

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, September 9, 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 Ken 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 Wagner, seconded by Council Member Locatis, made a Motion to approve the Minutes of the August 12, 2019 Regular Meeting.
All in favor; Yes: De Angeles, Kagdis, Gerold, Docherty, Locatis, Wagner; No: None; Motion Passed
3. **Approval of Rescheduled Public Hearing Dates for Tentative and Final Budget/Millage Adoption (Rescheduling Due to Hurricane Dorian)** – President De Angeles asked for approval of the following rescheduled meetings to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida:
 - Tentative Budget and Proposed Millage Rate Hearing–Wednesday, September 11, 2019 at 5:01 p.m.
 - Final Budget and Proposed Millage Rate Hearing–Wednesday, September 18, 2019 at 5:01 p.m.

Vice-President Ann Kagdis, seconded by Council Member Wagner, made a Motion to approve the rescheduled public hearing dates for the Tentative and Final Budget Millage Adoption for F/Y 2020.
All in favor; Yes: De Angeles, Kagdis, Gerold, Docherty, Locatis, Wagner; No: None; Motion Passed

President De Angeles announced the 2019 Election and Town Clerk announced the list of candidates and that the election would take place Tuesday, November 5, 2019 at Langford Park.

President De Angeles asked for discussion regarding the increase in the number of signs along Jensen Beach Boulevard in front of Ocean Breeze Plaza.

Vice-President Kagdis stated that the owners of the Plaza were contacted and that the Mayor was following up on the issue.

Council Member Gerold asked about Martin County’s sign ordinance.

Mr. O’Neil answered that Martin County had not completed the update on its sign ordinance. He stated that in the interim staff would contact Martin County to ask if the activity was occurring in the right-of-way, which was outside the Town limits. He added that the County had prohibitions against these temporary signs. He stated that staff would work with Martin County. He suggested holding off on a Town sign ordinance until the County’s ordinance was complete. He commented that staff would speak with Martin County to have the signs removed from the sidewalks and power poles. He stated that if the Town believed the County’s sign ordinance was taking too long the Council could consider an abbreviated targeted ordinance, dealing only with temporary signs.

Mayor Ostrand stated that the Town should know where the right-of-way was located in order to put up the Town signs.

Mr. O'Neil replied that the Town had contacted the owners of Ocean Breeze Plaza regarding the Town signs and had not yet received an answer. He added that the County would indicate where the right-of-way would begin and end. He commented that it might be necessary to get a surveyors' opinion, but that was not an expense he would suggest if the Town could coordinate with the County.

4. Comments from the public on topics not on the Agenda – Candi McKenzie asked about the status of the review of the amendments and the prospectus with Sun.

Mr. O'Neil answered that Sun Communities applied for a series of minor amendments to the PUD and there was a public hearing, and that the Council approved their request.

Council Member Gerold stated that the Minutes of that meeting were available at the Town Office and on the Town web-site.

Mr. O'Neil asked the Town Clerk to forward the Minutes of that meeting to Ms. McKenzie.

President De Angeles asked for further comments from the public.

There were none.

5. Comments from the Council on topics not on the Agenda – Council Member Wagner asked for an update on the sidewalk at West End.

Mr. O'Neil answered that after inspection, he had communicated with Mr. Walters that the sidewalk, as well as a portion of the road, was giving way. He commented that he had reminded Mr. Walters last week about the repair and that the Town Clerk had sent an email. He stated that this was a safety issue and should be addressed and mentioned that a notice of violation could be issued.

Mayor Ostrand confirmed that the pavers had been repaired.

Council Member Locatis stated that in the interest of the health, safety and welfare of the residents, he was concerned about hurricane preparation.

Discussion ensued.

Mr. O'Neil responded to a concern regarding sheds and stated that staff had completed a survey of all sheds in the community including those on RV sites and that the status of roughly ten older units were uncertain. He added that of the remaining sheds considerable progress had been made in winnowing down the list of questionable sheds; also, that there were quite a few RV sheds moved without permits. He commented that the Town had to do some research to determine if a shed had been legally permitted. He continued that the Town had been coordinating with Sun Communities and Sun was predisposed to see sheds that were not permitted dealt with in some fashion. He stated that would be a decision that Sun would have to make and come before the Town for some accommodations for these older sheds. He stated if the sheds were located properly, safe and the Building Official thought they were workable, he believed it was better for residents to have sheds in order to contain property of individuals.

