Agreement between the Town of Ocean Breeze and Sun Communities, Inc. (reference Town Resolution No. 258-2025, dated January 13, 2025), CAPTEC Engineering Inc., (CAPTEC) provides the following summary in accordance with the Zoom Meeting held at 1:00 pm, on Friday, November 21, 2025:

Sun Communities, Inc. is on schedule to complete the Phase 1 potable water and fire hydrant system by December 31, 2025, in accordance with Stipulation Agreement Paragraph 11. Additionally, Sun Communities, Inc., is on schedule to complete the Phase 1 sanitary sewer repairs as noted on CAPTEC's Construction Plans in accordance with Stipulation Agreement Paragraph 14.

We had anticipated starting the Phase 1 storm drainage immediately after the Phase 1 water and were on schedule to complete by December 31, 2025 in accordance with Stipulation Agreement Paragraph 13a. During construction of Phase 1 water mains, concern arose regarding the location of other utilities within the non-paved areas of the ROW intended for the new storm drainage system. As construction progressed further it became evident that existing FPL, ATT, and irrigation lines would greatly hinder the storm drainage installation and would most likely require relocation. Therefore, it has been determined that it would be much faster to relocate the new storm drainage system to under the roads rather than relocate the FPL and ATT infrastructure.

Sun Communities, Inc., has engaged CAPTEC to redesign Phase 1 and Phase 2 storm drainage systems locations to under the roads including rebuilding the roads in the impacted areas. CAPTEC has put together a rough schedule as follows.

Task 1. Field Exploratory work/ Survey/ Geotechnical data including roadway cores. Time frame Nov/Dec 2025
Task 2. Engineering: Once CAPTEC has this field data, we will redesign the roadway/ Stormwater pipe and inlets. Time frame Dec/Jan 2026.
Task 3 Permitting: Review of design by Town of Ocean breeze engineering. Jan 2026
Task 4 Contractor pricing of improvements. Jan/Feb 2026
Task 5. Sun Communities approval: Jan/Feb 2026
Task 6. Contractor remobilization: March to October 2026.
The deadline of December 31, 2026, will be met.

This will push Phase 1 storm drainage construction to start in the first quarter of March 2026. We also intend to begin the Phase 2 infill work at this same time. The intent will be to complete the Phase 1 storm drainage and Phase 2 water and storm drainage all in the same mobilization.

Water and fire protection and sanitary sewer repairs will be completed in Phase 1 this year. Sun Communities requests an extension to the completion of the Phase 1 storm drainage. Phase 2 water and storm drainage should be completed on or ahead of schedule prior to December 31, 2026.

Cc: Brad Pinover- Sun Communities Inc.

Memorandum

To: Mayor Ostrand
Via: Dan Hudson, Town Management Consultant
From: Terry O'Neil, Planning Consultant
Cc: Pam Orr, Town Clerk
Gemma Torcivia, Town Attorney
Paul Nicoletti, Assistant Town Attorney
Scott Montgomery, Town Engineer
Steve Nicolosi, Town Building Official

Date: December 1, 2025

Re: Update on proposed development activities - Ocean Breeze Plaza¹

Edison (Ocean Breeze Plaza) Plat/Subdivision Application

Following up on my memo of 11/2/25 (copy attached), Town Engineer, Scott Montgomery, confirms that, except for outstanding title documents, Edison's plat/subdivision application is substantially complete. Scott is working closely with Mr. Nicoletti to ensure that Edison's final plat documents comply with Florida Statute. The Town's plat review costs to date totaling \$3,175 have been paid. Remaining costs will be collected prior to Mayor Ostrand affixing her signature to the final plat.

AutoZone

AutoZone has also made significant progress in its applications for site work and vertical construction on Parcel # 2. The Town's Building Official finds that AutoZone's architectural plans are substantially compliant with code and permits are issuable once Parcel # 2 is purchased from Edison, licensed contractors-of-record are identified by the applicant and other routine paperwork is completed. AutoZone is presently seeking bids for its 6,815 square foot store and hopes to break ground after the first of the year. In consultation with local Landscape Architect, Mike Flaugh, who routinely assists the Town, staff has asked AutoZone to consider "beefing up" its proposed landscaping. The company has agreed to reevaluate its planting scheme.

¹ The 12-acre Ocean Breeze Plaza is zoned B-2 Business, permits "retail sales" as a use-by-right and is not subject to the same public hearing-based approval procedures as the Ocean Breeze Resort and Seawalk projects. Upon a showing of compliance with applicable platting, zoning and technical codes, administrative development approval by the Town is required.

Realignment of Plaza Entrance/Exit at Skyline Drive?

Whether the Plaza's existing Skyline Drive entrance/exit is to be realigned with NE Hilltop Street remains a matter of discussion with Martin County, which has jurisdiction over the road. Feedback thus far suggests the County will ultimately recommend realignment. Particularly as it relates to the convenience of Seawalk residents, the Town has consistently favored altering the intersection to allow traffic exiting the plaza to turn left onto Skyline Drive, which is currently prohibited. Realignment with Hilltop will safely accommodate left turns. Talks with Martin County, Edison and AutoZone on this issue are ongoing.

Ocean Breeze Plaza and AutoZone: CONDITIONS OF DEVELOPMENT APPROVAL AND ACCEPTANCE

In addition to approving Edison's plat/subdivision proposal and AutoZone's development permits, before any post-subdivision construction occurs, certain development conditions, binding on all current and future parcel owners, will be necessary to ensure that, notwithstanding three separate ownerships, Ocean Breeze Plaza continues to operate as a unit. With staff assistance, the Town Attorney's office has prepared the attached draft document entitled: *Ocean Breeze Plaza and AutoZone: CONDITIONS OF DEVELOPMENT APPROVAL AND ACCEPTANCE.* Most of the recently drafted document's proposed conditions have been discussed with Edison and AutoZone. Again, execution of a document substantially in this form will be required before any development approvals are granted.

Summary

Significant progress has been made toward approving both Edison's plat/subdivision application and AutoZone's applications for site and vertical construction. A draft of plaza-wide conditions needed to ensure the plaza's continuing function as a unit is nearly complete. Staff foresees granting development approvals by year's end or soon thereafter.

