

**TOWN OF OCEAN BREEZE
REGULAR TOWN COUNCIL MEETING
AGENDA**

February 13, 2023 10:30 am
Ocean Breeze Resort Clubhouse Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

***PLEASE TURN OFF CELL PHONES –
SPEAK DIRECTLY INTO MICROPHONE***

- 1. Call to Order, President De Angeles**
 - Pledge of Allegiance
 - Roll Call
- 2. Approval of Minutes –**
 - Regular Meeting, Monday, January 9, 2023
(Motion, second, public comment, all in favor)
- 3. Budget to Actual – October 1, 2022 – December 31, 2022 – Memo from Town Financial Consultant, Holly Vath**
(Motion to accept, second, public comment, all in favor)
- 4. FIRST READING: ORDINANCE NO. 331-2023 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA CHANGING THE TIME OF REGULAR TOWN COUNCIL MEETINGS HELD ON THE SECOND MONDAY OF EACH MONTH DURING THE MONTHS OF JANUARY, APRIL, JULY AND OCTOBER FROM 10:30 AM TO 6:00 PM, BUT RETAINING THE TIME FOR ALL OTHER REGULAR TOWN COUNCIL MEETINGS AT 10:30 AM; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**
(Motion to approve on first reading, second, public comment, roll call)
- 5. Discussion of recent instances of trespass, vandalism, and other infractions within the Town - Council Member Sandy Kehlbeck Kelley**
- 6. RESOLUTION NO. 333-2023 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #1 TO THE GENERAL FUND BUDGET IN THE AMOUNT OF \$10,000.00 FOR THE PROVISION OF ADDITIONAL PATROL SERVICES BY THE MARTIN COUNTY SHERIFF'S DEPARTMENT, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES**
(Motion to adopt, second, public comment, roll call)
- 7. Comments from the public on topics not on the Agenda**
- 8. Comments from the Council on topics not on the Agenda**
- 9. Comments from Town Management Consultant, Terry O'Neil –**
Discussion of proposed Budget Amendments related to close out of the Seawalk Subdivision Project

10. RESOLUTION NO. 334-2023 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #2 TO THE GENERAL FUND BUDGET IN THE AMOUNT OF \$2,405.00 TO SECURE INDEPENDENT LANDSCAPE ARCHITECT REVIEW CONSULTING SERVICES PERTAINING TO CLOSE-OUT OF THE SEAWALK RESIDENTIAL SUBDIVISION PROJECT; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

(Motion to adopt, second, public comment, roll call)

11. RESOLUTION NO. 335-2023 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #3 TO THE GENERAL FUND BUDGET IN THE AMOUNT OF \$5,000.00 TO SECURE MECHANICAL ENGINEERING CONSULTING SERVICES PERTAINING TO SEAWALK HOME AIR CONDITIONING SYSTEMS; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

(Motion to adopt, second, public comment, roll call)

12. Comments from Mayor Ostrand

13. Announcements – Regular Town Council Meeting – Monday, March 13, 2023 at 10:30 am to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze

14. Adjourn (Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, January 9 2023, 10:30 a.m.
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

Item #2

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 Bill Arnold, Council Members Kevin Docherty, Gina Kent, Liz Reese, Sandy Keblbeck-Kelley
- Staff Present –Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary; Pam Orr, Permit Processing Consultant standing in for Town Clerk, and Administrative Assistant Shannon Roger

2. Approval of Minutes – Council Member Arnold, seconded by Council Member Reese, made a motion to approve the minutes of the regular meeting of December 2, 2022.

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

All in Favor: Yes: De Angeles, Arnold, Reese, Kelley, Kent, Docherty; No: None; Motion Passed – 6-0

3. FIRST READING: ORDINANCE #331-2023 - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA CHANGING THE TIME OF REGULAR TOWN COUNCIL MEETINGS FROM 10:30 AM ON THE SECOND MONDAY OF EACH MONTH TO 6:00 PM ON THE SECOND MONDAY OF EACH MONTH; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Shannon Roger, read Ordinance #331-2023 into the record.

President De Angeles asked the public for comments. There were none.

President De Angeles asked the Council for comments.

Council Member Docherty remarked that he brought forth the idea to change the Regular Council Meeting times in order to make the meetings more accessible for residents.

President De Angeles noted that Council Member Docherty had previously conducted a survey of residents regarding Regular Council Meeting times.

Council Member Docherty stated that the survey was presented to the Town Council two years ago when the idea first arose.

President De Angeles asked Council Member Kelley for her opinion on changing the Regular Town Council Meeting times.

Council Member Kelley stated that she spoke with fellow Seawalk residents and that they would like the Budget Meetings to be scheduled later in the evening, but that she did not have a problem with the current time of the Regular Town Council Meetings.

President De Angeles asked Council Member Reese for her opinion on changing the Regular Council Meeting times.

Council Member Reese commented that changing the Regular Town Council Meeting Times would result in more attendance, however she said that the primary concern of the residents she spoke with were attending the Budget Meetings, as they start at 5:01PM and they have difficulty attending the meeting at that time.

President De Angeles stated that the Budget Meetings can be moved to 7:00PM with little to no difficulty.

President De Angeles asked Council Member Kent for her opinion on changing the Regular Town Council Meeting times.

Council Member Kent stated that she agreed with Council Member Reese and reiterated the need to schedule the Budget Meetings for later in the evening.

President De Angeles asked Mayor Ostrand for her opinion on changing the Regular Town Council Meeting times.

Mayor Ostrand explained that many residents and business owners are unable to attend Regular Town Council Meetings due to their schedules. She stated that the Ordinance was written in 1992 and at that time the Town was limited to the Ocean Breeze Resort. She stated that as the Town is still growing, Regular Town Council Meetings should be accessible to the public for their convenience.

Vice President Arnold stated that in the past 30 years, many Council Members have been employed and have attended the morning meetings. Additionally, he recalled an informal survey of Seawalk residents that was conducted upon the community's completion, and the results were shown to be in favor of later Budget Meetings; as a result he sees no reason to change the time of the Regular Town Council Meetings. Furthermore, if residents or Business owners who are unable to attend morning meetings have issues, they can seek out Council Members to have their issues addressed at Regular Town Council Meetings.

President De Angeles noted that when Town staff were hired, Regular Town Council Meetings were scheduled for 10:30AM, with the understanding that there were three evening Budget Meetings per year. Once more Regular Town Council Meetings have taken place in the morning since 1992.

Town Attorney Crary commented that prior to 1992 Regular Town Council Meetings took place at 10:30 AM.

President De Angeles went on to say that Council Members Kent, Kelley, and Reese who are all residents of Seawalk, stated that Seawalk residents were more concerned with attending the Budget meetings in the evening, preferably at 7:00PM which could be done. President De Angeles added that Town Office hours would need to be adjusted on the second Monday of every month, as Town employees have long commutes and will not be able to split their work day. He added that Town Attorney Crary would be able to attend the evening meetings and would not charge an additional fee to attend. Also, should the Ordinance pass, there would be a total of 15 evening meetings per calendar year; he then questioned if the new meetings times would conflict with the Seawalk HOA meetings.

Council Member Reese suggested holding two Regular Town Council evening meetings per year to accommodate the residents who would otherwise be unable to attend.

President De Angeles stated that he agreed with Council Members Reese's suggestion of scheduling two Regular Town Council Meetings per year.

Council Member Reese asked for a motion to amend Ordinance #331-2023 to change the time of Regular Town Council Meetings from 10:30AM on the second Monday of each month to 6:00PM on the second Monday of each month twice a year preferably six months apart.

Town Management Consultant Terry O'Neil suggested that the amendment specify the months of the evening meetings.

President De Angeles asked Council Member Reese which months would be designated for the evening meetings.

Council member Reese suggested May and October for the evening meetings.

President De Angeles asked for a second.

Council member Kelley seconded the motion to amend Ordinance #331-2023.

Town Attorney Crary recommended writing a new Ordinance for the next Regular Town Council Meeting.

Discussion ensued regarding evening Regular Town Council Meetings.

Mayor Ostrand recommended having evening meetings four times a year.

Discussion ensued regarding scheduling Regular Town Council Meetings.

Council Member Kent suggested conducting a survey of residents and their preferences. She also suggested asking Town employees about their preference.

Council Member Reese stated that she agreed with Mayor Ostrand's suggestion of having 4 evening meetings per calendar year. She then proposed that the four evening meetings take place in February, May, August, and November or Quarterly months. She added that while she agreed with the idea of a survey, she questioned how successful the results would be.

Council Member Kent asked if a Council member could discuss changing the time of the Regular Council Meetings at the Seawalk HOA Meetings without violating the Sunshine Law.

Attorney Crary answered that Council members cannot discuss town matters with fellow Council Members outside of Council Meetings. If one Council Member wanted to conduct an informal survey without discussing the survey with fellow Council Members outside of a public meeting they would not be in violation of the Sunshine Law. He added that having more than one Council Member present at an HOA meeting discussing Town matters was in direct violation of the Sunshine Law.

Discussion ensued regarding conducting a survey of Town Residents regarding evening Regular Town Council Meetings. It was decided that a survey would be unnecessary, as the response would be minimal.

Council Member Kent commented that she wanted to ensure residents are made aware of the four evening meetings.

Mayor Ostrand suggested sending a mailer to residents, she then offered to attend a Seawalk HOA meeting to inform residents of the Regular Town Council evening meetings, which would alleviate the potential for a Council Member to violate the Sunshine Law.

Attorney Cray remarked that deciding which Council Member was going to attend the HOA meeting must be done in Public so as not to violate the Sunshine Law.

Discussion ensued regarding scheduling the Regular Town Council evening meetings.

