

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, April 14, 2025, 6:00 p.m.
Ocean Breeze Resort Clubhouse, Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

1. Call to Order – President Docherty 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 Kevin Docherty; Vice President Sandy Kelley; Council Members George Ciaschi, Janet Galante, Michael Heller, and Matthew Squires
- **Staff Present** – Attorney, Gemma Torcivia; Permit Processor, Pam Orr; Town Clerk, Kim Stanton

2. Approval of Minutes – Council Member Ciaschi, seconded by Vice President Kelley and Council Member Galante, made a Motion to approve the Minutes of the following meetings:

- Regular Meeting, Monday, February 10, 2025
- Special Meeting, Thursday, February 27, 2025
- Regular Meeting, Monday, March 10, 2025

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None; Motion passed 6-0)

3. Presentation by Christina McIntosh, Events & Community Relations, The Children's Museum of the Treasure Coast – Vice President Kelley introduced Christina McIntosh who gave a presentation on The Children's Museum of the Treasure Coast and discussed volunteer opportunities. She provided material on the "Festival of Giving" event to be held November 12th – 22nd. She answered questions from the Town Council regarding the Science Center and Planetarium, school events, fundraising, and volunteer opportunities.

4. Request Approval of Proclamation Honoring Martin County First Responder, Lieutenant Melinda Price – Council Member Galante introduced Lieutenant Melinda Price.

Mayor Ostrand read the proclamation and presented it to Lieutenant Price.

Council Member Galante, seconded by Council Member Ciaschi, made a motion to adopt the Proclamation.

President Docherty asked for comments from the public.

There were none.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None; Motion passed 6-0)

5. Request Approval of National Donate Life Month Proclamation – Mayor Ostrand read the Proclamation into the record.

Vice President Kelley, seconded by Council Member Heller, made a motion to adopt the Proclamation.

President Docherty asked for comments from the public.

There were none.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None; Motion passed 6-0)

6. Review of Board and Agency Memberships / Appointments – President Docherty reviewed the matrix and asked for an alternate member to serve on the Martin County Local Mitigation Strategy Committee and Sub-Committee.

Council Member Ciaschi volunteered.

Council Member Galante, seconded by Vice President Kelley, made a motion for Council Member Ciaschi to serve as an alternate on the Martin County Local Mitigation Strategy Committee and Sub-Committee.

President Docherty asked for comments from the public.

There were none.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None; Motion passed 6-0)

7. Approval of Proposed Budget Hearing Dates – Council Member Heller, seconded by Council Member Ciaschi, made a motion to approve the following dates for budget hearings:

- Budget Workshop and Setting of Tentative Millage Rate, Wednesday, July 16, 2025, at 6:00PM
- Proposed Budget and Tentative Millage Rate Hearing, Wednesday, September 10, 2025, at 6:00PM
- Final Budget and Millage Rate Hearing, Wednesday, September 24, 2025, at 6:00PM

President Docherty asked for comments from the public.

There were none.

(Roll call vote: Yes: Squires, Ciaschi, Kelley, Heller, Galante, Docherty; No: None; Motion passed 6-0)

8. Comments from the public on topics not on the Agenda – Melissa Heller, 2760 NE Breezeway Circle, resident of Seawalk, stated that she was frustrated that Chubb, the bond company, was not taking an active role in the corrective process. She added that the reason Chubb got involved was because Forestar, the developer, had not made any decisions nor taken action to address the deficiencies in Seawalk. She commented that the developer had attended the walk-through inspection on March 25, 2025 (talking points attached). She added that the subcontractor was to be on-site all-day Wednesday, April 9, 2025, and added that they did not show up on Wednesday or Thursday. She asked that the Town's engineer and legal team continue to maintain pressure on the developer by establishing deadlines whenever possible and continue to go back to the bonding company as often as necessary to keep things moving. She indicated that in order to expedite the review of the materials that the Town was expecting from the developer by April 18th, as stated in Attorney Nicoletti's memo, she asked that the Town consider scheduling a meeting for all of the engineers to meet during the week of April 21st or April 28th to perform a concurrent review of whatever was submitted to the Town. She added that a fixed time for review ensured that the process moves forward in the most efficient manner and would provide the developer with feedback. She stated that time was of the essence and thanked the Town Council for their assistance.

Liz Reese, 1363 NE White Pine Terrace, resident of Seawalk, stated the residents of Seawalk would like to see the Town continue with the bond process. She asked the Town Council to consider pursuing a safety wall in the Seawalk community.