Attached Documents

- November 2, 2025 update memo
- *DRAFT – "Ocean Breeze Plaza and AutoZone: CONDITIONS OF DEVELOPMENT APPROVAL AND ACCEPTANCE."*
- AutoZone's preliminary landscape plan

Memorandum

To: Mayor Ostrand
Via: Dan Hudson, Town Management Consultant
From: Terry O'Neil, Planning Consultant
Cc: Pam Orr, Town Clerk/Permit Officer
Scott Montgomery, Town Engineer
Gemma Torcivia, Town Attorney
Paul Nicolletti, Assistant Town Attorney
Steve Nicolosi, Building Official
Doug Killaine, Martin County Fire Marshall
Marco Reina, Martin County Fire Rescue
Mike Grzelka, County Engineer
Sam Amerson, County Utilities Director
Date: November 2, 2025
Re: Status of Ocean Breeze Plaza subdivision application and proposed construction of an AutoZone store on newly-platted parcel 2 of 3.

Town staff has sought to work closely with plaza-owner Phillips Edison and prospective-purchaser of lot 2, AutoZone, to provide as much pre-application support and feedback as possible. Both parties have been very responsive in this effort, which has essentially aimed to process both applications at the same time. Phillips Edison and AutoZone have or soon will have completed their final applications, including all required supporting materials.

Plat (Phillips Edison)

As called for by Town Ordinance # 181, Phillips Edison has agreed to pay all costs for plat review and approval, fees to date total \$3,175. The Town has requested that Phillips Edison pay this amount at its earliest opportunity. Remaining costs are to be paid prior to recordation of the approved plat. Phillips Edison is obligated to pay the cost of recording with the Martin County Clerk. The Town Engineer will finalize his completeness review by November 5, 2025. Additionally, his review will recap of any outstanding issues needed to finalize the plat.

Town staff has done its best to identify any plat related features, beyond those required by statute, that if addressed now might advantage the proposed AutoZone project. To that end, both Phillips Edison and AutoZone have been consistently encouraged to coordinate with each other. That said, it remains possible that minor (administrative) amendments to an approved plat may become necessary. For example, Martin County has yet to advise on whether it will exercise its jurisdiction in requiring realignment of the plaza's Skyline entrance/exit with Hilltop Avenue. The County's final determination may trigger minor changes to the plat as currently proposed.

Site Permit (AutoZone)

Town Engineer, Scott Montgomery, will conduct (civil) site plan review, inspections during construction and final site approval. He has reviewed preliminary submittals and does not anticipate any significant issues. AutoZone has placed the value of its site work at \$600,000. Based on this figure, its fees for plan review and site permit are \$2,100 and \$4,305, respectively. Mr. Montgomery expects to complete his review within approximately 10 working days and will coordinate with the applicant in the meantime. Proposed landscaping for the AutoZone site is subject to further review and discussions with staff and is expected to be complementary to the plaza's existing planting scheme.

Building Permit (AutoZone)

It has been agreed that the Town's Building Official will conduct building plan (vertical construction) review. Inspections and final certification of vertical construction will be handled by a private provider. The Town has provided AutoZone with its preferred forms for approval of a private provider. The Building Official describes the vertical construction plans recently submitted as "exceptionally well done" and is poised to release a permit once a licensed contractor and sub-contractors are identified, along with typical supporting documents. AutoZone has placed the value of its vertical construction at \$1,022,500. Based on this figure, its fees for plan review and building permit are \$3,578 and \$7,336.44, respectively. AutoZone reports that it is currently seeking bids for site and vertical construction and will likely not break ground until after the first of the year.

Except for wall signage, individual permits for the sub-trades (electric, plumbing, etc.) are not required provided the valuation of their work has been included in the project's overall valuation. AutoZone's sign contractor has submitted draft plans for the store's wall signage, which initially have been found to be compliant. A permit is not necessary for the proposed "AutoZone" fiberglass panel to be placed in the plaza's existing pylon sign on Jensen Beach Boulevard.

Life Safety Code Review and Inspections (AutoZone)

As agreed, Martin County's Fire Rescue Department will review the project's life safety plans and will conduct inspections during construction. AutoZone has applied to Martin County and will directly pay the County for its services. Town staff will monitor AutoZone's submittal and will assist in coordinating with the County as needed.

Development Agreement (Phillips Edison and AutoZone)

In addition to approving Phillips Edison's plat proposal and AutoZone's development permits, before any post-subdivision construction occurs, a separate agreement, binding on all current and future parcel owners, will be necessary to ensure that, notwithstanding three separate ownerships, the 12-acre Ocean Breeze Plaza continues to operate as a unit. With staff assistance, the Town Attorney's office will prepare a draft agreement for review and execution by all parties. Areas to be covered include:

- The plaza's aged stormwater system is not fully functioning and must be refurbished to accommodate future connections to parcels 2 and 3, as well as addressing existing drainage deficiencies at the Plaza's south boundary. The scope of this work (to be approved by the Town Engineer) and a timetable for its completion must be agreed upon and guaranteed before any work on the AutoZone site begins.

- As originally developed, the plaza provided 5.5 parking spaces per thousand square feet of building area, with all spaces being available to all motorists regardless of which business is being visited. It is assumed that this arrangement will be continued and made part of the development agreement. Otherwise, a comprehensive parking analysis for all three parcels will be necessary.
- While the Town does not collect its own impact fees, it does require confirmation that all applicable Martin County fees have been paid before development is approved. In that two buildings within the Plaza have been demolished (parcels 2 and 3, see original site plan) it is the County's practice to grant credits against impact fees. In this case, potential credits amount to approximately \$102,000. The Town has notified Phillips Edison that it must designate in the development agreement an apportionment of County impact fee credits between lots 1, 2, and 3 to avoid any disputes with AutoZone or the eventual developer of lot 3.
- All parties agree that open air auto repairs are prohibited throughout the plaza.
- Upon subdivision of the Plaza, any future applications to the Town for rezoning, zoning code changes, comprehensive plan amendments, including land use changes, special exceptions, variances, or any other similar request shall be agreed to by all parcel owners.