Town Management Consultant Terry O'Neil asked if the quarterly evening meetings would be scheduled by the calendar year or the fiscal year.

Council Member Kelley suggested the quarterly meetings adhere to the calendar year rather than the fiscal year.

Town Consultant Terry O'Neil commented that Town staff would prepare a revised ordinance to reflect the quarterly evening meetings which will be read at the next meeting.

President De Angeles asked for comments from the public. There were none

Town Administrative Assistant Shannon Roger asked if the evening meetings could begin at 6:00 PM as both she and the Town Clerk have long commutes.

Council Member Docherty commented that Sun Communities had agreed to the use of the Clubhouse for 6:00 PM meetings.

Roll Call: Yes: Kent, Reese, Arnold, De Angeles, Kelley, Docherty; No: None; Motion Passed 6-0

President De Angeles reminded everyone that the motion just voted on was to amend Ordinance #331-2023 to four evening Regular Town Council Meetings per calendar year to be scheduled quarterly.

Town Management Consultant Terry O'Neil stated that the Council had now given the Town a directive to prepare a revision of Ordinance #331-2023 and return with the revised ordinance at the next meeting. The Ordinance will require two readings before a final vote.

4. RESOLUTION #332-2023 A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE 2023 FLORIDA LEAGUE OF CITIES LEGISLATIVE PLATFORM.

Council Member Docherty asked Mayor Ostrand to review the Florida League of Cities Legislative Platform.

Mayor Ostrand gave a brief synopsis of the 2023 Florida League of Cities Legislative Platform.

Discussion ensued regarding the Florida League of Cities legislative platform.

President De Angeles asked the Council for Comments. There were none

President De Angeles asked for comments from the public. There were none.

President De Angeles asked for a motion to accept Resolution #332-2023.

Vice President Arnold seconded by Council Member Docherty made a motion to accept Resolution #332-2023.

Roll Call: Yes: Kelley, De Angeles, Kent, Reese, Docherty, Arnold; No: None; Motion Passed 6-0

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

6. Comments from the Council on topics not on the agenda – Council Member Docherty spoke about the recent traffic accidents on Indian River Drive and then reminded Council of the Speed Limit sign and speed tracker the Town had on Indian River Drive. He said that while the sign had reduced the number of cars driving over the speed limit, there was more work to be done, and he was working with Town Management Consultant Terry O'Neil on the issue.

President De Angeles asked if Indian River Drive fell under the responsibility of Martin County.

Town Management Consultant Terry O'Neil confirmed that the road was a County Road however the Town shares gas tax resources with the County and those funds have paid for the speed signs. Mr. O'Neil went on to say he would like to meet with the Town Engineer to discuss other ways to reduce speeding on Indian River Drive.

President De Angeles asked Town Management Consultant Mr. O'Neil if the Town would need the County's approval before any improvements could be implemented.

Mr. O'Neil confirmed that the Town did require the approval of Martin County as it was a County owned road.

Vice President Arnold noted that law enforcement would be pleased with any help to reduce the speeding in the area.

Martin County Sheriff's Deputy Andy Adams commented that the Town had done a remarkable job implementing measures to calm the traffic on Indian River Drive. He went on to say that the Sheriff's Department was going to great lengths to curb speeding and traffic accidents in Martin County. He also informed the Council that the Sheriff's Department will try to send a deputy to attend the Council meetings regardless of the potential time change. He added that the Martin County Sheriff's Department was now enforcing a zero tolerance policy for unregistered golf carts outside of residential developments. Driving an unregistered golf cart on public roads and sidewalks may result in a citation.

7. Comments from Town Management Consultant, Terry O'Neil – Mr. O'Neil referenced an ordinance written in 2018 that moved the Town's Election Day to first the Tuesday in November to coincide with the national General Election that occurs every two years. This Ordinance brought considerable savings to the town, as the Martin County Supervisor of Elections conducts the election and canvassing on our behalf. Additionally, the Ordinance states that newly elected Town Officials are to be sworn in at the next Regular Town Council Meeting following the election. This leaves very little time for the Martin County Supervisor of Elections to complete their canvassing duties and certify the election results. Mr. O'Neil asked the Town Council to instruct the town to prepare an ordinance which would move the swearing in date of newly elected officials from the first Regular Council Meeting after the election to the second Regular Council Meeting after the election. This new Ordinance would give the Supervisor of Elections ample time to complete the canvassing and certification.

Attorney Crary remarked that newly elected Town Officials are subject to the Sunshine Law immediately upon election and before they are sworn in.

President De Angeles asked for comments from the Council.

Council Member Docherty asked Attorney Crary if outgoing Town Officials were also subject to the Sunshine Law until the newly elected Town Officials were sworn in.

Attorney Crary confirmed that outgoing Town Officials were subject the Sunshine Law until newly elected officials were sworn in.

President De Angeles asked for comments from the public. There were none

Vice President Arnold seconded by Council Member Docherty made a motion to create an ordinance moving the swearing in of newly elected Town Officials from the first Regular Town Council Meeting after the election to the second Regular Town Council Meeting after the election.

Roll Call Vote: Arnold, Docherty, Kent, Reese, De Angeles, Kelley; No: None; Motion Passed 6-0

8. Comments from Mayor Ostrand – Mayor Ostrand reminded Council Members that they are welcome to attend any and all Florida League of Cities Advocacy meetings with her.

President De Angeles thanked the newest Town Council Members for their input and hard work.

9. Announcements – Regular Town Council Meeting Monday, February 13 2023 at 10:30AM to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

10. Adjourn Council Member Arnold, seconded by Council Member Kent made a motion to adjourn the meeting at 11:48 AM.

Minutes approved: _____

President DeAngeles' Notes - Item #3

- When Town staff was hired it was with the understanding that the regular Town Council meetings were in the morning and that there were three evening meetings per year (Budget Meetings).
- The regular Town Council meetings have historically taken place in the morning since 1992. See Ordinance 66
- During the last meeting two Council Members commented that Seawalk residents were more concerned with attending the Budget Meetings.
- Town office hours on the second Monday of the month would need to be adjusted to accommodate evening meetings, as both Town employees have long commutes and cannot split their day.
- Attorney Crary has commented in the past that his rate would probably be the same even though it would be inconvenient for him to attend at night.
- If the Ordinance is passed there will be a total of 15 evening meetings per year (12 regular Town Council meetings/3 Budget meetings). This total does not mention the Seawalk HOA meetings which also take place in the evening. Family???

Memorandum

TO: TOWN COUNCIL AND MAYOR

FROM: HOLLY VATH, FINANCIAL CONSULTANT

SUBJECT: QUARTERLY FINANCIAL REPORT

DATE: FEBRUARY 13, 2023

Attached is the quarterly financial report for first quarter of fiscal year 2023.

Revenue

The total budgeted revenues for the quarter were \$89,580, the Town received \$86,560 which is \$3,021 less than budgeted. State Revenue sharing and ½ Cent sales tax is less than budgeted. These revenues have a one month lag so we anticipate receiving the budgeted revenue. Building permit revenue is slightly above budget by \$824. With the increase in the federal funds rate, the Town is receiving more interest than budgeted.

Expenditures

The total budgeted expenditures for the quarter were \$86,717. The Town expended \$75,234 which is \$11,483 less than budgeted. The close out of the Seawalk PUD is causing additional expenditures for the permit processing contractor. The Town anticipates the expenses will be greatly reduced when the close out of the Seawalk PUD is complete. The total net income for the year was \$11,325. The positive net income will reverse with the utilization of budgeted reserves.

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
October through December 2022

	Oct - Dec 22	Budget	\$ Over Budget
513312 • Office Equipment & Supplies	2,991.62	1,725.00	1,266.62
513313 • Postage	68.93	175.00	-106.07
513314 • Petty Cash	0.00	0.00	0.00
513315 • Audit	0.00	0.00	0.00
513316 • Utilities	156.67	180.00	-23.33
513317 • Dues	923.00	672.72	250.28
513318 • Mileage Reimb. - Clerks	154.44	324.99	-170.55
513319 • Conferences & Travel - Council	185.00	1,449.99	-1,264.99
513320 • Bank Fees	0.00	0.00	0.00
513321 • Election Expenses	0.00	500.00	-500.00
513322 • Safety Deposit Box	0.00	0.00	0.00
513323 • Special projects Code of Ord	0.00	0.00	0.00
513324 • Special Project-Digitizing	0.00	1,249.98	-1,249.98
513325 • Meeting Security	0.00	562.50	-562.50
513820 • Contributions	1,005.00	249.99	755.01
514100 • Legal Counsel	4,622.50	6,000.00	-1,377.50
514200 • Computer Services	412.50	975.00	-562.50
531110 • Payroll Taxes - Fica	1,147.56	1,017.48	130.08
531111 • Payroll Taxes - Medicare	269.45	249.99	19.46
531112 • Benefits	0.00	0.00	0.00
Total 6101 • General Government	59,232.56	70,917.61	-11,685.05
6102 • Public Safety			
524200 • Building Official Services	6,200.00	6,000.00	200.00
524210 • Building Code Compliance Ser	520.00	1,999.98	-1,479.98
524220 • Code Compliance Legal	0.00	1,249.98	-1,249.98
524300 • Fire Safety Inspector	0.00	300.00	-300.00
524310 • Permit Processing Services	8,875.00	5,000.00	3,875.00
Total 6102 • Public Safety	15,595.00	14,549.96	1,045.04
6104 • Transportation			
541300 • Road and Street Maintenance	180.00	890.01	-710.01
541301 • Street Lights	226.58	360.00	-133.42
541600 • Road and Street Capital	0.00	0.00	0.00
Total 6104 • Transportation	406.58	1,250.01	-843.43
Total Expense	75,234.14	86,717.58	-11,483.44
Net Ordinary Income	11,325.73	2,862.86	8,462.87
Other Income/Expense			
Other Expense			
80000 • Ask My Accountant	0.00		
Total Other Expense	0.00		
Net Other Income	0.00	0.00	0.00
Net Income	11,325.73	2,862.86	8,462.87

