

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING

Monday, February 10, 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 Kenneth De Angeles, Vice-President Richard Gerold, Council Members Bill Arnold, Kevin Docherty, 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 Docherty, made a Motion to approve the Minutes of the January 13, 2020 Regular Meeting.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, Wagner; No: None; Motion Passed - 6 - 0

3. Update on Florida Power & Light Activities within the Town – Kate Cotner, Senior External Affairs Advisor, Florida Power & Light, reported that the underground activities were complete as of January 13, 2020 and overhead activities, which included both Comcast and AT&T, would be tentatively complete as of today’s date; inspectors were currently on site. She stated that the old poles would then be scheduled to be removed well before hurricane season and possibly within the next month.

Vice-President Gerold asked if the wire, which was tied to a rope (down in the corner), had been removed.

Ms. Cotner stated she was unaware of the status of that issue.

(unknown) stated that the wire remained in that location, which was at his friend’s house, that his friend had written a letter to Chris (Walters) and that Mr. Walters responded that he would check with FPL.

Ms. Cotner stated that she would look into the matter today and that if any such issues should arise, residents should contact her on her cell phone at (772) 214-7438.

(unknown audience member) asked if the power lines along Indian River Drive would be buried.

Ms. Cotner stated that was not part of the Ocean Breeze Resort undergrounding project.

4. Budget to Actual Spending Comparison – Mr. O’Neil explained that the reports were provided to the Council roughly each quarter. He stated that the Town’s Finance Officer, Holly Vath, was available to answer questions.

Council Member Gerold asked about public awareness of the report.

Town Clerk, Pam Orr, answered that the reports were available on the website and the Town Office.

Ms. Vath reported on the financial position of the Town as of December 31, 2019.

President De Angeles asked for questions from the Council.

There were none.

Council Member Arnold, seconded by Council Member Locatis, made a Motion to accept the Budget to Actual Comparison Report (as of December 31, 2019).

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

5. U. S. Census 2020 Presentation – Robyn Cryer, Partnership Specialist, Atlanta Regional Census Center, provided information regarding the 2020 U. S. Census complete count and advised that the mailing would occur on March 12th. She discussed the importance of the Census, federal programs, infrastructure and roads, WIC, Head Start, Pell Grants, etc.

Discussion ensued regarding complete count including homeless individuals, kiosks set-up locations, determination of residency and census workers.

Council Member Docherty pointed out that flyers were provided on the information table regarding the census.

6. Approval of Professional Services Contract to Conduct a Feasibility Analysis for Potential Improvements to West End Boulevard – Town Clerk, Pam Orr read the title of Resolution #302-2020 into the record:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #1 FOR A FEASIBILITY STUDY FOR WEST END BOULEVARD PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Mr. O’Neil stated that at the January, 2020 meeting, the Town Council directed staff to bring forward a contract proposal for a feasibility analysis for potential improvement to West End Boulevard. He added that the contract with Marcela Cambor was divided into two parts; one for the special planning, which was roughly \$3,000. He spoke about funding this project with fuel tax dollars and added that approval of the contract and Resolution #302-2020 would be necessary to move forward.

Vice-President Gerold asked if the traffic study for West End Boulevard would be performed by Marcela Cambor or Martin County’s traffic control division.

Mr. O’Neil answered that Marcela Cambor could be made aware or coordinate directly with the Sheriff’s Department to make sure the traffic study was complete.

Vice-President Gerold asked for an update on when the traffic study would be performed; also, he asked about the speed sign in the back of the Resort.

Joe Angelico, Martin County Sheriff’s Department, answered that the sign was recording speeds and that the current location was not the intended location; he added that he would speak with the traffic division to attempt to have them place the sign outside of the gate on West End Boulevard. He commented that the recordings from the current location would be combined with the future recordings from outside the gate.

Discussion ensued about speed information gathering processes, timeline for the study (4 days in each location) and the purpose of the feasibility study.

Council Member Arnold, seconded by Council Member Wagner, made a Motion to authorize the Mayor to sign the contract, as written, with Marcela Cambor (dated January 27, 2020).

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

The Town Clerk, Pam Orr, reread the title of Resolution #302-2020.

Council Member Wagner, seconded by Council Member Locatis, made a Motion to approve Resolution #302-2020.

President De Angeles asked for public comment.

There was none.

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

7. Comments from the public on topics not on the Agenda – Paula Joyal, 1340 NE 29th Terrace, Jensen Beach, asked about the exit gates (at White Pine) in the Seawalk subdivision, which were not closed. She stated that these gates were to be exit only for residents and entrance for emergency vehicles only; she added that vehicles and large trucks were entering and exiting at this gate. She informed the Council that she advised representatives of Seawalk and they directed her to speak to the Town. She also informed the Council that the Seawalk lawn maintenance crew were working behind her house “created a mess” by not picking up trash before weed-eating; and, that they were watching her in her pool area, yard and house. She asked that the gates be closed and asked Deputy Angelico for his advice.

