

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING

Monday, February 11, 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 – Vice President Kagdis, seconded by Council Member Docherty, made a Motion to approve the Minutes of the January 14, 2019 Regular Meeting with the following change, Page 2, Item 4 should read “Vice President” Kagdis rather than “President” Kagdis.

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

Opposed: None

Motion Passed: (6-0)

3. Adjourn Town Council Meeting – Vice-President Kagdis, seconded by Council Member Wagner, made a Motion to adjourn the February 11, 2019 Regular Meeting and convene the Zoning Board Meeting at 10:45 a.m.

Items 4, 5 & 6 – Zoning Board Meeting

7. Reconvene Town Council Meeting, President De Angeles

- 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

8. Consideration of Draft Ordinance No 287-2019 on First Reading – Mr. O’Neil suggested President De Angeles continue this item consistent with the schedule of the Zoning Board.

Council Member Locatis, seconded by Council Member Docherty, made a Motion to reschedule Agenda Item #8, which was the Draft Sign Ordinance.

President De Angeles asked for public comments.

There were none.

All in Favor:

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

Opposed: None

Motion Passed: (7-0)

9. Comments from the public on topics not on the Agenda – Bob Smith, 195 NE Channel Way, asked about the problem with rodents and the ongoing problem with rodent control. He stated that he bought his home, which was a model, in March, 2018, and spent two weeks in it in April, at which time “everything seemed fine” and then he returned to Pennsylvania. He stated that he returned on a weekend, at the beginning of October, 2018 and heard scratching during the night. He contacted Sun’s office regarding the scratching noise on Monday and was informed “it was his problem” and they provided him with the contact information for Reynolds Rodent Control. On Tuesday, Reynolds inspected his unit and reported that there were rodents under it. He stated that this was an existing unit with a pre-existing condition. He commented that the units should be sealed and inspected before they

were occupied, and barriers should be in place to stop any penetrations. He remarked that according to Reynolds, this was not done. He remarked that he contracted with Reynolds and paid them \$880.00 to trap and remove the rodents. He stated that the process took almost six weeks and when he returned to Ocean Breeze in December, 2018, Reynolds communicated that they had sealed the unit to prevent any infestation. He commented that at a Council Meeting around that time there was talk about rodents roaming the area due to construction and demolition of older units. He continued that he contracted with Reynolds for ongoing trapping and poisoning around his unit, and reiterated that this was a pre-existing and ongoing condition due to continuing construction and disruption of land in several areas, including across the tracks. He reported that he was paying \$45.00 a month for rodent control and this was an ongoing expense. He explained that he spoke to Sun Communities and asked them to pay for the traps and put them in common areas. Mr. Smith turned the bills for rodent control over to the Town Management Consultant, Terry O'Neil, for the record because it was a continuing condition.

Vice-President Kagdis stated this was a public health issue and the Town was required to address it.

Mr. O'Neil stated that there was a meeting with Martin County Health Department, representatives from Sun Communities, the Town Building Official, and others, in November to talk about a remedial plan. He relayed some information regarding another meeting on January 18, 2019 with himself, Chris Walters of Sun Communities, Larry Massing, the Town Building Official, Mayor Karen Ostrand and the Town Clerk, Pam Orr. He stated that, at that meeting, the Building Official spoke about work required with regard to flashing, foam and other methods to water-proof and rodent-proof homes particularly in the areas where air conditioner piping intersected the buildings. He stated that Gary Timmons, Sun's Construction Manager, understood this requirement and relayed that Sun Communities would begin a program to retrofit the units where necessary.

Council Member Gerold stated that he had gone through the Resort with the Building Official. He commented that there were air-conditioning units not sealed properly and, in some cases, there were openings six to twelve inches under the houses where rodents could enter. He remarked that he and the Town's Building Official also looked at some carports, which were improperly anchored. He stated he was going to ask for a follow-up because there had been no corrective action.

Mr. O'Neil stated that there were several issues raised at that meeting on the 18th and that Chris Walters was prepared to address these issues and bring the Council up-to-date about their remedial plan, but he could not speak to the issue of the fasteners.

Bob Smith, 195 NE Channel Way, stated that he had spent over \$1,000 and the rodent problem was an ongoing expense of \$45 a month. He remarked that he was a homeowner with a pre-existing problem with rats. He commented that he had spent a lot of money and was continuing to spend a lot of money; and, nobody in the community was helping. He added that he believed his issue with the rodents may be representative of other homeowners.

