

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, November 10, 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, Janet Galante, Michael Heller; Absent: George Ciaschi, Matthew Squires
- **Staff Present** – Town Management Consultant, Dan Hudson; Town Attorney Gemma Torcivia; Town Clerk, Pam Orr; Bookkeeper/Office Assistant, Wendy Price

2. Approval of Minutes –

President Docherty asked for comments from Council:

Council Member Galante outlined several corrections.

Town Clerk, Pam Orr, replied that the minutes must be typed as it was recorded.

Council Member Galante made a motion to approve the regular meeting minutes from October 13, 2025, but deferred approving the Budget Workshop/Setting Tentative Millage Rate meeting minutes from July 16, 2025.

There was no second. **Motion failed.**

Vice President Kelley, seconded by Council Member Galante, made a **motion** to approve the minutes of the regular meeting of October 13, 2025, and the Budget Workshop/Setting Tentative Millage Rate on July 16, 2025.

President Docherty asked for comments from the Public.

There were none.

(Roll Call Vote: Yes: Docherty, Kelley, Heller, Galante; No: None; Absent: Ciaschi, Squires; **Motion passed 4-0**)

President Docherty noted that no vote was needed to pass the Canvassing Board meeting minutes from November 5, 2025.

3. Approval of Resolution #373-2025 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING FISCAL YEAR 2024-2025 BUDGET AMENDMENT #1, TO THE GENERAL FUND IN THE AMOUNT OF \$49,000 FOR ADDITIONAL PUBLIC SAFETY EXPENSES, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

Vice President Kelley, seconded by President Docherty, made a motion to accept Resolution #373-2025.

President Docherty asked for public comments:

There were none.

(Roll Call Vote: Yes: Kelley, Docherty, Galante, Heller; No: None; Absent: Ciaschi, Squires; Motion passed 4-0)

4. Comments from the public on topics not on the Agenda

Melissa Heller, 2760 Breezeway Circle, commented that regarding the Preserve Area Maintenance Plan, the developer did not file the required monitoring reports which were required when the development began. She continued that the HOA requested that the developer fully remove all invasive species in the preserve and fully restore any damage done by the equipment required for the removal of twelve large trees. Ms. Heller continued that with respect to de-annexation, the HOA attorney advised them that setting an election date to vote on de-annexation would be premature and should not occur until completion of close-out. She confirmed that Forestar was not waiting for any information on irrigation from the HOA. She continued that they had not heard from Forestar in some time. Ms. Heller continued that the Town recognized what conditions did not meet the requirement of the development order and the developer needed to propose a solution. She commented that Dixie had been the landscaping company working with Forestar, and emails indicated that Dixie was doing an assessment. Ms. Heller stated that they were still waiting for a response.

Attorney Torcivia responded that Consulting Engineer, Leo Giangrande was out of the country and would be returning November 10, 2025, and would do inspections upon his return. Ms. Torcivia stated that she would have Mr. Giangrande send an email regarding his findings and forward it to the Council Members.

Liz Reese, 1363 NE White Pine Terrace, inquired as to whether a response was received from Chubb regarding the bond letter sent.

Attorney Torcivia replied that Chubb had not responded.

Ms. Reese asked about rezoning in Ocean Breeze Resort as homes were residential and no longer trailers.

Town Management Consultant, Dan Hudson, responded that the determination on the status of real estate rested with the Martin County Property Appraiser. Mr. Hudson stated that the Town could not influence that decision.

The Mayor stated that she had recently met with Representative Overdorf and expressed her concerns to him about the unevenness of taxes between a modular home versus a residential home. She explained that this was a State issue.

Attorney Torcivia reiterated that this was a State statute (320.015) and that a mobile home was subject to a license tax. She continued that a mobile home was considered real property only when the owner of the mobile home was also the owner of the land on which the mobile home is situated.

Liz Reese questioned the money from the Plaza and how that would work.

Pam Orr, Town Clerk, responded that the costs included in the Memorandum, under the blue sheet items, would be pass-through costs and that Phillips Edison would reimburse to the Town.

Gemma Torcivia, Attorney, explained that the Florida Legislature was aggressively stripping away the rights and abilities of towns and cities to function. She continued that one of the items

passed in the last session was a statute that meant plat approval took power away from elected officials. Ms. Torcivia stated that Council Members would not be permitted to review it and it would be approved administratively.

Council Member Heller asked if AutoZone moved forward, would the Council Members be involved in the voting.

Attorney Torcivia replied that the Council Members would not be involved in voting for the plat. She continued that if amendments were presented than Council Members would be able to vote to approve them.

Council Member Galante inquired if additional businesses wanted to build on the Plaza property, would there be any way to pass a moratorium to control what type of businesses would be allowed.

Town Clerk, Pam Orr, responded that the property had a B-1 zoning which allowed certain uses.

Attorney Torcivia added that it was in the code of ordinances. She continued that inside the Town of Ocean Breeze they had very little control over what businesses would be allowed. Ms. Torcivia stated that the Town could not do a moratorium.

Danna Pace, 295 NE Coastal Drive, inquired as to whether the Town could have golf cart parking in Ocean Breeze Plaza.

Dan Hudson, Town Management Consultant, stated that he would look into it.

