

**TOWN OF OCEAN BREEZE**  
**MINUTES REGULAR TOWN COUNCIL MEETING**  
Monday, May 12, 2025, 10:30 a.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 10:30 a.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, and Matthew Squires; Absent: Michael Heller (by telephone)
- **Staff Present** – Attorney, Gemma Torcivia; Attorney Consultant, Paul Nicoletti; Management Consultant, Dan Hudson; Permit Processor, Pam Orr; Town Clerk, Kim Stanton

Vice President Kelley introduced Martin County Commissioner Eileen Vargas, Martin County Public Works Director Jim Gorton and Commission Aide, District 1 Kathy Boden.

Commissioner Vargas announced an Open House for District 1 on Tuesday, 4:30PM to 6:30PM at Indian Riverside Park Mansion.

Mr. Gorton spoke about train noise and quiet zones. He took questions regarding quiet zones, buffers, quiet zone at Palmetto Drive, Jensen Beach Boulevard traffic circle congestion, traffic configuration, lighting, safety, and possible night-time quiet zones.

**2. Approval of Minutes** – Council Member Ciaschi, seconded by Council Member Squires, made a Motion to approve the Minutes of the Regular Meeting, Monday, April 14, 2025, and the Special Meeting, Tuesday, April 29, 2025.

President Docherty asked for public comment.

There was none.

Council Member Galante asked for a possible correction to the Minutes of the April 14, 2025, regular meeting. She asked about the order of the vote on the Proclamation.

Kim Stanton, Town Clerk, clarified that the vote came after the presentation of the Proclamation.

Council Member Galante stated that on page 7, eight lines down, she believed the word should be “insufficiency” not “sufficiency.”

Kim Stanton, Town Clerk, stated that the Minutes would be corrected to reflect “insufficiency” of submitted plans.

Council Member Galante, seconded by Council Member Ciaschi, made a motion to approve the Minutes of the April 14, 2025, meeting as corrected.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Squires; Absent: Heller; No: None; Motion passed 5-0)

**3. Request Approval of Proclamation Honoring Martin County First Responder, Dispatcher Kirsten Burkey** – Council Member Galante, seconded by Council Member Ciaschi, made a motion to approve the Proclamation.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Squires; Absent: Heller; No: None; Motion passed 5-0)

Council Member Galante introduced Dispatcher Kirsten Burkey.

Mayor Ostrand read the Proclamation into the record and presented it to Dispatcher Burkey.

**4. Presentation by Jessica Gosa, MSW, Chief Development Officer, Treasure Coast Food Bank –** President Docherty introduced Jessica Gosa who gave a presentation on the Treasure Coast Food Bank. She answered questions from the Town Council regarding their new space, volunteerism, fundraising, and Treasure Coast coverage.

**5. Approval of Media Request –** Mayor Ostrand spoke about the recent media request.

Discussion ensued regarding comments from the Attorney and Building Official, public records requests, and future media requests.

Council Member Squires, seconded by Council Member Kelley, made a motion not to respond to the media questions.

Pam Orr, Permit Processor, stated that it had been the Town's policy in the past to answer media questions.

President Docherty asked for comments from the public. He stated that the Agenda packet material was provided on the Town's website on the Wednesday prior to the Town Council meeting.

Attorney Torcivia stated that she believed the Town should develop a policy concerning such requests.

Discussion ensued regarding creating public records, Hunterbrook Media, future media requests and a policy concerning future media requests.

Attorney Nicoletti stated that he believed it was important to answer questions with facts.

Pam Orr, Permit Processor, stated that previous media requests were given to the Town Management Consultant.

(All in favor (raising of hands): Yes: Kelley, Squires; Motion failed)

Council Member Ciaschi, seconded by Council Member Galante, made a motion to respond to the media request.

(Roll call vote: Yes: Galante, Ciaschi, Docherty; Absent: Heller; No: Squires, Kelley; Motion passed 3-2)

Attorney Torcivia suggested making a policy on future media requests and that she could prepare a simple policy for approval.

