

TOWN OF OCEAN BREEZE
MINUTES TOWN COUNCIL REGULAR MEETING
Monday, June 12, 2017
Hoke Hall / Lifestyle Center – 10:30 a.m.

1. Call to Order – President Kagdis 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 Kagdis, Vice-President De Angeles, Council Members Richard Gerold, Terry Locatis and David Wagner
Absent: Council Member Jerry Collins
- 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 De Angeles, seconded by Council Member Locatis, made a motion to approve the Minutes of the May 8, 2017 Regular Meeting with a condition that corrections would be made to Council Member Wagner’s comments, Agenda item 9, paragraph 1, regarding the parking on West End.

All in Favor: Kagdis, De Angeles, Gerold, Locatis, Wagner

Opposed: None

Absent: Collins

Motion Passed 5 – 0

3. Presentation of Audit Report – David Haughton, CPA, of Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants, presented the Audit Report for Fiscal Year 2015/2016. He stated the opinion was clean and unmodified with no material weaknesses or compliance violations.

Vice-President De Angeles, seconded by Council Member Wagner, made a Motion to accept the Annual Audit Report for Fiscal Year 2015/2016.

All in Favor: Kagdis, De Angeles, Gerold, Locatis, Wagner

Opposed: None

Absent: Collins

Motion Passed 5 – 0

4. Indian River Drive Project Update – Joe Capra, Captec Engineering, gave an update on the Indian River Drive project. He stated that the bids came in over budget and that Martin County voted unanimously to continue the project. He affirmed that the Town and Sun Communities had agreed to contribute more dollars to cover the shortfall. He confirmed that the Town was pursuing additional grant funding through the Indian River Lagoon Council and possibly the DEP 319 Program. He added that he had asked the County to value engineer a few items, removing a couple items and delaying others. He spoke about the location of the four splitter islands, signs, poles, lighting, landscaping, crosswalks and stamped asphalt. He stated that the road would remain open but with lane closures during the day.

Ron Reilly, 10 NE Nautical Way, Ocean Breeze, asked about Federal versus State grant dollars.

Mr. Capra stated that the money was coming from the State but that the State gets some of their money from the Federal government. He confirmed that the \$180,000 Indian River Council grant was a Federal program.

Mr. O'Neil asked the Town Council to consider three separate Motions. He stated that the fee for the Town's grant administrator, Amy Adams, was \$3,000 to pursue \$250,000 in grant dollars from the DEP to supplement the project.

Vice-President De Angeles, seconded by Council Member Gerold, made a Motion to authorize a \$3,000 fee to Amy Adams to pursue the \$250,000 grant.

President Kagdis asked for comments.

There were none.

All in Favor: Kagdis, De Angeles, Gerold, Locatis, Wagner

Opposed: None

Absent: Collins

Motion Passed 5 – 0

Mr. O'Neil explained that the Town's gas tax funds were to be specifically used for roadway projects and the current balance in the Special Revenue Account was approximately \$70,000. He asked if the Town would be willing to pledge \$40,000 from those funds toward the Indian River Drive project shortfall. He stated that T.J. Leahy, Financial Advisor, would have to prepare a budget amendment.

Vice-President De Angeles, seconded by Council Member Wagner, made Motion to authorize the expenditure of \$40,000 from gas tax revenues for the Indian River Drive project.

President Kagdis asked for comments.

Council Member Locatis asked about the gas tax funds and if they were dedicated only for public roads.

Mr. O'Neil answered "yes," and there were limited opportunities for the Town to use these dollars.

President Kagdis asked for further discussion.

There were none.

All in Favor: Kagdis, De Angeles, Gerold, Locatis, Wagner

Opposed: None

Absent: Collins

Motion Passed 5 – 0

Mr. O'Neil explained the need for the Council to approve a Motion to authorize the Town to inform Martin County to proceed with the Indian River Drive project.

Vice-President De Angeles, seconded by Council Member Locatis, made a Motion to approve and convey this authorization to proceed with the Indian River Drive Project to Martin County.

President Kagdis asked for comments. There were none.

All in Favor: Kagdis, De Angeles, Gerold, Locatis, Wagner

Opposed: None

Absent: Collins

Motion Passed 5 – 0

Vice-President De Angeles asked about the construction time table.

Mr. Capra stated the contractors have up to five months. He further explained the use of some the grant funding.

Council Member Gerold asked Mr. Capra to provide a diagram of the project for the Resort residents.

Mr. Capra stated that he would provide this.

5. First Amendment to Lease Between Martin County and Town of Ocean Breeze –

President Kagdis explained the current lease with the County for the Town office. She read the change into the record, extending the term of the Lease for an additional six (6) months, expiring on April 22, 2018. She explained that if the Town made earlier arrangements to relocate the office to another location, then the Town would have the option to terminate the Lease with 60 days written notice.

Vice-President De Angeles, seconded by Council Member Gerold, made a motion to approve the First Amendment to the Lease between Martin County and the Town of Ocean Breeze.

President Kagdis asked for comments or discussion.

There were none.

All in Favor: Kagdis, De Angeles, Gerold, Locatis, Wagner

Opposed: None

Absent: Collins

Motion Passed 5 – 0

6. Vice-President De Angeles – Vice-President De Angeles lead a discussion and presented the benefits of extending Town Council terms and term limits.

