

TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, January 8, 2024, 6:00PM  
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 6:00 p.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; Town Attorney, Rick Crary; Attorney Nicole Laliberte; Director of Strategic Development and Policy, (Treasure Coast Regional Planning Council), Kim Delaney, Town Clerk, Kim Stanton; Permit Processor, Pam Orr

**2. Approval of Minutes** – Vice-President Reese, seconded by Council Member Kent, made a motion to approve the minutes of the Regular Meeting, Monday, December 11, 2023.

President Kelley asked for comments from the public.

There were none.

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

**3. Budget to Actual Report, July 1 – September 30, 2023** - President Kelley asked for comments from the Council.

There were none.

President Kelley asked for comments from the public.

There were none.

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

Vice-President Liz Reese, seconded by Council Member Docherty, made a motion to accept the Budget to Actual report as of September 30, 2023.

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

**4. Presentation on Railroad Quiet Zones** – Kim Delaney, PhD, Director, Strategic Development and Policy of the Treasure Coast Regional Planning Council.

Dr. Delaney spoke about her background, train quiet zones, Florida East Coast Railroad system, Brightline trains, railroad grade crossings, quiet zone timing development, infrastructure required for quiet zones, Notices of Intent, Notices of Establishment, Brightline commencement of September 21, 2023, one-year waiting period.

Dr. Delaney took questions from the Mayor and Town Council regarding train horns.

Council Member Docherty spoke about his attendance at the Treasure Coast Council of Local Governments meeting and their discussions about train horns. He pointed out a recent incident at the Jensen Beach Boulevard roundabout in which a driver drove onto the train tracks. He asked about the lack of lighting in that area and expressed his concerns regarding safety. Dr. Delaney stated that the Town could ask the County to add lighting in that area. She spoke about federal, state, and local dollars available to Martin County to install permanent lighting and added that additional federal grant dollars were available for gates at the grade crossing. She continued to explain the potential redesign of West End Boulevard from southbound to northbound and state grant dollars available.

Discussion ensued regarding the roundabout safety issues, signage, West End Boulevard design issues, quiet zone applications and explained state, county, and city roadways.

Mr. O'Neil asked Dr. Delaney if there were any downsides for the Town should they decide to present Martin County with a Resolution to create quiet zones within the County.

Dr. Delaney stated that a such a Resolution was a smart idea and added that the Town should ask Martin County to evaluate the lighting issue at the roundabout.

Mr. O'Neil stated that staff would come back with a Resolution at the next meeting. He discussed a letter that was previously sent to Martin County regarding cars being trapped at the roundabout and that staff would follow up with this issue.

Dr. Delaney mentioned striping and signage techniques that are available at roundabouts to assist drivers.

Discussion ensued regarding the approval process of quiet zones, quiet zone calculator (available online tool), local governmental decisions in which train grade crossing occur, wayside horns versus train horns, sound barrier walls and train station applications.

**5. Presentation on Florida League of Cities and Treasure Coast Regional League of Cities – Mayor Ostrand introduced Patricia Christensen, Executive Director of the Treasure Coast Regional League of Cities.**

Ms. Christensen gave a presentation about the Florida League of Cities and the Treasure Coast Regional League of Cities non-partisan organizations and their mission statements and commented that she would be available to assist the Mayor and Town Council. She added that she is also a consultant with the Florida League of Cities on advocacy. She discussed advocacy tools and training programs available to the Mayor and Town Council members. She also spoke about the Florida Municipal Insurance Trust and the importance of building relationships with state representatives and legislators. She spoke about the Treasure Coast Council of Local Governments and the Treasure Coast Regional Planning Council. She concluded by advising the Town officials of the free, annual ethics training which would take place locally at Indian River State College in April.

**6. RESOLUTION #344-2024, A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE 2024 FLORIDA LEAGUE OF CITIES LEGISLATIVE PLATFORM – Mayor Ostrand read Resolution #344-2024 into the record.**

Council Member Kent, seconded by Council Member Docherty, made a motion to adopt Resolution #344-2024.

President Kelley asked for public comments.

There were none.