Chris Walters, Resort Manager, Ocean Breeze, stated that once complaint activity started within the Community regarding rodents, Terry O'Neil and he reached out to the Health Department and spoke with a Biologist for direction. He remarked that they were informed that the uptick may be related to the land-clearing on the D.R. Horton project, and in addition, there was an ongoing rat uptick in Martin County. He added that Sun saw the need to come up with a corrective action plan. He stated that Sun reached out to a commercial contractor Neotec Corporation and subsequently, they installed 26 rodent boxes throughout the perimeter of the property. He commented that he asked Neotec about placing the boxes in common areas and it was explained to him that it would be in the best interest of the Resort to place them along the perimeter areas because rodents had poor eye sight and run along fence lines. He stated that during the first month with the installed boxes, they had some activity and afterwards the problem had been eliminated quite significantly. He stated that Sun was internally policing garbage areas and for potential problems. He stated that out of the 26 active boxes, there were only two active feeding areas, along the maintenance shop area which abuts the shopping center. He stated PUD compliance stated that when homes were being removed, pest control was to be provided and typically two boxes were installed as a precautionary measure to eliminate any rodents. He continued that there was activity on a home that was removed on the north section and they were continuing to monitor the situation. He stated that the Biologist

informed them that this was an issue within this urban area, close to waterfront, and would be an issue that we would deal with as a Town. He stated the rodents would probably not be able to be eradicated but that they could be controlled. He stated that regarding the air-conditioner voids, they were on project schedule with JD Customs and that he was to communicate the specific affected sites. He added that regarding the carports, the hardware was on order and upon arrival, those issues would be addressed.

Council Member Gerold asked how the inspections for the carports and the air-conditioners were to be done; and how it would be determined which units needed the retrofit, and if they were going to look at every unit?

Mr. Walters answered that Sun would provide JD Customs with the single-wide affected unit numbers; and upon completion they would notify Larry Massing, the Town's Building Official, to inspect.

Council Member Gerold stated that his unit was not a single-wide but his carport was not in compliance.

Mr. Walters answered that Larry Massing was asked for a list of the carports that he identified and Sun was on standby waiting to hear from him as far as his recommendation for correction. He stated that the maintenance manager, Shawn VanZile, Sun Communities, identified a number of carports that required corrections. He stated that Sun was relying on Mr. Massing and that when Sun was notified, they would correct the problem.

Council Member Gerold asked if a homeowner suspected they had the problem, if there was someone that could check their house specifically for the air-conditioners because it was not just the single-wide homes; some of the air conditioning units on the new double-wide homes were not covered properly. He reiterated if residents in the newer units had questions about this issue, was there someone they could have look at their unit.

Mr. Walters answered that they could reach out to him, and, an inspection would be performed on those units for corrective action.

Council Member Locatis asked when referring to single-wide, was Sun referring to all single-wide units.

Mr. Walters stated that he understood the homes with an issue were some of the original homes along Indian River Drive and he had those site numbers on a map that Sun was providing to the contractor. He added that if there were other defects, they would need to be brought to Sun's attention for corrective action.

Council Member Gerold stated the issue with the air-conditioners entailed mostly the newer single-wide units and some of the earlier, double-wide units; and added that he did not know about all the carports.

Mr. Walters stated that Sun would gather all the information and get these items repaired.

Vice-President Kagdis addressed Mr. Walters stating that notwithstanding the fact the experts believe the rodents go along the fence line, she and other residents had seen rodents running along the streets six nights out of seven. She stated that it would behoove management to put boxes in other areas.

Council Member Wagner stated that his unit was roughly in the middle of the community and he sat out frequently in the evening and the rats were running rampant up and down the road attempting to get into garages and houses and that this was an ongoing problem.

Mayor Ostrand asked Mr. Walters about Mr. Smith's home, including timing of inspections and his warranty. She stated that she did not understand why this was not picked up by Sun Communities so that the matter could be rectified, because it was a health issue. She suggested that Sun's office staff be directed to have residents reporting this issue to call Mr. Walters and reiterate that Mr. Smith had incurred a lot of expense.