Summary

Both Phillips Edison and AutoZone have thus far demonstrated significant compliance with applicable regulations and upon execution of the development agreement outlined above, staff foresees no obstacles to promptly approving development.

Attached Documents

Proposed Plat

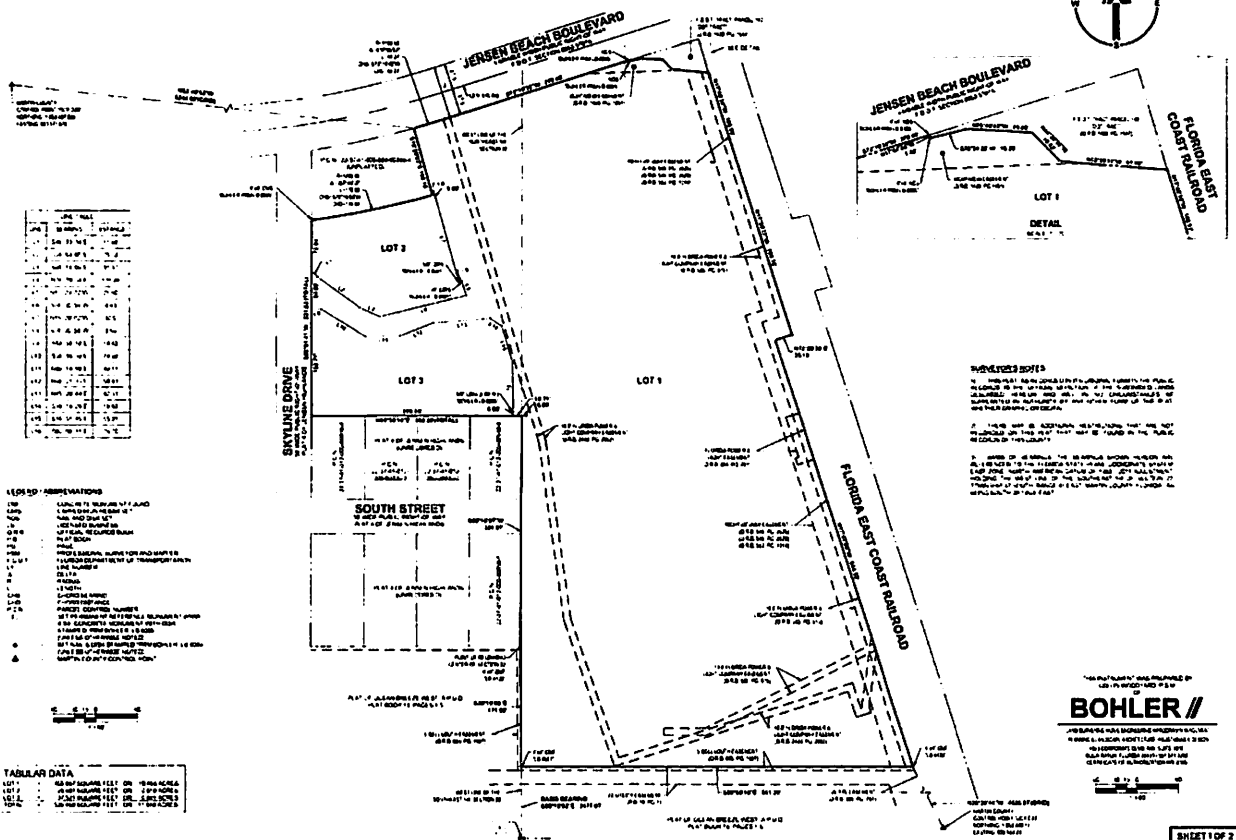
Draft AutoZone Site Plan

Original Ocean Breeze Plaza Site Plan

Note: This memo has been shared with Phillips Edison and AutoZone, including each company's design professionals.

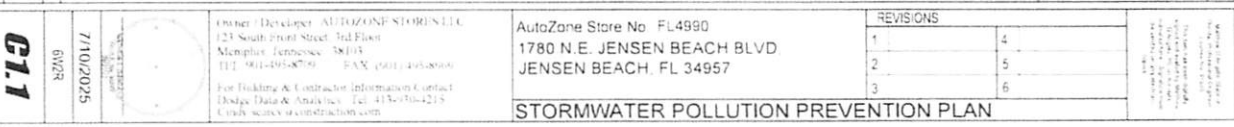
TOWN OF OCEAN BREEZE
A PORTION OF SECTION 22 TOWNSHIP 37 SOUTH, RANGE 41 EAST MARTIN COUNTY FLORIDA