Vice President Kelley, seconded by Council Member Squires, made a motion to develop a policy for responding to future media requests.

President Docherty asked for comments from the public.

There were none.

Council Member Galante added to the motion that all future media requests were to be passed to the Mayor.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Squires; Absent: Heller; No: None; Motion passed 5-0)

**6. Budget to Actual report for second quarter of fiscal year 2025** – Holly Vath explained the Budget to Actual report for second quarter of fiscal year 2025 ending March 31, 2025. She took questions from the Council.

Council Member Ciaschi asked about recouping legal costs from the Seawalk closeout.

Attorney Nicoletti stated that usually only “hard” costs were recouped through a bond. He added that if the matter were to be litigated, there was a possibility.

Council Member Ciaschi asked about drawing down the reserves throughout the remainder of the fiscal year.

Ms. Vath explained that she could not predict what the legal fees and other costs might be for the remainder of the fiscal year but that she believed reserves would need to be used.

Discussion ensued regarding alcoholic beverage licenses.

Council Member Squires, seconded by Council Member Ciaschi, made a motion to accept the Budget to Actual report for the second quarter of fiscal year 2025.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Squires; Absent: Heller; No: None; Motion passed 5-0)

**7. Request for Approval of Contract with Dan Hudson to serve as Town Management Consultant** – Mayor Ostrand introduced the item.

Discussion ensued regarding the selection process.

Council Member Galante, seconded by Council Member Squires, made a motion to approve the Contract services for Dan Hudson.

President Docherty asked for public comment.

There was none.

Mr. Hudson asked for a correction to the Contract, it should read “Dan Hudson Consulting LLC.”

Council Member Galante so noted.

(Roll Call Vote: Yes: Kelley, Docherty, Squires, Galante, Ciaschi; Absent: Heller; No: None; Motion passed 5-0)

Mr. Hudson introduced himself and provided background information.

**8. Request for Approval to Participate in State of Florida Purchasing Card Program** – Ms. Vath explained the program.

Discussion ensued regarding travel transactions, costs, billing records, receipts, Bank of America, debit card risks, number of cards, approval of purchases, budgeted amounts thresholds, setting up purchase cards, purchase card controls, fees, costs to set-up the program, and the program was used by Martin County and City of Stuart.

Council Member Ciaschi, seconded by Vice President Kelley, made a motion to approve participation in the State of Florida purchasing card program.

President Docherty asked for comments from the public.

Richard Gerald, 29 NE Nautical Drive, asked about budgeted amounts for the individual cards.

Ms. Vath explained that once the threshold amount was reached, future transactions would be denied.

President Docherty asked for comments from the public.

There were none.

(Roll Call Vote: Yes: Docherty, Squires, Kelley, Galante, Ciaschi; Absent: Heller; No: None; Motion passed 5-0)

**9. Draft Ordinance #360-2025 – AN Ordinance OF THE TOWN OF OCEAN BREEZE, FLORIDA, ESTABLISHING CHAPTER 10-2, “PUBLIC SERVICE TAX” OF THE GENERAL ORDINANCES TO PROVIDE FOR A PUBLIC SERVICE TAX AND UTILITY SERVICES WHICH ARE SUBJECT TO SUCH PUBLIC SERVICE TAX AS AUTHORIZED BY SECTION 166.231, ET. SEQ., FLORIDA STATUTES; PROVIDING LEVY AND IMPOSITION OF THE PUBLIC SERVICE TAX UPON PURCHASES WITHIN THE TOWN OF WATER, ELECTRICITY, METERED GAS, BOTTLED GAS, COAL, AND FUEL OIL; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE** – Ms. Vath stated that this Ordinance was a draft and added that this matter had been discussed over the past couple of years. She directed the Council to the electric utility tax analysis in their packet. She commented that the only current utility tax imposed was the telecommunications services tax, and that it was up to the Town Council to decide which taxes to consider. She asked the Attorney Torcivia to comment.