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
October through December 2022

	Oct - Dec 22	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
6001 · Taxes from other Governments			
312300 · State Fuel Tax	1,084.03	1,083.72	0.31
312410 · Local Option Gas Tax	846.16	261.87	584.29
312420 · New Local Option Gas Tax	620.31	261.87	358.44
314200 · Local Communications Svc Tax	715.44	625.00	90.44
335120 · State Revenue Sharing	4,306.49	5,750.01	-1,443.52
335140 · Mobile Home Tags	776.98	625.00	151.98
335150 · Alcoholic Beverage Licenses	0.00	0.00	0.00
335180 · 1/2 Cent Sales Tax	7,109.22	12,900.00	-5,790.78
Total 6001 · Taxes from other Governments	15,458.63	21,507.47	-6,048.84
6002 · Licenses & Permits			
322000 · Building Permits	4,574.00	3,750.00	824.00
338200 · Occupational Licenses	52.18	37.50	14.68
Total 6002 · Licenses & Permits	4,626.18	3,787.50	838.68
6003 · Other Fees for Services			
322001 · Fire Inspections	0.00	62.49	-62.49
322004 · Charges for Services	0.00	0.00	0.00
Total 6003 · Other Fees for Services	0.00	62.49	-62.49
6004 · Investment & Other Earnings			
361000 · Interest Income	4,679.76	174.99	4,504.77
Total 6004 · Investment & Other Earnings	4,679.76	174.99	4,504.77
6005 · Ad Valorum Revenue			
312100 · Ad Valorum	61,795.30	63,798.00	-2,002.70
Total 6005 · Ad Valorum Revenue	61,795.30	63,798.00	-2,002.70
6007 · Miscellaneous Income			
389000 · Misc Inc - MCSB Admin Fee, Etc.	0.00	249.99	-249.99
Total 6007 · Miscellaneous Income	0.00	249.99	-249.99
Total Income	86,559.87	89,580.44	-3,020.57
Expense			
6101 · General Government			
513150 · Gross Payroll	18,582.63	16,412.49	2,170.14
513301 · Management Consultant	0.00	7,000.00	-7,000.00
513302 · Rent	3,696.12	3,481.26	214.86
513304 · Communications / Website	4,041.14	3,641.25	399.89
513305 · Engineering	0.00	1,249.98	-1,249.98
513306 · Accountant	540.00	2,000.00	-1,460.00
513308 · Insurance W/C	1,234.00	3,200.00	-1,966.00
513309 · Insurance Package	18,824.00	17,600.00	1,224.00
513311 · Public Advertising Notices	378.00	999.99	-621.99



**BEFORE THE TOWN COUNCIL
TOWN OF OCEAN BREEZE, FLORIDA
ORDINANCE NO. 331-2023**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA CHANGING THE TIME OF REGULAR TOWN COUNCIL MEETINGS HELD ON THE SECOND MONDAY OF EACH MONTH DURING THE MONTHS OF JANUARY, APRIL, JULY AND OCTOBER FROM 10:30 AM TO 6:00 PM, BUT RETAINING THE TIME FOR ALL OTHER REGULAR TOWN COUNCIL MEETINGS AT 10:30 AM; PROVIDING FOR A CONFLICTS CLAUSE AND PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE FOR OTHER PURPOSES.

*** * * * ***

WHEREAS, the Town Charter requires that regularly scheduled meetings of the Town Council be set by ordinance; and

WHEREAS, Town Ordinance No. 66 currently prescribes that regular Town Council meetings be held at 10:30 AM on the second Monday of each month; and

WHEREAS, the Ocean Breeze Town Council deems it to be in the Public's best interest to change the time of regular Town Council meetings held on the second Monday of each month during the months of January, April, July and October to 6:00 PM.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA, THAT:

SECTION ONE: Notwithstanding Ordinance No. 66, regularly scheduled meetings of the Town Council on the second Monday of each month during the months of January, April, July and October shall be held at 6:00 PM, at a place so designated for that purpose, unless such day is a holiday, in which case said meeting shall take place at the aforesaid time upon the next following Monday which is not a holiday. All other regularly scheduled meetings of the Town Council shall continue to be held as provided in Town Ordinance No. 66, at a place so designated for that purpose.

SECTION TWO: Special meetings may be held as provided in the Charter, pursuant to such notice as meets the requirements of Florida law.

SECTION THREE: If any section, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance and the remaining portions shall be deemed and held valid.

SECTION FOUR: Conflicts clause; all ordinances or parts of ordinances in conflict herewith with shall be repealed by the Town Council.

SECTION FIVE: This Ordinance shall become effective immediately upon its adoption.

PASSED on First Reading this 13TH day of February, 2023.

Council Member _____ offered the foregoing ordinance and moved its approval on first reading. The motion was seconded by Council Member _____ and upon being put to a roll call vote, the vote was approved ____ to ____.

ADOPTED on this second and final reading on this 13th day of March, 2023.

KENNETH DE ANGELES, PRESIDENT
Bill ARNOLD, VICE-PRESIDENT
SANDY KEBLBECK-KELLEY, COUNCIL MEMBER
ELIZABETH REESE, COUNCIL MEMBER
GINA KENT, COUNCIL MEMBER
KEVIN DOCHERTY, COUNCIL MEMBER

YES	NO	ABSENT

ATTEST:

KIM STANTON
TOWN CLERK

KENNETH DE ANGELES
PRESIDENT

KAREN M. OSTRAND
MAYOR

APPROVED AS TO FORM:

RICK CRARY, II
TOWN ATTORNEY

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, December 12, 2022, 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 Bill Arnold, Council Members Kevin Docherty, Gina Kent, Liz Reese, Sandy Keblbeck-Kelley
- Staff Present –Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary; Pam Orr, Permit Processing Consultant standing in for Town Clerk, and Administrative Assistant Shannon Roger

2. Approval of Minutes – Council Member Arnold, seconded by Council Member Reese, made a motion to approve the minutes of the regular meeting of November 14, 2022.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Arnold, Reese, Kelley, Kent, Docherty; No: None; Motion Passed – 6-0

3. SECOND READING: ORDINANCE #330-2022 - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA EXPRESSLY APPROVING THE APPLICATION AND ENFORCEMENT OF MARTIN COUNTY ORDINANCE NO. 1182 “RESIDENTIAL RESTRICTIONS ON SEXUAL OFFENDERS AND SEXUAL PREDATORS” WITHIN THE TOWN OF OCEAN BREEZE; PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND FOR OTHER PURPOSES.

Pam Orr, read the Ordinance #330-2022 into the record.

President De Angeles asked for a motion to approve Ordinance #330-2022 on second reading.

President De Angeles asked the public for comments. There were none.

Roll Call: Yes: De Angeles, Arnold, Kelley, Kent, Docherty, Reese; No: None; Motion Passed: 6-0

4. Discussion of Changing the Time for Town Council Meetings – President De Angeles asked Town Management Consultant Terry O’Neil to explain the Charter and Ordinance regarding Town Council Meeting Times.

Mr. O’Neil stated that the charter prescribed that the time and place of Council meetings is established by ordinance. He explained that Ordinance #66, adopted in 1992, prescribed that each Council meeting would take place on the second Monday of each month at 10:30 a.m. He added that should the Council vote to change the time, a new ordinance would need to be drafted, which would require two public hearings before taking affect.

President De Angles asked if an amendment to the original ordinance was required. Mr. O’Neil referred to Town Attorney Rick Crary for clarification.

Attorney Crary stated that a new ordinance would need to be drafted.

President De Angeles asked for questions or comments from the Council.

Council member Reese noted that there was a big difference between changing the Budget meetings versus changing the regular Town Council meetings, as most residents would prefer the Budget meetings start at 6 p.m. She added that she did not think that residents had a problem with the time of the regular Town Council meetings.

Council Member Kelley stated that the residents to whom she spoke were more concerned about attending the Budget Meetings.

Council Member Docherty stated that the discussion to change the meeting time had been ongoing for two years. He added that the Town had spoken with Sun Communities regarding evening meetings, and was informed that the Clubhouse would be available. He then asked that the Council make a motion to change the time of the Regular Council Meeting to 6 p.m. on the second Monday of every month.

Council Member Docherty, seconded by Council Member Reese, made a motion to change the time of the Regular Town Council Meetings to 6 p.m. on the second Monday of every month.

President De Angeles asked the public for comments.

Ann Kagdis, 111 Bay Drive, commented that the Town would have to check with Sun Communities to confirm use of the Clubhouse for evening meetings.

Council Member Docherty remarked that the Town had received approval from Sun Communities for evening meetings.

Ann Kagdis, Ocean Breeze Resort, asked if the Town had the approval in writing.

Council Member Docherty confirmed that the approval was in writing.

Council Member Kelley asked if the motion to change the time from 10:30 a.m. to 6 p.m. was for all the meetings.

Pam Orr, stated that the motion was to change the regular Town Council meetings to 6 p.m.

Mayor Ostrand asked if Council Member Docherty wanted to discuss changing the meeting time of the Budget meetings as well.

Council Member Docherty responded that he would decline for now, and address it separately.

