

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, January 13, 2020
Ocean Breeze Jensen Beach Clubhouse, Pineapple Bay Room – 10:30 a.m.
700 NE Seabreeze Way, Ocean Breeze, FL 34957

1. Call to Order – President De Angeles called the meeting to order at 10:30 a.m.

- Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
- Roll Call – Mayor Karen M. Ostrand, President Ken De Angeles, Vice-President Richard Gerold, Council Members Bill Arnold, Kevin Docherty and David Wagner
Absent: Council Member Terry Locatis
- Staff Present – Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary, Town Clerk, Pam Orr, and Bookkeeper/Clerical Assistant, Kim Stanton

2. Approval of Minutes – Council Member Arnold, seconded by Council Member Docherty, made a Motion to approve the Minutes of the December 9, 2019 Regular Meeting.

All in favor – Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed

3. Florida Municipal Insurance Trust Award Presented to Former Vice-President Kagdis –

Mayor Ostrand presented Ann Kagdis with a plaque from the Florida League of Cities in appreciation of her service on the Board of Trustees of the Florida Municipal Insurance Trust.

Ms. Kagdis thanked the previous Town Council for approving her service as a Trustee on the FMIT board. She spoke about the importance of small towns having a voice at the State level and advised the Council to stay abreast of the latest issues in Tallahassee.

4. Request for Town Council approval to solicit and bring forward a professional service contract to conduct a feasibility analysis for potential improvements to West End Boulevard – President De Angeles asked if this solicitation involved any expenditure.

Mr. O’Neil invited the Mayor to discuss this item.

Mayor Ostrand spoke about how dangerous it was in the West End Boulevard area. She discussed the procedures and progressions in order to conduct a study, and added that there would be some expense associated with the project. She suggested the feasibility study be presented to Sun Communities and Martin County for feedback.

Council Member Wagner mentioned his prior conversations with Chris Walters, Sun Communities. He stated that Chris had done a tremendous job improving the area by trimming the trees. He stated that he believed the guardrail should be moved back away from the road.

Council Member Docherty spoke about the area being poorly lit. He agreed that safety in that area was of concern and he commended Chris and Sun Communities for opening up the area.

Council Member Arnold stated that he agreed with the Mayor on the issue of safety. He discussed the egress on Nautical Drive, poor connectivity and visibility at West End Blvd. He agreed that the area had needs and it was important for everyone to understand what could be accomplished.

Council Member Gerold stated that this issue had been discussed in the past. He added that an overall feasibility plan would be a good starting point and that fuel tax dollars were available for this project.

President De Angeles asked for comments from the public.

Rick Seiber, 112 NE Bay Drive, Ocean Breeze, asked if recreational vehicles were restricted from exiting at West End Blvd.

(inaudible)

Mr. Seiber stated that this was problematic because he had to wait for a caravan of five RVs to exit and there was a parked truck with its hitch hanging out into the road. He added that he believed it was dangerous to drive through that area, especially for the larger vehicles.

Council Member Gerold stated that he believed that West End Blvd. was one of the RV exits Sun preferred to utilize.

Chris Walters, Sun Communities, stated that typically during peak periods, the exit gates were left open for RVs to exit. He stated that the RVs primarily exit onto Indian River Drive but during peak periods, a small number would exit onto West End Boulevard. He also spoke about the new home development.

Mr. Seiber spoke about the exacerbation of this issue when a bottleneck occurred. He stated there was no sidewalk; people were walking and riding bikes in the streets. He agreed that a study should be performed.

Mayor Ostrand asked if the Town Council would like to make a Motion to research and perform a feasibility study.

Council Member Docherty made a Motion for the Town of Ocean Breeze to perform a feasibility study on the road at West End Boulevard.

Council Member Gerold asked about a setting a cap on the cost of the feasibility study.

Mr. O'Neil answered that Staff was asking for the Town Council's permission to solicit a proposal and bring it back before the Council for consideration. He added that a design professional would consider the scope of work needed and feasibility, due to geographical limitations, to be conducted early in the process. He stated that the content would be discussed and decided at a future meeting.