Attorney Torcivia stated that this Ordinance was not advertised yet because staff did not know the will of the Town Council. She stated that the Ordinance was drafted to include everything allowed under the statute at the maximum amount which was 10%. She commented that the Ordinance could be scaled back to include only electricity, but that staff needed direction. She spoke about Section 10-1, an existing Ordinance #4, about bottled gas purveyors and license tax, and that this current Ordinance repealed other ordinances that were in conflict; she added that Ordinance #4 was not in conflict and would be preserved. She asked for questions.

Discussion ensued regarding bottled gas purveyors, Sun Communities, Florida law changes and business tax replacement of certain licenses.

Attorney Nicoletti stated that he reviewed the Florida Department of Revenue website and that there were very few communities (9 or 10) that did not levy some form of utility tax. He commented that for the new manager the Council may want to ask Ms. Vath to project what the taxes would be at different rates. He said that it would take 125 days to implement and that if the Town Council wanted to implement the tax for the next fiscal year, they would want to do it relatively soon.

Ms. Vath stated that the projected revenue for the electric was provided in the packets. She commented that staff attempted to get information from the County on the water bills but they were not successful. She indicated that there was one water meter for the Resort. She said that she would need certain average bills from the Seawalk residents to project water tax revenue. She further commented that the

propane and natural gas would probably be a small amount of revenue. She said that the County would probably need an interlocal agreement with the Town in order to collect water tax on behalf of the Town and added that an out-of-area fee or surcharge may be imposed to collect the tax. She stated the Ordinance was a draft to get input from the Council.

Discussion ensued regarding reserves, parameters, and amended ordinances.

Vice President Kelley stated that Seawalk residents were looking at the 2% rate for the tax on electric and provided additional background information regarding the utility taxes and reserves.

Joe Beert, 2850 NE Breezeway Circle, Ocean Breeze, spoke about tax equalization, pass through taxes, millage rate and City of Stuart fire assessment.

Discussion ensued regarding fire assessments, taxable revenues, goals, homestead exemptions, property ownership, millage rates, Town of Ocean Breeze millage rate versus the millage rate of unincorporated Martin County, property ownership, and pass-through taxes at Ocean Breeze Resort.

David Wagner, 124 NE Bay Drive, Ocean Breeze, spoke about the pass-through tax at Ocean Breeze Resort and the annual mobile home registration fees paid by the residents of the Resort.

Michelle Dolan, 1434 NE White Pine Terrace, Ocean Breeze, asked if the utility tax assessment would replace the millage rate. She asked if the proposal would be for electricity and water.

Attorney Nicoletti stated that it would be in addition to the millage and in lieu of increasing the millage. He stated that the revenue shortfall cure would be to cut expenses and produce additional revenue. He remarked that the utility tax was a broad tax that affected every resident using utilities.

Ms. Vath confirmed that this was critically important because with the 2026 budget, there would be no more reserves. She said that the options were to increase the millage rate or produce other sources of revenue and that the issue was discussed last year. She spoke about the Town's millage rate decreases over the years.

Discussion ensued regarding the impact of the water tax on Seawalk residents, Ordinance #4, updating the draft ordinance, Town revenue, compliance regarding violations of construction times, maximum millage rate calculations, steady streams of revenue, expenses, permitting fees, possible increase in purchases made at businesses in Ocean Breeze Plaza due to the implementation of a utility tax, Karl Andersson (Martin County Deputy Property Appraiser) scheduled to attend the July 16<sup>th</sup> Budget Workshop meeting, calculation of commercial property assessment versus residential single-family property, Seawalk properties encompassing about 65% of taxable values, utility tax versus increasing the millage rate, motor vehicle and pass-through taxes paid by Ocean Breeze Resort residents, ownership of land, property rights, and formula for calculating commercial property assessment values.

Ms. Vath stated that the taxable value for the Resort parcel was \$22 million, more or less, the taxable value of Seawalk was \$56 million, and Ocean Breeze Plaza was \$14 million. She commented that Seawalk had the majority of taxable value.

