

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING

Monday, April 8, 2019

Ocean Breeze Jensen Beach Clubhouse, Pineapple Bay Room – 10:30 a.m.
700 NE Seabreeze Way, Ocean Breeze, FL 34957

1. **Call to Order** – President Ken De Angeles called the meeting to order at 10:30 a.m.
 - Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
 - Roll Call – Mayor Karen Ostrand, President Ken De Angeles, Vice-President Ann Kagdis, Council Members Kevin Docherty, Richard Gerold, Terry Locatis, David Wagner
 - Staff Present – Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary; Town Clerk, Pam Orr, and Bookkeeper/Clerical Assistant, Kim Stanton
2. **Approval of Minutes** – Council Member Wagner, seconded by Council Member Docherty, made a Motion to approve the Minutes of the March 11, 2019 Regular Meeting.
In favor: De Angeles, Kagdis, Docherty, Gerold, Locatis, Wagner
Opposed: None
Motion Passed: (6-0)

3. **Presentation** – Clark High School’s SPAM Robotics Program, Stacy and Hannah Jones.

4. **Presented by Vice-President Ann Kagdis, Consideration of support:**
A RESOLUTION OF THE TREASURE COAST REGIONAL LEAGUE OF CITIES, INC. IN SUPPORT OF HOUSE BILL 219 AND SENATE BILL 370, AMENDING FLORIDA STATUTE SECTION 796-07 REQUIRING A MANDATORY MINIMUM TERM OF INCARCERATION FOR PROSTITUTION OFFENCES INVOLVING VICTIMS OF “HUMAN TRAFFICKING”.

Vice-President Kagdis explained that House Bill 219 was presented to the Florida House by Representative Toby Overdorf and explained that the draft Resolution was supported by the Treasure Coast Regional League of Cities, Inc. She added that the change was the requirement of mandatory minimum term of 30 days incarceration for prostitution offences involving victims of “human trafficking.” She spoke about alternative remedies which might be added to this bill and commented that she had reservations about supporting the Resolution which is why she was bringing this matter before the Town Council for discussion.

President De Angeles asked if the Council could make certain, detailed recommendations.

Vice-President Kagdis answered that she did not believe the Town Council could make recommendations but that they would relay that this was not in the best interest of minimizing human trafficking.

Mr. O’Neil commented that perhaps the Town Council send the Resolution with a cover letter signed by the President and the Mayor indicating that while the Town Council supported the effort, they also believed the penalties were inadequate and speak in more general terms about the issue of fines and punishments.

President De Angeles recommended the Council instruct Staff to draft such a letter for approval.

Mr. O'Neil commented that, with the Council's approval, Staff would adapt the Resolution to the Town Council and it would be approved, but the cover letter would be included with the Resolution indicating the Town Council's reservations.

Vice-President Kagdis, seconded by Council Member Docherty, made a Motion to adopt a Resolution supporting House Bill 219 with an addendum cover letter stating the Town Council's concerns.

Roll Call:

In favor: De Angeles, Kagdis, Docherty, Gerold, Locatis, Wagner

Opposed: None

Motion Passed: (6-0)

5. Resolution 290-2019 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #1 TO THE TOWN'S FY 2019 ANNUAL BUDGET APPROVING A TRANSFER OF \$13,000 FROM THE SPECIAL REVENUE FUND FOR PROJECTS IDENTIFIED BY EXHIBIT "A" ATTACHED; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mr. O'Neil explained the need for the Budget Amendment to the Special Revenue Fund. He spoke about the three pending projects, 1) Town identification signs, 2) "Your Speed" signs for Indian River Drive, and, 3) the mangrove planting stabilization project. He added that the three projects were not to exceed \$13,000. He stated that the Town Council authorized preparation of this Budget Amendment and that Staff would keep the Town Council apprised of the progress of these projects.

President De Angeles asked for comments from the Town Council.

Council Member Gerold asked how the location of the "Your Speed" signs was to be determined.

Mr. O'Neil explained that the Town would have to work with Martin County Engineering Department who would determine where the signs were to be located. He further described the signs.

Council Member Gerold asked if the Town Council would be able to observe the height of the signs before they would be installed.

Mr. O'Neil answered that if Martin County Engineering directed that the signs must be erected in a certain location and if there were objections, then the Council should discuss it at this meeting.

Council Member Gerold remarked that it might be problematic for those residents who were away during the summer and upon returning, see a big, flashing sign in front of their house.

Mr. O'Neil described the signs as being the same size as the 25 mph speed limit signs and placement would be directly below the speed limit sign.

Council Member Gerold predicted the signs might be problematic because they might block views; and asked if the Council might be able to see the recommendation for placement of the signs.

Mr. O'Neil answered "yes" but the Town Council shouldn't go forward if there were objections.