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

**7. Proclamation – Recognizing January, 2023 as Human Trafficking Awareness Month in Ocean Breeze, Florida** – Mayor Ostrand introduced Lynne Barletta, Founder/CEO Florida Faith Alliance and Visionary School of Arts, Tony Barletta and Julie Biondolillo.

Mrs. Barletta gave a presentation regarding child trafficking awareness. She spoke about the mission of Florida Faith Alliance and gave statistics regarding child trafficking.

Julie Biondolillo spoke about child trafficking in the local area and she mentioned a video provided by the Florida Faith Alliance called, “Don’t Take the Bait.”

Mrs. Barletta continued to provide information regarding the efforts by the Florida Faith Alliance, and stated that the long-term goal of her organization was to build a house for trafficked girls. She took questions from the Council.

Mayor Ostrand read the Proclamation into the record.

Council Member Docherty, seconded by Council Member Kent, made a motion to adopt the Proclamation.

President Kelley asked for public comments.

There were none.

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

**8. Review of Board and Agency Memberships** – Mr. O’Neil explained the board appointments and liaison activities matrix along with the highlighted sections.

Mr. O’Neil explained item #6, Treasure Coast Council of Local Governments (TCCLG) and stated that Council Member Docherty had been filling this vacancy for former Council Member Arnold.

Council Member Kent stated that she would be willing to be an alternate on Treasure Coast Council of Local Governments.

President Kelley, seconded by Council Member Heller, made a motion to appoint Council Member Docherty as the primary member to the Treasure Coast Council of Local Governments.

Council Member Docherty, seconded by Council Member Heller, made a motion to appoint Council Member Kent as the alternate member to the Treasure Coast Council of Local Governments.

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

Mr. O’Neil explained item #7, Local Legislative Delegation meetings and said that any of the elected officials could attend at their own initiative.

Council Member Docherty stated that he and Mayor Ostrand attended the latest local legislative delegation at Indian River State College.

Mr. O’Neil explained item #8, Martin Metropolitan Planning Organization (MPO). He asked if the Council wished to appoint a liaison to attend meetings informally. He commented that this organization concerned traffic, transportation, Florida Department of Transportation and Federal Department of Transportation and federal funds for roads. He added that if an elected official were interested in this organization, staff would make them aware of the agenda and remarked that the meetings were monthly.

Council Member Heller stated that he would volunteer to attend any pertinent MPO meetings.

Council Member Docherty, seconded by Vice-President Reese, made a motion to appoint Council Member Heller as the Town's liaison to attend the MPO meetings.

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

Council Member Docherty recognized Ann Kagdis as a previous liaison during the Indian River Drive project.

Mr. O'Neil explained item #9, Martin Metropolitan Planning Organization Citizen Advisory Committee (CAC) as a sub-committee of the MPO and stated that County Commissioner Smith appointed Ann Kagdis to serve.

Ann Kagdis, resident of Ocean Breeze, stated that she remained on the CAC.

Mr. O'Neil explained item #10, Martin Metropolitan Planning Organization Technical Advisory Committee (TAC) and stated that the Council could appoint a liaison and an alternate to attend these meetings.

Council Member Squires volunteered.

Council Member Docherty, seconded by Vice-President Reese, made a motion to appoint Council Member Squires as the Town liaison to attend the TAC meetings.

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

President Kelley volunteered to be the alternate to attend the TAC meetings.

Council Member Docherty, seconded by Vice-President Reese, made a motion to appoint President Kelley as the Town alternate to attend the TAC meetings.

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

Mr. O'Neil explained item #11, the Martin Metropolitan Planning Organization Bicycle and Pedestrian Advisory Committee (BPAC). He added that if the Town wished to pursue attendance on this committee, the County Administrator could be asked to appoint a resident.

Council Member Docherty stated that for the last two years, he represented the Town's interest on this committee and added that when road projects were planned, they would ask the committee members to provide input regarding bicycle paths/lanes. He stated that any Council Member who was interested in this committee would need to present themselves to the committee and fill out a form.

