

TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, April 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 and Gina Kent; Absent: Matthew Squires
- Staff Present – Town Management Consultant, Terry O’Neil; Town Clerk, Kim Stanton; Permit Processor, Pam Orr

**2. Approval of Minutes** – Council Member Docherty, seconded by Vice-President Reese, made a motion to approve the minutes of the Regular Meeting, Monday, March 11, 2024.

President Kelley asked for comments from the public.

There were none.

All in favor: Yes: Heller, Kent, Kelley, Docherty, Reese; No: None: motion passed 5-0.

President Kelley introduced visitor Rory Newton, Railroad Safety Inspector, US Department of Transportation.

Mr. O’Neil further introduced Mr. Newton as it relates to grant opportunities for a safety barrier wall in the direction of the Council.

Mr. Newton spoke about certain grants available for infrastructure and safety improvements. He spoke about available funding for public safety projects such as public safety fencing, improving traffic control at intersections with grade crossings, improving warning devices, etc. He stated that the funds could not be used to establish quiet zones. He gave some details regarding the grants available to local governments and joint efforts within local governments. He added that some of the funds could be used for planning purposes. He spoke about the problem of trespassing along the railways. He took questions from the Council regarding quiet zones, way side horns, public safety fences, maintenance of safety fences, safety lights at grade crossings, Treasure Coast Regional Planning Council, existing walls the were inadequate or insufficient for safety, timing of certain grants and teaming up with local community partners (multi-jurisdictional).

**3. National Donate Life Month Proclamation** – Mayor Karen Ostrand read a portion of the Proclamation into the record.

Council Member Docherty, seconded by Council Member Kent, made a motion to accept the National Donate Life Month Proclamation.

President Kelley asked for public comment.

There were none.

All in favor: Yes: Heller, Kent, Kelley, Docherty, Reese; No: None: motion passed 5-0.

**4. Authorize Mayor to execute an agreement with Florida Power & Light to install three (3) additional streetlights on Indian River Drive** – Mr. O’Neil gave a brief explanation regarding the installation of additional lighting along Indian River Drive. He stated that no budget amendment was needed to accomplish this task.

Council Member Kent, seconded by Vice-President Reese, made a motion to authorize the Mayor to execute the agreement with Florida Power and Light to install three (3) additional streetlights on Indian River drive.

President Kelley asked for comments from the public.

There were none.

Roll Call Vote: Yes: Heller, Kent, Kelley, Docherty, Reese; No: None; Absent: Squires; motion passed 5-0.

Council Member Docherty stated that the leaning power pole along Indian River Drive was inspected, and it was determined that the pole was safe. He added that he asked about replacing the current wooden power poles with cement poles. He asked staff to follow-up with Florida Power & Light as to when the Town could expect the replacement of the wooden poles with cement poles.

**5. RESOLUTION #347-2024 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #2, TO THE SPECIAL REVENUE FUND IN THE AMOUNT OF \$1,000 FOR AN EDUCATIONAL SIGN DESCRIBING A SHORELINE PROTECTION PROJECT SPONSORED BY THE MARTIN COUNTY SCHOOL BOARD ENVIRONMENTAL STUDIES CENTER, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES** – Mr. O’Neil explained that the item was follow-up of the approval at last month’s meeting to put the money into place to cover the educational sign.

Council Member Docherty, seconded by Council Member Heller, made a motion to adopt Resolution #347-2024.

President Kelley asked for public comments.

There were none.

Roll Call Vote: Yes: Kent, Heller, Docherty, Reese, Kelley; No: None; Absent: Squires; motion passed 5-0.

**6. Comments from the public on topics not on the Agenda** – Melissa Heller, resident of Seawalk community, Town of Ocean Breeze, and member of the Seawalk Homeowners Association spoke about her pleasure in learning that the Town Staff had meet with DR Horton staff at a lengthy meeting. She stated that the HOA was aware that they are responsible for maintaining their neighborhood in compliance with PUD documents in perpetuity going forward. She stated that however, the HOA was also aware that there are a good number of elements that the developer has yet to demonstrate compliance with. She spoke specifically about the irrigation issue. She stated that they had been told repeatedly that this issue was not necessarily covered by the Bond, held by the Town, so she asked for the Town’s help in understanding where the developers responsibility ends and where the HOA’s responsibilities begin. She thanked the Town for hiring Landscape Architect, Mike Flaugh, for his additional review of the landscaping which were completed back in January 2024 and in that report, he states that there was an inconsistency in the community’s documentation regarding the irrigation system. She added that the landscape management plan filed by the developer in 2017