Deputy Angelico advised her to contact the Martin County Sheriff’s Department when this occurs and they would attempt to mediate the situation. He answered that the gate issue was a civil matter.

Dr. Rhonda Cumpsty, 149 NE Buoy Drive, Ocean Breeze, spoke about her long history living within Ocean Breeze Park (Resort). She spoke about her negative, ongoing encounters with a neighbor, the prospectus, filing a complaint with management regarding this neighbor, home repair issues, legacy residents and her decision to leave the Resort. She added that there were currently two bills in Florida legislation regarding manufactured homes that she believed that the Council should monitor.

Thomas Banks, 42 NE Nautical Drive, Ocean Breeze, stated that he believed that someone from Sun Communities should always attend the Town Council meetings. He gave a brief history regarding the purchase of his new home within Ocean Breeze Resort and his negative experience with the contractor, J. D. Simmerman, who was recommended by Sun Communities. He added that Sun Communities told him that Mr. Simmerman lived in the Resort and that he had worked on all of their homes so everything would be done the way it was supposed to be done; he was also informed that Mr. Simmerman was a licensed contractor. He added that this was not true but that Mr. Simmerman was working under the license of another contractor. He remarked that due to his limited physical abilities, he had to have an elevator installed and other items completed before moving into the house, which was supposed to be complete by December, 2018. He commented the work had not been completed and for the next twelve months, he and his wife had been through “hell” to attempt to get everything finished. He advised the Council that there was toxic solar seal used inside of his house, a large hole left in the ground, no permitting, no license, no electrical permitting, unlicensed electricians performing work in the house; all of which had to be redone. He added that the contractor “skipped Town,” not only on his home, but others within the Resort. He spoke about a railing on his top deck that was not secured and that he had complained to Sun Communities about that railing for a year, and his concern was that someone might fall off the porch. He advised the Council that all the work had to be “back permitted.” He thanked the Town’s staff and Building Official for helping him. He advised the Council that his attorneys have been dealing with Sun’s attorneys. He stated that Sun’s position was that they were not responsible for anything. He spoke of his love for the Resort and his neighbor’s and their property. He stated that no one should have to go through aggravation. He spoke about Sun providing a list of acceptable contractors and that Sun had a responsibility for this problem. He stated that he had rejected one of Sun’s offers and was now waiting to hear back from them. He remarked that he

wanted what was fair, for example reimbursement for the electrical issue and the loss of furniture. He indicated that the roof eaves had to be replaced. He continued that certain people at this location told him that Sun had paid for his electric, but they did not. He specified that the money which was paid was to redo the roof, which was under warranty. He acknowledged that he wanted the Town Council to be aware of this problem and to monitor the issue because he did not want anyone else to have the same experience.

Muriel Banks, 42 NE Nautical Drive, Ocean Breeze, agreed with her husband's remarks and stated that she felt like they had been scammed and that this was a nightmare. She stated that the Town Staff was aware of all of these problems and expressed that the electrical, which was installed by J. D. Simmerman, was not grounded. She added that when the electrician came to fix the problems, which she and her husband hired privately, all the electrical had to be pulled out and replaced. She spoke about her concern for other homes in the Resort that may have been wired incorrectly and the possibility of a fire, which could spread to other homes, due to their close proximity. She asserted that Sun Communities be held accountable. She spoke about documents pre-dating her residency and her concern for the community, the health issues she and her husband have endured due to this problem. She commented that she wanted this information to be on record and that she was concerned about the homes built on the island, which were J. D. Simmerman projects. She invited concerned citizens to review the Town files and permits. She stated that Ocean Breeze Resort was a great community and that she believed Sun should take responsibility. She spoke about walls that had to be removed on her unit and continual mistruths. She offered her support to anyone with the same issues.

Mr. Banks spoke about the wonderful, quality people working for Sun Communities and asked that they monitor these types of situations.

Ed Bradley, 20 NE Riptide, Ocean Breeze, spoke about his purchase of a new home in Ocean Breeze Resort in February, 2019 and after seven and a half months, it was determined that termites had eaten a side of his house. He stated that he had three separate termite inspection companies gave their opinion on the damage and all three agreed that in order for the amount of damage done, the termites had to be there for a substantial, long period of time. He said that he reported this information to the Town of Ocean Breeze and that the Town's Building Official, Larry Massing, inspected his home. He commented that Mr. Massing found other flaws in the building of his home. He stated that many of the things that Sun said that they did to the house, were not actually done and that a letter was sent to Sun on the 24th of January, 2020 asking them to get in touch with him; he commented that he was being ignored. He spoke about his dismay regarding all of these problems because he was disabled, and expressed that he would like answers.

President De Angeles asked Mr. Bradley if he had a warranty on his home.

Mr. Bradley answered that Sun Communities informed him that this was his problem; so he was contacting his lawyer. He stated that he was making pamphlets with pictures of termites that ate the side of his house and will provide those to the potential buyers at open houses. He commented that Sun was not helping him with the problem and that he felt this was a disgrace.

Mayor Ostrand asked Mr. Bradley about his contract and how many years were on the warranty.