Discussion ensued regarding the disparity between the taxes paid by the Resort residents versus the Seawalk residents.

Attorney Nicoletti stated that he was surprised that the Town did not impose a utility tax, and that the rate charged by the City of Stuart was 10% on all utilities.

Discussion ensued regarding variables for the lot rent at Ocean Breeze Resort.

Joel Talka, 101 NE Shoal Drive, Ocean Breeze, expressed that he did not believe that the utility tax surcharge would solve this problem. He recommended having the utility tax as a tool to close revenue gaps in any given year or projected revenue gaps for the next year. He stated that the fundamental issue of inequity was how the Martin County Property Appraiser calculated the taxable base. He spoke about the relative revenue opportunities for each of the utility sources and the cost associated with developing and operating.

Discussion ensued regarding the draft ordinance.

Council Member Squires stated that he believed that the water element should be removed from the ordinance.

Discussion ensued regarding the details of the draft ordinance.

Council Member Ciaschi stated that he would like to see projections for the several types of revenue.

Ms. Vath asked if the draft could be rewritten so that a separate rate could be filled in for each item for future use as directed and needed.

Discussion ensued regarding water utilities.

Council Member Ciaschi made a motion to approve the draft Ordinance as written, adding separate utilities and leaving the rates blank.

Attorney Torcivia stated that the Ordinance would be advertised by title and that she would set all the rates at 10%, the maximum; and then the rates could be lowered at the meeting.

Kim Stanton, Town Clerk, stated that the projections for taxes on the electric were provided in the packet.

Discussion ensued regarding the draft Ordinance.

Attorney Torcivia stated that the Ordinance title would remain the same and that she would break it down into a table. She added that the Council could then vote on each individual utility at the next meeting. She stated that Ms. Vath would provide rough projections on each utility so that the Council could set a percentage for each one.

Council Member Galante seconded the motion.

President Docherty asked for public comment.

There were none.

(Roll Call Vote: Yes: Squires, Ciaschi, Kelley, Galante, Docherty; Absent: Heller; No: None; Motion passed 5-0)

Council Member Galante asked about permit fee projections for development at Ocean Breeze Plaza.

Pam Orr, Permit Processor, stated that the Town's permit fees were based on Martin County's, by Ordinance, and those fees were posted on the website. She added that any new development would have a plan review fee and permitting fees which would be calculated once the estimated cost of construction was provided.

Ms. Vath stated that those fees had to be spent on the Town's building program and added that the Town's building program was currently running in the negative.

**10. Comments from the public on topics not on the Agenda** – Ann Kagdis, 111 NE Bay Drive, Ocean Breeze, thanked the Town, especially President Docherty and Vice President Kelley, for their support of the Entrepreneurship Foundation of Martin County, on April 29<sup>th</sup> at the annual auction. She stated that the Town had budgeted \$200.00 during last year's budget hearings for the Adopt-A-Class through the Education Foundation of Martin County. She asked about to have the contribution sent.

Kim Stanton, Town Clerk, stated that the contribution line-item was set in the budget but that the specific contribution would need to be voted on by the Town Council.

Council Member Ciaschi, seconded by Council Member Galante, made a motion to donate \$200.00 to the Education Foundation of Martin County.

President Docherty asked for public comment.

There was none.

(Roll Call Vote: Yes: Galante, Squires, Docherty, Ciaschi, Kelley; Absent: Heller; No: None; Motion passed 5-0)

Discussion ensued regarding lot rent fees versus taxes, limited services provided by the Town, ownership of property, pass-through taxes paid by the residents of Ocean Breeze Resort, real estate values dropping, the three parcels in the Town, Publix representation, dissolving the Town, unincorporated Martin County, tax base, history of Town, legacy residents, Seawalk community, Martin County Property Appraiser, PUD issues, County representation, services provided by the Town, Town staff, importance/significance of the Town, voice of the Town, City of Stuart annexing neighboring areas, and City of Stuart millage rate.