Roll Call: Yes: Kent, Kelley, Reese, Docherty; No: De Angeles, Arnold; Motion Passed: 4-2

Town Management Consultant Terry O'Neil, stated that procedurally, the Town now had a directive to prepare a new Ordinance to bring forth at the next Town Council meeting. He further explained that Florida Statutes require Budget meetings to be held after 5 p.m., and changing the time to 6 p.m. would not be an issue.

President De Angeles asked for comments from the Council.

Council member Reese asked for clarification as to when the regular Town Council meetings would start.

Attorney Crary explained that the regular Town Council meetings would continue to convene at 10:30 a.m. as the ordinance with the new 6 p.m. meeting time would require two readings followed by a vote.

Cathy Berry, 46 NE Driftwood, remarked that the Council should vote on changing the Budget Meeting times to evenings as well since it will take two months before the new ordinance was passed.

President De Angeles clarified that the Budget Meetings currently took place in the evenings at 5 p.m.

Attorney Crary explained that the times and dates for the Budget Meetings are set separately and are not changed by ordinance.

President De Angeles asked Town staff to prepare a new ordinance with the 6 p.m. meeting times, to be read at the next two regular Town Council meetings.

5. Request for a \$100.00 contribution from the History Museum of Jensen Beach – Ann Kagdis, President of the History Museum of Jensen Beach, asked the Town Council to approve a donation in the amount of \$100.00. She gave a brief summary of the Museum and encouraged residents to visit.

6. Request for a \$200.00 contribution from The Entrepreneurship Foundation – Ann Kagdis, Board member of the Entrepreneurship Foundation, asked the Town Council for a \$200.00 donation which would benefit both the scholarship fund and the schools.

President De Angeles asked Ms. Kagdis if The Entrepreneurship Foundation had a Board.

Ms. Kagdis stated that The Entrepreneurship Foundation consisted of a five-member Board which met once a month.

Vice President Arnold, seconded by Council Member Docherty made a motion to approve the \$100.00 contribution to The History Museum of Jensen Beach.

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

All on Favor: Yes: De Angeles, Arnold, Reese, Kelley, Kent, Docherty; No: None; Motion Passed 6-0

Council Member Docherty, seconded by Vice President Arnold, made a motion to approve the \$200.00 contribution to The Entrepreneurship Foundation.

All on Favor: Yes: De Angeles, Arnold, Reese, Kelley, Kent, Docherty; No: None; Motion Passed 6-0

7. Comments from the public not on the Agenda – There were none.

President De Angeles introduced Deputy Andy Adams of the Martin County Sheriff's Department.

Deputy Adams reported that the Golf Cart Parade had the largest turnout in years.

8. Comments from the Council not on the Agenda – Council Member Docherty commented that the Town had been working with FPL on replacing the electric poles on Indian River Drive and that a new representative had been recently assigned. He added that he would like to extend an invitation to the representative to attend a Town Council Meeting to inform the Council of the status.

From: Andrew A. Adams <aaadams@mcsofl.org>
Sent: Tuesday, December 27, 2022 11:33 AM
To: Town Clerk
Subject: RE: Town Council Meetings

Good morning Kim,

I've been closely following the meetings and voting reference changing the meeting time from 10:30 am to 6:00 pm. This should not be a problem and we will do our best to attend each meeting.

Happy New Year!

D/S Andrew A. Adams
Office of Sheriff William D. Snyder
Martin County Sheriff's Office
Community Operations Division
800 SE Monterey Road
Stuart, Florida 34994
(772) 220-7000



From: Town Clerk <townclerk@townofoceanbreeze.org>
Sent: Thursday, December 22, 2022 12:35 PM
To: Andrew A. Adams <aaadams@mcsofl.org>
Subject: Town Council Meetings

Think Before You Click: This Email is from an External Sender

We recently confirmed with your department that a deputy would be attending our Town Council meetings held every second Monday of each month at 10:30 am. The Town Council is currently working on moving the meetings to 6:00 pm instead of 10:30 am. Would that change in meeting times still allow the Town the privilege of having a deputy in attendance?

Thank you, Andy.

Trusting you and yours have a very Merry Christmas and Happy New Year!

Kim Stanton
Town Clerk

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, November 14, 2022 10:30AM
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

Excerpts Regarding Changing the Time for Town Council Meeting

Discussion for Changing the time for Town Council Meetings – Council Member Docherty explained that several years ago he conducted a survey regarding holding Town Council meetings in the evening. With the addition of Seawalk, he proposed that the new Council Members reach out to Seawalk residents and informally ask them about their preferences for meeting times.

Mayor Ostrand added that there were many new residents in Ocean Breeze Resort who preferred evening meetings.

Discussion ensued regarding evening meetings.

President De Angeles asked for comments from the Council

Council Member Reese said that she had spoken with several residents in Seawalk who preferred evening meetings.

Discussion ensued regarding the procedure to change the time of Town Council Meetings.

David Wagner, 124 NE Bay Drive, commented that noise from Clubhouse activities may disrupt an evening meeting.

Mayor Ostrand commented that the Clubhouse restaurant was closed on Mondays, therefore any noise or disruption would be minimal.

Mr. Wagner responded that the pool would remain open and any noise from the pool would disrupt the meeting.

President De Angeles asked Council Member Docherty if he would like to make a motion to change the time of the meetings.

Council member Docherty said he would wait until the next meeting as he wanted to give residents time to consider the change.

Council Member Docherty, seconded by Vice President Arnold, made a motion to continue the discussion of meeting time changes.

Roll Call: Yes: Arnold, Kelley, Reese, Kent, Docherty; No: De Angeles; Motion Passed: 5-1

From: Chris Walters <CWalters@suncommunities.com>
Sent: Tuesday, November 29, 2022 1:23 PM
Town Clerk
Subject: RE: Town Council Meeting Times

Hi Kim,
This appears to be workable for us. We obviously will just need to coordinate with you prior to commencement to determine that we do not create any scheduling conflicts with activities.
Best regards,
Chris Walters
District Manager
Ocean Breeze Resort

From: Town Clerk <townclerk@townofoceanbreeze.org>
Sent: Tuesday, November 29, 2022 10:50 AM
To: Chris Walters <CWalters@suncommunities.com>; 'Town Clerk' <townclerk@townofoceanbreeze.org>; Cindy Walters <CWalters1@suncommunities.com>
Subject: RE: Town Council Meeting Times

EXTERNAL EMAIL - Verify sender before opening links or attachments!

Chris,

The meetings would take place monthly on the second Monday of each month. Right now, the Council is reviewing information to help them make their decision and then the Council would have to adopt an Ordinance which takes two readings (2 months) so I think we would be safe to say IF they vote to move the meetings to the evenings, those meetings would likely start in about four to five months.

Don't forget, we always have our three budget meetings each year which take place at 5:01 pm and those meetings we generally clear with you as we go to set the schedule for the meetings because there is a lot of coordination taking place. We have one meeting in July and two meetings in September of each year.

Hope this helps clarify. Please let us know if we would be able to move our monthly morning meetings to evening meetings.

Thank you for all your help and cooperation.

Kim

From: Chris Walters [<mailto:CWalters@suncommunities.com>]
Sent: Monday, November 28, 2022 3:22 PM
To: Town Clerk <townclerk@townofoceanbreeze.org>; Cindy Walters <CWalters1@suncommunities.com>
Subject: RE: Town Council Meeting Times

Kim,
Would you be kind enough to provide further detail as to what day of the month the proposed meetings would be held and the proposed commencement dates in an effort for us to determine any scheduling conflicts?
Thanks and advise.

Chris Walters
District RV Resort Manager
Ocean Breeze Resort

From: Town Clerk <townclerk@townofoceانبreeze.org>

Sent: Monday, November 28, 2022 2:59 PM

To: Chris Walters <CWalters@suncommunities.com>; Cindy Walters <CWalters1@suncommunities.com>

Subject: Town Council Meeting Times

EXTERNAL EMAIL - Verify sender before opening links or attachments!

Hi Chris and Cindy,

The Town Council is in the process of making a decision to possibly move the Town Council meeting times from 10:30 am to the evening (starting between 5:00 pm and 7:30 pm).

At this time, we are gathering information for the Council and one of the items of concern is whether or not those starting meeting times would be open for the Town to use the resort clubhouse. As you know our meetings run from about one-half hour to an hour long.

Would you be so kind as to respond to this email to let us know that if the meetings times get changed, the Ocean Breeze Resort clubhouse would be available to the Town for these public meetings?

Thank you, in advance, for your help in this matter.

Kim

Kim Stanton
Town Clerk



Town of Ocean Breeze
Post Office Box 1025
Jensen Beach, FL 34958
Telephone: (772) 334-6826
Cell: (772)-215-2700
Fax: (772) 334-6823
www.townofoceانبreeze.org

5. Discussion of Changing the Time for the Town Council Meetings – Kevin Docherty

Council Member Docherty stated that he wanted Council to discuss the option of changing the Town Council Meeting time from 10:30 am to 5:00 pm or later. He explained that he felt that there would be more participation if the Regular Town Council meeting was held in the evening.

Council Member Docherty made a motion to change the Town Council Meetings from 10:30 am to 5:00 pm.

Vice-President Gerold asked if the Town Charter would need to be amended to adjust the meeting times.

Town Management Consultant Mr. O'Neil stated that the time could be changed by an ordinance, but that two public hearings would need to be held prior to approving.

Council Member Locatis commented that he had spoken with various residents and the consensus was that the Seawalk residents attended the recent budget meetings because the meetings were regarding the Town budget and the millage rate. He commented that these meetings are mandated to take place at 5:01pm and that he didn't believe there were any benefits to moving the Regular Town Council meeting time.

Council Member Arnold concurred with Council Member Locatis.

Council Member Wagner agreed with both Council Member Locatis and Council Member Arnold.