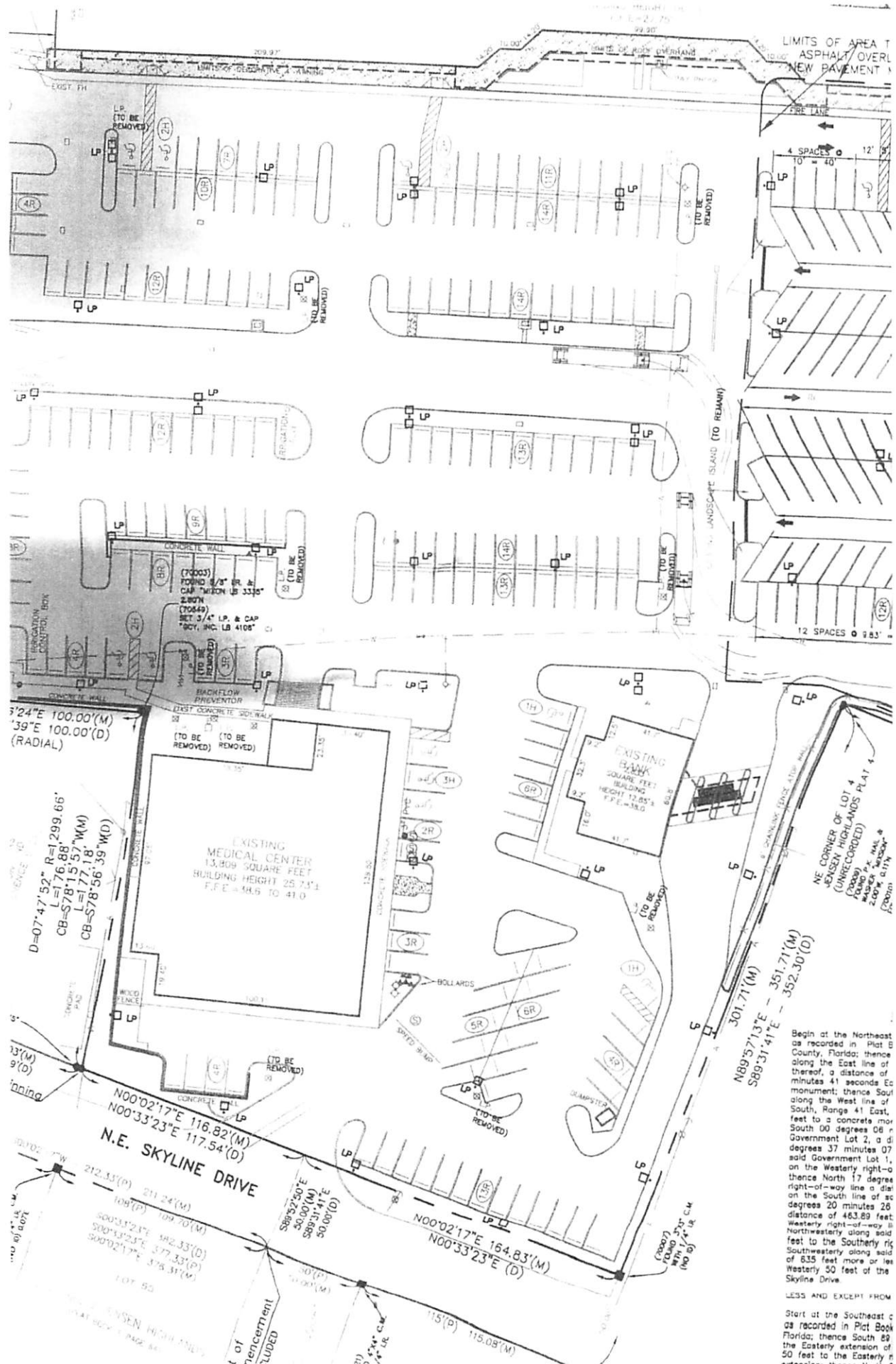
PLAT BOOK _____ PAGE _____



BOHLER //

SHEET 1 OF 2





Ocean Breeze Plaza and AutoZone
CONDITIONS OF DEVELOPMENT APPROVAL AND ACCEPTANCE

These Conditions of Development Approval and Acceptance (the "Agreement" or the "Conditions" as applicable) is made and is effective on _____, 202__ by and between **Phillips Edison** _____ (the "Plaza"), and **Auto Zone** _____, (the "Developer"), and the **Mayor of the Town of Ocean Breeze, Florida** acting under the executive authority provided in Sections 2.03.1), 2.03.3) and 2.03.12), Town Charter (the "Town"), with the intent of providing and maintaining good order through an integrated development, part of which already exists, and allowing for the re-development to Lot 2, and construction of an Auto Zone retail store, which is designated on a platted lot which had been previously developed (the "Subject Property").

WHEREAS, the Town staff has worked closely with Plaza and the Developer to provide as much preapplication support as reasonably necessary with both other parties being very responsive and which has the goal of the Town being able to process permit applications simultaneously for new and restoration work on the Plaza, and the new development of the Auto Zone store; and

WHEREAS, this redevelopment is being accomplished under the existing Chapter 9, Zoning and Land Development, of the Code of Ordinances of the Town of Ocean Breeze (Park), Florida adopted by the Town Council, and not requiring any amendments thereto; and

WHEREAS, the Plaza and the Developer have or soon will have completed their final site applications, and building plans, including all required supporting materials.

NOW THEREFORE, the Town hereby issues the following Conditions of Development Approval and the Plaza and the Developer accept and agree as follows:

CONDITIONS OF DEVELOPMENT APPROVAL

- 1) **Legal Description of Lot 2: (see attached)**
- 2) **Platting by Phillips Edison:** Platting shall be accomplished in accordance with Chapter 177, Part I, Florida Statutes, and the party's particular attention is called to Sec. 177.071, F.S. which was amended effective July 1, 2025. This statute provides a short time frame for the administrative approval of plats. Town staff has made its reasonable best efforts to identify any plat related features, beyond those required by statute which if addressed might advantage the development of the proposed AutoZone project. To that end, both Plaza and the Developer have been encouraged to

Ocean Breeze Plaza and AutoZone
CONDITIONS OF DEVELOPMENT APPROVAL AND ACCEPTANCE

coordinate with each other and with the Town. As a matter of convenience, the parties waive the 7-day approval requirement of a proposed plat, and agree to use their best efforts in accommodating one another to propose, accept and record a plat which needs no amendment. The Town Engineer will finalize his completeness review by _____, 2025. Additionally, this review will recap of any outstanding issues needed to finalize the plat. The remaining costs shall be paid prior to recordation of the approved plat.

