

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, July 12, 2021, 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, President Kenneth De Angeles, Vice-President Richard Gerold, Council Members, Kevin Docherty, Terry Locatis and David Wagner
Absent: Council Member Bill Arnold
- 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 June 14, 2021 regular meeting.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Gerold, Docherty, Locatis & Wagner; No: None; Motion Passed - 5 - 0

3. Discussion of Home Rule Powers and 2021 Legislative Update – Representative Toby Overdorf office called and stated he would be approximately an hour late. It was decided to reschedule his update for a future meeting.

4. Home Rule Hero Award Presentation to Mayor Ostrand by Jolien Caraballo, President Treasure Coast Regional League of Cities and Second VP Florida League of Cities – Jolien Caraballo

President De Angeles introduced Jolien Caraballo, President Treasure Coast Regional League of Cities and Second VP Florida League of Cities. Ms. Caraballo presented Mayor Ostrand the Home Rule Hero Award.

5. November 2021 Town Council Elections Proclamation – Town Clerk Pam Orr read the November 2021 Town Council Elections Proclamation into the record.

President De Angeles asked for public comment.

There were none.

President De Angeles asked for a roll call vote.

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

6. Approval of dates for public hearings for Budget/Millage Adoption to be held at Ocean Breeze Resort Clubhouse Pineapple Bay Room:

President De Angeles read the tentative meeting dates and times into the record:

- Budget Workshop and Setting of Tentative Millage Rate, Tuesday, July 20, 2021 at 5:01 pm

- Proposed Budget and Tentative Millage Hearing, Wednesday, September 15, 2021 at 5:01 pm
- Final Budget and Millage Rate Hearing, Wednesday, September 22, 2021 at 5:01 pm

Council Member Wagner, seconded by Council Member Docherty, made a motion to approve the three public hearings as presented on Item #6 of the Agenda.

President De Angeles asked for public comment. There were none.

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

7. Comments from the Council on topics not on the Agenda - There were none.

8. Comments from the Council on topics not on the Agenda – Council Member Wagner thanked Town Management Consultant, Terry O’Neil and Town Clerk, Pam Orr for all their hard work and efforts to bring change to the Town regarding safety.

9. Comments from Town Management Consultant, Terry O’Neil – Mr. O’Neil provided an update on a current lawsuit the Town was named in. Due to the efforts of the Legal Counsel the town was assigned by the insurance company, the Town has just received notice that the Plaintiff Mr. Brown has filed a Notice of Voluntarily Dismissal removing the Town from the law suit. Mr. O’Neil said the town may have to respond to subpoenas or give testimony.

Council Member Wagner asked Town Attorney, Rick Crary, if the Town could properly assume that FEC is claiming ownership of the guardrail.

Discussion ensued regarding the guardrail.

Council Member Wagner stated it has been an ongoing question of who was responsible and has been talked about for years.

Mr. Crary stated he was not familiar with the details.

Mr. O’Neil stated there hasn’t been much of a response until lately. Now the Railroad has gone onto the property and installed water barricades and has responded to emails and has indicated that this is a stop gap measure for now and is looking for a long term solution. Mr. O’Neil feels this is pretty good evidence that they recognize it is their barricade.

Mr. Crary stated outside of his representation here, as a Real Estate Attorney, he never relies on status of title without reviewing all documentation. He did state that he vaguely recalls many years ago looking into a crosswalk area over there. It is his recollection that it was established at that time that FEC owned all of that, but he is a little rusty and would have to see all the documentation before making a determination. But it sounds like they are taking ownership if they are doing stuff.

Vice President Gerald asked the question about doing a follow up and asked if the Rail Road is planning on coming to a meeting in the future. And suggested that the Town do a follow up every 4 to 5 months stating that the guardrail needs to be address under their costs.

Mr. O’Neil stated the last correspondence staff has had with the Railroad was “Thanks for putting up the water barricades, but that is not the solution, that barricade needs to be moved”. This was the last correspondence as of Friday and the Town will continue to press the issue. In reading their

correspondence, they are going to have to agree the guardrail does not belong there and needs to be moved and the Town is in a good position to stay on top of that.

Mr. O'Neil stated if it is not the railroad then it would be Martin County because of the adjoining right of way. We know it's not the Towns. Right now we have action on the Rail Road.

Vice President Gerald asked will this all be resolved when they start working on the tracks because they will have to have a survey done.

O'Neil does not mean the Rail Road will address it unless it is wrapped up in the work they are doing. They will do the minimum they need to get through their process. We will stay on top of the Rail Road and make sure they are aware that the guardrail is not safe and needs to be moved and we will keep pressing that.

Council Member Wagner spoke about Sun's possible ownership.

Mr. O'Neil responded.

10. Comments from Mayor Ostrand – Mayor Ostrand stated she would like the election information and the Millage Hearing information placed on one flyer and mailed to the residents that are here year round. She feels these are very important subjects that should be mailed to all citizens. As a town, she feels it is important that residents know for elections where to go and where they can apply. She stated that the Town has 60 – 70 new homes in Sea Walk, and is concerned that these new residents will not see the posted flyer unless they are going to go swimming or into the office. She wants to be sure to involve the new citizens of the town.

Mr. O'Neil talked about sending out a courtesy document, but reminded the Council that this is not an official notice, but an informational notice. Every single address would get a mailing regarding the upcoming election and Budget dates, but stressed this mailing does not serve as an official notice.

Mayor Ostrand would like to have a workshop on the charter – wants to invite the new residents. Thinks the meeting time should change. What can we do better or improve.

Last Wednesday was at the West End Blvd. meeting, the future plans of Jensen Beach. Provided a history of the last 20 years of what was wanted to be accomplished and wasn't. They talked about Maple Street. She asked about the Rail Road crossing. She provided the CRA with the Town's plans and trying to make it safer for the Town's citizens.

11. Announcements – President De Angeles announced the regular Town Council meeting to be held on Monday, August 9, 2021 at 10:30 am at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida.

12. Adjourn – Council Member Docherty, seconded by Council Member Locatis, made a motion to adjourn the meeting.

Respectfully Submitted,

Pam Orr, Town Clerk

Minutes approved: August 9, 2021