

TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, September 13, 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
  - President De Angeles asked for a moment of silence in remembrance of 9/11
  - Roll Call – Present: 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, Maria Pierce
  
2. **Approval of Minutes** – Vice-President Gerold, seconded by Council Member Arnold, made a motion to approve the Minutes of the August 9, 2021 regular Town Council meeting.

President De Angeles asked for public comments.

There were none.

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

3. **Proclamation Declaring “Hunger Action Month” in Ocean Breeze, Florida** – Mayor Ostrand read the proclamation into the record. President De Angeles introduced Ron Wise, Director of Program Services and Alexandra Lord, Community Outreach Coordinator from the Treasure Coast Food Bank. Mr. Wise gave a presentation regarding the food bank.

4. **Budget to Actual Report: Third Quarter of Fiscal Year 2021** – Town Clerk, Pam Orr, asked if Council had a chance to look at the report and if there were any questions.

Council Member Wagner asked if it was a true statement that all the single family home building permits for Seawalk had been issued.

Town Clerk, Pam Orr, confirmed this statement to be true.

Council Member Arnold, seconded by Council Member Docherty, made a motion to accept the budget to actual report.

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

**5. QUASI JUDICIAL HEARING: RESOLUTION NUMBER 314-2021 – A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA, AMENDING ORDINANCE NO. 170, ORDINANCE NO. 251-2017, ORDINANCE NO. 274-2017, RESOLUTION NO. 277-2018 AND RESOLUTION NO. 293-2019, TOGETHER COMPRISING THE OCEAN BREEZE WEST PLANNED UNIT DEVELOPMENT (PUD) AGREEMENT, HEREBY DELETING LANGUAGE IN DEVELOPMENT CONDITION K (5) REQUIRING THE VOLUNTARY DONATION OF PARCEL “A” TO THE TOWN; APPROVING MINOR CHANGES TO THE PROJECT’S MASTER SITE PLAN, PHASING PLAN AND LANDSCAPE PLAN, AS WELL AS NEW DEVELOPMENT CONDITIONS ALLOWING FOR THE CONSTRUCTION OF A**

**SINGLE-FAMILY HOME ON PARCEL “A”; REQUIRING THAT DEVELOPMENT WITHIN THE OCEAN BREEZE WEST PUD ADHERE TO MARTIN COUNTY WATER USE STANDARDS; DECLARING SAID AMENDMENTS TO BE CONSISTENT WITH THE TOWN’S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT PROVISIONS AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.** – Town Clerk Orr read into the record the title of the resolution.

President De Angeles asked if any Council Members had any exparte communications to disclose.

There were none.

President De Angeles asked that all those giving testimony please stand and raise their right hand. Town Attorney Cray swore in the individuals standing.

President De Angeles asked staff to present the testimony and any evidence supporting the Resolution.

Town Management Consultant, Terry O’Neil, stated that this was a minor amendment to the Ocean Breeze West PUD agreement which removed the donation requirement of Parcel A from the PUD, deleted the donation requirement from the master site plan, the phasing plan, and the landscaping plan, and established development standards for Parcel A. Mr. O’Neil stated that language was added to require the developer to comply with Martin County’s water use standards. He also commented on the requirement for Parcel A to be connected to the Martin County waste water system per the Town’s current Comprehensive Plan. After discussion ensued, Mr. O’Neil recommended that Resolution #314-2021 be adopted as presented.

President De Angles asked the petitioner to give testimony and call any witnesses.

Morris Crady, Planner for Lucido & Associates, provided a brief background of Parcel A. He stated that originally, Parcel A was intended to be an access road into the Seawalk development, however, the County did not approve of the use. He explained that if Martin County did not approve the connection to a waste water system, then a temporary septic tank allowance from the Town of Ocean Breeze would be needed, until such a time sewer was installed on South Street. He remarked that the Developer was in agreement with staff regarding the proposed developmental rights.

Mayor Ostrand stated she would be willing to attend meetings with Lucido & Associates and the County regarding a waste water connection for Parcel A within the County.

Vice-President Gerold asked who owned the 20 feet easement along the backside of Seawalk that adjoined the Publix side and what the easement was for, and could it be adjusted.

Mr. Crady stated that Martin County required the fence to be placed on the inside of the utility easement to allow Martin County Utilities access via the Publix parking lot versus having to access it through private property. Mr. Crady also stated that all the lots in Seawalk were the same depth of 120 feet and that the easement was not located on the usable portion of the lot. He commented that the fence line was located where it is shown on the landscape plans.

Mr. O'Neil clarified that all the lots were as platted and the fence in question was not on the owner's lots.

Council member Locatis asked if all adjacent homes on South Street were on septic and what would be the timetable for sewer.

Mr. O'Neil responded that all homes on South Street were on septic systems and that Martin County had indicated that it is not within their 5-year plan.

President De Angeles asked if the use of a septic tank would be a temporary solution to allow a single-family home to be built on Parcel A.

Mr. Crady stated the Developer would agree to an interim use of a septic tank until the County brought in sewer.

President De Angeles asked if any other Council Members had any questions.

There were none.

President De Angeles asked if staff had any further questions for the petitioner.