- 3) **Minor Plat Amendments:** Each party is aware that minor amendments to an approved plat may become necessary. For example, Martin County has yet to advise on whether it will exercise its jurisdiction by requiring realignment of the Plaza's Skyline entrance/exit with Hilltop Street. The County 's final determination or other development approvals may trigger minor changes to the plat as currently proposed.
- 4) **Town Ordinance # 181:** This ordinance requires the Plaza to pay all costs for plat review and approval. The fees "to date" total \$3,175.00. The Plaza agrees to pay this amount to the Town on or before _____202____. The remaining platting review costs, if any, shall be paid prior to recordation of the approved plat. The Plaza is also obligated to reimburse the Town for the recording fees for the Plat as charged by the Martin County Clerk of Court.
- 5) **Site Permit Application by AutoZone:** The Town Engineer will conduct (civil) site plan review and site inspections during construction, and final site approval. The preliminary submittals have been reviewed and approved, and there are no significant issues which have been noted. The Developer has placed the value of its site work at \$600,000.00. Based on this figure, the fees for plan review are \$2,100.00 and the site work permit is \$4,305.00 respectively. The proposed Landscape Plan for the Developer's site is subject to ongoing review and final approval by the Town staff with the anticipated effect or being complementary to the Plaza's existing planting scheme.
- 6) **Building Permit Application by AutoZone:** The Town's Building Official will conduct building plan (vertical construction) review. Construction inspections and final certification of vertical construction will be the responsibility of a private inspection provider, acceptable to the Town. The Town has provided the Developer with its required forms for approval of a private provider. The Building Official has described the vertical construction plans recently submitted as "exceptionally well done," and is poised to release a Building Permit once the Developer's licensed contractor and sub-

Ocean Breeze Plaza and AutoZone
CONDITIONS OF DEVELOPMENT APPROVAL AND ACCEPTANCE

contractors are identified, along with typical supporting documents. The Developer has determined the fair market value of its vertical construction at \$1,022,500.00. Based on this figure, its fees for plan review and building permits are \$3,578.00 and \$7,336.44, respectively. These fees must be paid to the Town prior to release of the building permits. The Developer reports that it is currently seeking bids for site and vertical construction and will likely not break ground until the beginning of 2026.

- 7) **Additional Permits by AutoZone:** Except for wall signage, individual permits for the sub-trades (electric, plumbing, etc.) are not required provided the valuation of their work has been included in the project's overall valuation. The Developer's sign contractor has submitted draft plans for the store's wall signage, which initially have been found to be compliant. A permit is not necessary for the proposed "AutoZone" fiberglass panel to be placed in the Plaza's existing pylon sign on Jensen Beach Boulevard.
- 8) **Life Safety Code Review and Inspections by Martin County:** The Developer shall be responsible for arranging with the Martin County Fire Rescue Department to review the project's Life Safety Plan and conduct inspections during construction. The Developer has applied to Martin County for its permits and will pay the County directly for all services rendered by the County. Town staff will monitor the Developer's submittal and will assist in coordinating with the County if required.
- 9) **Miscellaneous Conditions of Development Approval:**
 - a) While this document is called Conditions of Development Approval and Acceptance, and is structured as an agreement, it should not be construed by any person as a "development agreement" nor is it intended by the parties to be an agreement under Section 161.0531, Florida Statutes, and the parties waive any and all provisions of that statute. Rather these are conditions imposed upon the Plaza and Developer under the existing codes, rules, standards, best practices, and other requirements for the development of land within the Town.
 - b) The parties do intend to be bound by these Conditions of Development Approval for each of the terms and conditions expressed herein. Nonetheless, the parties shall not be held responsible for compliance dates if there are intervening "acts of god" such as wind, floods, hurricanes and other storms, earthquakes and the like, or man-made disasters such as fires, building collapse, strikes, or the like, but each

Ocean Breeze Plaza and AutoZone
CONDITIONS OF DEVELOPMENT APPROVAL AND ACCEPTANCE

party promises to use best reasonable efforts to comply as soon thereafter as reasonably possible. Any party claiming relief under this provision must give notice as provided herein.

- c) The Plaza agrees that notwithstanding there may be three or more separate property owners, it will ensure the entire 12-acre Ocean Breeze Plaza shall continue to operate as one unified development.
- d) The Plaza's aging stormwater system is not currently fully functioning and must be refurbished to accommodate future connections to Lots 2 and 3, as well as addressing existing drainage deficiencies at the Plaza's south boundary. The scope of this work for this refurbishment shall be approved by the Town Engineer, and a timetable for its completion must be agreed upon and guaranteed before any vertical work on the AutoZone site begins.
- e) The Plaza-wide stormwater refurbishment improvements, as approved and permitted by the Town, shall be completed prior to the issuance of a certificate of occupancy (CO) for the AutoZone store. Notwithstanding this provision, any additional time to complete the stormwater refurbishment work, beyond the date of the Developer's CO, may be granted upon good cause shown and the provision of a performance bond in an amount of 110% of the Engineer's Estimated Cost as acceptable to the Town.
- f) As originally developed, the Plaza provided 5.5 parking spaces per thousand square feet of building area, with all spaces being available to all motorists regardless of which business is being visited. It is required by the Town that this arrangement be continued, and this arrangement is made a part hereof.
- g) While the Town does not collect its own impact fees, it does require confirmation that all applicable Martin County Impact Fees have been paid before development may commence. Because two buildings within the Plaza have been demolished (Lots 2 and 3, as shown on the original site plan), Martin County may grant Impact Fee Credits for the AutoZone development. The potential impact fee credits amount to approximately \$102,000.00. The Plaza understands and agrees that it must furnish the Town with a writing which designates an apportionment of County Impact Fee credits between Lots 1, 2, and 3 to avoid any later dispute of this matter, and this shall be done prior to the payment of Impact Fees for the

Ocean Breeze Plaza and AutoZone
CONDITIONS OF DEVELOPMENT APPROVAL AND ACCEPTANCE

AutoZone development.

- h) The Plaza and the Developer understand and agree that "open air" auto repairs on any area of the Plaza or AutoZone property are prohibited, and may be prosecuted by the Town as a code violation.
- i) Upon further subdivision of the Plaza property, any future applications to the Town for rezoning, zoning code changes, comprehensive plan amendments, including land use changes, special exceptions, variances, or any other similar request shall be agreed to in writing by all three (3) parcel owners prior to being submitted to the Town for consideration.
- j) Notice to each of the parties shall be by overnight carrier with a receipt, or by hand delivery with a receipt, or by email at the email addresses provided below:

As to the Town: Mayor and Town Clerk
Town of Ocean Breeze
Mailing address: P.O. Box 1025
Jensen Beach, FL 34958
or
Physical address: 1508 NE Jensen Beach Blvd.
Jensen Beach, FL 34957
Email address: townclerk@townofocceanbreeze.org

As to the Plaza: _____

**As to the
Developer:** _____

- k) The notices as may be required herein shall be deemed received on the date the receipt is signed by the party, or the date of the emailing to the party. It is the responsibility of each part to keep its address up to date, and no party shall be responsible for a misdirected notice so long as it is sent to the latest address provided by the party to the other parties.