Mayor Ostrand stated the importance of discussing the matter especially in light of the fact that there were working residents of the Town who are interested in running for Council, but were not willing because the current Town meeting time interfered with their work schedule. She added that the meetings, typically, were generally over within one hour.

Vice-President Gerold informed the Council about the other cities and their meeting times.

Deirdre Henry, Ocean Breeze Resort, stated her concerns regarding paying staff overtime to attend evening meetings and agreed with Council Member Locatis.

President De Angeles asked for a second.

Motion failed due to lack of a second.

6. Comments from the public on topics not on the agenda – Jay Spicer, Martin County Fair Manager, provided background information on the current programs that the fair was providing to encourage youth to get involved with various areas of farming, etc. Mr. Spicer, asked for the Town's support in funding to get the new fair grounds infrastructure in place.

Discussion ensued regarding how the Town could support the new fairgrounds.

President De Angeles asked for further public comment.

There was none.

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 Cray 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

Memorandum

To: Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

CC: Pam Orr, Town Clerk
Kim Stanton, Town Bookkeeper
Rick Crary, Town Attorney
Holly Vats, Town Financial Advisor

Date: April 6, 2021

Re: Town Council meetings

During last November's Council meeting, Member Docherty raised the issue of moving the Town's once-a-month Council meetings from 10:30 AM to 5 PM, or perhaps later. In prompting the discussion, Mr. Docherty pointed out that both the Resort and Seawalk communities are developing rapidly and that more and more of our new residents have jobs – thus making daytime meetings more difficult to attend (minutes attached). It was agreed that staff would look into the matter, particularly in terms of operations, and report back in April 2021. This memo has been drafted for that purpose.

At present, the Town Charter requires that the Council meet at least once a month at a date and time determined by ordinance. Ordinance No. 66, copy attached, requires that regular Council meetings be held on the second Monday of each month at 10:30 AM. Unlike Town Charter amendments, which require voter approval, ordinances may be changed by a simple majority vote of the Council upon two public hearings.

Staff/Operational Considerations

Both the Town Clerk and Bookkeeper were hired with the understanding that monthly meetings would take place during the day, which continues to be their preference, however, each is willing to adapt if need be. The Town Attorney prefers daytime meetings but is willing to attend evening meetings as circumstances permit. Mr. Crary cautions that his practice calls for him to appear before other local jurisdictions that hold night meetings and that scheduling conflicts may occasionally arise. Town Financial Consultant, Holly Vath, has no preference with regard to daytime or evening meetings. As the Town's Management Consultant, I prefer daytime meetings but can adjust if there's a change.

Under the Ocean Breeze East PUD agreement, Town meetings are held at the resort clubhouse. The owner, Sun Communities, offers no objection to evening meetings provided its options for holding other events, (i.e.: food and bar service, parties, group activities, etc.) are not curtailed. At present, Sun's restaurant/bar is not open on Mondays, but this is subject to change. In sum, if Council meetings are to be held in the evening, all parties should be aware that other events or activities elsewhere in the clubhouse may be occurring at the same time.

As for the meeting practices of neighboring jurisdictions, a list of other Treasure Coast local governments and their meeting schedules is attached.

Staff awaits any further direction on this matter.

AN EMERGENCY ORDINANCE OF THE TOWN
OF OCEAN BREEZE PARK, FLORIDA
SETTING AND CONFIRMING THE TIME
AND PLACE OF REGULAR MEETINGS OF
THE TOWN COUNCIL;

WHEREAS, the revised Town Charter requires that regularly scheduled meetings of the Town Council be set by ordinance;

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA:

SECTION I: That an emergency exists within the Town of Ocean Breeze Park affecting the health, welfare and safety of the citizens of said town.

SECTION II: That regularly scheduled meetings of the Town Council shall be held at the Town Hall at 10:30 a.m. on the second Monday of each month, unless such day is a holiday, in which such event such meeting shall take place at the aforesaid time and place upon the next following Monday which is not a holiday.

SECTION III: Special meetings may be held as provided in the Charter.

SECTION IV: It is hereby acknowledged and confirmed that the foregoing schedule of regular meetings has been a longstanding procedure well known within the community.

SECTION V: This Ordinance shall become effective immediately upon its adoption.

PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 14th day of September, 1992.

TOWN COUNCIL
TOWN OF OCEAN BREEZE PARK

By: Bartholomew
Its President

ATTEST: Sharon Chicky
Town Clerk

APPROVED: [Signature]
Mayor

APPROVED AS TO FORM: [Signature]
TOWN ATTORNEY

Jurisdiction	Regular meeting(s) per month	Time
Martin County	2nd and 4th Tuesday	9:00 AM
City of Stuart	2nd and 4th Monday	5:00 PM
Village of Indian Town	2nd and 4th Thursday	6:30 PM
Town of Sewall's Point	2nd and 4th Tuesday	5:30 PM & 7:00 PM
Town of Jupiter Island	one (varies)	9:30 AM
Town of Ocean Breeze	2nd Monday	10:30 AM
St. Lucie County	1st and 3rd Tuesday	6:00 PM & 9:00 AM
City of Port Saint Lucie	2nd and 4th Monday	6:30 PM
City of Fort Pierce	1st and 3rd Monday	6:00 PM & 4:30 PM
St. Lucie Village	3rd Tuesday	6:30 PM
Indian River County	1st, 2nd and 3rd Tuesday	9:00 AM
City of Vero Beach	1st and 3rd Tuesday	8:30 AM
Indian River Shores	4th Thursday	9:00 AM
City of Sebastian	2nd and 4th Wednesday	6:00 PM
City of Fellsmere	1st and 3rd Thursday	7:00 PM
Town of Orchid	1st Wednesday	9:00 AM
Okeechobee County	2nd and 4th Thursday	9:00 AM
City of Okeechobee	1st and 3rd Tuesday	6:00 PM

From: Sandy Keblbeck <keblbec@yahoo.com>
Sent: Saturday, January 28, 2023 5:26 PM
To: mayor@townofoceanbreeze.org
Subject: Vandalism and Harassment

Hi Mayor,

This is Sandy Kelley, city council member. We are having issues in the Seawalk community. You and I talked about this previously. The problem of vandalism, harassment and trespassing is on going and all the extra security measures are not working. Our HOA installed cameras, added extra lighting and upgraded the gate codes. As you can imagine the Seawalk residents are upset and frustrated. I asked Kim and Shannon to add this problem to the agenda for our February city council meeting. The harassment is on going at Publix's as well. Do you know the owner of the strip mall that Publix's is in? I would like to invite them to our February meeting to see if they are pressing charges, working with the police.

Sorry to bother you over the weekend! We had an incident last night and want to use all our resources to stop this craziness.

Thank you,
Sandy Kelley

Sent from my iPad

Town Clerk

From: Town Clerk <townclerk@townofoceanbreeze.org>
Sent: Monday, January 23, 2023 11:07 AM
To: 'Andrew A. Adams'
Cc: 'Sandy Kehlbeck'
Subject: RE: Trespassing and Harrassment

Officer Andy,

Thank you for your quick response! The Town appreciates all the help you and your department can continue to provide.

This is likely to come up at the next Town Council meeting...

Kind regards,

Kim Stanton
Town Clerk

Town of Ocean Breeze
Post Office Box 1025
Jensen Beach, FL 34958
Telephone: (772) 334-6826
Cell: (772)-215-2700
Fax: (772) 334-6823
www.townofoceanbreeze.org

-----Original Message-----

From: Andrew A. Adams [mailto:aaadams@mcsofl.org]
Sent: Monday, January 23, 2023 10:54 AM
To: Town Clerk <townclerk@townofoceanbreeze.org>
Subject: RE: Trespassing and Harrassment

Good morning Kim,

I just spoke with Seawalk HOA member Nick Meyer reference your concerns. We still have an active trespass authorization for Seawalk on file, which allows us to trespass subjects from the community.

I am sorry to hear the issues are still present. The best option to combat the juvenile issues is to continue having residents call the sheriff's office as the problem is occurring. We need to be able to identify the juveniles and determine whether they live in the community or not.

Have a great day,

D/S Andrew A. Adams
Office of Sheriff William D. Snyder
Martin County Sheriff's Office
Community Operations Division
800 SE Monterey Road
Stuart, Florida 34994
(772) 220-7000

-----Original Message-----

From: Town Clerk <townclerk@townofoceanbreeze.org>
Sent: Monday, January 23, 2023 10:39 AM
To: Andrew A. Adams <aaadams@mcsofl.org>
Subject: FW: Trespassing and Harrassment

Think Before You Click: This Email is from an External Sender

-----Original Message-----

From: Town Clerk [mailto:townclerk@townofoceanbreeze.org]
Sent: Monday, January 23, 2023 10:11 AM
To: Andy Adams <aadams@mcsofl.org>
Cc: 'Sandy Kelley' <skelley@townofoceanbreeze.org>
Subject: FW: Trespassing and Harrassment

Hi Officer Andy,

As you can see, we have a Town Council Member, Sandra Kelley, asking about security within the Seawalk community located within the Town. Would you be able to speak about this matter at our next Town Council meeting to be held on Monday, February 13, 2023?

