

TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, February 12, 2024, 10:30AM  
Ocean Breeze Resort Clubhouse, Pineapple Bay Room  
700 NE Seabreeze Way, Ocean Breeze, FL

**1. Call to Order** – President Kelley 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 Sandy Kelley, Vice-President Liz Reese, Council Members Kevin Docherty, Michael Heller, Gina Kent, and Matthew Squires
- Staff Present – Town Management Consultant, Terry O’Neil; Attorney Nicole Laliberte; Kim Stanton; Permit Processor, Pam Orr

**2. Approval of Minutes** – Vice-President Reese, seconded by Council Member Squires, made a motion to approve the minutes of the Regular Meeting, Monday, January 8, 2024.

President Kelley asked for comments from the public.

Matthew Biondolillo, Seawalk resident, asked that the following corrections be made to the minutes:

Item #11 (15 lines down) he proposed that the record reflect that the words “the Seawalk HOA” and the words “that he obtain” be struck from the meeting minutes.

Town Clerk, Kim Stanton, advised Mr. Biondolillo that staff would listen to the January 8, 2024 minutes to determine the accuracy of his proposed corrections.

Item #11 Mr. Biondolillo stated that page 7 (first paragraph) the first “undecipherable” should be “infiltration.” He commented that the next “undecipherable” should be “mean height.” He added that he did not know what the next two “undecipherable” comments should have been but the final “undecipherable” was coming from the Florida Building Code 1523.6.5.2.

Mr. O’Neil suggested that these minutes should not be approved at this meeting, but that staff would listen to the minutes again to be clear as to what was on record. He commented that words, which could not be identified in a recording, could not be substituted. He stated that the minutes could be brought before the Council at the next meeting, after working with Mr. Biondolillo.

Mr. Biondolillo asked to be able to share his comments concerning the meeting minutes. He continued to page 7 (paragraph 13), he thought that the “undecipherable” should likely be “Florida Building Code product inspections.” He stated this information came directly from his notes and needed to be verified. He continued, on Page 8, (eight paragraphs down) that the “undecipherable” should likely say “ceilings and tile floor.” He added that in the 10<sup>th</sup> paragraph down the “inaudible” was referring to the “soil nuclear gage and/or compaction tests.” He added that he did not know what the next “inaudible” would have been, but he looked forward to working with the Town to correct the record. He continued that the next “inaudible” should be the word “water,” and that the next sentence with “inaudible” should likely be the word “omitted the” “the make, model, and serial number of the equipment itself.”

President Kelley stated that the corrections to the minutes would be brought forth at the next meeting for approval.

**3. Budget to Actual Quarterly Report (October 1 – December 31, 2023)** - President Kelley referred the Council to the memorandum by Town Financial Consultant, Holly Vath.

Mr. O’Neil explained that these reports were provided to the Council for acceptance quarterly along with a memorandum from the Town Financial Consultant, Holly Vath.

Council Member Docherty, seconded by Council Member Reese, made a Motion to accept the quarterly financial report.

President Kelley asked for comments from the public.

There were none.

Roll Call Vote: Yes: Heller, Kent, Squires, Kelley, Docherty, Reese; No: None: motion passed 6-0

**4. RESOLUTION #345-2024 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA, ENCOURAGING THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS AND THE STUART CITY COMMISSIONERS TO SEEK COUNTY-WIDE “QUIET ZONE” STATUS – AS PERMITTED BY SECTION 49, PART 222 OF THE CODE OF FEDERAL REGULATIONS – THEREBY CURTAILING INTRUSIVE TRAIN HORN NOISE STEMMING FROM INCREASED FREIGHT AND HIGH SPEED PASSENGER RAIL TRAFFIC ON THE FLORIDA EAST COAST RAILROAD (FEC) RIGHT-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

President Kelley spoke about the recent presentation regarding quiet zones to the Town Council by Kim Delaney, PhD, Director, Strategic Development and Policy of the Treasure Coast Regional Planning Council.

Discussion ensued regarding the train horn noise.

Council Member Docherty, seconded by Council Member Kent, made a motion to adopt Resolution #345-2024.

President Kelley asked the Clerk to read the title of Resolution #345-2024 into the record.

Town Clerk, Kim Stanton, read the title of Resolution #345-2024 into the record.

President Kelley asked for public comment.

There were none.

Roll Call Vote: Yes: Docherty, Kent, Reese, Squires, Kelley, Heller; No: None: motion passed 6-0

**5. RESOLUTION #346-2024 – A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #1, TO THE GENERAL FUND IN THE AMOUNT OF \$10,000 FOR ADDITIONAL PUBLIC SAFETY EXPENSES, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES –** President Kelley explained the amendment was needed for

additional legal services related to the closeout of the Seawalk and Ocean Breeze Resort development projects.

Mr. O'Neil explained the need for and the details of the budget amendment.

Council Member Reese, seconded by Council Member Heller, made a motion to adopt Resolution #346-2024.

President Kelley asked for public comment.

There was none.

Town Clerk, Kim Stanton, read Resolution #346-2024 into the record.

Roll Call Vote: Yes: Kent, Reese, Kelley, Squires, Heller, Docherty; No: None: motion passed 6-0

**6. Request to approve Letter of Engagement with Attorney Paul Nicoletti for legal services relating to closeout of Seawalk and Ocean Breeze Resort development projects** – Mr. O'Neil explained that the Letter of Engagement was provided in the packet along with Mr. Nicoletti's background information. He introduced Mr. Nicoletti and reiterated the need for his expertise in closing out the Seawalk and Ocean Breeze Resort development projects.