Mayor Ostrand stated that the "Your Speed" signs were much smaller than others located in the surrounding areas and that they would not obstruct views.

Mr. O'Neil stated that the item could be brought back before the Council once the location of the signs was determined by Martin County and the experts. He commented that Staff would not engage the contractor for the service until the matter was resolved. He remarked that Staff could come back and present the Town Council with the locations of the speed signs and obtain the Town Council's approval. He stressed that these signs were important due to traffic accidents and speeding.

President De Angeles asked if one sign would be northbound and one sign would be southbound.

Council Member Docherty spoke about his investigations into the speed sign issue and reiterated the Mayor's comments. He stated that for the protection of the public, these signs were necessary and safety should come before aesthetics.

Council Member Locatis invited the Martin County Sheriff's Deputy to comment and stated that he believed signs would slow traffic.

Martin County Sheriff's Deputy Joe Angelico introduced his new partner for the Jensen Beach/Rio area, Deputy Andy Adams. He stated that coincidentally, the Martin County Sheriff's office was scheduled to perform a traffic survey on Indian River Drive, along a four day period (from a Friday morning to a Monday afternoon) which would provide exact aspect readouts of vehicular traffic. He added that this information could be presented to the Town Council at the next scheduled meeting. He commented that public safety always outweighed aesthetics.

President De Angeles asked if the stats would be available at the next Special Town Council meeting on April 24, 2019.

Deputy Angelico answered "yes" and that he would possibly be able to get the information to the Council before the meeting.

Mr. O'Neil stated that the Town had research which exhibited that the signs were effective and asked Deputy Angelico if he knew of evidence that these signs slowed traffic.

Deputy Angelico stated that any type of permanent traffic calming would provide maximum benefit.

Council Member Gerold commented that it was not his intention to dissuade the use of the signs but that he would like to preview where the signs were going to be installed.

Mr. O'Neil stated that Staff was obligated to provide the steps in the process.

Council Member Gerold spoke about ripple traffic calming speed bumps recently installed on Skyline Drive and asked if this type of traffic calming could be applied to the speed bumps on Indian River Drive.

Mr. O'Neil answered that Indian River Drive was a Martin County road.

Council Member Gerold asked if the Town could work with Martin County on additional traffic calming and if ripple traffic calming speed bumps could be applied to the existing speed bumps because the current bumps were not slowing traffic.

Mr. O'Neil answered that the Town could ask and that the Martin County engineers had safety and moving traffic to consider. He suggested installing the speed signs and possibly follow-up with Martin County. He spoke about using the Special Revenue Funds for this purpose.

President De Angeles asked if the Town Council would be able to see the possible locations of the speed signs by April 24th.

Mr. O'Neil answered that cannot be guaranteed because the Town had to apply for a permit from Martin County. He stated that Staff would attempt to get feedback from Martin County to provide at the next meeting and added that Resolution No. 290-2019 would put the dollars in place. He remarked that Staff would attempt to make the Town Council aware of the locations of the signs at a public meeting, before the signs were installed.

President De Angeles asked for comments from the public.

Drew McKenzie, 30 NE Nautical Drive, Ocean Breeze, described a speed sign located along Old St. Lucie Boulevard in Stuart; he noted the data from that speed sign study might be useful to the Council.

President De Angeles asked for further comments from the public.

Mr. O'Neil commented that the Budget Amendment covered three projects.

Council Member Docherty, seconded by Vice-President Ann Kagdis, made a Motion to adopt Resolution 290-2019 authorizing the transfer of \$13,000 of Special Revenue Funds to proceed with the three projects.

Roll Call:

In favor: De Angeles, Kagdis, Docherty, Gerold, Locatis, Wagner

Opposed: None

Motion Passed: (6-0)

3. Presentation by Hannah Jones, from Clark High School's SPAM Robotics Program detailing the program from its' history, members, design of robots and competitions.

Stacy Jones, parent/sponsor from Clark High School's SPAM Robotics Program spoke about the program's beginnings, various sponsors and mentors. She stated that SPAM was looking for writers to work with the Chairman's team. She spoke about their new home location at Martin County Fair Grounds. She announced that the web-site was www.spamrobots.com and also www.firstinspires.org. She stated that all the elementary and middle schools in Martin County were included in the program and she provided information.

Council Member Gerold asked about the schedule and location.

Ms. Jones responded that the SPAM Robotic Program was going to be at Building B at the Martin County Fairgrounds and she gave the schedule.