Council Member Galante asked Melissa Heller to submit her written materials to the Town Clerk for the record.

Terry Locatis, 33 NE Nautical Drive, Ocean Breeze Resort, spoke about security within the Resort. He commented that suspicious people were wandering in and riding bikes through the gates. He added that the bathrooms were unlocked, and it would be easy for homeless individuals to come in and use the showers. He added that he has heard from residents that they would like more security.

President Docherty spoke about summer approaching and that any security would have to be provided for the entire Town.

Pam Orr, Permit Processor, stated that this was a topic for the budget workshop.

Mr. Locatis spoke about an incident where teenagers were attempting to “borrow” a resident’s cell phone.

President Docherty stated that security measures could be brought up during the budget hearings.

Gail Balogna, 393 NE Sand Dune Way, Ocean Breeze Resort resident, asked for clarification on the police patrols and stated that she would like the police to show a greater presence during summer, Easter break and winter break because that was the time of year when misdemeanor crimes occur.

Pam Orr, Permit Processor, stated that residents were free to contact Martin County Sheriff’s Department to ask for extra patrol. She stated that the Town does not have paid extra patrol because it was voted down during the last budget season. She added that this would have to be brought up at the upcoming budget hearings.

Ms. Balogna asked the Council to consider having seasonal patrols when the youth were out of school.

Officer Andy Adams, Martin County Sheriff’s Deputy, stated that if anyone saw something suspicious at any time, to call the Martin County Sheriff’s Department non-emergency number at (772) 220-7000 or emergency 911.

Discussion ensued regarding patrols, Sheriff’s Department calls, trespass authorizations on file for the Plaza, the Resort, and Seawalk.

President Docherty stated that during the budget hearings, extra patrol could be discussed further.

9. Comments from the Council on topics not on the Agenda – Council Member Heller explained that Martin County voted “no” for Quiet Zones throughout the County. He commented that he spoke with Rory Newton, Railroad Safety Inspector, U.S. Department of Transportation, Federal Railroad Administration and that a suggestion discussed was for the Town to pursue a Quiet Zone at Palmetto Street, a private intersection, which was the next crossing to the south of the Town. He stated that there were three (3) homes on the other side of the crossing and that all the safety equipment was already in

place. He stated that if the Town could get Martin County to make that one crossing a quiet zone it would reduce the train noise by fifty percent (50%). He asked that the Council move forward with requesting a Quiet Zone at that location which would require two things: send a letter to the residents on the western side of Palmetto to let them know that the Town would be asking the County for a Quiet Zone and ask them to contact the Town if they had any questions. Also, adopt a Resolution requesting that the County make Palmetto Drive crossing a Quiet Zone.

Vice President Kelley stated that the County had been unresponsive to her requests to speak with someone.

Council Member Heller stated that there had never been an incident at that crossing. He added that if all the residents of the Town were to show up at a County meeting, possibly with a petition, he did not think that the County would deny making that crossing a Quiet Zone. He commented that he believed that the three property owners using that crossing were members of the same family.

Attorney Torcivia stated that a letter could be sent to these homeowners to ask if they would be open to joining the Town in this request.

Council Member Galante suggested that the letter be sent by Certified Mail.

Council Member Heller, seconded by Council Member Galante, made a motion to send a Certified letter to the residents on the west side of Palmetto to let them know that the Town would be asking Martin County for a Quiet Zone.

Discussion ensued regarding Quiet Zones.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None; Motion passed 6-0)

Council Member Heller, seconded by Vice-President Kelley, made a motion to adopt a Resolution requesting that Martin County make the crossing at Palmetto Drive a Quiet Zone.

Attorney Torcivia stated that she would draft the Resolution for the next meeting.

President Docherty asked for public comments.

There were none.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None; Motion passed 6-0)

President Docherty announced that Congressman Brian Mast would be visiting Martin County tomorrow afternoon at 12:30 p.m. for a Town Hall meeting at the Palm City New Hope Church, 3900 Citrus Boulevard, and it would be first come, first serve for Martin County residents. He added that he would be attending, and identification would be required. He added that he was working on having Congressman Mast attend a Town Council meeting.

Attorney Torcivia stated that FEMA funding should be mentioned if anyone from the Town attended.

Council Member Galante announced that the next CRA meeting would be held on May 7, 2025, at the Jensen Beach Community Center at 5:00PM. She suggested that the issue of train noise could be brought up to the CRA.

