

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, May 13, 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, Matthew Squires, and Gina Kent; Absent: Michael Heller
- 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 Council Member Kent, made a motion to approve the minutes of the Regular Meeting, Monday, April 8, 2024.

President Kelley asked for comments from the public.

There were none.

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

3. Proclamation – Recognizing William F. Crary, II for his Remarkable Service and Dedication as the Town Attorney for 42 Years – President Kelley recognized Mayor Karen Ostrand and she read a portion of the Proclamation into the record then invited Attorney Crary to speak.

Attorney Crary gave a brief history of his time working as the Attorney for the Town of Ocean Breeze.

Mayor Ostrand continued to read the Proclamation recognizing Attorney Crary.

Attorney Crary was presented with the Proclamation.

4. Budget to Actual – January 1, 2024 – March 31, 2024 – President Kelley directed everyone to the Memorandum by Town Financial Consultant, Holly Vath.

She asked for a Motion to accept.

Vice-President Reese, seconded by Council Member Docherty, made a Motion to accept the Budget to Actual for the period of January 1 – March 31, 2024.

President Kelley asked for public comments.

There were none.

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

5. Comments from Attorney Paul Nicoletti Regarding Closeout of Development Project(s) -

Attorney Nicoletti directed the Mayor and Town Council to his most recent memorandum dated Friday, May 10, 2024, in which he explained the status of the Seawalk and Sun Communities Developments. He stated that things were moving slowly, and documents were needed by Seawalk to close-out. He commented that in March 2024 a deadline of July 1, 2024, was set and if DR Horton/Forestar went beyond that deadline, it would be his intent to start enforcement proceedings. He continued that DR Horton/Forestar still had a couple of months to complete what they needed to do, that it was not impossible for them to get the work done and come into compliance by the July 1st deadline. He added that the exception to that may be Lot #1 which had to be reconfigured. He stated that staff had been working with both Forestar, the Developer, the landowner and with the HOA because the HOA had an immediate, adjacent preserve area that could be impacted. He spoke about the four (4) million-dollar bond in place that the Town believed was due to be renewed in August and the Town believed next years' premium would have to be paid. He stated that the bonds do not expire and as a result, Seawalk developers would be very interested in not having to pay another annual premium. He added that DR Horton/Forestar have asked the Town to consider reducing the bond. He commented that the Town would reduce the bond, but that the Town was nowhere near that situation. He added that there were still infrastructure elements, which needed to be resolved and at least certified to the Town and that was the purpose of the bond.

He discussed Sun Community's concerns and stated that they were now requesting another forty-five (45) days. He stated that in his memorandum (dated May 10, 2024) to the Mayor and the Town Council, he had suggested that the Town may want to talk to them about submitting a performance bond for the infrastructure work that had to be completed, particularly in the northern section of the community which involved replacing water lines, sewer, drainage work and recontouring some land. He stated that staff would be talking with a representative of Sun Communities and their attorney this week to see if that was a possibility.

He continued that in his memorandum, he noted that work had been performed in that area without permits and without approvals by the predecessor—which was not by Sun Communities. He added that the project itself would not be completed in the next year or so. He commented that he thought that once it was on track and underway, it was not something that would require his attention but that it would be just making sure that the Town received all the earlier documentation.

Attorney Nicoletti noted that on April 23, 2024, he sent a clarification memorandum to the Town Council and the Mayor regarding the responsibilities of the developer, the builder, the Homeowners Association and the individual property owners along with the Town.

Council Member Docherty asked about the forty-five (45) days.

Attorney Nicoletti stated this was the same forty-five (45) days that they had requested, and that the problem was that the Town had asked for a response by May 10th, and that date had passed so the Town would have to work with them to see what could be done as far as setting dates for compliance, but that the dates would be extended. He stated that this was something that would not happen in the next sixty (60) to ninety (90) days but would be more likely a year or more based upon the engineers estimate for a date of completion. He stated that the Town would have to collaborate with them to get this done.

Council Member Docherty asked, especially for the residents in the north end, if there were plans that had been drawn up and if so, have the plans had been approved.

Attorney Nicoletti answered “no” and that as far as he knew, they were being worked on by Joe Capra at Captec Engineering who would be responsible for filing them.

Mr. O’Neil stated that in a meeting with the Resort owners and their staff, Town staff had stressed that whatever the remedial plan for the northside of the Resort, Sun Communities would have to work in such a way that recognized that this was a fully occupied community with residents and not a construction site. He added that in their plan, he insisted they include how they intend to complete the water/sewer lines, etc. with a minimum of disruption to the residents. He added that Captec was proposing directional boring for the water and sewer lines which meant that they would not have to dig up the roads and trenches. He stressed that it was a key component of that plan, and they would need to demonstrate the importance of that and that it may take longer to make it convenient for the residents.