6. Request approval of an Independent Contractor Agreement for code enforcement services –

Mr. O'Neil stated that the Town Council Members were provided with an Independent Contractor Agreement for Code Enforcement because of disregard of certain procedures pertaining to permitting. He stated that the new Code Enforcement Officer would remedy some of the difficulties in finalizing permits in accordance with Florida's Building Code. He recommended that the Town contract with

Mr. David Holcomb, a Certified Law Enforcement Officer, who was a thirty-two-year officer with the Martin County Sheriff's Department and that he currently works for Martin County in the code enforcement field. He stated that the rate of pay for Mr. Holcomb was \$65.00 per hour and he stressed his time would be based on assignments to perform sweeps and deal with infractions. He stated that Mr. Holcomb's fees would be paid from the special purpose Building Fund which currently had a balance of roughly \$25,000. He commented that the effort should not be costly because possible infractions should drop off considerably once Officer Holcomb begins to monitor. He stated that Staff believed Code Enforcement to be an important addition to the Town's monitoring capability.

President De Angeles asked for comments from the Council.

Council Member Gerold asked if the dollars from permitting would be used to fund the Code Enforcement Officer.

Mr. O'Neil stated that the Building Fund, which was a special category of revenue, was the fund from which the funds were to be spent on building issues exclusively.

Council Member Locatis asked if any expense on the Town's part to enforce violations could be charged back to the contractor.

Mr. O'Neil answered that traditionally, the Town did not have robust code enforcement. He stated the need to have someone who could identify the violations, and he added that the Town could adopt Code Enforcement procedures involving a Board, Magistrate or Judge. He remarked that recovery of costs, fines and other penalties could be a part of those procedures. He commented that the Code Enforcement Officer would help the Town understand the scope of the problem and that should this become necessary, Staff would bring back procedures which included cost recovery.

Council Member Locatis stated that the residents of the Town should not have to pay for Code Enforcement, but that the property owners should pay these fees.

Mr. O'Neil agreed and commented that to some extent, the dollars in the Building Fund were special purpose dollars paid by building permit applicants. He stated that there is currently in place a double permit fee associated for work done without permits. He added that the Town had the authority to perform these duties and that he hoped that this would send a message.

Mayor Ostrand reminded newcomers of the new residential area and the commercial area of the Town. She added that hiring a Code Enforcement Officer was exhibiting that this was a significant issue to the Town and that the Town wanted to deter infractions.

President De Angeles asked if this Resolution would cover the new development.

Mr. O'Neil answered "yes," that this was a Town wide Resolution.

President De Angeles asked for further comments or questions from the Council.

There were none.

President De Angeles asked for comments or questions from the public.

There were none.

Council Member Wagner, seconded by Vice-President Kagdis, made a Motion to move forward with the Contractor Agreement.

Roll Call:

In favor: De Angeles, Kagdis, Docherty, Gerold, Locatis, Wagner

Opposed: None

Motion Passed: (6-0)

7. Comments from the Public on topics not on the Agenda – Mr. Carl Lefler, 6 NE Nautical Drive, Ocean Breeze, extended an invitation to the Martin County Sheriff's Department, and to anyone making the decisions as to where the speed signs were to be erected, to sit on his porch and watch traffic on Indian River Drive and gather ideas about the traffic and the speed signs.

Deputy Angelico stated that the traffic survey was a stealth system in which the drivers were not aware that their driving patterns were being recorded. He added that it would cover a span of a Friday morning to a Monday evening and that the system would provide graphs on the traffic patterns in order to provide the Town with a factual, clear depiction of traffic along Indian River Drive.

President De Angeles asked if the report would be available for the April 24th meeting.

Deputy Angelico answered that he would push for the survey to start Friday, April 12th and possibly have it to the Town by the middle of next week.

President De Angeles asked for further comments from Public.

There were none.

8. Comments from the Council on topics not on the Agenda – Vice-President Kagdis announced that she and the Mayor attended the Legislative Action Days in Tallahassee to meet the new Representatives. She spoke about certain significant Bills in the State Legislature which would affect municipalities; HB101 Driving While Distracted, SB542 Senate Electric Scooter Bill, HB393 Requiring the Division of State Fire Marshall to Adopt Rules to Establish Employees best Practices related to Personal Protective Equipment, Decontamination at Fire Stations, Vegetable Gardens, Houses of Worship providing Space to Charter Schools and Zoning Regulations, Effective Public Notices and Mayfield's Water Quality Bill.

She stated that Council Member Wagner had been sending emails to Legislators.

Council Member Gerold spoke about the Keep Martin Beautiful Award Ceremony on Tuesday, April 23, 2019. He stated that Ocean Breeze Resort was to receive an award from the County to recognize individuals, businesses, etc. that keep Martin County beautiful. He stated that the Mayor and the Town Council were invited and some were attending. He asked the Council for their opinion to use their expense dollars to allow Staff to attend because of their involvement with the Indian River Drive Project.

Mr. O'Neil thanked Council Member Gerold for his compliments and stated that Staff would not be attending.