Ocean Breeze Plaza and AutoZone
CONDITIONS OF DEVELOPMENT APPROVAL AND ACCEPTANCE

- l) This Conditions of Development Approval and Acceptance agreement contains all of the agreements between the parties respecting the terms expressed and no prior oral agreements shall be binding on the parties. Any future amendments to this agreement shall be in writing and must be signed by each of the parties. It should be noted that the Building Official may have additional requirements as noted on the vertical building plans.
- m) As a matter of convenience, this Conditions of Development Approval and Acceptance agreement and any future agreements between all the parties may be executed in counterparts, and when combined shall constitute the agreement of the parties on the terms expressed therein.
- n) In the event of a dispute over any of the Conditions of Development Approval herein, the parties shall endeavor to mediate such dispute either informally by meeting together, or formally by using a qualified mediator selected by the Town and paid for by splitting the cost with the other parties. This mediation must occur prior to the filing of any civil legal action.
- o) This Conditions of Development Approval and Acceptance agreement shall be construed under Florida law, with jurisdiction and venue only in the Florida state courts in and for Martin County, Florida.
- p) Each party shall be responsible for its own attorney's fees and costs, and regardless of any later action or finding of responsibility or liability, each party shall pay its own attorney's fees and costs at all levels of legal action.
- q) Once executed by all the parties, this Conditions of Development Approval and Acceptance agreement shall be binding on the parties and their successors in interest, and shall run with the land and shall be recorded in the public records of Martin County, Florida.
- r) Each signatory to this Conditions of Development Approval and Acceptance agreement affirms and states they have adequate authority to enter into this agreement and bind the principal for which they are acting.

Ocean Breeze Plaza and AutoZone
CONDITIONS OF DEVELOPMENT APPROVAL AND ACCEPTANCE

ATTEST:

Pamela Orr, Town Clerk

Karen Ostrand, Mayor of the
Town of Ocean Breeze, Florida

Approved as to form and completeness:

Gemma Torcivia, Town Attorney
TG Law, PLLC

ACCEPTANCE

By executing this instrument below, and on behalf of itself, its successors and assigns, the undersigned accepts and agrees to all of the terms and conditions expressed above, including all exhibits, and attachments and intends to be bound thereby, and such acceptance is done freely, knowingly, without any mental reservation, and is for each of the purposes expressed within the agreement, and as an inducement to the Town to issue valid development and construction permits. If it is later discovered by the Town that the Plaza or the Developer have failed in any material way to develop in accordance with the Conditions of Development Approval above, or not in accordance with the approved plans for this development, or not in accordance with the Florida Building Code, or have otherwise violated the codes and ordinances or the Town, the Town may rescind its development approvals, and take other actions against the Plaza or the Developer or if appropriate, against both the Plaza and the Developer, for such violations, which may include code enforcement actions, permit or licensing suspensions or revocations, or any or all other applicable civil and criminal actions including injunctive relief.

Signed by the parties and the witnesses on the date shown next to their names:

WITNESSES:

DATE:

PARTIES:

Ocean Breeze Plaza and AutoZone
CONDITIONS OF DEVELOPMENT APPROVAL AND ACCEPTANCE

On behalf of "the Developer"
AutoZone

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or
☐ online notarization, this _____ day of _____, 20____,
by _____ as the _____ for Autozone
_____.

Notary Public – State of _____
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification

Type of Identification Produced: _____

Ocean Breeze Plaza and AutoZone
CONDITIONS OF DEVELOPMENT APPROVAL AND ACCEPTANCE

WITNESSES:

DATE:

PARTIES:

On behalf of "the Plaza"
Phillips Edison

ACKNOWLEDGMENT

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or
☐ online notarization, this _____ day of _____, 20____,
by _____ as the _____ for Phillips Edison
_____.

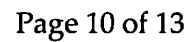
Notary Public – State of _____

(Print, Type, or Stamp Commissioned Name of Notary Public)