President Kelley asked if it remained an option for Seawalk to have the work done and pay for it out of the bond.

Attorney Nicoletti answered that it remained an option and if they failed to comply by the date set, then the Town had the option of calling the bond and having the work performed or continuing with enforcement and fining them until they comply. He added that there were some options but hopefully, the Town would not have to visit them, but if so, it would be later in the summer.

President Kelley asked for further questions for Attorney Nicoletti.

There were none.

6. Comments from the public on topics not on the Agenda – David Wagner, 124 NE Bay Drive, Ocean Breeze, stated that he had the opportunity to attend the Neighborhood Advisory Council meeting. He stated that one issue discussed was resurfacing North End Drive (West End Boulevard). He asked the Council about a planned sidewalk that was supposed to run from the entire length from the gate (at Sun Communities) up West End Boulevard, to Jensen Beach Boulevard.

He spoke about the historical difficulties with North End Boulevard (West End Boulevard) and that the current configuration created a dramatic safety hazard. He remarked that drivers had to make more than a ninety (90) degree turn to go down West End Boulevard. He spoke about the increase in the frequency of the trains. He added that with the new set of tracks (undecipherable) the potential of someone getting trapped between the gates was extremely high if they were within the crosswalk and traffic came to a halt. He stated that it was his request that Martin County make West End Boulevard a northbound only street and that this would add to the safety at the roundabout. He stated that one of the Board members spoke about parking at the Barber Shop and the design for traffic to go out and (undecipherable). He commented that he believed it would be a good opportunity for the Town Council to partner with and enter discussions with the Neighborhood Advisory Council (NAC). He continued that previous Town Councils had been fighting for many years for a better solution to this issue. He introduced Terry Locatis and stated that he had gone in depth with the NEC, the County, and the decision makers.

President Kelley asked for clarification of the location.

Mr. Wagner explained that the area he was speaking about was from the roundabout to the Resort gate on West End Boulevard.

Mr. O'Neil stated that staff had been in touch with Mr. Jim Gorton, Director Martin County Public Works, who had indicated that the County had hired an engineering firm to conduct a study of West End Boulevard at the intersection of the roundabout. He added that Martin County had committed to the Town that they would examine whether they could restore two-way traffic or if not, establish northbound traffic there as a permanent fix. He commented that staff had also called to Martin County's attention that the intersection had all kinds of unique problems. He added that staff had spoken to the County weekly advising them about concerns and expectations, and that the Town be consulted as they developed the plan, which may involve cooperation with the railroad. He stated that the County had a settlement agreement with the railroad and that the County had now invested the dollars into the firm to do the analysis and he believed some changes would be made.

Terry Locatis, 33 NE Nautical Drive, Ocean Breeze, stated that he had information regarding West End Boulevard that dated back to February 2022 and commented that his contact was Katie Mitzner, Brightline Director of Public Affairs. He gave a brief history and how the decision regarding the direction of West End Boulevard came about. He remarked that the County Engineer, at that time, stated that the turn was not on the railroad easement. He quoted Katie Mitzner as saying, "we proceeded with direction based on what we were asked to do by Martin County per the request of Ocean Breeze." Mr. Locatis commented that he came back to Ocean Breeze to find out who gave Martin County this advice; the Manager at the time was Chris Walters and he stated that neither he nor anyone on his staff gave Martin County any information. He spoke about multiple conversations he had with Katie Mitzner (which he had documented in emails) in which she suggested he speak with Terry O'Neil. He stated that he had also been talking with Jame Gorton, Director of Martin County Public Works, until May 2023, and Mr. Gorton advised him that Martin County had been waiting for FEC's permit to be closed to determine whether they could change the road. He stated that he also spoke to Doug Smith about it and that was a waste of time. He spoke about another email in May 2023 from James Gorton that said, "we plan to reevaluate this once the Brightline project was completed which should be in the next few months." He expressed his concerns about cars being hit and/or someone being killed on the tracks before something was completed. He commented that it was a dangerous situation and that the design coming onto West End Boulevard required a half-U turn and that the design of the turn was for the traffic to go north, not south.

Janet Galante, 431 S. Intercoastal Drive, asked about the viability of having a crosswalk in the middle of downtown Jensen Beach. She stated that she was not sure to whom she should direct this inquiry, the Chamber of Commerce or Mr. O'Neil. She commented that people were not using the crosswalks to cross.

