

TOWN OF OCEAN BREEZE
MINUTES TOWN COUNCIL REGULAR MEETING
Monday, August 13, 2018
Ocean Breeze Resort Clubhouse – Pineapple Bay Room – 10:30 a.m.

1. Call to Order – President De Angeles called the meeting to order at 10:30 a.m.

- Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
- Roll Call – Present: Mayor Ostrand, President Ken De Angeles, Council Members Richard Gerold, Terry Locatis, David Wagner
Absent: Vice-President Ann Kagdis, Council Member Mary Jo Geyer
- 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 Gerold, made a Motion to approve the Minutes of the July 9, 2018 Regular Meeting.

In Favor: De Angeles, Gerold, Locatis, Wagner

Opposed: None

Absent: Kagdis, Geyer

Motion Passed 4 – 0

3. Comments by various Candidates – Nirlaine Smartt announced her candidacy for the 19th Circuit Court Judge, Group 19 and gave a history of her qualifications.

Representative Gayle Harrell announced her candidacy for Florida Senate, District 25, gave a history of her qualifications, spoke about her priorities and goals as a Florida State Senator.

Madeline Jasic, campaign ambassador for Louis Larsen, Esquire, read a statement from Mr. Larsen announcing his candidacy for the 19th Circuit Court Judge, Group 19 and providing a history of his qualifications.

Toby Overdorf announced his candidacy for House of Representatives, District 83, gave a history of his qualifications, spoke about his priorities, endorsements and goals as a representative.

4. Martin County Fire Rescue Presentation – Hurricane Preparedness, etc., William Pecci – Mr. O’Neil spoke about his meeting with Martin County Emergency Services staff and Mr. Chris Walters, General Manager, Ocean Breeze Resort regarding hurricane preparedness. He stated that Sun had a credible emergency plan. He asked Mr. Pecci to brief the Town Council and Sun Communities about their role in the event of an emergency.

Mr. Pecci spoke about the excellent plan Sun Communities had in the event of an emergency. He stated that the Town of Ocean Breeze had a seat in the Emergency Operations Center which would help with communications. He commented that all manufactured home communities in the State of Florida would be ordered to evacuate for any hurricane. He announced that the shelter for this area was Jensen Beach High School and added that residents should use the shelter only as a last resort. He spoke about the importance of having a plan for pets, and sheltering them at the Humane Society. He supplied the Town with Road to Readiness brochures and the Code Red Program information.

Candi McKenzie, 30 NE Nautical Drive, asked about some confusion regarding evacuation during the last hurricane. She asked if evacuation was mandatory or voluntary for a Category 3.

Mr. Pecci answered that Martin County required all mobile and manufactured homes be under a mandatory evacuation even for a Category 1 hurricane. He stated that the Sheriff would not force people to leave; but if one chose to stay, he advised that they notify someone from the Town or the Resort for post-storm safety checks.

Mayor Ostrand explained that the warranties for new homes have a Category 3 hurricane rating.

Mr. Pecci mentioned that tornados form in hurricanes and advised that the residents be cautious.

President De Angeles asked for further questions from the public.

There were none.

Mr. Pecci invited residents to visit the web-site at www.martin.fl.us, type in “emergency management” and to call the office with questions. He added that the State of Florida, Department of Elder Affairs, circulated a quarterly newspaper which had information about emergency management and his office would deliver them to the Resort quarterly.

5. Authorization for Mayor to execute the Independent Contractor Services Agreement for Financial Consulting Services with Ms. Holly Vath Luzader – Mayor Ostrand spoke about the Agreement with Ms. Vath and authorization from the Council to execute it.

Council Member Gerold asked about the rate of pay.

Mayor Ostrand stated that it was almost half of what the Town was paying Mr. Leahy.

Council Member Gerold asked about meeting Ms. Vath.

Mr. O’Neil explained her absence at this meeting and that she would be attending the first budget hearing on September 12, 2018.

President De Angeles asked for further questions from the Council.

There were none.

Council Member Wagner, seconded by Council Member Locatis, made a Motion to hire Ms. Vath.

Roll Call Vote

Yes: De Angeles, Gerold, Locatis, Wagner

Opposed: None

Absent: Kagdis, Geyer

Motion Passed 4 – 0

6. Resolution #279-2018 – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA ESTABLISHING PROCEDURES FOR THE SELECTION OF COUNCIL PRESIDENT AND VICE PRESIDENT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Attorney Crary stated that a draft of Resolution #279-2018 had been discussed at the last meeting. He spoke about the changes and described how and why the Resolution came forward. He added that this Resolution was for the annual reorganization of the Town Council President and Vice-President only.