Thank you for all hour help

Kim Stanton
Town Clerk

Town of Ocean Breeze
Post Office Box 1025
Jensen Beach, FL 34958
Telephone: (772) 334-6826
Cell: (772)-215-2700
Fax: (772) 334-6823

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.townofoceanbreeze.org%2F&data=05%7C01%7Caaadams%40mcsofl.org%7C2edfb13343a6470a1ae208dafd57e4d5%7Cb5c114ec82fa4899bb06233514ad4d43%7C0%7C0%7C638100851217819570%7CUnknown%7CTWFPbGZsb3d8eyJWljoimc4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Iik1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=f3oGE5PFueafT9V8upglIhrAyZCNz4cF0jX94xeXb3Y%3D&reserved=0>

-----Original Message-----

From: Sandy Kelley [mailto:skelley@townofoceanbreeze.org]
Sent: Saturday, January 21, 2023 8:45 AM
To: Town Clerk <townclerk@townofoceanbreeze.org>
Subject: Trespassing and Harrassment

Hi Shannon. Can you add neighborhood kids trespassing and harassing Seawalk community? Also destroying property? This is an on going problem, our HOA has added cameras, signs and residents have called police on these kids. What other options do we have? I would like to ask the police officer that is at our monthly meetings what can be done to stop this.

Thank you. Can we add this to the February agenda?

Sandy Keblbeck-Kelley

TALKING POINTS

February 1, 2023 | 10:00 am | Meeting called by Terry O'Neil

Attendees

Karen M. Ostrand, Mayor (by telephone) | Terry O'Neil, Management Consultant | Council Member Kelley | Officer Joe Angelico | Officer Andy Adams | Kim Stanton, Town Clerk | Shannon Roger, Administrative Assistant |

Item

- Council Member Kelley's email
 - Possible courses of action: Crime Watch, more patrols
 - Ocean Breeze Plaza incident(s)
 - Ocean Breeze Plaza Property Manager, Christina Napoliello, stated that she had not been notified of any incidents; however, she advises all of their tenants to contact the police (non-emergency) whenever they have any incidents. She added that she is willing to work with the Town, if an Ordinance were passed regarding trespassing, harassment and vandalism, to strengthen police authority, and by posting signs.
 - Do these incidents have a pattern (time, dates, etc.)?
 - Martin County Sheriff's Department has active trespass agreements with Seawalk until December, 2023.
 - Does Martin County Sheriff's Department have an active trespass agreement with the Plaza owners?
 - What can be done to strengthen police authority
 - enhanced speed patrols
-

Memorandum

To: Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

Cc: Seargent, Joe Angelico

Deputy Sheriff, Andrew Adams

Date: February 8, 2023

Re: Proposed budget amendment to secure additional Martin County Sheriff's Department patrol services.

In light of a recent up-tick in trespassing, vandalism and harassment complaints from Seawalk residents and plaza merchants, as well as ongoing concerns about reckless driving on Indian River Drive, after talking with our Sheriff's Department representatives, staff is proposing a budget amendment in the amount of \$10,000 to secure additional patrols and traffic enforcement services as needed. If approved, these extra services will encompass all areas of the Town, including the Resort, Plaza and Seawalk Subdivision.

The Sheriff's rate for services is \$60 per hour with a three-hour minimum. Based on a budget of \$10,000, this equates to approximately 55 three-hour patrol sessions. It seems unlikely that all 55 sessions will be necessary to tamp down the offending behaviors, but time will tell. In requesting services, staff will closely follow the Sheriff Department's guidance on how best to use the fund. It should be noted that the Department has and continues to step-up its enforcement efforts vis-à-vis the Town's recent problems. The proposed extra patrols are expected to bring about even more effective results.

Staff recommendation:

Approved budget amendment Resolution No. 333-2023, attached.



BEFORE THE TOWN COUNCIL OF THE TOWN OF
OCEAN BREEZE, FLORIDA

RESOLUTION NUMBER 333-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #1 TO THE GENERAL FUND BUDGET IN THE AMOUNT OF \$10,000 FOR THE PROVISION OF ADDITIONAL PATROL SERVICES BY THE MARTIN COUNTY SHERIFF'S DEPARTMENT, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA that:

SECTION 1: For the purpose of securing additional patrol services by the Martin County Sheriff's Department, the 2022/23 Year General Fund Budget of the Town of Ocean Breeze adopted by Resolution No. 328-2022 of the Town Council of the Town of Ocean Breeze, is hereby amended, as follows:

FROM: Gas Tax Reserves \$10,000

TO: Sheriff Road Patrol \$10,000

This is an authorization of the Town Council of the Town of Ocean Breeze, Florida authorizing Budget Amendment #1 to the FY 2022/23 Annual Budget.

SECTION 2: Except as amended hereby, the FY 2022/23 Annual Budget shall remain in full force and effect.

SECTION 3: This resolution shall take effect on adoption.

ADOPTED this 13TH day of February, 2023.

Council Member _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Council Member _____ and upon being put to a roll call vote, the vote was as follows:

KENNETH DE ANGELES, PRESIDENT

Bill ARNOLD, VICE-PRESIDENT

SANDY KEBLBECK-KELLEY, COUNCIL MEMBER

ELIZABETH REESE, COUNCIL MEMBER

GINA KENT, COUNCIL MEMBER

KEVIN DOCHERTY, COUNCIL MEMBER

YES	NO	ABSENT

ATTEST:

KIM STANTON
TOWN CLERK

KENNETH DE ANGELES
PRESIDENT

KAREN M. OSTRAND
MAYOR

APPROVED AS TO FORM:

RICK CRARY, II
TOWN ATTORNEY

TOWN OF OCEAN BREEZE
Budget Amendment # 1
Fiscal Year 2022/2023

	<u>Original Budget</u>	<u>Change</u>	<u>Amended Budget</u>
Revenue			
Gas tax revenue	\$ 6,430	\$ -	\$ 6,430
Gas tax reserves	-	10,000	10,000
Total	<u>6,430</u>	<u>10,000</u>	<u>16,430</u>
Expense			
Road and street maintenance	5,000	-	5,000
Sheriff Patrol	-	10,000	10,000
Total	<u>5,000</u>	<u>10,000</u>	<u>15,000</u>

Memorandum

To: Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

Date: February 8, 2023

Re: Proposed budget amendment to secure Landscape Architect consulting services associated with close-out of the Seawalk Subdivision Project.

As the Council is aware, Town staff continues to work with the developers of the Seawalk Subdivision to bring about close-out of the project, both in terms of compliance with the Ocean Breeze West PUD and the project's \$3.96 million infrastructure bond. Attached is a "close-out" list provided to the developers by the Town the first week of December, 2022. A copy was also provided to the Seawalk HOA and its attorney. At present, a number of issues remain outstanding.

Among the issues to be confirmed is the project's compliance with landscaping plans and specifications. While staff has received close-out documentation from the project's landscape designer of record, several residents have posed questions about both on-site and common area plantings, irrigation, etc. Accordingly, to assist in fulfilling the Town's compliance review obligations, staff is requesting a budget amendment in the amount of \$ 2,405 to secure the consulting services of local landscape architect, Michael Flaugh (proposal attached).

In light of there being little or no landscaping expertise on staff, this budget amendment is considered indispensable in completing the Town's review.

Staff Recommendation:

Approve budget amendment Resolution No. 334-2023, including Flaugh proposal.



**BEFORE THE TOWN COUNCIL OF THE TOWN OF
OCEAN BREEZE, FLORIDA**

RESOLUTION NUMBER 334-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #2 TO THE GENERAL FUND BUDGET IN THE AMOUNT OF \$2,405 TO SECURE INDEPENDENT LANDSCAPE ARCHITECT REVIEW CONSULTING SERVICES PERTAINING TO CLOSE-OUT OF THE SEAWALK RESIDENTIAL SUBDIVISION PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA
that:

SECTION 1: For the purpose of securing independent landscape architect consulting services pertaining to the close-out the Seawalk Residential Subdivision Project, the 2022/23 Year General Fund Budget of the Town of Ocean Breeze adopted by Resolution No. 328-2022 of the Town Council of the Town of Ocean Breeze, is hereby amended, as follows:

FROM:	General reserves	\$2,405
TO:	Special Projects	\$2,405

This is an authorization of the Town Council of the Town of Ocean Breeze, Florida authorizing Budget Amendment #2 to the FY 2022/23 Annual Budget.

SECTION 3: This resolution shall take effect on adoption.

ADOPTED this 13TH day of February, 2023.

Council Member _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Council Member _____ and upon being put to a roll call vote, the vote was as follows:

KENNETH DE ANGELES, PRESIDENT

Bill ARNOLD, VICE-PRESIDENT

SANDY KEBLBECK-KELLEY, COUNCIL MEMBER

ELIZABETH REESE, COUNCIL MEMBER

GINA KENT, COUNCIL MEMBER

KEVIN DOCHERTY, COUNCIL MEMBER

YES	NO	ABSENT

ATTEST:

KIM STANTON
TOWN CLERK

KENNETH DE ANGELES
PRESIDENT

KAREN M. OSTRAND
MAYOR

APPROVED AS TO FORM:

RICK CRARY, II
TOWN ATTORNEY

TOWN OF OCEAN BREEZE
Budget Amendment # 2
Fiscal Year 2022/2023

	<u>Original Budget</u>	<u>Change</u>	<u>Amended Budget</u>
Revenue			
Reserves	-	2,405	2,405
Total	<u>-</u>	<u>2,405</u>	<u>2,405</u>
Expense			
Special Projects	5,000	2,405	7,405
Total	<u>5,000</u>	<u>2,405</u>	<u>7,405</u>



Michael Flaugh

LANDSCAPE ARCHITECT

Mike@MikeFlaughLA.com

MikeFlaughLA.com

Houzz.com-Michael Flaugh

Islamorada

Stuart

Naples

772.419.0024

3744 SE Ocean Blvd. Stuart, FL 34996

Proposal COMMERCIAL LANDSCAPE ARCHITECTURAL SERVICES

CLIENT	Town of Ocean Breeze	1.27.2023
PROJECT	Seawalk	
SCOPE	Visit site verify the the landscape plan is in substantial conformance.	