Mr. Bradley answered that according to the building code, his new home had a one-year warranty. He added that his warranty, signed by Sun and their builder, stated six years. He stated that Larry Massing, Town Building Official, informed him that GFA was the inspector for the new homes and was hired by Sun Corporation. He commented that the GFA inspector passed inspections for things that were wrong in his house. He voiced that a lot of the homes were not built to code and he wanted to inform all the

attendees at the meeting. He advised the Council that he found out that his home sat on a lot for about a year before he purchased it, and that Sun Communities would not help him with anything.

Mr. O'Neil stated that Mr. Massing was the Building Official for Martin County and was also, under contract as the Building Official for the Town, and he was acting on his authority as a Town agent in this matter. He commented that included in the packet was a letter written by Mr. Massing to GFA, the inspection firm hired by Sun Communities; and also, to Sun Communities. He added that Mr. Massing's letter was in the form of a request to identify how this matter was to be resolved. He advised the Council that the Town had not yet received a response to Mr. Massing's letter from Sun Communities. He concluded that the Town would keep pushing the issue along and that Mr. Massing would make a decision regarding a timely response and that he had other enforcement options available.

Ann Kagdis, 111 NE Bay Drive, Ocean Breeze, stated that she was serving as President of the History Museum of Jensen Beach. She asked the Town of Ocean Breeze to become a supporting member, and that the cost was \$100 per year. She discussed the historical documents, pictures, etc. of the Town of Ocean Breeze which were being displayed within the History Museum.

President De Angeles passed the gavel to Vice-President Gerold and made a Motion, seconded by Council Member Wagner, that the Town of Ocean Breeze join the History Museum of Jensen Beach and pay the membership fee of \$100.

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

8. Comments from the Council on topics not on the Agenda – Council Member Locatis asked about the hurricane preparedness issue.

Town Clerk, Pam Orr, stated that Donna, Event Coordinator at Sun Communities, originally had been scheduled this event for February 18, but due to a conflict, was going to reschedule and they would notify residents.

9. Comments from Town Management Consultant Terry O'Neil – Mr. O'Neil briefed the Town Council on their attendance at other meetings and their responsibility to uphold the Sunshine Law. He spoke about the memorandum included in the meeting documents from the attorney at the City of Stuart, Michael Mortell, and a newspaper article regarding Sunshine. He asked that the Town Council members take this into consideration with the upcoming hurricane meeting, being sponsored by Sun Communities.

Attorney Crary agreed with the content of Attorney Mortell's memorandum and advised the Town Council to read it carefully keeping in mind the upcoming unadvertised, public meeting regarding hurricane preparedness and the Sunshine Law. He cautioned the Town Council about speaking to one another at an event with other Council Members present about any topic that might come before the Council for a vote. He stated that there would be no violation if the Mayor and one Council Member attended a Sun Communities coffee event or the hurricane preparedness meeting. He stated that Mr. Locatis would be the logical person to attend the hurricane preparedness meeting because he had been involved with gathering the questions and answers. He added that if another Council Member were to attend and did not speak, there probably would not be a violation. He continued that a problem arose if an individual in attendance believed that Council Member Locatis was steering another Council Member. He spoke about the Attorney General's opinion and stated that ultimately, it would be a judge who would make the decision.

President De Angeles spoke about the mindfulness of the Council regarding the Sunshine Law.

10. Comments from Mayor Ostrand – Mayor Ostrand dismissed herself from the meeting.

Candi McKenzie, 30 NE Nautical Drive, Ocean Breeze asked, in light of the recent thefts and vandalism of property, about security.

Council Member Arnold spoke about his personal experience with a recent theft and the progress in his case.

Ms. McKenzie asked what could be done to enhance security.

Joe Angelico, Martin County Sheriff's Department explained the neighborhood crime watch program and updated the Town Council regarding the ongoing investigation into the recent burglaries. He took questions from the Town Council and the audience.

Tom Banks, 42 NE Nautical Drive, Ocean Breeze, recommended that the Sheriff's Department meet with representatives of Sun Communities to discuss security issues.

Discussion ensued regarding these recommendations, layering of security and Deputy Angelico meeting with the Martin County statistician to gather information.

President De Angeles asked Deputy Angelico if he could provide the Town office with some material to keep at the Town Office for the residents.

Deputy Angelico replied yes, and that there was information available to the public at the County Administration office at 800 SE Monterey Road in Stuart. He stated that the citizens run their own crime watch programs.

Discussion ensued regarding neighbor harassment, mediation, Sun Communities, jurisdiction on private property, bicycle patrolling, night patrolling and the Sheriff's Department.

11. Announcements – Regular Town Council Meeting – Monday, March 9, 2020 at 10:30 am to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, FL 34957; meeting would include a visioning workshop for the Town of Ocean Breeze.

12. Adjourn – Council Member Locatis, seconded by Council Member Docherty, made a Motion to adjourn the meeting at 12:00 p.m.

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

Respectfully Submitted,

Pam Orr
Town Clerk

Minutes approved: March 9, 2020