President De Angeles asked if this was the only way to reorganize the Town Council.

Attorney Crary answered that this Resolution established the only way to reorganize the Town Council for as long as this Resolution would stand; and added that this Resolution would allow for a system to break a tie during the annual reorganization process.

President De Angeles asked if the residents or voters should be involved in selection of President and Vice-President.

Attorney Crary stated the Resolution was only to determine who would conduct the Town meetings and this would not be decided by the public. He added that this was purely an administrative role.

Council Member Locatis asked if the candidate receiving the most electoral votes could be deemed the Town Council President.

Attorney Crary answered that it would work if a nominee also happened to be recently elected.

President De Angeles stated that those records were readily available.

Attorney Crary stated that the Town Council could accomplish the reorganization in that manner.

Council Member Gerold stated the problem with that arrangement was that the community was growing.

Council Member Wagner stated that the President and Vice-President were to be selected by the Council not by the electors.

Mr. O'Neil stated that if the Council would like the policy in place, Staff supported the content of the Resolution. He added that the Council could decide, as in the past, to work the matter out each year.

President De Angeles stated that he was against the idea of flipping a coin for such a position.

Attorney Crary stated that he was directed by the Town Council at a previous meeting to formalize a Resolution that would provide for breaking a tie vote during the annual reorganization. He added that the Council did not have to pass this Resolution if they could decide to work together in the event of a tie vote.

President De Angeles stated that he would like the Town Council to work together.

He asked for comments from the Council.

Council Member Locatis stated he agreed with President De Angeles.

President De Angeles asked for a Motion for Resolution #279-2018.

There was none.

President De Angeles stated that there was no Motion and the Resolution died.

Mr. O'Neil clarified that Staff would remove Item #6 from the Staff's work Agenda.

7. Ordinance #278-2018 Second Reading – Mr. O'Neil recapped the Fire/EMS services provided to the Town by Martin County, and added that Martin County was splitting their funding sources; one would be the Fire Fee and the other a Municipal Services Taxing Unit. He stated that by this Ordinance the County would remove the Town from the middle-man position. He commented that Staff was recommending approval in order to allow Martin County to apply its Fire Service Fee and the MSTU tax directly to properties within the Town. He added that Martin County was asking the Town to pass this Ordinance and that the fees applied would be at the same rate as the residents and business owners in unincorporated Martin County.

President De Angeles asked for comments from the Council regarding this Ordinance.

There were none.

The Town Clerk read the Ordinance into the record: **AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF ALL OF THE TOWN OF OCEAN BREEZE WITHIN A MUNICIPAL SERVICE BENEFIT UNIT, ("MSBU") OR OTHER SPECIFIC GEOGRAPHIC AREA DESIGNATED BY MARTIN COUNTY TO PROVIDE FIRE PROTECTION SERVICES; AND FURTHER REQUESTING AND CONSENTING TO THE FUTURE INCLUSION OF ALL OF THE TOWN OF OCEAN BREEZE WITHIN A MUNICIPAL SERVICE TAXING UNIT THAT PROVIDES BOTH FIRE RESCUE AND EMERGENCY MEDICAL SERVICES; PROVIDING FOR AN ANNUAL RENEWAL OF SUCH REQUESTS AND CONSENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

President De Angeles asked for comments from the public.

There were none.

Council Member Gerold, seconded by Council Member Locatis, made a Motion to approve Ordinance #278-2018.

In Favor: De Angeles, Gerold, Locatis, Wagner

Opposed: None

Absent: Kagdis, Geyer

Motion Passed 4 – 0

8. Comments from the public on topics not on the Agenda – There were none.

9. Comments from the Council on topics not on the Agenda – Council Member Locatis stated that Sun Community’s new Prospectus had contradictory information regarding rent increases and how those increases were determined, future improvements, lots to be converted to RV use and that these items were not consistent with the PUD. He spoke about the confusion regarding the lot rent and other charges. He stated that he would like to see a workshop with community members, and a decision makers from Sun Communities in order to understand this new prospectus.

President De Angeles concurred and asked Mr. O’Neil how to handle it.