Deliverable time 2 weeks from receipt of retainer

CONSULTATION

Visit site verify the the landscape plan is in substantial conformance. Includes individual lots, common areas and entry.

Hours	Rate	Service	Extended
11	85.00	Verify 4 tree requirement on 142 homes (optional)	935.00
12	85.00	Verify all common areas for required plantings	1,020.00
3	85.00	Prepare report and signed certification	255.00

GENERAL ADMIN., COST PROJECTIONS AND RFP DISTRIBUTION

Hours	Rate	Service	Extended
3	65.00	General admin	195.00
0	150.00	Consultation (as needed)	

Total (with optional \$935) 2,405.00

Retainer 1,202.50

Total (without optional \$935) \$1,470

Retainer (without optional \$935) \$735

Approved Signature _____

Date _____

Proposal is a fixed fee, however, additional fees may occur if client requests scope changes during the design process.

TERMS:

50 % retainer, balance due upon delivery of report

Thank you!

Please make checks payable to Michael Flaugh Landscape Architect

**SEAWALK CLOSE OUT -- WORKING LIST, SUBJECT TO CHANGE,
DEC 6, 2022**

PUD	Issue	Status	Okayed by MacKenzie Engineering	Okayed by Town Engineer	Okayed by Town Attorney	Okayed by Town Landscape Expert	Okayed by Town Building Official	Approved by Mayor	Resolved
1	Lucido & Associates statement of overall compliance with the PUD including a recitation of all pertinent ordinances and amending resolutions. (Are any amendments needed?)	Pending							
2	Need confirmation from the Town's reviewing engineer (MacKenzie) that the project's final configuration is consistent with the PUD master site plan. (Are any amendments needed?)	Pending							
3	Statement from MacKenzie Engineering that individual parcel landscaping has been installed in accordance with the PUD.	Pending							
4	Lucido & Associates statement of landscaping compliance.	Received							
5	Pursuant to condition 4. of the PUD agreement, the Town will be obtaining an independent inspection of the final common area landscaping, the cost of which is to be borne by the developer. The Town has requested a proposal from local landscape architect, Mike Flaugh, and will share and discuss the proposal with the Developer before any work proceeds. Developer shall pay Flaugh directly.	Underway				Pending			
6	Need EW (Paul Ezzo's) certification that all preserve areas are free of exotics, debris, intrusions caused by construction activities, etc., and are in compliance with the PAMP, and that all PAMP reporting obligations to the Town are up to date.	Pending							
7	With the exception of entrance landscaping features, the PUD prescribes that "there is no permanent irrigation of the common areas." Notwithstanding this provision, common areas have apparently been piped for irrigation, some of which may be connected to the water services of individual lot owners. This arrangement is not in compliance with the PUD and should be corrected or proposed as an alternative configuration possibly via a minor PUD amendment application. Whatever the resolution, it must be demonstrated that the common area vegetation will be reliably sustained in a viable condition.	Pending							
8	Confirmation that entrance lock box configurations in compliance with the County Sheriff and Emergency Services current standards?	Pending							
9	Has a Sheriff's Department patrol agreement been executed?	Pending							
10	Health Department approval of community pool.	Pending							
11	Copy of Ocean Breeze Plaza access agreement	Pending							
12	Copy of trash collection agreement	Pending							

PUD	Issue	Status	Okayed by MacKenzie Engineering	Okayed by Town Engineer	Okayed by Town Attorney	Okayed by Town Landscape Expert	Okayed by Town Building Official	Approved by Mayor	Resolved
Infrastructure & Bond									
13	Bond refund/reduction to follow the process in the bond agreement/contract and outline provided by the Town Attorney dated October 12, 2022. (See attachment # 1)								
14	Prior to Mayor's approval, MacKenzie, Town Attorney and Town Engineer to approve bond refund/reduction submittal package for completeness and content vis-à-vis the bond terms and bond contract. HOA Attorney has requested copy of documentation before Mayor affixes her signature.	Pending							
15	Comprehensive statement from MacKenzie Engineering certifying that all infrastructure components have been installed properly and in accordance with the approved infrastructure plan and are consistent with the as-built plans.	?							
16	Does the as-built infrastructure plan submitted by the developer's design engineer(s) of record and approved by MacKenzie Engineering, account for DR Horton's placement of fill on individual sites and is the existing configuration and what's shown by the as-builts one in the same?	Pending							
17	The project's infrastructure was designed (and partially certified?) by engineer of record Grzelka Engineering before the developers advised the Town on June 15, 2021 that Grzelka was no longer under contract and that MIL Corps would be (partially?) playing that role. The Town will require a statement from the developer(s), acceptable to the Town, as to which engineer is the engineer-of-record and for which components of the infrastructure plan. There can be no ambiguity with regard to which engineer is responsible.	Pending							
18	The Town has received video evidence that storm water is exiting southward from the Ocean Breeze Plaza property that may be posing an erosion risk to the Seawalk Development. Please confirm that the Seawalk infrastructure design took into account historical storm water flows from the Plaza site. Whether the Plaza's discharge exceeds what the Seawalk site is obliged to accommodate is not known at this time.	Pending							
19	The Town is in receipt of several emails from the HOA residents that drainage on individual parcels is flawed. These issues need to be addressed in the context of the infrastructure's overall certification. (See attachment # 2).	Pending							
20	The Town is in receipt of several emails from the HOA concerning the adequacy of entrance gates, other gates, security electronics, etc. copies attached. These issues need to be addressed in the context of the infrastructure's overall certification. (See attachment # 3).	Pending							

PUD	Issue	Status	Okayed by MacKenzie Engineering	Okayed by Town Engineer	Okayed by Town Attorney	Okayed by Town Landscape Expert	Okayed by Town Building Official	Approved by Mayor	Resolved
21	Confirm that the project's entrance gates are in compliance with ASTM Designation F2200-20 "Standard Specification for Automatic Vehicular Gate Construction"	Pending							
22	Please address reports that the entrance call boxes are causing low voltage shocks.	Pending							
23	Parcel 1 site deficiencies. Developer, together with the lot owner and HOA, to apply for and obtain a permit to make remedial improvements to Parcel 1 that address inconsistencies with the infrastructure plan and/or the individual parcel plan, including but not limited to improper grading and slopes, risks of erosion and questionable access to perimeter landscaping. Further, to the extent that the remedial work impacts the adjoining preserve area, those impacts must be offset by new native plantings specified by EW (Paul Ezzo), to be shown on the plan and approved by the Town."	Pending							
24	Confirmation that all required survey activities, including lot markers in the field, documentation, etc. have been completed per FL statute, approved, and on file with the Town.	Pending							
25	Confirmation that the development's fire hydrant system has been inspected and accepted by the County Fire and Utilities Department.	Pending							
26	Documentation needed confirming Martin County's acceptance of all off-site improvements. (sidewalk(s), signage, etc.)	Pending							
27	Proof of County acceptance of water line on Parcel A	Received							
28	SFWMD Docs	Received							
29	MC Utility Service Agreement	Pending							
30	Make the Developer, HOA and HOA Attorney aware of prior correspondence from the County Engineer's Department questioning whether the project's stormwater design was the cause of flooding on adjacent residential properties in the County, including Mackenzie Engineering's review and determination that no design or code violations exist. (See attachment # 4).	Done							
General									
31	Over the course of the project's development both individual residents and the HOA have raised several questions or concerns regarding components of both the PUD and the scope of the infrastructure improvements. (See attachment # 5). These issues need to be addressed or confirmed as resolved by the Developer.								

Memorandum

To: Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

Via: Steve Nicolosi, Town Building Official

Date: February 8, 2023

Re: Request for a budget amendment in the amount of \$5,000 to secure mechanical engineering consulting services pertaining to Seawalk home air conditioning systems.

In a matter not directly related to the Seawalk PUD or refund of the project's infrastructure bond, but rather to the Florida Building Code, staff is seeking a budget amendment to secure the consulting services of a mechanical engineer. This proposal stems from a host of complaints by Seawalk residents that their air conditioning systems and/or insulation packages are deficient. (See attached resident-generated survey). These complaints have persisted despite written assurances of compliance from the third-party professionals that designed the systems, approved the plans, and conducted inspections during construction.

Accordingly, and with the concurrence of the Town's Building Official, staff is proposing a budget amendment of \$5,000 to secure consultative mechanical engineering services. At present staff is in discussions with Wojcieszak & Associates, a well-regarded local firm with over 25 years of experience. If retained, the firm's role will be to examine the residents' concerns and to offer guidance to the Building Official in determining whether there are any outstanding building code violations, as they pertain to the AC and insulation systems, that would necessitate enforcement action by the Town.

Staff Recommendation:

Suggested motion: Approve budget amendment Resolution No. 335-2023, including authorization for the Mayor to contract with the firm of Wojcieszak & Associates in an amount not to exceed \$5,000 and in a form acceptable to the Town Building Official and Town Attorney; or, should a contract not be reached with Wojcieszak & Associates, authorization for the Mayor to contract with a similarly qualified firm, also in an amount not to exceed \$5,000 and in a form acceptable to the Town Building Official and Town Attorney.



**BEFORE THE TOWN COUNCIL OF THE TOWN OF
OCEAN BREEZE, FLORIDA**

RESOLUTION NUMBER 335-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET
AMENDMENT #3 TO THE GENERAL FUND BUDGET IN THE
AMOUNT OF \$5,000 TO SECURE MECHANICAL
ENGINEERING CONSULTING SERVICES PERTAINING TO
SEAWALK HOME AIR CONDITIONING SYSTEMS,
PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER
PURPOSES.**

* * * * *

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA
that:**

SECTION 1: For the purpose of securing mechanical engineering consulting services pertaining to Seawalk home air conditioning systems, the 2022/23 Year General Fund Budget of the Town of Ocean Breeze adopted by Resolution No. 328-2022 of the Town Council of the Town of Ocean Breeze, is hereby amended, as follows:

FROM:	General reserves	\$5,000
TO:	Engineering	\$5,000

SECTION 2: This resolution shall take effect on adoption.