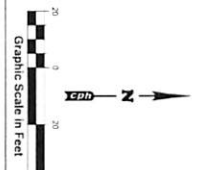
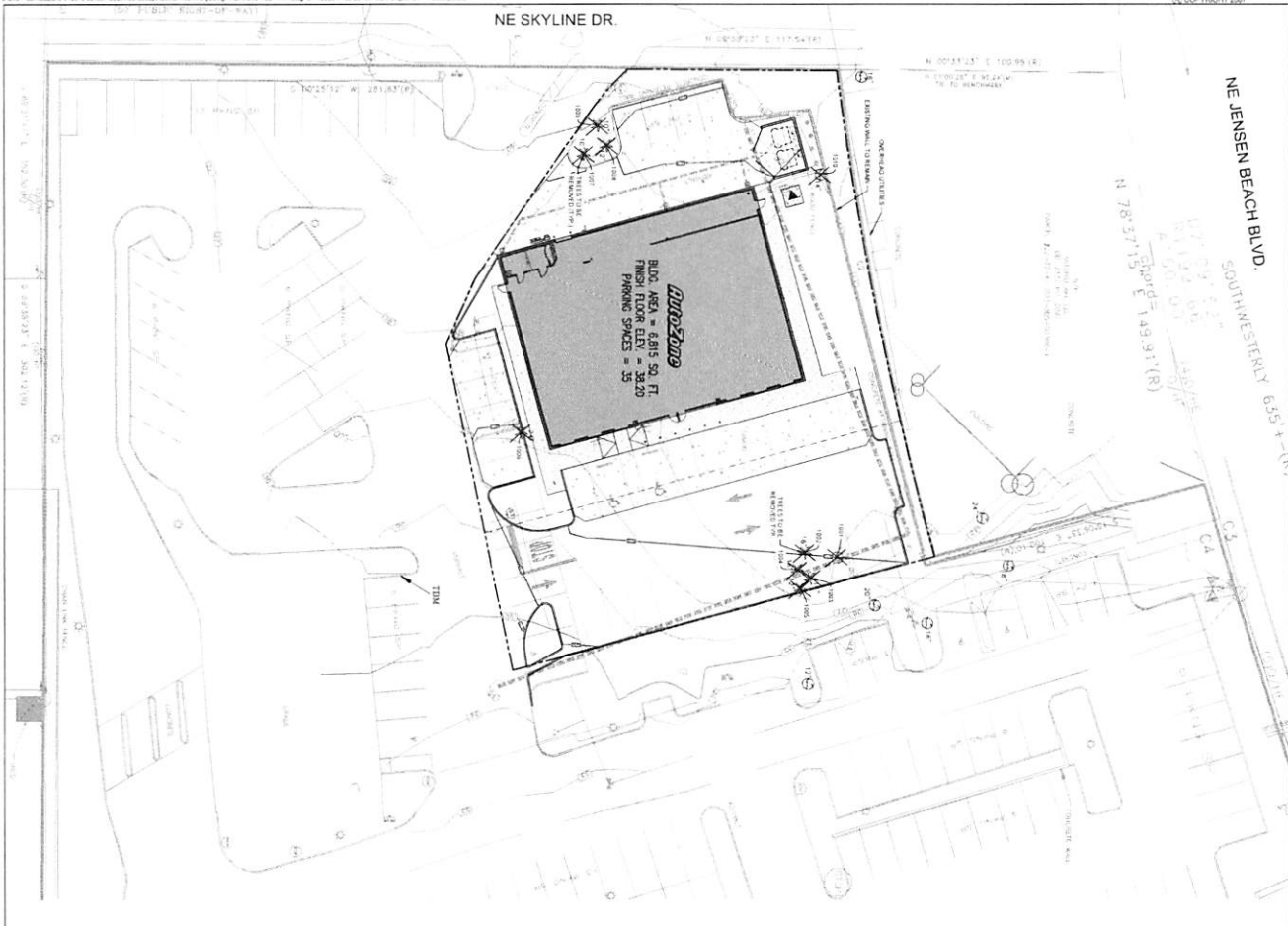
Personally Known OR Produced Identification

Type of Identification Produced: _____

PLAT BOOK ____ PAGE ____




STORMWATER POLLUTION PREVENTION PLAN



Tree Legend
X = Tree to be Retained



<div>710</div> <div>6W2R</div> <div>6/11/2025</div>		<p>Owner / Developer AUTOZONE STORES LLC 123 South Front Street, 3rd Floor Memphis, Tennessee 38103 TEL 901-495-8709 FAX (901) 495-8969</p> <p>For Bidding & Contractor Information Contact Dodge Data & Analytics Tel 413-930-4215 Cindy.searey@construction.com</p>	AutoZone Store No. FL4990 1780 N.E. JENSEN BEACH BLVD, JENSEN BEACH, FL 34957		REVISIONS	
			1		4	
			2		5	
			3		6	
TREE RETENTION PLAN						

This plan was prepared for the specific project and site conditions shown. It is not to be used for any other project or site without the written consent of the engineer. The engineer is not responsible for any errors or omissions in this plan. The engineer is not responsible for any construction methods or materials used in the construction of the project. The engineer is not responsible for any safety issues or accidents during the construction of the project. The engineer is not responsible for any environmental issues or damage during the construction of the project. The engineer is not responsible for any other issues or damages during the construction of the project.

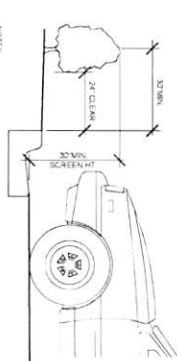
This plan was prepared by the engineer and is based on the information provided by the owner. The engineer is not responsible for the accuracy of the information provided by the owner. The engineer is not responsible for the accuracy of the information provided by the owner.

This form has been digitally
and verified by Charles R. Byrd
The date entered is the
document signed and
and the signature must be
for any document.

LANDSCAPE PLAN

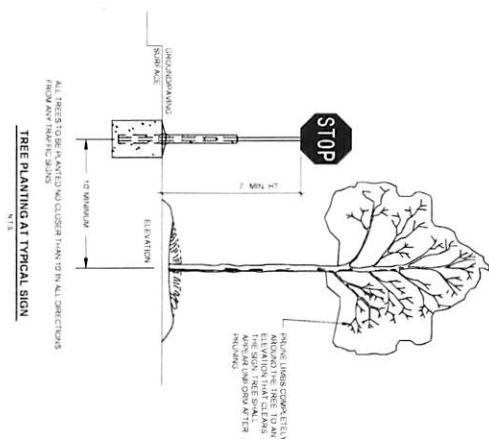
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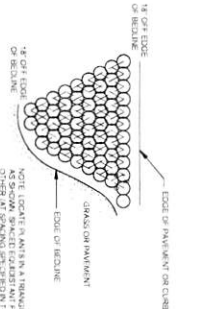


No T.J.

INSTALL HEDGE ALONG PARKING (A VARIUM OF 37 BEING BACK OF CURB) ALLOW FOR 24 VEHICLES OVERLAP AT TIME OF INSTALLATION HEDGE SHALL SCREEN A VARIUM OF 37 ABOVE FINISH GRADE OF PARKING STALLS



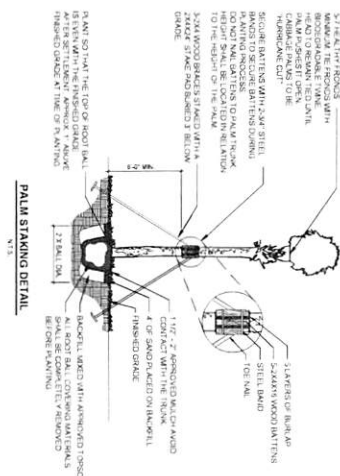
11



M 7.5

*8 OF EDGE OF BELINE

NOTE: LOCATE PLANT IN A TRIANGULAR PATTERN AS SHOWN. SPACED EQUIDISTANT FROM EACH OTHER AT SPACING SPECIFIED IN THE PLANT LIST.