Mr. O'Neil stated that staff would look into whether there was any interest from Seawalk or Ocean Breeze Resort, come back before the Town Council for an appointment, and then contact Don Donaldson, Martin County Administrator.

Council Member Heller volunteered to attend the (#12) Martin County/Jensen Beach Community Redevelopment Area (CRA) Neighborhood Advisory Committee (NAC) meetings as the Town's liaison.

Council Member Docherty, seconded by Vice-President Reese, made a motion to appoint Council Member Heller as the designated liaison to the NAC.

Vice-President Reese volunteered to attend the CRA and NAC meetings as the Town's alternate.

Council Member Heller, seconded by Council Member Kent, made a motion to appoint Vice-President Reese as the designated alternate to the NAC.

Ann Kagdis, resident of Ocean Breeze Resort, stated that the meetings were not well attended.

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

**9. Request for a \$100.00 contribution from the History Museum of Jensen Beach** – Ann Kagdis gave a brief history of the History Museum of Jensen Beach and asked for a membership sponsor donation of \$100.00.

**10. Request for a \$200.00 contribution from the Entrepreneurship Foundation** – Ann Kagdis explained the Adopt-A-Class program and asked for a donation of \$200.00 to sponsor a class at Jensen Beach High School.

She also asked for a donation of a gift basket to the Art & Music Auction which would be auctioned off to raise money for the Art & Music programs in Martin County schools.

President Kelley, seconded by Council Member Docherty, made a motion for a \$100.00 donation to the History Museum of Jensen Beach.

President Kelley asked for public comments.

There were none.

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

Vice-President Reese, seconded by Council Member Heller, made a motion for a \$200.00 donation to the Entrepreneurship Foundation.

President Kelley asked for public comments.

There were none.

Roll Call Vote: Yes: Docherty, Reese, Squires, Kent, Kelley; No: Heller; motion passed – 5-1

**11. Comments from the public on topics not on the Agenda** – Matthew Biondolillo, resident of Ocean Breeze, spoke about landscaping, irrigation systems, vertical infrastructure and structural stress issues, off-ridge ventilation and cooling systems. He spoke about the Town procurement of Wojcieszak and Associates to perform an inspection of air-conditioning systems in some of the houses within the Seawalk development. He stated that he submitted comments to the Town of Ocean Breeze with respect to his initial review of the reports and he gave his printed comments to Pam Orr, Permit Processor, to establish them as part of the record. He continued to speak about his encounter with Mr. Wojcieszak and requested that the Town provide a formal response to his emails. He stated that in his dealings with D.R. Horton, they refused to offer a written response and as a result nothing has been accomplished. He stated that he has a leaking roof, windows that are broken with the seal on the inside are completely gone for a year and a half. He stated that he had cracked floors and a laundry list of construction defects that have not been resolved by D.R. Horton. He spoke about the off-ridge vents and that D.R. Horton decided to retrofit them with an attachable baffle instead of replacing them. He stated that he followed the Town's Building Official's advice after an inspection of his home and submitted a response to D.R. Horton in which he advised them that four (4) out of the six (6) off-ridge vents were defective and missing the external baffles. He added that he reached out to the Town and the Seawalk HOA and ~~the Seawalk HOA~~ (VERBATIM TRANSCRIPT IN RED) **“we had suggested that we go ahead and do a more of a formal hire somebody to do an inspection of those so that we could actually have an account or survey of all the off-ridge vents.”** ~~suggested that he obtain an inspection or survey of all the off-ridge vents.~~ He added that it seemed like there was not much interest but that two individuals from the Seawalk community stepped up and

