

TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, November 11, 2019  
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 Kenneth De Angeles, Vice-President Ann Kagdis, Council Members Kevin Docherty, Richard Gerold, Terry Locatis and David Wagner
- 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 Gerold, seconded by Vice-President Kagdis, made a Motion to approve the Minutes of the October, 14, 2019 Regular Meeting subject to changing the street name on page 2, referencing a traffic study, to “West End Boulevard.”

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

President De Angeles presented Vice-President Kagdis with a plaque in appreciation of her 10-years of service to the Town of Ocean Breeze Town Council.

**3. Announcement of Town Council Election Results** – Town Clerk, Pam Orr read the names of the newly elected Town Council Members into the record: William E. Arnold, Kenneth De Angeles and Kevin Docherty.

**4. Oath of Office, Swearing in of newly elected Town Council Members** – Attorney Crary administered the Oath of Office to the newly elected Town Council Members: William E. Arnold, Kenneth De Angeles and Kevin Docherty.

**5. Selection of Council President and Vice-President** – Council Member Locatis, seconded by Council Member Gerold, made a motion to nominate Council Member De Angeles to serve as President of the Town Council.

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

Council Member Docherty, seconded by Council Member Arnold, made a motion to nominate Council Member Gerold to serve as Vice-President of the Town Council.

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

**6. Presentation by Congressman Brian Mast** – Congressman Mast spoke on several topics, including the Kissimmee River Restoration, management of Okeechobee Lake water levels, the repaired Hoover Dike, the EARR Reservoir, South Florida Water Management District, the US Army Corps of Engineers, his service on the Transportation and Infrastructure Committee, the Foreign Affairs Committee, the Water Resources and Environment Committee, the Coast Guard and Maritime Sub-Committees, the Veterans Administration, the VA Hospital, homeless veterans and the President of the United States.

Ann Kagdis presented Congressman Mast with photographs.

Ann Kagdis presented her key to the Town office to Vice-President Gerold.

Vice-President Gerold accepted the key.

**7. Holly Vath, Financial Advisor –**

A. Ms. Vath explained Budget Amendment #2 for the year-end reconciliation of F/Y 2018/2019 and presented Resolution #300-2019. Council Member Locatis, seconded by Council Member Docherty, made a motion to adopt Resolution #300-2019.

President De Angeles asked for comments from the public.

There were none.

Roll Call Vote: Yes: De Angeles, Gerold, Locatis, Wagner, Docherty, Arnold; No: None; Motion Passed - 6 - 0

B. Ms. Vath presented the Budget to Actual Report for the F/Y 2018/2019. She asked for questions or comments from the Council.

There were none.

Acceptance of Report: Yes: De Angeles, Gerold, Locatis, Wagner, Docherty, Arnold; No: None

C. Ms. Vath requested Council direction regarding an Investment Policy for Town funds. She explained the pros and cons of the FLCLASS and the Sweep Account.

Discussion ensued regarding the two options.

Ms. Vath recommended The Florida Cooperative Liquid Assets Securities System (FLCLASS).

Council Member Wagner, seconded by Council Member Arnold, made a motion for the Town to invest in the intergovernmental investment pool known as The Florida Cooperative Liquid Assets Securities System (FLCLASS).

President De Angeles asked for comments from the public.

There were none.

Roll Call Vote: Yes: De Angeles, Gerold, Docherty, Arnold, Locatis, Wagner; No: None; Motion Passed - 6 - 0

**8. Discussion and consideration of draft resolution encouraging the Florida Legislature to repeal Sections 403.7033 and 500.90, Florida Statutes, so that local government can enact appropriate legislation relating to the regulation of plastic bags and polystyrene containers –** Ann Kagdis, 111 NE Bay Drive, Ocean Breeze, explained the necessity for such a resolution and strongly suggested the Town Council consider drafting a resolution to encourage the repeal of the Florida Statutes 403.7033 and 500.90. She also commented on the local bill.

Mayor Ostrand advised that she would be meeting with Representative Overdorf in Tallahassee in December to assist him with the local bill.

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

**10. Comments from the Council on topics not on the Agenda –** Council Member Locatis suggested that the Town Council be insistent on being more involved in hurricane preparedness due to the health,



safety and welfare of the residents of the Town. He asked the Council for assistance and stated that he thought that a workshop or an Ordinance might be in order. He spoke about Sun Communities representatives advising him that they would meet, again, in February, 2020. He commented that the meeting in September, 2019 with Sun Communities representatives was, in his opinion, unproductive.