Mr. O'Neil stated that in the past, with regard to hurricane preparation, he and County representatives had reported to the Town Council that Sun Communities was private property and hurricane preparation was driven by Sun. He added a close coordination effort with the the Emergency Operations Facility was immediately shared with Sun and the agreement had been that Sun would disseminate that information. He stated that he had been told that Sun had passed along information through door to door contacts or emails. He commented that Sun's email list for the residents was proprietary and that Town staff did not have, nor would be given, access to that list.

Mr. O'Neil suggested that an invitation be extended to Sun to have discussions regarding this issue. He added that while at the Emergency Operations Center he spoke to Mr. Walters multiple times during the event and found him to be very responsive.

Council Member Locatis suggested that all residents going north for the summer be advised to clear furniture and plants from their porch and put everything away and that this should be communicated to all residents.

Mr. O'Neil answered that the suggestion would be strongly relayed. He spoke about the issue of evacuation and the Sheriff's Department responsibility for issuing evacuation notices, particularly for the island and low lying areas. He stated that the Sheriff's Department cannot physically enforce mandatory evacuations.

Council Member Locatis stated that he was referring to preparation and that residents did not realize what they need to do for hurricane preparation.

President De Angeles stated that Sun should send notices to all home owners, especially those that were leaving, reminding them of hurricane season and how to prepare their home. He asked if sheds had to be tied down, whether permitted or not.

Mr. O'Neil spoke about his discussion with the Building Official and stated that as long sheds were legally permitted, they were legal, non-conforming sheds. He added that the Town would encourage these sheds to be tied down and perhaps Sun could play some role with helping residents have their legal, non-conforming sheds tied down. He stated that the problem had somewhat diminished with the enforcement of questionable sheds.

Deidre Henry, 107 NE Bay Drive, Ocean Breeze, stated that she asked Sun if her neighbor's shed was tied down and that she was posing the question because she remained unsure.

Mr. O'Neil answered that the Town had been and would continue to enforce the regulations in place. He added that there were some sheds that were not finished, but that no one would enter onto private property to secure them. He stated that Sun was aware of these issues and by the next meeting, he would report back to Ms. Henry on that status.

Mr. De Angeles stated that this was an important issue and for the safety of other residents.

Mr. O'Neil stated that if shed permit records could not be located, the Town Council would advise Staff to use enforcement. He commented that Mr. Crary could be hired if there was non-compliance. He added that the process would involve official notices, and perhaps court action. He remarked that Sun Communities would also play a role.

The Town Clerk explained to Ms. Henry that Sun had taken care of her neighbors shed.

Council Member Gerold commented that he believed it was the Resort's responsibility to secure the safety of the residents. He suggested a meeting with Staff, Council Members and certain residents about Sun's expectations upon mandatory evacuation orders. He continued that several houses had furniture on their carport and also on their deck and he spoke about houses on the island not secured. He stated that this was a matter of safety and was the responsibility of Sun; and that clarification was needed.

He asked for an update regarding the erosion issue with the resident on South Street, Tony Richmond.

Mr. O'Neil answered that language was put in the PUD Amendment saying that D.R. Horton was not able to shift the wall until they addressed the issue of erosion to the satisfaction of the Town's consulting engineer and staff. He stated that an on-site meeting with all parties involved was scheduled for Wednesday, September 11th.

Discussion ensued regarding the timing of D.R. Horton installing their fence, the location of the fence, the County Engineering Department's feedback and the Town's commitment to follow-up on the matter.

Council Member Docherty asked about the status of the "Your Speed" signs.

Mr. O'Neil explained the status of the "Your Speed" signs and commented that Staff would attempt to obtain a specific date for installation.

Vice-President Kagdis asked when the shade cover on the dock would be installed.

Mr. O'Neil answered that the permit was good for 180 days and if the permit lapsed, Sun would have to reapply for another permit.

Council Member Gerold explained his understanding of the delay and added that the dock contractors were in the process of doing the work.

Vice-President Kagdis asked about the transfer of the account at TD Bank and higher interest rates with the Florida Municipal Investment Trust.