performed a survey of every home. He continued that the data showed that sixty-nine percent (69%) of the homes (which was approximately 99 homes out of 143) had defective off-ridge vents. He continued that he had shared a video with the Town of Ocean Breeze that showed that the reason they were considered defective was because wind-driven rain could enter those off-ridge vents. He added that D.R. Horton was not required to obtain a building permit for the repairs, but that he wished that they had been required. He stated that he had reached out to D.R. Horton to gather a scope of work and they refused to supply him with this. He remarked that it had been nine to eleven months since these defective off-ridge vents were discovered. He added that he had contacted the manufacturer and they had told him that they only manufacture the off-ridge vent as a single unit which consisted of the frame and the baffle. He commented that the manufacturer of the baffle told him that if the external baffle was missing, that would be a violation of the warranty. He stated that D.R. Horton was in the process of retrofitting each one of the off-ridge vents, which he believed was a temporary fix and not a permanent fix. He stated that he shared with Mr. O'Neil and others that he went up into his attic one rainy day, prior to the baffles being installed, and water was coming into his attic. He commented that 99 homes (that had defective off-ridge vents) had water entering the attic space for an extended period, which is a large problem. He made the point that the manufacturer warranty would not be effective if these vents were not installed as designed. He spoke about his concerns regarding these defective off-ridge vents, hurricanes, and their warranty. He spoke about the requirements of the Florida Building Code. He asked Pam Orr if Absolute Engineering had performed the inspections yet.

Pam Orr answered, not to her knowledge.

Mr. Biondolillo stated that these off-ridge vents would require a wind test and that he would rather have had a replacement instead of a retrofit of all the off-ridge vents. He stated that according to Florida Building standards, Absolute would need to perform a wind standard on each of the retrofitted off-ridge vents.

President Kelley asked if Mr. Biondolillo planned to have a meeting with Town staff later in the week.

Mr. Biondolillo stated that was a good idea and that he requested a written response prior to the meeting. He stated that once he received a written response from Mr. Wojcieszak, he would be happy to meet with staff.

Mr. O'Neil confirmed that the Town had a written, fixed contract with Wojcieszak and Associates and that Mr. Biondolillo had received a copy of the written reports. He stated that Mr. Wojcieszak was not at liberty to create additional observations or answer questions. He commented that Mr. Wojcieszak had completed his review and produced reports. He added that he could not commit that Mr. Wojcieszak would answer his questions. He asked if Mr. Biondolillo needed to postpone the meeting. He stated that because the Town was not asking for permits for the remedial efforts, did not mean that documentation was not being requested by the Town for all jobs being performed to be placed in the files of each home. He remarked that the Town had made a judgment that the paperwork, time and costs involved did not make sense as long as they were under an obligation to the Town's Building Official to document all the work that had been performed. He continued that he believed some of the issues would fall under the issue of warranty. He added that he was not sure that the Town would be able to cover all of Mr. Biondolillo's concerns as a Town's related initiative.

Pam Orr added that the baffles would be inspected by Absolute Engineering once the work had been completed.

Mr. O'Neil confirmed that, and that the Town did not want to lose the thread of responsibility for who inspected these homes. He stated that the Town's Building Official, Mr. Nicolosi, was inserting himself into that process. Even though D.R. Horton chose to use a private provider, they were responsible for providing a certification that the code had been met. He added that this was the private provider's responsibility under the statute.

President Kelley asked if a meeting were going to take place with Mr. Biondolillo.

Mr. O'Neil answered "yes", even though the Town did not have some of the information, it made sense to meet.

Mr. Biondolillo stated that in the Florida Building code Chapter 15, stated that all ridge vents shall be tested in compliance with follow TAS100A for wind-driven water (undecipherable) infiltration and all ridge vents shall be restricted to roof (undecipherable) mean height as tested in compliance with TAS100A (undecipherable) and, that shouldn't be too hard and shall be listed in the system manufacturer's product approval. He added that the manufacturer told him that if the product was sent (to the builder) not as a single unit, then something is very, very wrong. If this ultimately (undecipherable) back to the system manufacturer product approval type of (undecipherable), typically (undecipherable) engineering as well would have to certify (undecipherable) by D.R. Horton (undecipherable).

Vice-President Reese asked if the manufacturer was saying that it is not his product if it came to you that way.

Mr. Biondolillo stated that the manufacturer was stating that it had been tampered with.

Vice-President Reese asked if the manufacturer was saying that the product was tampered with if it came to us like that.

Mr. Biondolillo stated that not according to their current design and manufacturing standards, that the vents may have met the code in 2008, but that the code had changed in 2020.