President De Angeles reiterated that this was a request for a proposal for a feasibility study.

Council Member Docherty, seconded by Council Member Arnold, made a Motion for the Town of Ocean Breeze to request a proposal for a feasibility study.

Mayor Ostrand advised the Council that the professional would charge for the proposal.

Mr. O'Neil answered that the proposal would be all inclusive so there would not be a cost associated with preparing it; the fee would come into play after the scope of work was agreed upon.

Roll Call Vote: Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed - 5 - 0

5. Review of Council and Mayor participation on Board and Agencies – President De Angeles introduced Mr. O’Neil’s Memorandum and explained the matrix indicating current participation by the Mayor and Council on various boards and agencies. He spoke about the need to solidify new appointments and the Town’s participation.

Mayor Ostrand requested that she remain on the Board of the Treasure Coast Regional League of Cities and asked for someone to serve as an alternate. She spoke about the local bill and her upcoming trip to Tallahassee in February for the 2020 Legislative session.

Mr. O’Neil explained the matrix and suggested discussing the items in order.

Attached to these Minutes is the matrix with the action taken by the Council.

Discussion ensued.

Council Member Gerold, seconded by Council Member Docherty, recommended suspending the review of Boards and Agencies and complete the Agenda items; and then return back to Item #5 on the matrix.

President De Angeles stated that Agenda Item #5 would be suspended and discussed later in the meeting.

Roll Call Vote: Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed - 5 - 0

6. Comments from the public on topics not on the Agenda – There were none.

7. Comments from the Council on topics not on the Agenda – Council Member Docherty discussed the data on the “your speed” signs. He remarked that the study revealed that the speeds along Indian River Drive through the Town had been reduced.

Council Member Gerold asked about the traffic study on West End Boulevard that had been previously requested.

Deputy Joe Angelico, Martin County Sheriff’s Department, stated that the request was forwarded to the traffic division and a date had not yet been scheduled, but he would request a definitive date.

President De Angeles asked for further comments from the Council.

There were none.

8. Comments from Town Management Consultant Terry O’Neil – Mr. O’Neil gave an update on the dock agreement with Sun Communities and referred to his Memorandum dated January 7, 2020. He suggested a minor amendment to the PUD which would require one public hearing and added that a special meeting could be held.

Attorney Crary added that the purpose of the agreement was to expedite the matter for Sun Communities and their residents who wanted docks. He stated that Sun’s Attorney had substantially changed the agreement.

Council Member Gerold asked about the differences between Sun's agreement and a PUD Amendment; he stated that some residents were waiting a long time to have a dock installed.

Attorney Crary explained that Sun's agreement shifted the burden to the Town to amend the PUD every time there was a new dock; and that a PUD amendment would outline the parameters. He further explained the differences between the two.

Mayor Ostrand recommended approving a minor amendment to the PUD so that the parameters were clear.

Mr. O'Neil explained the requirements of a minor PUD amendment.

Council Member Gerold, out of concern for the residents, asked what could hold up this amendment.

Mr. O'Neil explained that Sun would be the applicant and the Town Council would have to agree to the final terms. He stated that at the hearing, there may be discussion regarding components of the agreement. He commented that a special meeting was possible, but the timing rested with the work product that Sun produced. He added that Staff was committed to move quickly, but there was a 15-day notice to advertise.

Attorney Crary stated that the original agreement was to expedite the matter.

Gena May, Regional Vice-President, Sun Communities, addressed Attorney Crary, stating that Sun had no problem with the maximum length of a dock at 30 feet.

Attorney Crary stated that Sun's Attorney removed this change from the agreement.