There were none.

President De Angeles asked for public comments.

Scott Stulb, resident of Seawalk, owner of lot 11, stated that he objected to the removal of Parcel A from the Ocean Breeze West PUD until the fence line behind the Publix shopping center matched the original Ocean Breeze West PUD. He provided a map for the record. Mr. Stulb shared his concern about the visibility behind Publix as well as his concern that other lots appear to be deeper. He asked that the fence line be moved back.

Mr. Crady replied that the other lots have a landscape buffer, which is a common area and is not part of the property. He explained that the County required the fence to be placed on the property line. He continued that the lots that adjoin South Street are similar.

Discussion ensued about the fence line.

Mr. Crady restated that the County would have to agree to the placement of the fence, and then either D. R. Horton or the Homeowner's Association would have to move it.

Council Member Arnold asked if the fence was installed when the property was purchased.

Mr. Stulb stated the fence was in place when he purchased the property.

Janet Galante, resident of Ocean Breeze Resort, asked why the Town did not accept Parcel A and what the Town received in return.

Mr. O'Neil explained the original agreement regarding the voluntary donation of Parcel A.

Council Member Arnold discussed the cost of \$50,000 to \$60,000 to prepare the property to build significantly outweighed the benefit of accepting the property.

Vice-President Gerold stated that the Town would have incurred the cost of insurance, landscaping, and other expenses if used for a park and that the size of the lot was not feasible for a Town office.

Mr. O'Neil stated the Town approached Martin County regarding utilizing the parcel for a neighborhood passive use park, however, Martin County did not have the ability to maintain it.

President De Angeles closed the hearing and asked the Council Members to deliberate in public, to state their position and to consider a motion.

Vice-President Gerold, seconded by Council Member Locatis made a motion to approve Resolution 314-2021.

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

**6. SECOND READING: ORDINANCE NO 310-2021 – AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA UPDATING THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH FLORIDA STATUE SECTION 163.3191; ADOPTING NEW PROVISIONS DEEMED MANDATORY BY FLORIDA LAW SINCE THE TOWN PLAN'S LAST UPDATE IN 2014, INCLUDING "PERIL OF FLOOD" STANDARDS SET FORTH IN FLORIDA STATUTES CHAPTER 163.3178 (2) (F) 1-6, AS WELL AS OTHER MINOR AMENDMENTS REFLECTING CHANGES IN LOCAL CONDITIONS; PROVIDING FOR TRANSMITTAL OF PROPOSED AMENDMENTS TO THE STATE LAND PLANNING AGENCY, AKA THE DEPARTMENT OF ECONOMIC OPPORTUNITY BUREAU OF COMMUNITY PLANNING, AS WELL AS OTHER RELEVANT AGENCIES; PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND FOR OTHER PURPOSES. – Town Clerk Orr read into the record the title of the resolution.**

Town Management Consultant, Terry O'Neil, provided background information on the amendment and reviewed the mandatory changes that were required. He recommended Council approve the ordinance as presented.

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

President De Angeles asked for Council comment.

Council Member Locatis questioned if the coastal impact area and the coastal high hazard area would affect insurance ratings on personal properties. Mr. O'Neil explained that they did not have that information. He confirmed that the maps were in the format that is acceptable to the State and had little or no latitude in interpreting the data.

President De Angeles asked about the feasibility study. Mr. O'Neil explained the process and stated that the Town had two years to complete the feasibility study after the adoption of the ordinance. Discussion ensued.

Council Member Arnold, seconded by Council Member Docherty, made a motion to approve Ordinance No. 310-2021.

President De Angeles asked for public comments.

There were none.

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

**7. Comments from the public on topics not on the agenda** – There were none.

**8. Comments from the Council on topics not on the Agenda** – Vice-President Gerold asked if Martin County could come and provide information on railroad safety, what they transport, as well as the County’s emergency plan.

**9. Comments from Town Management Consultant, Terry O’Neil** – He had none.

Cathy Berry, resident of Ocean Breeze Resort stated there would be a meeting with the Sheriff’s office and residents of Ocean Breeze Resort on Monday September 20, 2021 at 10 am in the Pineapple Bay Room to discuss the possibility of starting a neighborhood watch program.

**10. Comments from Mayor Ostrand** – Mayor Ostrand stated that she attended the Florida League of Cities conference and shared some highlights. She informed residents that on September 15, 2021 from 9 am – 12 pm there would be a Martin County Legislative Delegation meeting at the Chastain Center at Indian River State College. Mayor Ostrand informed the residents that there would be a workshop in October regarding the Town.

**11. Announcements** – President De Angeles announced the upcoming meetings to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida.

- Proposed Budget and Tentative Millage Hearing, Wednesday, September 15, 2021 at 5:01pm
- Final Budget and Millage Rate Hearing, Wednesday, September 22, 2021 at 5:01pm
- Regular Town Council Meeting October 11, 2021 at 10:30 am

**12. Adjourn** – Council Member Docherty, seconded by Council Member Locatis, made a motion to adjourn the meeting at 11:57.

Respectfully Submitted,

*Pam Orr*  
Town Clerk

Minutes approved: October 11, 2021