Mr. O'Neil answered that at the Budget hearing on September 11th, he would like Holly Vath the Town's Financial Consultant to answer questions regarding investing Town dollars.

President De Angeles asked the Town Council if it would be beneficial for one of the Council Members and Mr. O'Neil to meet with Chris Walters and review some of the things that Council Member Locatis brought up regarding hurricane preparations.

Mr. O'Neil agreed and stated that the meeting would include a single Council Member and the Mayor.

Council Member Locatis stated that he would attend.

Mr. O'Neil stated that this would be a request of Sun Communities.

Mayor Ostrand thanked Mr. O'Neil for all his efforts during the hurricane, stating he was in constant contact with Sun, as was she. She stated that she was contacted several times regarding certain issues and spoke with Chris Walters and she added that Mr. Walters did have someone on property taking care

of some of the items. She commented that the mandatory leave notice required most of the workers, including Chris and Cindy Walters, to leave, stating that Gena May informed her of this with a personal telephone call. She added that Sun Communities sent out a letter and knocked on every single door handing out flyers. She urged that when Sun Communities closed a contract for a residence, new purchasers should be advised as to what was expected in this Resort at the time of a hurricane. She stated no such information was being provided to new home owners, renters or recreational vehicle owners. She asked if Mr. O'Neil would set up a meeting with Chris to discuss this further.

President De Angeles asked for further comments from the Council.

There were none.

6. Comments from Town Management Consultant Terry O'Neil – Mr. O'Neil stated that under the OBE PUD plan that there were a series of docks that were called for on the Indian River. He commented that an application for permit came in to the office for a boat lift. He stated that he was uncertain about the matter and had reached out to Marcela Cambor. He stated that the lift required a DEP permit and a Town permit. He stated that absent objections from the residents, he did not believe a PUD Amendment would be necessary, but that he was asking for guidance from the Town Council.

Discussion Ensued.

7. Comments from Mayor Ostrand – Mayor Ostrand spoke about an email she had received from the Executive Director of the Environmental Studies Center. She discussed the mangrove planting project that had been planned but it was decided with the wave action at that location, the baby mangroves would not survive. She shared the history of the Town with the Environmental Studies Center. She remarked that the Environmental Studies Center would now like the Town to join them in some other efforts including hatching baby alligators and remodel one of the rooms. She stated that she had no record of the costs, but wanted feedback from the Council.

Vice-President Kagdis stated that the Town had always contributed marginally to the Environmental Studies Center. She commented that the Town had originally committed to \$5,000 for the mangrove planting project because that was part of the Indian River Drive grant project. She did not believe the Town could arbitrarily shift those funds to another project. She added that the Town had given the Environmental Studies Center a contribution as part of the regular budget. She did not agree that a major project with the Environmental Studies Center be undertaken.

President De Angeles agreed, stating that the Environmental Studies Center was part of the Martin County School District and was not an independent, community service center.

Council Member Gerold spoke about a wish list put out at the beginning of the school year for certain educational systems that were not directly related to the school district and that this project was on that list. He stated that these items should be sponsored by donations from the public directly to the Environmental Studies Center, not public dollars. He stated that he agreed with Vice-President Kagdis.

Mayor Ostrand spoke about the future expectations of the Town of Ocean Breeze. She suggested a workshop in November, after the election, with discussions on the future of the Town.

Vice-President Kagdis suggested December or January to allow all residents to return.

Mayor Ostrand asked about January, 2020.

Vice-President Kagdis, seconded by Council Member Docherty, made a motion that the Town Council schedule a workshop to discuss the future of the Town in January, 2020.

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

8. Announcements – President De Angeles announced the following meetings to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, FL

- Regular Town Council Meeting – Monday, October 14, 2019 date 10:30 a.m.
- Tentative Budget and Proposed Millage Rate Hearing – Wed., September 11, 2019 at 5:01 pm
- Final Budget and Proposed Millage Rate Hearing – Wed., September 18, 2019 at 5:01 pm

9. Adjourn – Council Member Wagner, seconded by Vice-President Kagdis, made a Motion to adjourn the meeting at 11:25 a.m.

All in favor: De Angeles, Kagdis, Docherty, Gerold, Locatis, Wagner; Opposed: None; Motion Passed: (6-0)

Respectfully Submitted,

Pam Orr,

Town Clerk

Minutes approved: October 14, 2019