Joe Beert, 2850 Breezeway Circle, stated that he was disheartened by the comments from the residents of Ocean Breeze Resort wishing ill on Seawalk residents. He continued that because of the results of the recent election, the Town was now a monopoly. Mr. Beert further explained that Seawalk candidates ran on knowledge, abilities and resumes, but that the Ocean Breeze Resort candidates ran on the basis of living in the Resort. He continued that if Seawalk were to remain a part of the Town then there needed to be some pathway to making things equal between the communities. Mr. Beert thought that because Seawalk paid 90% of the taxes, that they should have 90% of the vote.

President Docherty responded that there was a possibility that the Town could change the Charter to protect both sides of the Town. He stated that he wanted to keep the Town together and to make it fair at the same time.

Vice President Kelley inquired as to whether there is a way to split the Town into equal voting.

Attorney Torcivia explained that many places had districts, in which case, council members would become commissioners. She stated this would require a charter change and would need to be approved by the voters. Ms. Torcivia strongly recommended that if the Town chose to do a charter amendment, the council members should be an uneven amount of members.

Pete Luther, 2830 NE Breezeway Circle, asked Attorney Torcivia, whether within the Sunshine Law, if it was fair and legal to have two serving council people at the voting place handing out recommended votes. Mr. Luther continued that regarding the Sunshine Law, he heard that there were council members who had discussed future items on which there might be a vote.

Attorney Torcivia stated the rules regarding campaigning within a certain footage of the polling location should be referred to the Martin County Elections Commission. Ms. Torcivia continued that regarding the Sunshine Law, if there was evidence of a Sunshine Law Violation it should be reported to the Florida Commission on Ethics.

Vice President Kelley encouraged Mr. Luther to report any violations of the sunshine law.

Mayor Ostrand stated that all council members had taken an Oath of Office to do what is right for the entire Town. She continued that the Council wanted it to be fair for both Seawalk and Ocean Breeze Resort but not at the detriment to the Town.

President Docherty asked for clarification of the Sunshine Law and what would be considered proof or hear say against council members.

Attorney Torcivia explained the details of The Sunshine Law and added that there would be a training session for the council members, including the new incoming members.

5. Comments from the Council on topics not on the Agenda

Council Member, Janet Galante, thanked everyone for coming out to vote.

Council Member Galante asked Town Clerk, Pam Orr, to look into a missing tree in front of the Marine Science building. She also asked Town Management Consultant, Dan Hudson, to research the handicap parking spot on the river side.

President Docherty thanked the entire Town for the voter turnout for the recent election. He stated that he and Mayor Ostrand would be attending the last Legislative Conference in December.

Council Member Heller commented that comments by Joe Beert and Pete Luther that the position of certain council members at the polling place was not an issue. He stated that he would be going forward with an ethics violation investigation for topics that were discussed between council members at the polling location regarding issues that may be deliberated and voted upon at future meetings.

6. Comments for Town Management Consultant, Dan Hudson

Town Management Consultant, Dan Hudson, commented that the status report on the AutoZone project was included in the Blue Sheet items as well as the update from Sun Communities regarding the Ocean Breeze Resort.

Mr. Hudson remarked that in the blue sheet items there was an email from Sun Communities that stated they would not provide set-up services for the Town meetings in the future and that the Town would not be able to store any equipment for those meetings at the Resort.

Council member Janet Galante suggested setting up a committee to help with the set up and tear down at future meetings.

Vice President Kelly Stated that her husband would help with set up and tear down for the meetings.

Discussion ensued regarding possible solutions and liability concerns.

Mr. Hudson commented that Martin County requested support for a grant application for the high-speed rail station in Stuart.

Discussion ensued regarding Brightline.

Mayor Ostrand commented that she had joined an organization, which would be meeting on December 1, 2025, regarding the noise level of the trains through Martin County. She stated that she would be pushing to lower the noise level as well as the time schedule.

Council Member Galante inquired as to who would be leading the AutoZone project for the Town of Ocean Breeze.

Pam Orr, Town Clerk, replied that Town Engineer, Scott Montgomery, would be handling the project.

Town Management Consultant, Dan Hudson, stated that there would be an orientation to cover the Sunshine Law and public records, for the benefit of the new council members.

7. Comments from Town Attorney, Gemma Torcivia – Attorney Torcivia, thanked the Staff and Town Management Consultant, Dan Hudson, for all their support. Ms. Torcivia welcomed the new council members and thanked the outgoing council members for their service.

Ms. Torcivia stated that house code 145 had moved forward in Tallahassee and it is a very bad deal for the Town. Under our current law, local governments were liable for up to \$200,000 per person and \$300,000 per incident for negligence and tort hearings if there was an accident. She continued that this would increase the limits to \$500,000 per person and \$1,000,000 per incident starting in 2026 and then in 2031 it would increase to \$600,000 per person and \$1,200,000 per incident. Ms. Torcivia stated this would dramatically increase insurance costs.

8. Comments from Mayor Ostrand -

Mayor Ostrand stated that this was the tenth time that house code 145 had come up and because of the public speaking up, it had been squashed until next year. She agreed with Attorney Torcivia that this would hurt small towns.

9. Announcements – President Docherty stated that the swearing in of the new council members would be at the December 8, 2025, meeting. He announced that Monday, December 8, 2025, meeting would be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze

10. Adjournment – Council Member Galante, seconded by Vice President Kelly, made a motion to adjourn the meeting at 12:10 p.m.

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

Respectfully Submitted,

Pam Orr
Town Clerk

Minutes approved: _____