Mr. Walters answered that he spoke to Mr. Smith about the issue and that pursuant to the Prospectus, Sun Communities does not provide pest control services and Sun's effort to reach out to a pest control service was done in good faith for the community in order to control the issue rather than eradicate it. He remarked that the issue was

called to Sun's attention recently and that these units had gone through successful building inspections for the air-conditioner installations. He commented that Sun was now responding to the issue in good faith; and that the issue was not specific to Ocean Breeze Resort, but a County and Jensen Beach issue.

Mayor Ostrand asked Mr. Walters about putting some type of rat poison around new homes or in the vicinity of where an older home was demolished. She asked about consistency in preventative measures including closing the doors on new homes as they are being built.

Council Member Docherty asked about notifying all residents that were to have corrective measures, because he had not been notified.

Mr. Walters answered that Sun was getting information from the Town Building Official as to the specific units and that the hardware had been ordered. He stated that Sun had a rough estimate of which units were involved, but verification of which units was pending.

Council Member Docherty stressed the importance of notifying the affected unit owners because he purchased materials to fix his unit himself because he had not been notified. He described his air-conditioning unit and an opening underneath his unit that had never been filled, and that he had purchased rat traps.

Mr. Walters stated that as a courtesy, prior to construction on any unit, the owner would be notified.

Cathy Berry, 31 NE Nautical Drive, Ocean Breeze Resort, asked if the Town had an Ordinance for stray or feral cats because cats were using her carport as a litterbox.

Mr. O'Neil answered that he did not know of such an Ordinance but that Staff would check and that Martin County Animal Control would be the entity Staff would contact and determine if they could play a role in this situation.

Philomena McIntyre, 83 Ocean Breeze Drive, Ocean Breeze Resort, suggested that the cats could contain the rats and that moth balls also help control the rats because they do not like the odor. She commented that rat poison was dangerous to animals, children and humans.

Carl Lefler, 6 NE Nautical Drive, Ocean Breeze Resort, stated that in the area in which he lived, in the carports the screws and bolts were rusted; the builders did not use stainless steel screws.

President De Angeles instructed Mr. Lefler to contact Mr. Walters.

He agreed.

President De Angeles asked for further comments from the public.

There were none.

10. Comments from the Council on topics not on the Agenda – Vice-President Kagdis invited the Council Members and Staff to the Treasure Coast Regional League of Cities luncheon on Wednesday, February 20, 2019 at 11:30 a.m. at the Fort Pierce Yacht Club, stating everyone was invited, and there was no cost. She added that the Florida League of Cities wanted to educate Staff on the kinds of legislation that would affect how Towns were run, and many other issues.

Vice-President Kagdis announced that on February 25, 2019 at 9:00 a.m. the State of Martin County Address would be given at the New Hope Fellowship Church in Palm City. She spoke about the importance of the Town's elected Officials attending this Address.

Vice-President Kagdis announced the St. Patrick's Day Parade in downtown Jensen Beach on March 10, 2019.

Vice-President Kagdis stated that she and the Mayor had been attending the water summits because it affects Ocean Breeze which is a coastal community. She spoke about the homes on the water in the Ocean Breeze as being stilt homes and about the impacts of rising sea levels on neighboring communities.

President De Angeles asked where the State of the County Address was being held.

Vice-President Kagdis answered New Hope Fellowship Church, Citrus Boulevard, Palm City and that she would provide the number to RSVP.

Council Member Docherty spoke about the speed of the cars along Indian River Drive within the Town of Ocean Breeze, even though road improvements and speed bumps were installed. He stated that he spoke with Mr. O'Neil, the Town Management Consultant about answers to this problem and that they provided fliers on speed signs.

Mr. O'Neil acknowledged that Council Member Docherty had spoken to him about this issue and the possibility that the Town could post permanent speed signs that would show the speed of approaching vehicles.

Town Clerk, Pam Orr, passed out the fliers to the Mayor and Council Members. Mr. O'Neil stated that with Martin County's approval the Town could conceivably fund speed signs placed at each end of Indian River Drive; the cost of which would be roughly \$2,500 each. He stated that he had a call into the County's Engineering Department and Don Donaldson. He commented that he did not know a reason why the County would not allow the Town to do this; the signs would be on the County right-of-way and the Town would fund the speed signs with fuel tax dollars. He added that unless there was an objection, Staff would continue, with the Mayor's guidance, to look into it and bring it back before the Council as a project.

Mayor Ostrand stated that the proposed sign Ordinance addressed such signs.

