

TOWN OF OCEAN BREEZE
MINUTES TOWN COUNCIL REGULAR MEETING
Monday, February 12, 2018
Sun Communities 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 Karen Ostrand, President Ken De Angeles, Vice-President Ann Kagdis, Council Members Richard Gerold, Mary Jo Geyer, 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 Vice-President Kagdis, made a Motion to approve the Minutes of the January 8, 2018 Regular Meeting.

In Favor: De Angeles, Kagdis, Gerold, Geyer, Locatis, Wagner

Opposed: None

Motion Passed 6 – 0

Council Member Wagner, seconded by Vice-President Kagdis, made a Motion to approve the Minutes of the January 8, 2018 Zoning Board Meeting.

In Favor: De Angeles, Kagdis, Gerold, Geyer, Locatis, Wagner

Opposed: None

Motion Passed 6 – 0

Council Member Wagner, seconded by Vice-President Kagdis, made a Motion to approve the Minutes of the January 24, 2018 Special Meeting.

In Favor: De Angeles, Kagdis, Gerold, Geyer, Locatis, Wagner

Opposed: None

Motion Passed 6 – 0

3. Proclamation – Problem Gambling Awareness Month – President De Angeles asked for comments from the Council.

There were none.

President De Angeles asked for comments from the public.

Deidra Hendry, 107 NE Bay Drive, Ocean Breeze, asked about the Proclamation.

Pam Orr read the Proclamation into the record.

Vice-President Kagdis, seconded by Council Member Locatis, made a Motion to approve the Proclamation designating March, 2018 as Problem Gambling Awareness Month.

In Favor: De Angeles, Kagdis, Gerold, Geyer, Locatis, Wagner

Opposed: None

Motions Passed: 6-0

4. Budget to Actual – Quarter Ending 9/30/2017 – Kim Stanton asked for questions from the Town Council regarding the Balance Sheet for the Budget to Actual Comparison for the period ending September 30, 2017.

Council Member Locatis asked about the Contract Labor line item within the Grants and Contributions account.

Mr. O'Neil explained that the majority of the grant transactions would continue through the remainder of the current fiscal year and the balance would continue within the next fiscal year.

Council Member Locatis asked what the Contract Labor line item entailed.

Kim Stanton explained that these were expenses related to the Indian River Drive project in which the Town, as the Grantee, was reimbursing Martin County for invoices paid to the contractor and engineer.

Mr. O'Neil stated that as the Town approached the end of the project, staff would come back before the Council to make a close-out presentation.

Vice-President Kagdis, seconded by Council Member Wagner, made a Motion to approve the Budget to Actual and Balance Sheet as of September 30, 2017.

Roll Call:

In Favor: De Angeles, Kagdis, Gerold, Geyer, Locatis, Wagner

Opposed: None

Motion Passed 6 – 0

5. Discussion of Election Procedures, Town Council Membership and other Town Policies –

President De Angeles asked for discussion regarding a Special Election.

Vice-President Kagdis stated that she believed research needed to be performed to discuss and make decisions regarding elections and that a comparison study to other towns and cities should also be conducted. She added that council membership terms should also be studied, discussed and then, decided.

Council Member Gerold stated that he objected to a special election in the summer that would change the Town Charter.

Vice-President Kagdis informed the Council that Senate Bill 1262 and House Bill 7037, regarding elections, were being discussed in the State Legislature. She stated that until a decision was made on those Bills, the Town Council's actions may be irrelevant and stated that the Legislative session ended in March.

Discussion ensued regarding election procedures and terms.

Discussion ensued regarding the authority of the Mayor and the President as per the Town Charter.

Attorney Cray explained the Town government as per the Town Charter.

Mayor Ostrand stated that she thought the term of the Mayor should be four years, and that the Mayor should not have a vote to break a tie. She reported on her trip to Tallahassee for Legislative Action Days.