Mr. Nicoletti discussed the need to resolve some of the technical items which were well overdue. He added that he would be collaborating with staff and others to expedite the closeout of the projects.

He took questions from the Council.

Sheila Raver, resident of Seawalk, explained some of the problems she had encountered with D.R. Horton. She stated that she had engaged an attorney who had sent a demand letter and that there had been no response. She remarked that if anyone had questions to contact her.

Council Member Squires, seconded by Council Member Heller and Vice-President Reese, made a motion to approve the Letter of Engagement with Attorney Paul Nicoletti.

President Kelley asked for public comments.

There were none.

Roll Call Vote: Yes: Heller, Docherty, Reese, Squires, Kent, Kelley; No: None: motion passed 6-0

**7. Request approval to nominate Council Member Docherty for membership on the Florida Municipal Insurance Trust (FMIT) Board of Trustees** – Mr. O'Neil stated that considering his background, approval for Council Member Docherty to serve on the Board of Trustees of the FMIT was a good idea. He added that any costs associated with travel while serving on this board would be paid by FMIT.

Council Member Heller, seconded by Council Member Kent, made a motion to nominate Council Member Docherty to serve on the FMIT Board.

President Kelley asked for public comments.

There were none.

All in Favor: Yes: Heller, Kent, Squires, Kelley, Docherty, Reese; No: None: motion passed 6-0

**8. Comments from the public on topics not on the Agenda –** There were none.

**9. Comments from the Council on topics not on the Agenda –** Council Member Docherty thanked the Council for the nomination for him to serve on the FMIT Board. He gave a brief update on his and the Mayor's recent trip to Tallahassee (sponsored by the Florida League of Cities) to talk to the legislators about Bills that would affect the Town of Ocean Breeze, for example HB 7017. He also spoke about sovereign immunity.

Mayor Ostrand added how sovereign immunity related to small towns.

Council Member Heller stated that he was looking forward to receiving a report from the County's design engineer on the West End Boulevard project and added that he would like to reiterate the need for added lighting and reflectors to assist drivers at the round-a-bout. He explained that he spoke to multiple residents over the past month and wanted to make it known that one hundred (100%) of them were surprised that the Town was donating money to charities. He stated that he did not believe that the Council should be deciding what charities receive the citizens' tax dollars.

President Kelley stated that there was \$1,000.00 within the Town's budget for contributions and stated that she believed it was important.

Council Member Heller responded that it was not important what each individual Council Member believed, but rather what their constituents wanted.

Council Member Kent commented that she did not believe that citizens were aware of what was available within the Town's budget to use for charitable contributions.

Vice-President Reese stated that there were three budget meetings each year which were announced and advertised and she encouraged everyone to attend the meetings which were in the evenings.

Council Member Heller stated that the citizens with whom he spoke were against this practice.

Mayor Ostrand stated that many of the organizations to which the Town contributed, assisted citizens of the Town.

Council Member Heller agreed and stated that he was simply sharing what he had heard from his constituents.

**13. Comments from Town Management Consultant, Terry O'Neil –** Mr. O'Neil stated that aside from the new information in the packet and the Council's decision to hire Mr. Nicoletti, he did not have much to say about the closeout. He added that immediately after the meeting Mr. Nicoletti was meeting with staff. He commented that the closeout matters were a work-in-progress and that at each council meeting, there would be an update. He addressed Ms. Raver and advised her that the Council did see the correspondence from her attorney to the developer. He added that Sun Communities was remiss in closing out the Resort project and that the plan was to compel them to resolve the water line and storm water issues that were pending.

Council Member Docherty questioned some language in a letter from Gena May, Sun Communities Regional Vice President of Sales and Operations, to the Town of Ocean Breeze in which she stated, “Sun attempted to do a couple of small things to temporarily assist in the matter but was stopped by the Town of Ocean Breeze.” He asked what was stopped.

Mr. O’Neil answered that Sun Communities was stopped because they had done work without proper documentation, they did not provide the Town Building Official or Town Engineer with pre-approved plans and/or without proper inspections. He added that this was part of the current problem – and that when freelancing took place it was stopped.

**11. Comments from Mayor Ostrand** – Mayor Ostrand introduced the Martin County Tax Collector, Ruth Pietruszewski.

Tax Collector Pietruszewski introduced herself to announce that she had just filed for reelection for another term, and she mentioned that Ocean Breeze was not charged any fees for billing or collecting taxes. She spoke about the requirements of her filing. She provided forms at the meeting for signatures to prevent her from paying the filing fee.

Mayor Ostrand reminded the Council that a mandatory four-hour ethics class was being offered on April 19, 2024, at Indian River State College.

**12. Announcements** – Regular Town Council Meeting – Monday, March 11, 2024, at 10:30 am to be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

**13. Adjourn** – Council Member Reese, seconded by Council Member Docherty, made a Motion to adjourn the meeting at 11:35AM.

All in favor: Yes: Docherty, Kent, Reese, Squires, Kelley, Heller; No: None: motion passed 6-0

Respectfully Submitted,

*Kim Stanton*  
Town Clerk

Minutes approved: March 11, 2024