Council Member Ciaschi spoke about the Jensen Beach train crossing and that he believed that the Town should stress to Martin County, as they perform road configuration(s), that this work needs to be done as soon as possible because of the recent accident at the train crossing. He asked how this could be accomplished.

Pam Orr stated that Martin County was in the process of completing an engineering report and that she would try to obtain a copy.

President Docherty stated that Pam Orr could follow-up with this and once the report was obtained, maybe by the next meeting, the Town could send a letter to Martin County urging them to get this done as quickly as possible.

Discussion ensued regarding the guard rails, the accident at the train crossing, Jammin Jensen traffic at the train crossing, pedestrian traffic at the train crossing, and representatives in Tallahassee.

Council Member Ciaschi thanked Melissa Heller for giving him a tour of the Seawalk community. He stated that the conditions there were worse than expected and the storm retention ponds were a disgrace. He provided specifics about what he witnessed regarding storm drains, vegetation loss, slopes in retention ponds washed away. He added that the road at the back gate should be widened to allow trucks and emergency vehicles to turn around and that now those vehicles are driving into a ditch to get the trucks around the turn, which he said was ridiculous. He spoke about the grouting that needed to be replaced.

Council Member Ciaschi spoke about the Town receiving the water main and fire hydrant engineering plans. He stated that there were supposed to be two additional fire hydrants but that according to the Martin County Code, a fire hydrant must be within five hundred feet of every dwelling. He added that he had not seen the plans and wanted to make sure that the plans were accurate.

Council Member Ciaschi thanked the Mayor and President Docherty for their attendance in Tallahassee for Legislative Action Days & Advocacy and for representing the Town which he believed was important. He asked for an update on what was taking place in Tallahassee.

Council Member Ciaschi spoke about the Martin County Property Appraiser's office attending the Budget Workshop hearing to explain the differences between the taxing models. He stated that property taxes were less for an Ocean Breeze property owner than a similar property owner in unincorporated Martin County.

Council Member Ciaschi asked the Council and staff to gather information for the Budget Workshop hearing. He spoke about the possibility of providing police patrols and about negotiating the rate that Ocean Breeze residents pay for Martin County Fire Rescue; or the possibility of negotiating a lower rate with a neighboring area such as Port St. Lucie or Hutchinson Island. He added that the most important piece was response time. He stated that he would like the material ahead of time in order to make informed decisions at the Budget Workshop.

Council Member Ciaschi spoke about grants available through the Florida League of Cities. He stated that a workshop would be the most important piece of planning because the Town needed to know where it is going to make decisions concerning the budget. He asked if the Mayor and the Town Council could hold preliminary workshops before the Budget Workshop to get an idea of where the Town would

like to be concerning a Town Hall and other things in five, ten, and twenty years. He asked if a motion was needed to do it and he spoke about fiscal responsibility and plans for the future.

President Docherty stated that resumes had been received for a new Town Management Consultant. He added that this was a pressing matter.

10. Comments from Town Attorney, Gemma Torcivia – Attorney Torcivia stated that if the Jensen Beach CRA had a contract with a security service, the Town could possibly join forces with them.

Kim Stanton, Town Clerk, explained that previously the Town had used the restricted fuel tax funds to hire Martin County Sheriff's Department to conduct extra patrols throughout the Town, at a rate of \$60.00 an hour.

Attorney Torcivia stated that she had drafted the Ordinance for the Utility Tax and provided it to Holly Vath, Town Financial Consultant, and Mayor Ostrand for review. She asked if this was to be brought forward at the May meeting for review and discussion or notice it with the May meeting being the first reading with the second reading taking place at the June meeting. She stated that at a first reading, certain changes can be made but if they were substantive, then the Town would need to re-advertise.

Kim Stanton, Town Clerk, stated that Ms. Vath suggested that one of the readings be held at a 6:00 p.m. meeting and the next 6:00 p.m. meeting would be held in July, unless the June meeting could be rescheduled from 10:30 a.m. to 6:00 p.m.

Attorney Torcivia stated that she could bring a draft forward at the May meeting.

Kim Stanton confirmed that Ms. Vath was scheduled to attend the May meeting.

Attorney Torcivia confirmed that the first reading could take place in June with the second reading in July to meet Ms. Vath's goals.

Attorney Torcivia spoke about the Seawalk closeout process. She stated that the Town had called the Bond, which is an insurance policy with Chubb Insurance. She stated that Forestar had an interest in not having the Bond go through. She provided information regarding Attorney Nicoletti's memo. She spoke about the Friday (April 18) deadline to receive a scope of work which would then need to be reviewed. She referred to Leo Giangrande's memo.