Council Member Kent asked if this were the case if it would fall under warranty.

Vice-President Reese remarked that if the manufacturer stated that they did not make those at this time, or since the new law came into effect, somebody had done something very strange.

Council Member Heller asked if Mr. Biondolillo spoke directly with the roofing company.

Mr. Biondolillo answered that he did while they were at his house.

Council Member Heller stated that he spoke directly with Treasure Coast Roofing and that during Covid there were assorted products installed because there was a shortage of everything, so they did not have the same roof vents for everybody and that some of them had the baffles and that some of them did not. He added that the ones that did not have the baffles, were retrofitted with a baffle.

Mr. Biondolillo stated that the baffles that were installed were retrofitted and that the Florida Building Code was extremely specific as to what requirements they must meet. He added that it stated that all off-ridge vents shall be tested in compliance with TAS100A for wind-driven water, and that it was extremely specific.

Council Member Heller stated that it was a different statement than "somebody tampered" with the roof vents and then installed them. He added that they were different roof vents.

Mr. Biondolillo answered that the roof vents that the manufacturer made would have already met TAS100A because it is designed and manufactured in accordance with (undecipherable) what was tested. He stated that the roof vents that showed up without external baffles were never evaluated.

Council Member Heller stated that the baffles may have been improper, but that they could not have been tampered with if they were the original.

Mr. Biondolillo stated that the manufacturer told him that if something was installed and the baffles were not there, then somehow it was tampered with and that the warranty would no longer be honored.

Council Member Docherty asked if this could be brought up with staff rather than discussing it at a Town meeting.

Mr. O'Neil answered "yes" but that he was interested in what Mr. Biondolillo had to share. He stated that there would be a meeting and that the building official would be there. He added that in his view, the private provider, licensed by the State, whatever the remedies were, had to be compliant with the applicable building code. He stated that the private provider had that obligation, as does the builder, to provide the Town with that certification and the Town was obliged to accept it.

Council Member Kent asked if this issue applied to the close-out.

Mr. O'Neil commented that the issue was related but that most of the close-out issues had to do with the PUD and the bond, and that this was the building code, which dealt with each individual homeowner's situation versus the HOA. He stated that it is a third area having to do with the close-out issues and that this issue is in the realm of the Building Official and the building code.

Council Member Kent asked if the HOA attorney was Deborah Ross.

Mr. O'Neil answered yes, and that the HOA would be keenly interested in these building issues but that it was the individual homeowner that must collaborate with the developer builder in terms of the building code.

Council Member Kent stated that she was referring to Michael Cristoforo, Esquire, and Deborah Ross, Esquire, and the memo that Attorney Ross wrote.

Mr. O'Neil remarked that the document was an outline of the close-out list that was created over a year ago and the HOA attorney was emphasizing expectations of the HOA, that the developer would provide the certifications and make the remedial efforts. He added that it was a good thing that the Town had received that letter from the HOA attorney because it stressed their interests, and it was pushing the Town to push the developer. He commented that the Town was pushing the HOA to push the developer as well.

Mr. Biondolillo spoke about the exterior and interior cracking along the walls and (undecipherable) ceilings. He added that he was stating this for awareness purposes and if there were other homeowners within the community, he wanted to hear collectively from them. He commented that he had tile floors in the master bedroom that were cracking, and the structural cracking extended into the shower.

President Kelley stated that those were all warranty issues.

Mr. Biondolillo stated that they were warranty issues but that he was getting into something else. He commented that he had submitted warranty claims to D.R. Horton and that D.R. Horton had cancelled them. He remarked that two other residents in the community had asked for the (inaudible) soil nuclear gage tests, and the Town had provided those, but he wanted it noted that before Forestar was (inaudible) doing the work for single construction with roads sidewalks and everything, the reports look good, and everything passed – the soil and (inaudible) nuclear gage tests. He added that he did notice that when the work switched over to D.R. Horton as it related to the vertical construction, that many of the reports provided by Universal Engineering Sciences Company (inaudible) did not include the serial number and make and model of the serial number of the equipment itself. He stated that the ASTM standard is required in which the serial numbers are included on the draft and the final reports. He added that it is purposeful, and he likened it to the analogy of a breathalyzer test



that is traced to a serial number to ensure that the equipment was properly calibrated. He stated that was the reason the ASTM, American Standard, existed and for some reason, none of the reports that were done through Universal Engineering Sciences Company include the serial numbers so it cannot be tracked back to some level of calibration.

