

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

**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 5:01 PM and they have difficulty attending the meeting at that time.

President De Angeles stated that the Budget Meetings can be moved to 7:00 PM 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 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 10:30 AM on the second Monday of each month to 6:00 PM 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 Angles 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 Crary 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: \_\_\_\_\_