ADOPTED this 13TH day of February, 2023.

Council Member _____ offered the foregoing resolution moved its adoption. The motion was seconded by Council Member _____ and upon being put to a roll call vote, the vote was as follows:

KENNETH DE ANGELES, PRESIDENT

Bill ARNOLD, VICE-PRESIDENT

SANDY KEBLBECK-KELLEY, COUNCIL MEMBER

ELIZABETH REESE, COUNCIL MEMBER

GINA KENT, COUNCIL MEMBER

KEVIN DOCHERTY, COUNCIL MEMBER

YES	NO	ABSENT

ATTEST:

KIM STANTON
TOWN CLERK

KENNETH DE ANGELES
PRESIDENT

KAREN M. OSTRAND
MAYOR

APPROVED AS TO FORM:

RICK CRARY, II
TOWN ATTORNEY

TOWN OF OCEAN BREEZE
Budget Amendment # 3
Fiscal Year2022/2023

	<u>Original Budget</u>	<u>Change</u>	<u>Amended Budget</u>
Revenue			
Reserves	-	5,000	5,000
Total	<u>-</u>	<u>5,000</u>	<u>5,000</u>
Expense			
Engineering	5,000	5,000	10,000
Total	<u>5,000</u>	<u>5,000</u>	<u>10,000</u>

S.NO	Submitted	1. Name	2. E-Mail	3. Mobile	4. Address	5. Have you	6. Does you	7. Have you	8. Have you	9. Please provide any additional information that could be helpful.
1	02-10-2021	Zoe Kolenu	zkolenut@	201873667	2820 NE Br	Yes	No	No	No	No Answer
2	02-10-2021	JoAnne Sof	josofia08@	914318511	2901 NE Br	Yes	Yes	Yes	Yes	I have tried to get help from Jamie and Gary and still no help at all
3	03-10-2021	Julie biond	juliebiondc	31594478C	2680 ne br	Yes	Yes	Yes	Yes	Coils iced over . Two bedrooms in front of house are warmer. Significant heat ga
4	03-10-2021	Barb Richr	barbrichmr	772215361	1574 NE W	No	No	No	No	No Answer
5	03-10-2021	David Kelle	kelleygreer	831840174	2860 NE Br	Yes	Yes	Yes	No	Some rooms are cooler than others
6	03-10-2021	Jenna coco	jenna.coco	772224003	1403 NE W	No	Yes	No	No	During the summer months this past summer I felt like it took a long time to get
7	03-10-2021	Nicole Mar	nicole.man	724496225	2710 Ne Br	Yes	No	No	No	For a high efficiency home, our electric bill is very high
8	03-10-2021	Michelle w	vaughn636	561324284	3024 NE Sk	Yes	Yes	Yes	No	The cooling is not consistent with in the house - 20 degree difference between t
9	03-10-2021	Trevor Vec	tvecellio40	586484507	2994 NE Sk	Yes	Yes	Yes	Yes	We have a major mold problem in our house.DR Horton has moved our family fr
10	03-10-2021	Joe beert	j.beert@ya	772233757	2850 NE Br	Yes	Yes	Yes	Yes	The AC cycles on and off for short periods of time. On for a short time and off fo
11	03-10-2021	Jennifer Mi	jennmigs@	631236354	1393 ne wl	Yes	Yes	Yes	Yes	No Answer
12	03-10-2021	Heather Lu	hnursing1@	954610815	1354 ne wl	Yes	No	No	No	If over a year can you submit warranty info?
13	03-10-2021	Jared spad	jarodspade	561343001	2851 ne br	Yes	Yes	Yes	No	We have had issues when we had a small gathering of friends. And some of the r
14	03-10-2021	Scott Stulb	prodiver48	304620103	1673 NE W	Yes	No	No	No	Not enough insulation in attic
15	03-10-2021	William Ni	billnissen2	732664405	1564 NE W	Yes	Yes	Yes	No	No Answer
16	03-10-2021	Pete Luthe	pjl256sr@	256426152	2830 Breez	No	No	No	No	No Answer
17	03-10-2021	Anthony Ma	mamigs22@	631926113	1394 NE W	Yes	Yes	Yes	No	Two bedrooms are very warm.
18	04-10-2021	Mario Jime	miramarm	954295576	1373 ne wl	Yes	Yes	No	No	The attic above the garage or crawl space area is not insulated. Had other new h
19	04-10-2021	Mike Helle	mikeheller	No Answer	2760 NE Br	Yes	No	No	No	Other then working to hard, constantly running in the afternoon and sometimes
20	05-10-2021	Gail Schnei	gailandalle	77270811C	2790 NE Br	No	No	No	No	I have a smaller model - the Aria - and I am not having the cooling problem somr
21	05-10-2021	Elizabeth R	reese.liz53	949285821	1363 NE W	Yes	Yes	Yes	Yes	My front bedroom does not cool like the rest of the house. Horton came out tw
22	05-10-2021	Tim Metz	tmetz.musi	973906835	1654 NE W	Yes	No	No	No	Have a year to year service contract with Lindstrom. They installed the system.
23	19-11-2021	Hannah lli	hlsloan14@	772361004	2991 ne Br	Yes	No	No	No	Cali model home.
24	19-11-2021	Michele Ne	mnav2@sn	20380410C	2861 NE Br	Yes	No	No	No	Bedrooms seem to not be as cool as center of the house. We have a temp gauge
25	19-11-2021	Matthew S	mattsquire	682404032	1570 NE Sk	Yes	No	No	No	Hotspot and cool spots in. The home. Summer time it seems to run all day just t
26	19-11-2021	Jared spad	jarodspade	561343001	2851 ne br	Yes	No	No	No	No Answer
27	20-11-2021	Cynthia Ro	cindyslost@	61069828C	1674 NE W	Yes	No	No	No	No Answer
28	20-11-2021	Elena Squir	elenasquir	95470799C	1570 ne sk	Yes	No	Yes	Yes	No Answer
29	22-11-2021	Toniann pa	toniann.pa	206979974	1620 Ne sk	Yes	No	No	No	Cali model . Master bedroom warm . Front bedroom freezing cold
30	22-11-2021	Brett Davic	bdavido@	732742294	1703 NE W	Yes	No	Yes	No	AC wired harness within the unit disconnected itself. (Problem has been resolve
31	23-11-2021	William Ho	bill.hoblitz	908670303	1579 NE Sk	Yes	No	No	No	No Answer
32	23-11-2021	Lyle Satche	hlyle2@grr	772215281	1364 NE W	Yes	Yes	No	No	The front bedrooms are noticeably warmer than the rest of the house

in through exterior walls.

to matching set temp.

he front and the back
om our home for a full week to fix the issue. When we returned home we checked the work and no progress was made. They cleaned what we could only see. And in fact left water streaks down a
r a short time. Cycles all day. The dining area is warmer then the rest of the house. The air handler fan has been replaced because of vibration. The temperature differential was not within industry

rooms are not as cool as others

omes and never seen a developer cut corners by skipping this area.
unable to cool the house,I have had no issues.
: of the bigger models seem to have.
ice and had a man with a thermometer check the duct and temp and said it is fine. It is not.

• in one and always 2 degrees higher at least than what temp is set for
o cool to 74

1.)

problem fixed correctly. The inside of our A/C unit is still covered in mold. We think this happened before we bought the home a year ago as we were told this house sat for 2 months with no AC running.

ill of our walls and paint splatter on multiple walls from what we assume was used to just paint over the mold. We r in conversations with all the right people to take this a step further to have the standards of 16-20 degrees. The ambient / return air temperature (at the return air) was 77 degrees and the supply air temperature (at the unit) was 56, for a differential of 21 degrees.

inning before we bought the house Jan. 2020.

GENERAL INFORMATION ITEMS

The attached items (i.e.: correspondence, e-mails, reports, etc.) are provided as general information and are not necessarily subject to discussion during this meeting unless Council Members or the Mayor wish to do so.

From: Anthony Herzog <aherzog@suncommunities.com>
Sent: Tuesday, January 31, 2023 1:26 PM
To: Town Clerk; Chris Walters
Subject: RE: Trees Down in Median

Hi Kim, thank you for the email. Yes mam we are aware of this and our Maintenance team has already removed the downed sign trees and. We are working on getting trees to replace. If you may have any further questions, please let me know.

Thanks,
Anthony

Anthony Herzog
OCEAN BREEZE RESORT | OCEAN VIEW, A Sun Community
3000 NE Indian River Dr. Ocean Breeze, FL 34957
Office: (772) 334-2494
Email: aherzog@suncommunities.com www.SunOutdoors.com

From: Town Clerk <townclerk@townofoceanbreeze.org>
Sent: Tuesday, January 31, 2023 9:13 AM
To: Chris Walters <CWalters@suncommunities.com>; Anthony Herzog <aherzog@suncommunities.com>
Subject: Trees Down in Median

EXTERNAL EMAIL - Verify sender before opening links or attachments!

Hi Chris and Anthony,

The Mayor informed us that a vehicle crashed into the two trees that were located in the median on Indian River Drive – the median that is most southern along the Drive. Were you aware of this? As you know, the maintenance agreement requires Sun to replace these trees. We just wanted to make sure you were aware...

Thank you and please let us know.

Have a great day!

Kim Stanton
Town Clerk