President Kelley stated that there would be more discussion on the issue.

Mr. Biondolillo stated that he would talk about the irrigation and watering during another time.

(Unknown individual from the audience) asked a question of Mr. Biondolillo **if the original roof vents had a model number on them or any kind of identifying...**

Discussion ensued **between unidentified individual and Mr. Biondolillo** regarding original roof vents model numbers **and the testing process of the new roof vents.**

Mr. O'Neil asked the individual to come forward to keep an accurate record.

Linda Capobianco, resident of Ocean Breeze, asked how they were going to **evaluate test** all the baffles; were they going to come physically and perform this duty or...

Mr. Biondolillo stated that he had asked that question and did not receive an answer but that he did know that D.R. Horton had been given the ability to hire Absolute Civil Engineering to perform these inspections. He added that he wanted to make sure, as a community, that the work was performed in accordance with the Florida Building Codes.

**(VERBATIM TRANSCRIPTION)**

**MS. CAPOBIANCO:** Do you think they will do this when they are all done or are they doing it as they are installing them or...because I...the guy came and installed them and was in and out in five minutes.

**MR. BIONDOLILLO:** I know that Gina asked the same question and the answer is that nobody knows. Again, there was no building permit that was done. I have asked these questions of DR Horton and they refuse to answer. Now, to talk about the five minute thing...

**MAYOR OSTRAND:** Excuse me...is this conversation, um... I know that right now involves your living space but right now...yes...for the conversation. We do understand then that there is problems, more problems, not just yours and that (inaudible).

**(END OF VERBATIM TRANSCRIPTION)**

~~Ms. Capobianco asked when that would take place.~~

~~Mr. Biondolillo remarked that nobody knew.~~

~~Mayor Ostrand stated that...~~

Mr. Biondolillo commented that the Town originally communicated with D.R. Horton, and it had been determined that approximately two (2) homes could get done per day. He commented that he noticed that he had four (4) off-ridge vents that were defective and that were retrofitted and it took approximately one (1) to two (2) minutes per off-ridge vent so for a total of eight (8) to ten (10) minutes and so the reality was with going

up and down the ladder, that was about fifteen (15) minutes per home amounting to four (4) homes per hour and in about an eight (8) hour day, one would expect to get thirty-two (32) homes done per day. He added that D.R. Horton's initial focus was two (2) homes per day and that they could actually do up to thirty-two (32) homes a day and that something changed during the installation of the off-ridge vents. He stated that his concern was that there was no oversight and no quality control.

Mayor Ostrand answered that the Town had inspectors investigating this. She added that the Town will get back with Mr. Biondolillo.

President Kelley stated that she would like to move the meeting forward.

**12. Comments from the Council on topics not on the Agenda** – Council Member Heller thanked the Town Clerk and Permit Processor for copying the information at the last-minute regarding train horns and the noise, decibels and how far it traveled. He added that almost the entire community had experienced almost thirty (30) times per day more than ninety (90) decibels of noise. He stated that something needed to be done about this.

**13. Comments from Town Management Consultant, Terry O'Neil** – Mr. O'Neil stated that Staff had distributed to the Council a document just received from the Town Engineer. He stated that in the past, there were issues regarding stormwater inlets in the Seawalk development as well as some roadway buckling that had occurred. He advised that Town Engineer, Scott Montgomery, had inspected it and deemed it to be material and covered by the bond. He added that it would be communicated to the developer and that they must deal with these issues.

**14. Comments from Mayor Ostrand** – Mayor Ostrand spoke about advocacy and stated that Council Member Docherty participated in advocacy with the State Tax and Finance Committee. She stated that his allotted finances would not cover his stay in Tallahassee for the Legislative Action Days, and the conference in August. She added that he would need a thousand dollars (\$1,000.00) to be able to go to these events.