President De Angeles discussed his hand-out regarding various government types and terms within Martin County. He suggested appointing a review Board/Committee consisting of five or six Ocean Breeze residents and Chaired by a Town Council Member.

Council Member Locatis stated that he agreed.

Mayor Ostrand suggested contacting the Florida League of Cities for guidance and statistics.

Attorney Crary explained the government of the Town, Mayor/Town Council, as compared to other types of government. He continued to explain the Town Council voting process and the approach to tied votes. He spoke about the most recent changes and some potential changes to the Town Charter. He advised the Council that any such committee, board or panel organized to assist the Council in making Charter changes would be a public body that must have noticed meetings, the Sunshine Law would apply and Minutes would have to be kept.

President De Angeles stated he believed such a committee should be formed to get citizens involved.

Council Member Geyer asked if changes to the Charter in other areas could be made current without having an election.

Attorney Crary answered and said that anytime the actual language in the Charter was changed, it must be done by election.

Council Member Locatis stated that, based on the discussion, in the event of a tie he did not like the idea of the Mayor being able to cast the deciding vote.

Mr. O'Neil reminded the Council that if such a committee were formed, a resolution or policy would need to be passed establishing the rules, and that staff would be required to attend the committee meetings to provide information, record the meetings, assist with votes and place the information in the public record. He added that such a review committee would be like the Zoning Board and there would be expenses involved.

President De Angeles stated that forming such a committee would be worthwhile and that the members should not be able to talk privately to any Council Member nor the Mayor.

Attorney Crary stated that Staff would need to discuss the procedures and Sunshine Laws.

Discussion ensued about a Board to discuss Charter changes.

Council Member Geyer, seconded by Council Member Locatis, made a Motion to direct Attorney Crary and Terry O'Neil, Town Management Consultant, to do the research to determine the process for establishing a citizens charter review committee and report back to the Council at the next meeting.

Roll Call:

In Favor: De Angeles, Kagdis, Gerold, Geyer, Locatis, Wagner

Opposed: None

Motion Passed 6 – 0

Mayor Ostrand spoke about costs savings and timing for annual versus elections every other year.

President De Angeles stated that the date of the elections could be changed by Ordinance.

Council Member Wagner asked about the President's authority as per the Charter.

Vice-President Kagdis explained the duties of the President as per the Charter and that the recommendation was that the Mayor alone would not be responsible for hiring and firing, but that the Mayor would make recommendations to the Council for approval. She added that she thought this was a good idea and that this change could be done by Ordinance.

Council Member Wagner asked for clarification about the President's role at Staff meetings and that he did not believe that the Memorandum should be coming from the President.

Vice-President Kagdis stated that, as President of the Town Council, she attended Staff meetings.

Mr. O'Neil explained that the tradition had been that the Council President and the Mayor would, from time to time, meet with Town Staff to address issues. He further commented that items brought before the Council were the recommendation of the Staff.

Attorney Crary stated that Council Member Wagner was technically correct and that according to Section 2.03, 2, the Mayor had authority to recommend to the Town Council any measures that the Mayor deemed necessary and expedient for the proper governance and management of the Town. He commented that technically the Memo should have come from the Mayor. He added there was nothing to prohibit the President from attending the Staff meeting, that this had been the custom and was helpful to the Town Management Consultant. He stated that the President's duty was to run the Town Council meeting and was not to operate on behalf of the Town unless directed by the Town Council to do so.

President De Angeles apologized for any misinterpretation and explained that he and the Mayor were attempting to relay this information.

Mr. O'Neil explained that some of the Charter changes would be ballot issues and some would be adopted by Ordinance.

Discussion ensued about Charter changes, changing the time of the monthly Town Council meeting and mail-in ballots.

Council Member Geyer asked if Staff would prepare a draft Ordinance for review reflecting the changes discussed.

Mayor Ostrand stated that Staff should be considered when making the decisions regarding changing Town Council Meeting times.