stated that there would be no permanent irrigation in the common areas. She stated that however, an irrigation system, with four (4) separate control boxes, was included in the plans in the common areas. She said that those plans were dated 2019, per Mike Flaugh's report, and were installed at an estimated construction costs of \$152,000. She commented that without knowing the timing of these documents and without being a land development expert, she was not sure what to make of this – which documents take precedence and how could the documents contradict each other and what exactly should be in the ground. She stated that she did not know the answer to these questions so she was asking the Town to collectively and conclusively tell her what exactly the developer was obliged to install, including the electric required to power the sprinkler systems and control boxes, the dates upon which each of these elements were inspected and by whom. She said that she did not expect this information tonight or even this week, if that were how long a review would take. She stated that the one thing that was clear was that the Homeowners Association was the party that was responsible for the condition of the common areas in the long term. She stated that according to our landscaping experts, they are on the brink of losing what was left of the common area landscaping unless they can start watering it soon.

Mr. O'Neil stated that he had a conversation with, Mike Flaugh, the landscape architect representing the Town's interest today, he agreed that the Town will need his continuing services and he has agreed to be available for a meeting with the HOA and their representatives. He added that Mike Flaugh wants to bring in someone he deems as an expert in the irrigation field as well. He commented that the purpose of the meeting would be to understand what was out there, what was not right, and what the fix looks like and the long-term sustainability of it so that the HOA can rely on the design going forward. He spoke about issues of compliance and who was responsible – the Town has looked at the possibility of and arguing that the irrigation should fit within the bond itself. He added that whether that comes about, we are not sure, but that the attorney was aware of that. He commented that the next step would be a meeting with Mr. Flaugh and the HOA to hash through what did get done, what didn't, what has to be fixed to make it workable, look at the landscaping materials and make sure that they were proper materials for the irrigation system proposed and get to the what to do of this issue and we will continue to work on whose responsible for making it happen. He added that Mr. Flaugh said that we would be meeting within a weeks' time, and we would contact everyone (inaudible).

**7. Comments from the Council on topics not on the Agenda** – Council Member Docherty spoke about his endeavors to get the name of the Town corrected with the Property Appraiser's office to remove the word "Park." He spoke about his meetings with the Treasure Coast Council of Local Governments and other meetings online in which the topic of hurricanes was discussed. He stated that he would check with the resort to see if someone could come in to talk to the residents and visitors about hurricane season. He stated that the Seawalk HOA would like to have a hurricane meeting about what to do, what not to do, etc. He stated that he was willing to seek out someone to talk to everyone as a whole – for the Town.

Mr. O'Neil reported that in May or June of the last few years, the Town has had someone from the Martin County Fire Rescue emergency personnel come and give a presentation. He stated that staff would contact them to come before the Council to talk about their protocols and all that was entailed in hurricane preparation.

Mayor Ostrand stated that she was also attending such meetings. She spoke about the importance of knowing who to contact federally, state wise, county wise as well as the municipal government.

Mr. O'Neil stated that the Town of Ocean Breeze was of the size that we cannot pretend to have an emergency system other than to say that we participate in the County's program by an Interlocal Agreement

and all the planning that they do, includes the Town. He stated that the Town does not strike out on our own in this arena and that the Town was very much dependent on Martin County. He stated that staff could get someone to come and talk to us at the next meeting. He stated that the Town goes along with whatever the County was doing.

Mayor Ostrand stated that the Federal Government also had funds available to assist Town's that may be hit by a hurricane.

**8. Comments from Town Management Consultant, Terry O'Neil** – Mr. O'Neil referred to Attorney Nicoletti's summary of where things stand with the Seawalk project and the resort. He reported that a meeting was scheduled for April 9, 2024, with the Resort representatives about the remedial work that remains outstanding and that they need to complete on the north side of the Resort. He stated that the Town continues to push for compliance with the developers.

Council Member Docherty stated that the Town had been working with and waiting on Martin County to get the new crosswalks finished, new signage and road paint.

**9. Comments from Mayor Ostrand** – Mayor Ostrand spoke about the legislation update which included the following bills which the Governor had signed including broadband and cybersecurity. She spoke about the details of the homestead exemption tax bill, short-term rentals bill and a certain bill regarding permitting that passed. She also spoke about certain other bills that failed. She spoke about the Jensen Beach causeway being closed to one lane traffic east April 21 – 25 from 10:00PM to 6:00AM and the other side, west will be closed to one lane traffic April 28 – May 2.

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

**11. Adjourn** – Council Member Docherty, seconded by Council Member Heller, made a motion to adjourn the meeting at 7:30PM.

Respectfully Submitted,

*Kim Stanton*  
Town Clerk

Minutes approved: May 13, 2024