**11. Comments from the Council on topics not on the Agenda** – Council Member Galante thanked Officer Paladino for being in attendance. She stated that Martin County was soliciting creative residents for designing a Martin County flag.

Council Member Ciaschi stated that he believed it was time to revisit a workshop for the Town of Ocean Breeze. He asked the Council to consider holding the workshop to discuss the Comprehensive Plan.

Pam Orr, Permit Processor, stated that the Comprehensive Plan was updated five years ago and was currently due.

Council Member Ciaschi asked the Council to consider a motion to start workshops to begin the Comprehensive Plan process to help with short and long-term goals. He asked to form a citizen committee consisting of approximately four people. He stated that the meeting would be at the end of the regular Town meetings. He asked for discussion to start these workshops.

Discussion ensued regarding the Seawalk closeout, importance of Comprehensive Plan, planning, the Forestar bond company, timing of closeout, PUD, timing of workshop, and history of cancellation of previously scheduled workshop.

Council Member Ciaschi, seconded by Council Member Galante, who added to the motion to form a committee of four citizens, made a motion to begin the workshop discussions for the Comprehensive Plan starting at the end of the August meeting.

(Roll Call Vote: Yes: Galante, Kelley, Docherty, Squires, Ciaschi; Absent: Heller; No: None; Motion passed 5-0)

President Docherty asked for public comment.

Council Member Ciaschi spoke about the Town Charter and that a major revision had not been done in about thirty years. He emphasized the importance of the Town's Charter. He asked the Council to consider beginning the process of rewriting and updating the Town Charter with the citizen committee at the end of the August meeting.

Discussion ensued regarding the Charter, and ballot initiatives for Charter changes versus Ordinance changes.

Council Member Ciaschi, seconded by Vice President Kelley, made a motion to start the Charter update meetings to begin after the August meeting, going forward, and adding a non-paid citizen committee, with a fair representation from the Seawalk development and the Ocean Breeze Resort development, two and two.

Attorney Torcivia stated that it was practice for each Council Member to appoint a citizen.

Discussion ensued regarding the committees, and interest of citizens.

Attorney Torcivia recommended that the Town establish a Charter Review Committee wherein each Council Member appointed one person and stated that the appointment would require a vote. She reiterated that this was generally standard practice.

President Docherty asked about representatives from the Plaza.

Attorney Torcivia stated that the Town meetings were publicly noticed, and anyone was welcome to apply to be on these committees.

Pam Orr, Permit Processor, stated that in the past, staff had advised the Plaza owners. She asked how much time, and cost would be involved in a Charter update.

Attorney Torcivia stated that typically a Charter Review Committee was appointed to start in August or September and meet six or seven times...

Mr. Hudson stated that he did not believe there would be a lot of cost associated with the Charter review. He stated that the draft would cost the Town, but that he did not see that as a big cost. He added that the Comprehensive Plan would have costs involved because a consultant would need to lead that process.

Attorney Torcivia answered that a Charter review may be around \$5,000.



Mr. Hudson suggested putting together a budget of anticipated costs.

Discussion ensued regarding Martin County volunteer committees, and interest levels of the residents.

Council Member Ciaschi, seconded by Vice President Kelley, made a Motion to update the Town Charter using a Citizen Committee that each Council Member would nominate, for non-paid positions, to update the Town Charter to start at the end of the August meeting.

Vice President Docherty asked for public comment.

There were none.

(Roll Call Vote: Yes: Docherty, Ciaschi, Kelley, Squires; Absent: Heller; No: Galante; Motion passed 4-1)

Mr. Hudson asked for clarification regarding the two tasks, the Comprehensive Plan and Charter review. He stated that the intention was that the six nominations would serve as a single committee to look at both tasks. He added that he intended to provide a report that outlined a calendar for both tasks and possible budget for both tasks.

President Docherty asked for further comments.