Council Member Geyer, seconded by Vice-President Kagdis, made a Motion for the preparation of Ordinances for allowing the vote by mail ballot and expansion of the Council's role in decision making for hiring and firing.

President De Angeles asked about changing the time of the meetings.

Council Member Geyer stated that it was her understanding that they were waiting on additional feedback before changing the time of the meetings.

Mayor Ostrand stated that Staff would have difficulties in attending the meetings at that time.

Roll Call:

In Favor: De Angeles, Kagdis, Gerold, Geyer, Locatis, Wagner

Opposed: None

Motion Passed 6 – 0

6. Comments from the public on topics not on the Agenda – Marcie Shatters, Ocean Breeze Drive, reported an incident at her home regarding her porch furniture being moved. She stated that she had no street lights, but that she had installed motion lights.

Council Member Wagner advised Ms. Shatters to contact the office.

Ms. Shatters stated that she had contacted the resort office, to no avail.

Vice-President Kagdis stated that this was an issue that should be addressed by the Town because it was a public safety issue.

Deidra Hendry, 107 NE Bay Dr., Ocean Breeze Resort, reported homeless people on the resort property.

Officer Joe Angelico, Martin County Sheriff's Department, advised residents to report all such incidents and that the non-emergency, 24/7 phone number was 772-220-7170 and he advised that any such incidents should be reported. He spoke about trespass warnings that could be issued.

Freda Timmons, 420 Intercoastal, advised that incidents should also be reported to the new management team.

7. Comments from the Council on topics not on the Agenda – Council Member Wagner spoke about a potential safety issue regarding both motorized vehicles and foot traffic on the walkways. He suggested that the Council recommend to the management that the walkways be limited to foot traffic.

Deputy Angelico stated that this issue cannot be enforced by the Sheriff's Department because it was private property, but that management could erect signs and enforce.

Ms. Timmons stated that the rules and regulations regarding this were in the Prospectus.

Council Member Geyer commented that she believed that the lighting issue on Ocean Breeze Drive was due to the power issue and she requested that a Florida Power and Light representative update the Council on the project of the burial of the electric lines.

Vice-President Kagdis reported on the trip that she and the Mayor took to Tallahassee for Legislative Action Days. She advised that they advocated for Home Rule and stressed the importance of meeting the Senators and Staff from around the State petitioning with correspondence and Resolutions previously approved and adopted by the Town Council.

8. Comments from Town Management Consultant Terry O'Neil – Mr. O'Neil announced the merger of Proctor and Crook with Carr, Riggs and Ingram. He presented the Council with a letter of engagement, and after review by Mr. Crary, asked for authorization for the Mayor to execute it.

Council Member Locatis asked if there were any changes in fees.

Mr. O'Neil replied "no."

Council Member Wagner, seconded by Vice-President Kagdis, made a Motion to authorize the Mayor to execute the letter of engagement after review by Attorney Cray.

Roll Call:

In Favor: De Angeles, Kagdis, Gerold, Geyer, Locatis, Wagner

Opposed: None

Motion Passed 6 – 0

President De Angeles asked about the status of the crosswalk signs.

Mr. O'Neil answered that Joe Capra, Captec Engineering, on behalf of the Town, was pressing Martin County to absorb the cost of the crosswalk signs into the project. He stated that, if necessary, the Town had authorized an expenditure of \$20,000.

9. Comments from Mayor Ostrand – Mayor Ostrand gave a report of the Legislative Action Days in Tallahassee and recommended other Town Council Members attend in the future.

10. Announcements - Meetings to be held at Ocean Breeze Resort, Pineapple Shores

- Regular Town Council Meeting, Monday, March 12, 2018 at 10:30 am

11. Adjourn – Council Member Locatis, seconded by Council Member Wagner, made a motion to adjourn the meeting at 12:00 noon

All in Favor:

Yes: De Angeles, Kagdis, Gerold, Geyer, Locatis, Wagner

Opposed: None

Motion Passed 6 – 0

Minutes approved: March 12, 2018