Mr. O'Neil agreed and stated that when the northbound on West End Boulevard was reestablished, then the intersection at Maple would be back to something safer and that staff could talk to the County about this at the same time they were looking at West End.

Ms. Galante asked that it be on the record that she was asking for the crosswalk now and not waiting until the conversation regarding West End Boulevard.

Ms. Galante stated that she was in the process of changing her drivers' license and was having a challenging time establishing her town as Ocean Breeze. She commented that her license read "Jensen Beach" and that in a comparable situation up north, she had to get a Senator's help in getting numbers for the zip code. She commented that she was getting delayed mail, other resident's mail, Fed Ex, etc. She reiterated that she lived in Ocean Breeze, not Jensen Beach.

Mayor Ostrand stated that many of the residents of Ocean Breeze had this problem and that she had asked the Post Office to change the addresses. She advised that when a resident had an order such as Amazon, the Town had different last four digits than Jensen Beach. She added that she would make the effort once again to bring it up in Tallahassee, the Florida League of Mayors and with the Florida League of Cities.

Janet Galante asked if the vacant building, which was formerly the Town office, was condemned, would be condemned or demolished?

Mayor Ostrand stated that she had no update but that she would find out about the plans for the building.

Janet Galante asked about an update on the train whistle.

President Kelley answered that there would be an update forthcoming on the train horn noise.

7. Comments from the Council on topics not on the Agenda – Council Member Docherty discussed the “blue sheet” items located in the packet. He spoke about the crosswalk refurbishment and additional speed signs along Indian River Drive, which runs through the Resort area of Town. He gave an update on the “Your Speed” sign which had been knocked down and broken and stated that it was back up and running. He remarked that he had been working with FPL for years trying to find out when the Town could expect the conversion from wooden power poles to concrete poles and FPL had informed staff that the Town was not in line for this conversion which he believed was a hazard, especially during a hurricane or high winds. He commented that the Town was getting additional lighting along Indian River Drive.

8. Comments from Town Management Consultant, Terry O’Neil – Mr. O’Neil stated that he met with Mike Mortell, the Manager at the City of Stuart, and that he had agreed to help the Town look into the possibility of obtaining grants that would relate to safety and impacts of the Railroad. He stated that the City had a permanent skilled staff that performed grant applications and that if there was a feasible chance for the Town to obtain funds, or whether the collaboration with City of Stuart could be explored. He added that he spoke to Mr. Mortell about quiet zones, and he agreed that the Town could collaborate on a joint effort to see if a quiet zone could be established. He also informed the Mayor and Town Council that Staff was meeting with Landscape Architect, Mike Flaugh, on May 16th to address the concerns at Seawalk. He remarked that it had been confirmed that Martin County would be attending the June 10, 2024, Town Council meeting to give a presentation on hurricane preparedness. He added that he contacted Martin County regarding the Plaza entrance at Skyline Drive and posed the question as to whether they would require a permit for an alteration to that intersection to allow left turns and stated that the Town had not received a response yet.

Council Member Kent spoke about the distance the train traveled within the Town area being .03 miles from the roundabout to the end of Ocean Breeze.

Mr. O’Neil stated that these were the kinds of facts that would need to be provided for the grant; also, easements, length of the wall, the estimated costs, way-side horns, etc.

9. Comments from Mayor Ostrand – Mayor Ostrand invited the Town Council to attend a luncheon to honor recipients of the Home Rule Hero Award Wednesday, May 15, 2024, at which time the honorees would be herself and Council Member Docherty. She also invited the Town Council Members and citizens to contact her to get involved.

10. Announcements – The following meetings will be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze:

- Monday, June 10, 2024, at 10:30AM – Regular Town Council Meeting
- Monday, July 8, 2024, at 6:00PM – Regular Town Council Meeting
- Wednesday, July 24, 2024, at 6:00PM – Public Hearing Workshop / Special Meeting for setting of Millage Rate and Budget for FY 2024/2025
- Monday, August 12, 2024, at 10:30AM – Regular Town Council Meeting
- Monday, September 9, 2024, at 10:30AM - Regular Town Council Meeting
- Wednesday, September 11, 2024, at 6:00PM – Public Hearing for Setting of Tentative Millage Rate and Budget for FY 2024/2025
- Wednesday, September 25, 2024, at 6:00PM – Public Hearing for Adoption of Final Millage Rate and Budget for FY 2024/2025

11. Adjourn – Vice-President Reese, seconded by Council Member Docherty, made a motion to adjourn the meeting at 11:40AM.

Respectfully Submitted,

Kim Stanton
Town Clerk

Minutes approved: July 8, 2024