President Docherty spoke about Resolution #361-2025 regarding the Speaker and Ceremonial Policy. He asked to add the following in Section 4 “for review and approval of such Petition and upon approval, the item would then come before the Town Council at the next regularly scheduled meeting for presentation.” He said that he would like the Town Council to approve the item prior to the presentation. He added that he would like to add under Section 5c) “an individual who has resided or worked in or made direct, unusual, remarkable, or exceptional contributions to the Town.” He stated that he would like to also add under Section 6 “A topic, sub-topic, subject or category or individual is only eligible for one proclamation, resolution, award...”

Discussion ensued regarding the changes, Town policies, approval of speakers and ceremonial activities, costs to the Town, legal issues, Town seal, extraordinary efforts recognition, and future activities.

Council Member Ciaschi, seconded by Vice President Kelley, made a motion to approve the changes President Docherty spoke about for Proclamations only.

Discussion ensued regarding inviting speakers, and certain Proclamations.

(Roll Call Vote: Yes: Kelley, Docherty, Squires, Galante, Ciaschi; Absent: Heller; No: None; Motion passed 5-0)

President Docherty spoke about Board and Agency Memberships/Appointments. He stated that at future meetings, he would like the agenda to list each Committee with the name of the Mayor or Town Council Member serving on the Committee so that reports could be brought forward.

Discussion ensued regarding certain Committees.

**12. Comments from Town Attorney, Gemma Torcivia** – Attorney Torcivia stated that she would send a letter and call the property owners on Palmetto Drive (regarding a possible Quiet Zone).

Attorney Nicoletti provided an update regarding the bond company (Chubb) for Forestar. He added that Chubb had selected a Consultant to work with Leo Giangrande, PE. He commented that he would be “pulling back” from this case in favor of Attorney Torcivia taking the lead, and that he would remain as

a consultant to her. He added that he would attend the July 14<sup>th</sup> Town Council meeting because Attorney Torcivia would be traveling; and that he was “Of Council” to her law firm.

Attorney Torcivia spoke further about the matter.

**13. Comments from Mayor Ostrand** – Mayor Ostrand discussed the importance of the Comprehensive Plan and vision for the Town. She commented about the State of Florida attempting to pre-empt small towns, sovereign immunity, meeting representatives in Tallahassee, Senator Gail Harrell, and Representative Toby Overdorf, and the Florida League of Cities.

Attorney Torcivia stated that she would report back on the date that the Comprehensive Plan was due.

President Docherty announced that the entire Town Council was invited to the Treasure Coast Regional League of Cities luncheon at The Stuart Boathouse on May 21, 2025, hosted by the City of Stuart.

**14. Announcements** – President Docherty announced the following meetings to be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze:

- Monday, May 12, 2025, at 10:30AM – Regular Town Council Meeting
- Monday, June 9, 2025, at 10:30AM – Regular Town Council Meeting
- Monday, July 14, 2025, at 6:00PM – Regular Town Council Meeting
- **Wednesday, July 16, 2025, at 6:00PM – Public Hearing Workshop for setting of Millage Rate & Budget for FY 2025/2026**
- Monday, August 11, 2025, at 10:30AM – Regular Town Council Meeting
- Monday, September 8, 2025, at 10:30AM – Regular Town Council Meeting
- **Wednesday, September 10, 2025, at 6:00PM – Public Hearing for Setting of Tentative Millage Rate & Budget for FY 2025/2026**
- **Wednesday, September 24, 2025, at 6:00PM – Public Hearing for Adoption of Final Millage Rate & Budget for FY 2025/2026**

**15. Adjourn** – Council Member Galante, seconded by Vice President Kelley, made a motion to adjourn the meeting at 1:50PM.

(All in favor: Yes: Docherty, Kelley, Ciaschi, Galante, Squires; Absent: Heller; No: None; Motion passed 5-0)

*Respectfully Submitted,*

Kim Stanton  
Town Clerk

Minutes approved: June 9, 2025