Discussion ensued regarding grouting, grading, and drains.

Pam Orr, Permit Processor, stated that Engineer Giangrande's memo should have referenced Lot #1 in Seawalk not 1 Palm Drive.

Attorney Torcivia stated that the Town would get with Engineer Giangrande to update the memo so that the file was accurate.

Pam Orr, Permit Processor stated that she spoke with Zack Griffen today and he informed her that the Town should have it by Friday.

Council Member Galante stated that Engineer Giangrande stated in his memo that the site photos were to be included; she asked about the site photos.

Pam Orr, Permit Processor, stated that the Town had not received them yet but that she would request them from Mr. Giangrande.

Discussion ensued regarding failure of the developer's landscape company showing up on Wednesday, April 9th, regrading, past promises, Seawalk HOA Attorney, the construction defect claim, the Bond claim, scope of work, timeline for repairs, specific permits, sodding, irrigation, Seawalk HOA desires for the Town to aggressively address shortcomings, detail of scope of work, engineer's review, future decisions regarding remedies to inaction, insufficiency of submitted plans, permit application processes, work schedule, closeout matrix, Forestar's verbal statements as to timeline 75 – 90 days, and Engineering Consultant Leo Giangrande.

Attorney Torcivia suggested sending "reply all" email to Attorney McFetridge (Forestar) to advise that Forestar was provided HOA access and that no one showed up, mentioning the deadline in four days, grave concerns, and future access. She asked if the Council agreed.

(Thumbs Up: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None)

Attorney Torcivia asked for any other questions concerning Seawalk.

Council Member Heller stated that if Friday comes and goes with no response, a strongly worded letter should be drafted.

Attorney Torcivia stated that on the following Monday, she would send a FedEx letter to Forestar and to Chubb. She asked if the Town Council agreed.

(Thumbs Up: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None)

Vice President Kelley stated that she would like to push on drawing the funds from the Bond. She added that she did not trust Forestar.

Attorney Torcivia stated that if the letter ends up going out on Monday, she will send the letter to Chubb. She stated that she would send the letter to Chubb and copy Forestar.

(Thumbs Up: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None)

11. Comments from Mayor Ostrand – Mayor Ostrand spoke about the interviews for Town Management Consultant. She stated two candidates would be brought forward for the Town Council to interview and then a vote at the May meeting. She added that her recommendation was Zack Davis-Walker and remarked that he knew Attorney Torcivia. She provided information about Mr. Walker and Mr. Hudson. She discussed the State of Florida attempting to pre-empt small towns, CRA bills, sovereign immunity, committees, meeting representatives in Tallahassee, recognition of the Town of Ocean Breeze on the Florida Senate/House floor, Senator Gail Harrell, and Representative Toby Overdorf.

Attorney Torcivia announced that she had previously and briefly met both candidates in her other capacities.

Council Member Heller asked for a Special Meeting.

Discussion ensued regarding a special meeting, Council vote, public meeting requirements, contract for Management Consultant, quorum, available dates, budget workshop meeting, and costs involved.

It was decided that the Special Meeting would be held either April 29th or 30th at 10:30 a.m.

Attorney Torcivia stated that she could have the contract available at the Special Meeting so that the candidate chosen could review it before the meeting on May 12th.

Council Member Heller, seconded by Council Member Squires and Vice President Kelley, made a Motion to hold a Special Meeting on either April 29th or 30th at 10:30 a.m.

President Docherty asked for public comment.

There was none.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Heller, Squires; No: None; Motion passed 6-0)

President Docherty spoke about his meetings in Tallahassee regarding sovereign immunity, advocacy, State Legislators, Local Voices material provided in packet, recommendations for sending emails to State Legislators regarding sovereign immunity.

Discussion ensued regarding sovereign immunity and the Town's upcoming budget process.

12. Announcements – President Docherty announced that the Regular Town Council meeting would be held on Monday, May 12, 2025, at 10:30 am at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

13. Adjourn – Council Member Heller, seconded by Council Member Squires, made a motion to adjourn the meeting at 7:51 pm

(All in favor: Yes: Docherty, Kelley, Galante, Heller; No: None; Absent: Ciaschi, Squires; Motion passed 4-0)

Respectfully Submitted,

Kim Stanton
Town Clerk

Minutes approved: May 12, 2025