613

AutoZone Store No. FL4990
1780 N.E. JENSEN BEACH BLVD,
JENSEN BEACH, FL 34957

Owner / Developer AUTOZONE STORES LLC
123 South Front Street, 3rd Floor
Memphis, Tennessee 38103
TEL: 901-495-8709 FAX: (901) 495-8969
For Bidding & Contractor Information Contact
Dodge Data & Analytics Tel: 413-930-4215
Cindy.searcy@construction.com

Organization		Town's status	Town has a seat?	Appointee	Alternate	Comments
PART 1 APPOINTMENT GROUP						
1	Florida League of Cities (FLC) - FLC is the organized voice for Florida municipalities. FLC advocates for Florida municipalities and supports local leaders through specialized events, training, and resources.	Paying Member (\$664)	Yes	2026 appointee?	2026 alternate?	Mayor and Town Council members serve as time and travel budgets permit.
2	FLC Legislative Committee Sub Group (LCSG) - LCSG works on FLC's legislative platform during the legislative session. Members are asked to serve as advocates throughout the legislative process.	Included with FLC membership	Yes	2026 appointee?	2026 alternate?	The Mayor currently serves on the Development, Code Compliance and Redevelopment Committee; President Docherty serves on the Finance and Taxation Committee
3	FLC Advocacy Committee (AC) - Members serve as a Legislative Key Contact and build relationships with local legislators, educate legislators on key municipal issues, update FLC staff on communications with legislators, and participate in FLC Legislative Action Days. Travel to Tallahassee may be required.	Included with FLC membership	Yes	2026 appointee?	2026 alternate?	
4	Florida League of Mayors (FLM) - FLM provides Mayors leadership training, educational events, and networking opportunities.	Paying Member (\$350)	Yes	2026 Mayor Ostrand	NA	Mayor Ostrand currently serves on the board.

Mayor / Council Board Appointments and Liaison Activities

Organization		Town's status	Town has a seat?	Appointee	Alternate	Comments
5	Treasure Coast Regional League of Cities (TCRLC) - TCRLC promotes communication, collaboration and education among municipalities of Indian River, Martin, Okeechobee and St. Lucie Counties; TCRLC encourages effective advocacy for home rule; fosters excellence in local self-governance and represents the Treasure Coast with the Florida League of Cities.	Member (no fee)	Yes	2026 appointee?	2026 alternate?	Board meetings are held monthly on the 3rd Wednesday at 10:00AM at Indian River State College (no meetings in June and August).
6	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.	Member (no fee)	Yes	2026 appointee?	2026 alternate?	One or two volunteers are allowed.
7	Treasure Coast Council of Local Governments - A collegial organization of local elected officials from Counties, Municipalities, and School Boards focused primarily on issues of regional impact.	Paying Member (\$200)	Yes	2026 appointee?	2026 alternate?	

Mayor / Council Board Appointments and Liaison Activities

Organization		Town's status	Town has a seat?	Appointee	Alternate	Comments
8	Martin County Local Mitigation Strategy Committee (LMS). Mitigation is the effort to reduce loss of life and property by lessening the impact of disasters. Mitigation is taking action now – through analyzing risk, reducing risk, or insuring against risk – to reduce the human and financial consequences of future disasters.	Member (no fee)	Yes	2026 appointee?	2026 alternate?	LMS Committee meetings are held quarterly.
PART 2 LIAISON GROUP						
9	Martin Metropolitan Planning Organization (MPO) - The MPO is a federally mandated agency that coordinates state and federal transportation networks in Martin	Not a member	No	Liaison?	Liaison?	Town does not have a seat on the MPO. The MPO regularly meets and meetings are open to the public.
10	MPO Citizen Advisory Committee (CAC) - The CAC represents the citizens of Martin County and provides public input for the MPO decisions. In this capacity, the CAC reviews and comments on transportation planning documents and relevant issues to be brought before the MPO Board.	NA.	No	Liaison?	Liaison?	This is a citizen oriented committee.

Mayor / Council Board Appointments and Liaison Activities

Organization		Town's status	Town has a seat?	Appointee	Alternate	Comments
11	MPO Technical Advisory Committee (TAC) - TAC is a source of wide-ranging professional expertise 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.	Member (no fee)	Yes	Staff?	Staff?	This is a technical oriented committee, and should be a staff representative of the Town
12	MPO Bicycle and Pedestrian Advisory Committee (BPAC) - BPAC considers all bicycle and pedestrian-related issues. BPAC provides input into MPO decisions. This includes reviewing and commenting on planning documents and identifying relevant issues to be brought before the MPO Board.	Not a member	No	Liaison?	Liaison?	
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.	Not a member	No	Liaison?	Liaison?	Does the Council wish to appoint a designated liaison and an alternate to assist "Resilient Martin" on their stakeholder / steering committee group?
14	Jensen Beach Community Redevelopment Area Neighborhood Advisory Committee (NAC) - The NAC provides advice and recommendations to the Community Redevelopment Agency regarding the implementation of projects adopted within the Jensen Beach CRA Plan.	Not a member	No	Liaison?	Liaison?	All meetings are on the first Wednesdays at 5:00PM (unless otherwise noted) at the Jensen Beach Community Center, 1912 NE Jensen Beach Boulevard.

Mayor / Council Board Appointments and Liaison Activities

Organization		Town's status	Town has a seat?	Appointee	Alternate	Comments
15	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	Member (\$250)	No	Liaison?	Liaison?	Mayor and Council members participate in various Chamber events at their own initiative.
16	Legislative Delegation - The Legislative Delegation consists of state senators and representatives covering all or parts of Martin County. The Delegation holds its annual public hearing in the Fall each year. The hearing gives residents and officials an opportunity to request legislation, state funding, and voice opinions on matters before the state legislature. The full legislature convenes in March in Tallahassee.	Constituent Local Government	No	NA	NA	The local delegation includes Senator Gayle Harrell, Representative John Snyder, Representative Toby Overdorf, along with other regional representatives. Mayor, President, and Council Members attend as needed and at their own initiative. No fixed schedule.