

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, November 9, 2020, 10:30 a.m.
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

- 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 – Present: Mayor Karen M. Ostrand, Council Members Terry Locatis, David Wagner, President Kenneth De Angeles, Council Member Bill Arnold, Vice-President Richard Gerold, Council Member Kevin Docherty
 - 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 Arnold, made a Motion to approve the Minutes of the October 12, 2020 meeting.

President De Angeles asked for public comment

There were none.

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

3. Announcement of Election Results – Town Clerk, Pam Orr, read the Certificate of Election and certified that Karen M. Ostrand, was elected Mayor, and Richard Gerold, Terry L. Locatis and David J. Wagner were elected Council Members.

4. Oath of Office – Attorney Crary administered the Oath of Office to Karen Ostrand as Mayor and Richard Gerold, Terry L. Locatis and David J. Wagner as Council Members.

5. Selection of Council President and Vice-President; and Review of Board and Agency Memberships – President De Angeles asked for nominations for the office of President.

Council Member Locatis nominated Ken De Angeles as President.

Council Member Arnold and Council Member Gerold seconded the nomination.

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

President De Angeles asked for a Motion to close the nominations.

Council Member Locatis made a Motion (second inaudible) to close the nominations.

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

President De Angeles asked for nominations for the office of Vice-President.

Council Member Arnold, seconded by Council Member Docherty, nominated Council Member Gerold as Vice-President.

President De Angeles asked for any other nominations.

There were none.

President De Angeles asked for a Motion (second inaudible) to close the nominations.

Council Member Arnold made a Motion to close the nominations.

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

Council Member Arnold made a Motion to accept the Council and Mayor Board Appointments and Liaison Activities as presented.

Council Member Docherty expressed his desire to remain on the BPAC board but that he had a scheduling conflict. He stated he would talk about this matter later in the meeting.

President De Angeles asked if there were further comments.

There were none.

6. Budget to Actual – Council Member Locatis asked about the charges for services, legal counsel, and building official services line items.

Kim Stanton, Bookkeeper, provided the explanation.

President De Angeles asked for further comments or questions on the budget report.

Discussion ensued regarding the expenses, revenue and net income.

Council Member Wagner, seconded by Council Member Arnold, made a Motion to accept the Budget-to-Actual report.

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

7. Council Determination on Whether to Accept the Seawalk Developer's Donation of Parcel "A" under the Ocean Breeze West Planned Unit Development (PUD) Agreement – Attorney Crary explained that all the facts had changed since his last report, which was provided in the meeting packet. He stated that Forestar had worked with South Florida Water Management District to affirm that Parcel "A" is not under the overall development drainage district plan and Forestar would be working with Martin County Utilities to get an easement for their water main. He commented that the outstanding incidental matters under legacy survey would then be addressed.

Vice-President Gerold asked Attorney Crary to provide an explanation of Parcel "A" for those in attendance.

Mr. O'Neil explained the history of Parcel "A" as it related to the Ocean Breeze West PUD and that the Town had recently obtained an opinion of value on the lot. He added that a decision to accept or decline ownership of the parcel was due to Forestar by ++z/ November 28, 2020. He further explained the ramifications of the options available.

Attorney Crary stated that accepting Parcel "A" would generate additional attorney's fees because of possible de-annexation of the parcel into Martin County. He spoke about the costs of ad valorem taxes and future amendment of the PUD if the parcel were to stay in the Town.

Discussion ensued regarding possible development of Parcel "A", de-annexation, obligations of the Town, future legal work, marketing of the parcel and the attorney's role in the selling of the parcel.

Attorney Crary stated that the decision to accept the lot should be with the Mayor (conditionally authorized by the Council) and that he would certainly advise her of his opinions once the new title commitment arrives. He stated that the Council would authorize the Mayor, under these circumstances, to make the decision to accept and move forward.

Council Member Docherty asked Attorney Crary for an estimation of fees associated with accepting ownership of Parcel "A".

He commented that it was difficult to predict such a thing but that his costs are based on hours. He spoke about the strange complexity of this particular lot. He spoke about the poorly written de-annexation statute, possible obstacles regarding de-annexation and that he estimated a possible ten thousand dollar range outside of any litigation.