Discussion ensued.

President Kagdis stated that this was an information gathering session. She commented that members of the Town Council would be at meetings through the Treasure Coast Regional League of Cities and the Florida League of Cities to find out parameters of towns comparable in size, and then it would be brought up for further discussion at a future meeting.

Attorney Crary advised that any such change would involve a change to the Town Charter which would require an ordinance with ballot language, approved by the Supervisor of Elections, and an election. He spoke about a special election. He asked the Council if they wanted him to spend time looking at the current language and developing language regarding staggering the terms and the timing.

President Kagdis stated that this item would be tabled and that this would be an ongoing discussion at future meetings.

7. Comments from the public on topics not on the Agenda – Speaker #1, David Britt, 1802 NE South Street, Jensen Beach, asked about the White Pine entry and exit in the new development. He stated his community group of residents on South Street would be contacting Commissioner Doug Smith with their complaints of limiting White Pine to exit only.

Mr. O'Neil stated that it is the Town's position that D.R. Horton should exhaust the process at Martin County and wait to receive a formal response to their permit application and they would exhaust their appeal rights before D.R. Horton would come back before the Town to amend the PUD.

Morris Crady, AICP, of Lucido & Associates, on behalf of the owners of OBP West and the contract purchasers, D.R. Horton, asked if the Town Council would send a clear message to the County Commissioners to issue the permit as proposed and approved by the Town. He also asked the Council to do the same if the developer had to go into an appeal process. He suggested that the residents of South Street attend the County Commission meetings and speak during public comments.

President Kagdis announced that she and the Mayor attended the Citizens Technical Advisory Committee meeting at the County Commission office. They discussed the need for pedestrian signs in front of the Resort on Indian River Drive, which was a County road and announced that the County would provide the signs. She stated that the next meeting was October 2, 2017 and she invited the Town Council Members to be on the County Advisory Committees.

Council Member Locatis read a letter into the record from residents, John and Patricia Hennig, concerning work stoppages, legacy owners of the resort, their units, resort standards and development.

Vice-President De Angeles invited Gary Timmons of Sun Communities to provide an update on the walk-around inspections.

Gary Timmons, 3000 NE Indian River Drive, Jensen Beach, explained Sun's policy and procedures regarding the 360 walk-around which was performed once a year.

President Kagdis stated that some of the residents, especially the elderly, need more than 30 days to perform the listed improvements resulting from the 360 walk-around inspections and in some cases, were waiting for waivers of liability to have painting done and some consideration should be given. She stated that standards should apply to all units.

Mr. Timmons stated that Sun had been working with everyone and that the walk-arounds were performed in March, 2017.

Mayor Ostrand asked for an explanation of permits and insurance.

Gary Timmons replied that Sun's policy stated that anyone performing work on the units must be licensed and insured. He stated that the issue of volunteers had come up and had been resolved. He indicated that painting, power washing and roof coating did not require a permit, but to replace a roof did. He added that he believed residents were attempting to comply but that Sun needed the process escalated. He reiterated that community standards must be maintained.

Council Member Locatis asked about neighbor helping neighbor.

Mr. Timmons stated that a release of liability had been filed in one case to allow a homeowner to have volunteers work on the home. He added that if it was neighbor helping neighbor, it was one thing, but a crew off the street needed to be addressed to make sure everyone was protected.

President Kagdis stated that all the units should have liability insurance and that this information had been provided to Sun administrative offices.

Mr. Timmons stated that not everyone had provided proof of liability coverage and that Sun could use help with this situation.

President Kagdis stated that the letter was on record. She invited all residents to come and comment before the Town Council.

8. Comments from the Council on topics not on the Agenda – there were none.

9. Comments from Town Management Consultant Terry O'Neil – Mr. O'Neil recommended that staff bring forward the OBE Planned United Development for a discussion workshop, especially for the new Town Council Members, regarding the rights and obligations of all parties involved. He stated that this should be an Agenda item at a Regular Meeting.

Vice-President De Angeles, seconded by Council Member Wagner, made a Motion to direct Terry O'Neil to start arranging for a workshop for the Council Members and the general public, regarding the OBE Planned United Development.

All in Favor: Kagdis, De Angeles, Gerold, Locatis, Wagner

Opposed: None

Absent: Collins

Motion Passed 5 – 0

President Kagdis stated a target date for this workshop should be in October when more residents would be available.

10. Comments from Mayor Ostrand – Mayor Ostrand thanked Mr. O'Neil for his recommendation regarding a discussion workshop on the OBE PUD. She thanked numerous individuals, Town Council and staff regarding the Indian River Drive Project.

11. Announcements - Meetings to be held at Hoke Hall / Lifestyle Center

- Monday, July 10, 2017 at 10:30 am – Regular Meeting

August and September meetings to be held at Jensen Beach Community Center.

President Kagdis asked for an update on the workman injured at the pool construction site.

Mr. Timmons stated that he passed away from a lightning strike.

12. Adjourn – Vice-President De Angeles, seconded by Council Member Locatis, made a motion to adjourn the meeting at 12:00 noon.

All in Favor: Kagdis, De Angeles, Gerold, Locatis, Wagner

Opposed: None

Absent: Collins

Motion Passed 5 – 0

Minutes approved: July 10, 2017