Mr. O’Neil answered that the Prospectus was an agreement between private entities, but that there were elements of the Planned United Development (PUD) Agreement that could be implicated by certain components of the Prospectus. He added that the first step should be, at the request of the Council, to ask Sun Communities to weigh their changes in the Prospectus in light of their PUD with the Town.

President De Angeles asked Council Member Locatis if he would be willing to draft a letter or questionnaire to submit to Sun.

Council Member Locatis answered “yes.”

Mr. O’Neil stated that he would want Attorney Crary to see the documentation and work with Council Member Locatis and the Mayor, as well, to formulate the appropriate questions.

Council Member Locatis spoke about the residents not owning property. He spoke about Sun Communities, the PUD and possible conflicts.

Attorney Crary stated that he recommended coordinating with Mr. O’Neil.

Mr. O’Neil advised the Council to be cautious and act on provisions of the PUD in their capacity as municipal officials.

Attorney Crary stated that the Town Council did not take place of a Home Owners Association.

Council Member Locatis spoke about a prior Committee regarding rent increases. He asked about forming a Committee.

Council Member Gerold responded that a Committee had been formed through the State in which residents were allowed to approach Sun. He stated that he understood that Sun could modify their prospectus each year. He remarked that there were some provisions in the Prospectus that might overlap with the PUD, considering RVs and RV spaces.

Attorney Crary reminded the Town Council Members that they could not discuss among themselves anything outside the presence of a public meeting.

Council Member Gerold agreed that Council Member Locatis should write a letter because the Ocean Breeze Management was not available to the Town Council at the meetings or at the Sun coffee hour.

Mr. O'Neil stated that at that direction, Staff would work with Mr. Locatis and the Mayor, to put together a letter to Sun Communities.

Council Member Locatis stated that he would prepare a rough draft. He further spoke about the rent increases mentioned in the new prospectus.

Council Member Wagner spoke about a document he had received regarding rent increases; he stated he would research, locate the document and provide it to the Town Clerk.

Council Member Gerold stated that the agreement was three years at three percent for the people that were residents before May, 2015. He added that some purchasers, after May 2015, might have received four percent, or more. He concluded that rate increases would have to be addressed outside of the Council by establishing a group and going through the State process step by step.

Council Member Gerold remarked that the permit for the dock had been obtained and work was supposed to begin soon.

(inaudible) stated that the dock couldn't be started due to the road work.

Council Member Gerold stated that the contractors may be working from the water to install the pilings and that the contractor was a little over two weeks behind schedule.

10. Comments from Town Management Consultant Terry O'Neil – Mr. O'Neil advised the Council of a letter in the meeting packet, dated August 13, 2018, sent by the Town's Grant Administrator, Amy Adams. He added it was necessary for the Council to vote to authorize the letter to be signed by Mayor Ostrand which recognized Martin County's acceptance of various components of the Indian River Drive Project in closure of the grants.

The Town Clerk read the letter into the record.

President De Angeles asked for questions from the Council.

There were none.

President De Angeles asked for questions from the public.

Mayor Ostrand asked about the warranty.

Mr. O'Neil stated that a project-wide warranty was held by Martin County. He commented that the Town had certain maintenance obligations by Interlocal Agreement with Martin County and that the Town had an agreement with Sun Communities for that responsibility. He remarked that the warranty was owned by Martin County so if the Town saw any problems with the maintenance responsibilities, the Town would notify Martin County and Martin County would exercise the warranty. He added that he believed the warranty was for six or eight months.

Council Member Wagner, seconded by Council Member Locatis, made a Motion (to approve the Mayor to sign the August 13, 2018 letter)

11. Comments from Mayor Ostrand – Mayor Ostrand pointed out the new Town banner map. She announced that the Town's entrance signs would be cleaned and refurbished.

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

- Regular Town Council Meeting – Monday, September 10, 2018 at 10:30 am
- Tentative Budget Hearing, Wednesday, September 12, 2018 at 5:01 pm
- Final Budget Hearing, Thursday, September 20, 2018 at 5:01 pm

Mayor Ostrand announced that the Town was now on GPS with Google Maps. She spoke about her interview with WPTV news.

Belinda Keiser announced her candidacy for Florida Senate, District 25, gave a history of her qualifications, spoke about her priorities, endorsements and goals as a Florida State Senator.

13. Adjourn – Council Member Wagner, seconded by Council Member Gerold, made a Motion to adjourn the meeting at 12:30 pm

All in Favor: Yes

Opposed: None

Motion Passed 4 – 0

Minutes approved: Sept 10, 2018