Vice-President Kagdis stated that at last month's meeting the Mayor had suggested erecting signs adjacent to the Plaza saying "Welcome to the Town of Ocean Breeze"; she added that this suggestion was logical because people do not know that the Plaza is located within the Town of Ocean Breeze.

Council Member Docherty asked for comments from the public about the traffic on Indian River Drive through the Town of Ocean Breeze.

There were none.

Mayor Ostrand announced that she and the Town Council were invited to Havana Nights, at a private residence, on February 22, 2019, the cost of which was \$150 per person, with the proceeds going to the Environmental Studies Center. Mayor Ostrand stated that she thought it was important that the Town be represented at this fund-raiser because of the history of the Town with the school.

11. Comments from Town Management Consultant Terry O'Neil – Mr. O'Neil spoke about Congressman Mast's meeting to discuss the Lake Okeechobee discharge policy coinciding with the Town Council Meeting today. He added that former Council Member Mary Jo Geyer agreed to attend this meeting on behalf of the Town and, that she would report back to the Town Council.

Mr. O'Neil reported that the Town Website was in maintenance mode due to format updates to be compliant with the American's with Disabilities Act. He stated that the Town had obtained a proposal from its Webmaster and that the cost would be in the range of \$2,500 - \$3,500. He commented that he would report back to the Council on the progress.

Mr. O'Neil spoke about the meeting with Sun Communities on January 18, 2019 at which time Sun spoke about an addition of a covered area on the pier, a kayak launching facility and potentially, an upland beach, on "the island," which were all different from the approved plan. He remarked that this would require a minor amendment to the PUD plan to obtain approval and that Sun Communities was considering this option. He commented that guest

parking and traffic speeds were also discussed and that Sun's Consultant, Marcela Cambor, would be looking at what was in place versus what was on the plan; and any differences would be identified. He added that conceivably, Sun Communities would come back before the Town Council with a minor amendment to the PUD addressing any inconsistencies or put certain items as they should be. He added that lighting was discussed and Sun Communities would be giving a response at the next meeting; it was agreed that a lighting plan was needed, as called for in the PUD. He stated that he believed that the mailbox lighting was in place. He spoke about Florida Power and Light and the removal of the derelict power poles; it was reported that FP&L would get this done before June 1, 2019, that Sun would have to do some trenching and that Comcast and AT&T were also involved.

President De Angeles asked Mr. Cray if he had further comment.

He said that he did not because Mr. O'Neil advised him that he was making progress on the issue.

12. Comments from Mayor Ostrand – Mayor Ostrand thanked Mr. Walters for arranging for the lights to be installed on the mailbox pavilions. She explained "living local" and Home Rule and the State's goal to preempt Home Rule. She asked for volunteers to contact Senators and House Representatives when issues arise. She spoke about the importance of legislators hearing from local citizens.

Vice-President Kagdis stated that the Town had a membership on the Metropolitan Planning Organization for Martin County which meant that they would sit on Committees. She commented that the Town needed a representative and an alternate for the Committees. She stated that Council Member Gerold attended the Bicycle and Pedestrian Access Committee when he was not working, but that an alternate was needed.

Council Member Docherty volunteered to attend as an alternate to Council Member Gerold.

Vice-President Kagdis stated that the Technical Advisory Committee representative was President De Angeles and asked for an alternate.

Council Member Locatis volunteered to attend the TAC meetings as an alternate to President De Angeles.

Mayor Ostrand announced that there was information available on the table regarding Home Rule and Living Local.

13. Announcements – President De Angeles announced the next Regular Town Council Meeting to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room on Monday, March 11, 2019 at 10:30 a.m.

Attorney Cray explained the order of the next meeting regarding the Emergency Ordinance and the Zoning Board Meeting.

Council Member Docherty asked if a vote was needed for Mr. O'Neil to continue research on the speed signs.

Mr. O'Neil acknowledged "nodding heads." He stated that a vote to proceed would be fine.

President De Angeles stated that when Mr. O'Neil had definitive information, to bring it back before the Council.

14. Adjourn – Council Member Locatis, seconded by Council Member Gerold, made a motion to adjourn the meeting at 11:47 a.m.

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

Opposed: None

Motion passed 6-0

Respectfully Submitted,

Pam Orr,

Town Clerk

Minutes approved:

March 11, 2019