Discussion ensued regarding the background of the Seawalk exits, maintenance of the parcel, a possible de-annexation ordinance, possible uses for the parcel, history of the parcel and Ocean Breeze West, accepting the parcel with contingencies, possible closing issues, Forestar's unwillingness to extend the deadline to accept the parcel, easement with Martin County Utilities for the water main, procedures for accepting or not accepting the parcel, possible conditions for acceptance, maintenance of the parcel, septic conversion, PUD language, sewer connections to the site, size of the parcel not suitable for a Town office/meeting facility, possible long range plans for a Town office, possible future sewer assessments.

Mayor Ostrand stated that she believed the Council should not accept the property and stated her reasons.

Council Member Arnold, seconded by Council Member Wagner, made a motion to reject taking ownership of Parcel "A".

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

8. Discussion of Changing Time of Regular Town Council Meetings – Council Member Docherty spoke about the Town's growth, the Seawalk development and the possibility of moving the time of the regular town council meetings from 10:30 a.m. to an evening meeting. He added that he took a simple survey of forty residents over the past couple of weeks and asked them one simple question. He reported that 34 residents of those surveyed stated that they would be more inclined to attend an evening meeting versus 6 people who would leave the meeting time at 10:30 a.m. He also reported the meeting times of surrounding towns and cities were in the evening. He spoke about how he volunteered for Mayor Flynn and Mayor Menino of Boston and that city meetings were at 7:30 pm. He asked for a discussion to look into changing the meeting time to five, six or seven o'clock p.m. He spoke about the Seawalk community and the fact that it was not a 55 and older community. He spoke about full-time workers and how working during the day might interfere with attending town council meetings. He asked staff to look into the possibility of changing the meeting time sometime after April 1, 2021. He asked for comments from the Town Council in order to take the next step.

President De Angeles asked for comments from the Town Council.

Council Member Locatis stated that Seawalk would have a home owner's association and would be hiring a manager to enforce the rules, etc. and he did not believe those residents would be attending the Town meetings unless they wanted a PUD change. He added that he did not want to change the meeting time unless the residents of the resort wished to change the time.

Mayor Ostrand commented that the residents of Seawalk should be able to attend the meetings and that they would be more inclined if the meetings were in the evening.

Council Member Arnold stated that he believed the majority should rule, but that he was not for making that change.

Vice-President Gerold stated that he would like to think about the issue more and get more feedback from the residents before making a decision.

President De Angeles asked Pam Orr, Town Clerk, for her opinion on the matter.

Mrs. Orr stated that when she and Kim were hired it was with the understanding that the meetings were in the morning. She stated that would be something to think about.

President De Angeles asked Mr. O'Neil for his opinion.

Mr. O'Neil stated that if staff were to bring back a draft ordinance sometime in April, this would give the individual council members time to hear from residents. He added that the staff could do some research on the impacts of moving the meeting time to an evening time and bring forward a draft ordinance as a placeholder and that the Council could then deliberate to make a decision.

Council Member Arnold asked the audience to indicate if they would prefer evenings. He then asked the audience to indicate if they would prefer daytime.

President De Angeles asked the Town Clerk if everything (pertaining to the Town Council meetings) was on the Town website.

Pam Orr indicated "yes."

President De Angeles asked the Council if they would like to get a draft ordinance for a future meeting.

Council Member Docherty, seconded by Vice-President Gerold, who stated he did not agree but to get some research done and questions answered, made a Motion that the Town Manager and staff look into this and come back with a draft ordinance by April 1, 2021 and let the Council know the pros and cons of changing the regular town council meeting time from the morning to an evening time including any additional costs to the Town.

Attorney Crary stated that his rate would probably be the same even though it would be inconvenient for him to attend at night.

Pam Orr, Town Clerk asked if a draft ordinance was to be brought forth.

President De Angeles answered "no."

The Council Member concurred.

Mr. O'Neil stated that the motion mentioned by April 1, 2020 and asked if that meant for the first meeting in April, 2021.

Council Member Docherty answered "yes."