Mr. O'Neil spoke about the possible ability of local governments to regulate certain hurricane preparedness and that Attorney Crary could research the matter. He asked for permission to begin this research process.

President De Angeles asked if any of the Council Members had any reservations.

There were none.

Council Member Locatis stated that he had developed a list of items the Town might be able to adopt regarding hurricane preparedness, and he distributed the material.

Mayor Ostrand added that the material compiled by Council Member Locatis was informative and important.

Council Member Wagner asked about demolition/erecting of the old/new units and safety of onlookers. He stated that he believed there was a safety issue. He asked if, during the permitting process, the permit holder would be held responsible for the safety of the jobsite.

Attorney Crary answered that he would look into the matter.

Mr. O'Neil spoke about language in the Florida Building Code regarding demolition and maintenance of safety on surrounding roadways. He added that the Town's permits could require a statement or a plan as to how the permit holder intends to cordon off the area for safety. He commented that the Town's Building Official or Code Enforcement Officer could inspect to make sure that the worksites were safe.

Attorney Crary spoke about updating the Town's adoptions of the various codes that were in effect and that this discussion should be a prompt to meet with Larry Massing.

Mr. O'Neil announced that there were some appendixes that must be adopted from the State Code to the local Code. He commented that Staff would work with Mr. Massing to bring forth an Ordinance with strengthening language. He stated that the Town budgeted for this work to be performed with the adoption of the 2019/2020 Budget.

Council Member Wagner asked about delivery drones and control of the Town's airspace.

Mr. O'Neil answered that he did not know to what extent a local Town could regulate drones, but he would research the matter and submit the findings to the Town Council Members.

Mayor Ostrand stated that she would also ask about delivery drones when she visits the Capitol in December, 2019.

**11. Comments from Town Management Consultant Terry O'Neil** – Mr. O'Neil asked if the Town Council would like Staff to bring back a draft Resolution on Agenda Item #8 regarding the preemption issue, and stated that he agreed with Ms. Kagdis' comments. He noted that, for the record, all heads were nodding in agreement to bring forth a draft resolution.

Mr. O'Neil gave an update regarding making improvements to West End Boulevard. He advised that, at the present time, Sun Communities was not in a position to participate in this project and because so much of that area belonged to Sun, the Town notified Commissioner Smith's office that initial planning would be placed on hold. He commented that the Town would not give up on the idea of improving West End Boulevard.

Vice-President Gerold asked if a traffic study could be done on West End Boulevard.

Mr. O'Neil answered that the Town could ask for a traffic study and that the Sheriff's Department had been cooperative in the past. He added that the County controlled the public right-of-way at West End Boulevard. He stated that the Town would ask for a traffic analysis during this peak season in order to have that information for the future.

Attorney Crary cautioned the Members of the Town Council regarding the Government in the Sunshine Law. He spoke about Town business and suggested the Members of the Town Council speak with the Town Clerk regarding Town records. He added that the Members of the Town Council were allowed to speak to the Mayor because she was a non-voting Member of the Board.

Cathy Berry, 46 NE Driftwood Drive, Ocean Breeze, asked about the lack of representation by Sun Communities, Ocean Breeze Plaza and D.R. Horton at the Town Council meetings.

President De Angeles responded that a letter was sent to Sun Communities in May 2019 inviting representatives to attend the Town Council meetings. He stated that representatives of the three parcels within the Town could not be forced to attend the Town Council meetings and added that the residents of Seawalk would have a Homeowners Association.

Mayor Ostrand stated that she, too, had invited representatives of the three parcels within the Town to the Town Council meeting, and agreed with Ms. Berry's belief that there should be representatives attending the Town Council meetings.

Ms. Berry asked if the Minutes of the Meetings were reviewed by any of the representatives.

President De Angeles answered "yes, and Sun had requested copies of the minutes

**12. Comments from Mayor Ostrand** – There were none.

**13. Announcements** – Regular Town Council Meeting – Monday, December 9, 2019 at 10:30 am to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

**14. Adjourn** – Council Member Wagner, seconded by Council Member Locatis, made a Motion to adjourn the meeting at 11:45 am.

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

Respectfully Submitted,

Pam Orr,

Town Clerk

Minutes approved: December 9, 2019