Council Member Kent asked if this was per year or per trip.

Mayor Ostrand answered that it was per year. She added that his involvement was important because of the upcoming laws. He asked the Council to transfer the dollars to him and that these things were not considered during the budget season. She apologized for it being so late and explained that the legislative conference was at the end of the month in Tallahassee, and that it was important. She added that there are four (4) bills currently that the Florida League of Cities opposed.

Vice-President Reese asked if each individual Council Member received a stipend of two hundred dollars (\$200.00).

Mayor Ostrand answered two hundred dollars (\$200.00) was correct.

Vice-President Reese asked if both the Mayor and Council Member Docherty were attending this conference.

Mayor Ostrand answered "yes" but that they were on different committees and dealt with different subjects. She stated that Council Member Docherty was on the Tax and Finance Committee, and she was on Municipal Administration. She added that the trips were twice a year to Tallahassee and two to three times per year in Orlando. She stated that the Orlando trips at times were limited to one day.

Discussion ensued regarding these trips, days involved and hotels.

Council Member Reese asked for a spreadsheet with the costs of these trips are to document to the Council so that they can decide.

Mayor Ostrand asked if we could email that to the Council.

Pam Orr answered that there was not enough time before the next Town Council meeting.

Attorney Crary stated that no decisions outside of a public meeting could be made on Town business. He added that the decision would need to be made right now for the subject at hand or hold a special meeting that was noticed, etc.

Council Member Docherty explained that in previous years, each Council Member had one thousand dollars (\$1,000.00) allotted to them for conferences and travel. He stated that because no one was interested in attending these meetings, the allotted amount got reduced from five hundred (\$500), now to two hundred (\$200.00). He commented that this Council wanted to get involved. He stated that he believed that Council Members would learn something new to bring back and improve this community. He spoke about Ann Kagdis being on the Florida Municipal Insurance Trust (FMIT) board and that FMIT paid for her travel expenses. He stated that he was attempting to get on that Board. He added that he spent four and one-half (4 ½) hours today in meetings in which he volunteered.

Discussion ensued regarding taking the extra dollars from the general fund, budget adjustment, etc.

Mr. O'Neil explained that it was highly likely that the dollars could be found within the operational general budget because there have routinely been surpluses. He added that if that were not the case, a budget amendment request would be brought before the Council, to move money from reserves to cover any shortfall. He commented that that did not usually happen. He directed the Town Council to the Financial Consultant's report in which the revenues were more than expected. He stated that he did not believe it would be difficult to absorb into the budget without touching the individual allotted Conferences and Travel amounts. He concluded that the Council could direct staff to find the one thousand dollars (\$1,000.00) within the budget without a budget amendment at this time.

Vice-President Reese, seconded by Council Member Kent, made a motion to allocate one thousand dollars (\$1000.00) to Council Member Docherty's travel.

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

President Kelley asked for public comment.

Pam Hurlock, resident of Ocean Breeze, stated that she believed it was inappropriate to be allotting these types of funds at the last minute and that if, in the future, any travel dollars are needed, they should be submitted in a timely manner. She remarked that this was thrown at the Council and the public at the last moment when it had been known for some time.

Council Member Kent stated that this was just discovered because Council Member Docherty was assisting the Mayor at the Florida League of Cities.

Discussion ensued regarding when Council Member Docherty knew about his travel, various trips, legislative session starting earlier than usual, budget for FY 2024/2025, and the importance of Council Member Docherty's attendance, the number of vacancies on the FMIT board, explanations of the FMIT, rotating Board of Directors on the FMIT Board, Council Member Docherty's qualifications, volunteerism, and benefits to the Town for Council Member Docherty's volunteerism.

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

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

**16. Adjourn** – Council Member (unable to hear), seconded by Vice-President Reese, made a motion to adjourn the meeting at 9:15 pm

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

Respectfully Submitted,

*Kim Stanton*

Town Clerk

Minutes approved: March 11, 2024