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty & Locatis; No: Wagner; Motion Passed - 5 - 1

9. Proclamation commemorating the 60th Anniversary of the Town of Ocean Breeze, Florida – Mayor Ostrand read the Proclamation into the record. She announced that there would be a celebration after the Town Council meeting. She thanked everyone for participating in the blood drive to help celebrate the Town’s anniversary.

10. Comments from the public on topics not on the Agenda – Ann Kagdis, 111 NE Bay Drive, spoke about a health and safety issue regarding units that were being demolished and in which rats were emerging and scattering. She added that the professional rat catching bait systems were being placed where the new homes are located and had not been placed near the legacy homes. She commented that on Bay Drive, there were three legacy homes which had been inundated with rats. She stated that she had requested that professional bait stations be placed behind the legacy homes as well as the newer homes. She added that she had taken pictures of the rats. She commented that the bait stations should be placed everywhere.

Deidre Henry, 107 NE Bay Drive, stated that she had hired a private company recommended by the administrative office.

President De Angeles noted that he had a bait station behind his house.

Council Member Arnold mentioned that he had his own bait stations at his home.

(unknown) asked about the West End Boulevard changes.

Mayor Ostrand remarked that the Town was looking into West End to make the area safer. She added that Marcela Cambolor, Planner for the Town of Ocean Breeze, was speaking to the County Engineer about the plans. She added that communications were now taking place about the County plans for that area and the Town would be reporting.

President De Angeles stated that Sun’s property ended at Maple Avenue and the County road began. He added that the Town had no jurisdiction over county roads.

(unknown) asked (inaudible).

Mayor Ostrand answered that Marcela Cambolor was speaking to the railroad engineers. She stated that hopefully the Town would have more answers in a week or so.

Discussion ensued regarding West End Boulevard, the FEC and Martin County.

11. Comments from the Council on topics not on the Agenda – Council Member Wagner spoke about donations to the local food bank. He asked the Mayor if the Town could donate to the Treasure Coast Food Bank.

Mayor Ostrand stated that she knew that the local food banks were running low on donations because of the Covid crisis. She asked Council Member Wagner if he had a recommended donation amount.

Council Member Wagner answered that he believed \$500 was an appropriate amount.

President De Angeles asked if there were funds available for this contribution.

Kim Stanton answered that the budgeted contributions had been paid but that if the overall expenses were to fall under budget, there might be some room for another donation.

Council Member Arnold spoke about the previous commitments that had been complete during the budgeting process.

Council Member Docherty asked about a possible non-perishable food drive along with a possible monetary donation.

Mayor Ostrand answered that a food drop-off location should be established and that she believed the Town should donate because of the current circumstances. She suggested \$250. She further explained the Treasure Coast Food Harvest was the main distributor to the smaller local food banks.

Discussion ensued regarding the Ocean Breeze community (Dawn) raising \$2,150 for the Jensen Beach Community Church for Thanksgiving meals.

Cindy Walters, Sun Communities Management, confirmed that Sun Communities would be having a food drive within the community from November 16 – 20th with the benefactor being the House of Hope.

Council Member Wagner spoke about the Martin County Board of County Commissioners considering raising the age for use of tobacco from 18 to 21. He voiced his opinion that they should consider an exemption for those with a current military I.D. He added that he believed this should include alcohol.

Council Member Arnold, seconded by Council Member Wagner, made a motion to make a \$250 contribution to the Treasure Coast Food Bank.

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

President De Angeles asked for further comments from the Council.

There were none.

12. Comments from Town Management Consultant – Terry O’Neil – There were none.

13. Comments from Mayor Ostrand –Mayor Ostrand stated that she was on the Land and Economic Development committee for legislation and that she would be attending legislative committee meetings in Orlando through the Florida League of Cities. She spoke about the various goals set by this committee.

She thanked everyone who participated in the blood drive.

14. Announcements – Council Member De Angeles announced the following meetings to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida:

- Regular Town Council Meeting, Monday, December 14, 2020 at 10:30 am

15. Adjourn – Council Member Wagner, seconded by Council Member Docherty, made a motion to adjourn the meeting at 12:13 p.m.

Respectfully Submitted,

Pam Orr, Town Clerk

November 9, 2020 Minutes

Minutes approved: December 14, 2020