

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, May 8, 2023
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 6:00 p.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, Sandy Keblbeck-Kelley
Absent – Council Member Elizabeth Reese
 - Staff Present –Town Management Consultant, Terry O’Neil; Kim Stanton, Town Clerk;
Administrative Assistant, Shannon Roger
Absent - Town Attorney, Rick Crary

2. **Approval of Minutes** – Vice-President Arnold, seconded by Council Member Kent, made a motion to approve the minutes for the regular meeting on April 10, 2023.

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

All in Favor: Yes: De Angeles, Arnold, Kelley, Kent, Docherty; No: None; Motion Passed – 5-0

3. **Budget to Actual Report – January 1, 2023 – March 31, 2023** – Town Clerk, Kim Stanton, read the memo from Town Financial Consultant, Holly Vath, into the record.

President De Angeles asked for a motion to approve the Budget to Actual Report.

Vice-President Arnold, seconded by Council Member Docherty, made a motion to approve the Budget to Actual Report.

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

All in Favor: Yes: De Angeles, Arnold, Reese, Kent, Docherty; No: None; Motion Passed – 5-0

4. SECOND READING: ORDINANCE NO. 336-2023 – AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, AMENDING SECTION ONE OF ORDINANCE NO. 273-2017 THEREBY CHANGING THE DATE UPON WHICH NEWLY ELECTED TOWN OFFICIALS ARE SWORN INTO OFFICE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT, SEVERABILITY, APPLICABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Kim Stanton, read Ordinance No. 336-2023 into the record.

President De Angeles asked for a motion to approve Ordinance No. 336-2023.

Council Member Arnold, seconded by Council Member Docherty, made a motion to approve Ordinance No.336-2023.

President De Angeles asked for comments from the public. There were none.
Roll Call: Yes: Kelley, Kent, Docherty, De Angeles, Arnold; No: None; Motion Passed: 5-0

5. Comments from the public not on the agenda.

Scott Staub, a resident of Seawalk, spoke to the Council regarding his ongoing issue with two additional irrigation zones that were connected to his home irrigation system that water common areas; and that his water bills have been over \$200.00 a month. He went on to request the removal of the two irrigation zones, a reimbursement/credit for the water bills, as well as an inquiry as to why these were connected to his irrigation system.

President De Angeles asked Town Management Consult Terry O'Neil if the irrigation issue fell under D. R. Horton or the Seawalk HOA.

Town Management Consultant Terry O'Neil responded that the irrigation issue was a Town issue, and it was among many issues that would be brought to the attention of D. R. Horton before the close-out of the Seawalk development. He went on to say that the Town had hired an independent Landscape Architect to review the PUD and perform an analysis of compliance by the developer. He added that the Town was still holding the bond on the Seawalk project to address outstanding issues that had to be resolved, irrigation included. He continued that the Town had met with their legal staff to outline the list of issues, including irrigation, to find out if a more formal action would be needed to ensure compliance.

Mr. Staub thanked Mr. O'Neil for his assistance and added that some of his Seawalk neighbors had cracks in their slab or settling issues. He went on to say that on April 22, 2023 he requested a Compaction Report from Town Permit Processor, Pam Orr, and on April 24, 2023 she provided him with copies of emails from the Town of Ocean Breeze to D. R. Horton requesting Compaction Reports. He expressed his concern with cracked slabs and settlement issues.

President De Angeles asked Town Management Consultant Terry O'Neil if he was aware of the slab/settlement issues in Seawalk.

Mr. O'Neil acknowledged that he was aware of the settling issues, and the Town had insisted on receiving compaction reports on all of the units in Seawalk. He then reminded The Town Council, and the public, that the developer chose to use third-party Private Providers in the development of the homes at Seawalk, which was legal under Florida Statutes.

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

6. Comments from the Council on topics not on the agenda.

Vice President Arnold informed the Council and Public of an upcoming Blood Drive that would be taking place at the Ocean Breeze Resort on Friday, May 12, 2023.

Council Member Docherty stated that Scholarship Bowling League had just ended, and he thanked the Council Members for their ongoing support.

7. Comments from Town Management Consultant Terry O'Neil.

Mr. O'Neil reminded the Council that they authorized the hiring of a mechanical engineer to independently address complaints regarding air conditioning and insulation from residents at Seawalk. He reminded Council Members that the Town had hired Wojceiszak and Associates who would be advising the Town, and consulting with the Town Building Official, on the air conditioning issues at Seawalk, as well as the Town's obligation to intervene under the Florida Building Codes, should that be the case.

President De Angeles asked if the cost is recoverable from D. R. Horton or would it be the sole responsibility of the Town.

Mr. O'Neil stated that the Town was responsible and the costs for the mechanical engineer were not recoverable.

Town Clerk, Kim Stanton, stated that there had been two Budget Amendments to put the funds in place.

Council Member Kent asked Town Management consultant Terry O'Neil if the roof leaks in Seawalk were being addressed.

Mr. O'Neil confirmed that The Town was aware of five complaints of roof leaks, and on four of the homes they had been resolved. He continued that the builder had gone to four homes and the Town Building Official had reviewed the repairs, and that they were done to the satisfaction of the homeowners. He added that the Town had met with an attorney regarding the roof leaks, and that the attorney was preparing guidance for the Town and its obligations.

Council Member Kehlbeck-Kelley asked if D. R. Horton was involved in the roof leaks.

Mr. O'Neil confirmed that D. R. Horton, and the roofing contractor who performed the work, were involved.

Vice President Arnold asked if there was just one roofer on the Seawalk project.

Mr. O'Neil confirmed that there was one roofer.

8. Comments from Mayor Ostrand.

Mayor Ostrand reminded Council Members of an upcoming luncheon hosted by the Treasure Coast Regional League of Cities on Wednesday, May 17. She discussed the upcoming Blood Drive on Friday, May 12, and encouraged everyone to donate.

President De Angeles presented the upcoming meetings for 2023:

- Regular Town Council Meeting Monday, July 10 at 6:00 pm
- Regular Town Council Meeting Monday, August 8 ~~14~~, at 10:30 am *
- Regular Town Council Meeting Monday, September 11 at 10:30 am
- Budget Workshop and Setting of Tentative Millage Rate, Wednesday, July 26 at 6:00 pm
- Proposed Budget and Tentative Millage Rate Hearing, Wednesday, September ~~13~~, ~~20~~, 2023 at 6:00 pm *
- Final Budget and Millage Rate Hearing, Wednesday September 20 2023 at 6:00 pm

* Correction of Meeting dates,
May 8, 2023 Minutes

President De Angeles asked if there were any comments from the Council.

Mayor Ostrand spoke about her recent trip to Tallahassee for The Florida League of Cities.

9. Announcements – The next regular Town Council Meeting will be held on Monday June 12, 2023 at 10:30 a.m. at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

President De Angeles asked for a motion to adjourn.

Vice President Arnold, seconded by Council Member Docherty, made a motion to adjourn.

Meeting adjourned at 11:02AM

Minutes approved: June 12, 2023