Ms. May continued that a width maximum was not a problem either. She stated that she believed that Items #2 and #4 were mute issues. She spoke about Item #5 and Sun's requirement to abide by the same rules as a private homeowner because of Statute 723. She commented that she believed that the two issues were the rules to follow on the ownership of the dock and the size and length of the build. She mentioned that if the FDEP should request a longer dock for some reason, that the Town would have to address that issue. She spoke about Item #3 and Sun's enforcement of the rules of Statute 723; adding that Sun would not agree to Item #3 being in any agreement.

Attorney Crary read the language aloud and explained that the intent of the language in Item #3 required Sun to enforce the rules. He remarked that Sun was interpreting the language more broadly than what was intended. He discussed the purpose of that language and that its intent was to ensure that Sun enforce violations. He added that Sun's revised agreement came back stating that the restrictions would be put on the books, but did not mention that Sun would enforce any violations. He stated that the Town would like Sun to agree that they would enforce the rules.

Discussion ensued.

Attorney Crary spoke about submerged land lease and that a minor amendment to the PUD was the best route.

Ms. May asked if Sun would be responsible for the costs associated with the PUD Amendment.

Mr. O'Neil answered "yes" because it was Sun's agreement to amend.

Council Member Wagner made a Motion to direct Staff to retool the document, however they deem necessary, and bring the agreement back before the Council for possible approval.

Discussion ensued.

Attorney Crary stated that the best way to move forward with the docks would be to consider a minor amendment to the PUD.

Council Member Wagner, seconded by Council Member Arnold, amended his Motion to proceed with a minor amendment to the PUD as quickly as possible.

Roll Call Vote: Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed - 5 - 0

President De Angeles suggested a special meeting should everything come together.

Mr. O'Neil stated that this was duly noted.

President De Angeles asked if there were any other questions for Mr. O'Neil.

There were none.

9. Comments from Mayor Ostrand – Mayor Ostrand spoke about her service on the Complete Count Committee in Martin County for the Census. She explained the importance of an accurate census and provided some details regarding who qualified. She asked for someone to represent her at this first meeting which was moved to this Wednesday, January 15 at 4:00 p.m. at the Martin County Administrative Building.

Council Member Docherty offered to attend the meeting.

Discussion ensued.

Mayor Ostrand discussed the importance of local government, state preemption and offered brochures to help educate the public.

Continuation of Item 5. Review of Council and Mayor participation on Boards and Agencies – Mayor Ostrand stated that she had been working with the Treasure Coast Regional League of Cities (TCRLC) for three years as an alternate for former Vice President Ann Kagdis and would like to continue her work.

Discussion ensued regarding 6) Treasure Coast Council of Local Governments. The meetings take place the 1st Wednesday of each month in Fort Pierce at 2300 Virginia Avenue, Conference Room #304 at 10:00 a.m.

Council Member Gerold, seconded by Council Member Docherty, made a motion to join the Treasure Coast Council of Local Governments and pay membership dues in the amount of \$200.00

All in favor; Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed

Discussion ensued.

Ann Kagdis suggested that Beth Beltran be advised of all the Town Council Members' email addresses in order that she might keep the Council informed of the meeting dates.

Ann Kagdis stated that Commissioner Smith appointed her to the CAC many years ago. She stated, as a citizen, she would remain on this committee.

Discussion ensued.

Council Member Docherty asked Ann Kagdis about how nominations were made for the FMIT Board of Directors.

Ms. Kagdis explained the nomination process.

Council Member Docherty, seconded by Council Member Arnold, made a Motion to approve and ratify the actions taken and appointments made during the review of the of the Boards and Agency appointments and liaison activities listed as Items 1 – 15.

All in favor; Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed

10. Announcements – Regular Town Council Meeting to be held Monday, February 10, 2020 at 10:30 am to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, FL 34957

11. Adjourn – Council Member Wagner, seconded by Council Member Arnold, made a Motion to adjourn the meeting at 12:20 p.m.

All in favor – Yes: De Angeles, Gerold, Arnold, Docherty, Wagner; Absent: Locatis; No: None; Motion Passed

Respectfully Submitted,

Pam Orr,
Town Clerk

Minutes approved: February 10, 2020