Vice-President Kagdis stated that Beatrice Millette was a Council Member at the inception of the Indian River Drive Project and recommended that she join the three Council Members and the Mayor

at this event. She spoke about the many components to the project, delays, various partners and granting agencies.

President De Angeles stated that the Council would definitely invite Bea (Millette) and make sure that she had transportation.

President De Angeles asked for further comments by the Council.

There were none.

9. Comments from Town Management Consultant Terry O'Neil – Mr. O'Neil asked Town Clerk, Pam Orr, to speak about the website maintenance update regarding ADA compliance.

Pam Orr stated that the Town's Web-Master informed her that he was roughly two weeks away from finishing the website and then, a meeting would take place at the Staff level to tweak the site.

Mr. O'Neil asked if the Agenda would resume to be published on the prior weeks before the Town Council Meetings.

Pam Orr answered "yes."

President De Angeles asked if the website was being updated for the hearing and visually impaired.

Pam Orr answered that the website was being updated in order to be ADA Compliant.

Mr. O'Neil spoke about a situation in which a unit in Ocean Breeze Resort had serious electrical issues and that the resident had limited means. He stated that the Town's Building Official, as well as an electrical contractor, had visited the site and that there was a life safety issue; he added that the cost to resolve the issue would be \$2,500 - \$3,000. He stated that the Building Official had certain options, one of which was condemnation, which was not an option in this case because the resident was of limited means and was ill. He informed the Town Council that under the Building Official's emergency powers, the Town would arrange for remedial work to be done on an emergency basis, the cost of which would come out of the Building Fund, and that he was working with Attorney Crary to abate the issue. He spoke about the possibility of a fire and that a fire might not be contained to this one unit. He commented about recovery of those dollars with a possible a lien against the unit or repayment of the expenditure being required as a condition of demolition. He stated that it was routine for larger jurisdictions to have this leeway to act in the case of a public safety issue. He alerted the Town Council and asked for feedback; he did not foresee this matter happening again any time soon.

President De Angeles asked if the property was owned by Sun.

Mr. O'Neil answered that the land was owned by Sun and the unit was owned by the individual.

President De Angeles asked if the Town Council would be setting a precedent.

Mr. O'Neil answered that when the Town discovers a dangerous circumstance, and there were no other means to resolve it, the Town must step in and use its resources. He added that in a similar situation, where a resident had the resources, the Town might be in a different enforcement mode, but that was a lengthy process and the danger persists. He stated that because it was a public safety issue,

governments sometime had to act and then, recoup their costs. He spoke about the possibility of a fatality during a fire and the cost benefit; and, that he did not believe this would be happening frequently.

President De Angeles asked for comments from the Council Members.

Vice-President Kagdis stated that it was the obligation of the Town Council to ensure the public health and safety of all the residents to the best of their ability and making a decision such as this, on a one time basis, was critical. She remarked that there were much larger Towns that perform such duties weekly, and that it was critical to prevent fires. She recommended the Town Council go along with Mr. O'Neil's suggestion because it would protect everyone.

President De Angeles asked for further comments from the Council Members.

Council Member Wagner stated that he was familiar with the situation and it was a significant fire hazard and would continue to be; he added that at one point this resident was very close to having a fire. He agreed with Vice-President Kagdis and recommended following Mr. O'Neil's suggestion.

Mayor Ostrand stated that if it was possible to get the \$2,500, she would like that option considered. She commented that safety was part of the Oath taken by each Town Council Member and herself.

President De Angeles stated that he agreed.

Cathy Berry, 31 NE Nautical Drive, Ocean Breeze, asked if Sun Communities should provide assistance because they were the property owner.

Mr. O'Neil stated that Sun Communities was notified about the problem and it was pointed out that this individual was relocated into this unit when Carefree Communities was the owner. He added that the Town would not set aside any opportunity to recoup these dollars and if research indicates that the dollars could be recouped from another source other than the current owner, the Town would pursue those options as well.

10. Comments from Mayor Ostrand – Mayor Ostrand brought forth information about the Apalachee Center, a mental health facility, in Tallahassee. She spoke about the importance of bringing awareness to mental health issues and the connection to drug addiction and homelessness. She announced that she would be bringing forth additional material and information.

11. Announcements – President De Angeles announced the following meetings to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room.

- Special Council Meeting, public hearing on proposed minor amendments to the Ocean Breeze East PUD, Wednesday, April 24, 2019 at 5:00 p.m.
- Regular Town Council Meeting – Monday, May 13, 2019 at 10:30 a.m.

12. Adjourn – Vice President Kagdis, seconded by Council Member Locatis, made a Motion to adjourn the meeting at 11:40 a.m.

Respectfully Submitted,

Pam Orr,

Town Clerk

Minutes approved: May 13, 2019