

TOWN OF OCEAN BREEZE  
MINUTES TOWN COUNCIL REGULAR MEETING  
Monday, June 11, 2018  
Ocean Breeze Resort Clubhouse – Pineapple Bay Room

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

- Pledge of Allegiance – Mayor Karen Ostrand led the Pledge of Allegiance
- Roll Call – Present: Mayor 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 Kagdis, seconded by Council Member Geyer, made a Motion to approve the Minutes of the May 14, 2018 Regular Meeting pending addition of the comments made by Council Member Geyer.

Mr. O’Neil stated that he will confirm the cost and responsible party for maintenance of the baffle boxes for the record at the next Regular Meeting.

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

Opposed: None

Motion Passed 6 – 0

**3. Presentation of Audit Report** – David Haughton, CPA, Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants, presented the Audit Report for Fiscal Year 2016/2017. He verbally presented highlights of the audit report and pointed out the detailed analysis depicted in the Budget to Actual Comparison. He stated that there were no material weaknesses in the Town’s internal controls. He announced a finding on the compliance list. He stated that in November, the Town approved the Budget Amendment based on information that the Town had at that time; however, subsequent to the Amendment, new information was received and the deadline had passed to re-amend the budget. He added that there was a corresponding revenue to cover the expense.

Council Member Locatis, seconded by Council Member Gerold, made a Motion to accept the Annual Audit Report for Fiscal Year 2016/2017.

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

Opposed: None

Motion Passed 6 – 0

**4. Candidate for County Commission District 4** – Niki Norton announced her candidacy for District 4 County Commission seat, gave a history of her qualifications and spoke about her priorities and goals as a potential Commissioner.

**5. Resolution #277-2018** – The Town Clerk read Resolution #277-2018 into the record:

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA APPROVING A PLAT ENTITLED “PLAT OF OCEAN BREEZE WEST A PUD” PREPARED BY PETER ANDERSEN A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER, REGISTRATION NO. 5199, PROVIDING FOR CONTINGENCIES WHICH MUST BE SATISFIED, AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

Mr. O'Neil gave a brief history of the Ocean Breeze West PUD residential project. He explained that Florida Law and the PUD requires subdivisions to be platted. He stated that the plat and Property Owners' Association Documents had been thoroughly reviewed by staff and were consistent with the law, the PUD master plan, phasing, infrastructure timing, etc. He indicated that the surveying firm of Northstar Geometrics was engaged by the Town and found the plat to be compliant. He added that because Martin County was the utility provider, certain components of the plat would have to be accepted by Martin County. He confirmed that the applicant had agreed to a two-year period during which the Town would have the opportunity to study its options and decide whether to accept the dedication of a parcel on South Street. He concluded that it was staff's recommendation that the Resolution be approved.

Attorney Cray reviewed items in the Resolution with Town Council.

Morris Crady, Senior Vice-President, Lucido & Associates, spoke about the coordination of the site plan approval process. He added that except for some easements, the site plan had not changed.

President De Angeles asked when the site plan would be approved by Martin County utilities.

Mr. Crady answered that it should go before the Martin County Board of County Commissioners next month to review the easements. He added that D.R. Horton had up to six months to record the plat and that the lots could not be sold until the plat was recorded.

Council Member Geyer asked if the electric would be underground.

Mr. Crady answered "yes."

Council Member Geyer asked about the percentage of native plants in the residential area.

Mr. Crady stated that it was standard operating procedure to include seventy-five percent native plants.

Council Member Geyer commented about the drainage and asked about maintenance of certain areas.

Mr. Crady answered that the developer would be responsible to maintain the property until the Home Owners' Association took over.

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

There were none.

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

There were none.

Vice President Kagdis, seconded by Council Member Wagner, made a Motion to approve Resolution #277-2018.



Roll Call:

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

Opposed: None

Motion Passed 6 – 0

**6. Charter Review** – President De Angeles introduced the review of the Town Charter and referred the Town Council Members to the matrix prepared by Mr. O’Neil.

Mr. O’Neil gave some background regarding the request by the Town Council for a thorough review of the Charter. He referred the Council to his Memo and information provided. He remarked that the matrix included notes regarding past interest in a Charter change. He proposed a schedule of events and reviewed the deadlines with the Council Members.

Attorney Crary spoke about the Town’s organization, legislative changes and the current Charter development history. He added that, in theory, Charters were meant to be difficult to change.

President De Angeles asked for questions or comments on Page 1 of the Charter review matrix.

Vice-President Kagdis spoke about the importance of the residents’ input during the process.

Discussion ensued regarding the Charter, non-profit government, State Statutes, legislative functions, Florida League of Cities, Town’s Comprehensive Plan, Mayor-Council forms of government versus other forms of government, recent changes to the Charter by Ordinance, odd/even number of Council Members, Sunshine Law, tie votes and staff meeting attendees.

President De Angeles asked for any proposed changes on Page 1.

There were none.

Discussion ensued regarding Page 2 and the number of Town Council members.

President De Angeles asked for any questions, comments or proposed changes on Page 2.

There were none.

President De Angeles asked for input regarding Page 3 of the matrix.

Council Member Geyer asked if an addendum could be added at the end of the Charter listing the Ordinances for easier referencing.

Mr. O’Neil concurred and mentioned updating the web-site accordingly.

Attorney Crary stated that an extra, informational page could be created but that it would not be with the official Charter on file with Tallahassee.

Discussion ensued regarding the duties of the Mayor, town management, building official duties, staff duties, stipends and out-of-pocket expenses for Mayor and Town Council Members, salary versus stipends and/or expenses and cell phones.

President De Angeles asked for any further questions, comments or proposed changes to Page 3.  
There were none.

Council Member Gerold announced that all documents for this meeting were available at the Town office and certain documents were available on the Town website.

President De Angeles asked for questions, comments or proposed changes through Page 5.

There were none.

President De Angeles asked for questions, comments or proposed changes on Page 6.

Discussion ensued regarding Item 5, time and place of meetings.

President De Angeles asked for further questions, comments or proposed changes on Page 6.

There were none.

President De Angeles asked for questions, comments or proposed changes on Page 7.

Discussion ensued regarding the filling of vacancies on the Council, special elections, tie-votes for filling vacancies, recent Charter changes regarding appointment terms of vacancies.

President De Angeles asked for questions, comments or proposed changes on Page 8.

There were none.

President De Angeles asked for questions, comments or proposed changes on Page 9.

Discussion ensued regarding Town Clerk's supervisory duties as they relate to the municipal elections.

President De Angeles ask for further questions, comments or proposed changes on Page 9.

There were none.

President De Angeles asked for questions, comments or proposed changes on Page 10.

Discussion ensued regarding the Town Manager's duties, adding or abolishing departments and the Building Official.

President De Angeles asked for questions, comments or proposed changes on Page 11.

Discussion ensued regarding electors, districts, election process during odd years, number of residents versus registered voters, extended terms for Town Council and Mayor.

President De Angeles asked for questions, comments or proposed changes on Page 12.

There were none.

President De Angeles asked for questions, comments or proposed changes on Page 13.

Mayor Ostrand explained the budget setting process and encouraged the public to attend the meetings.

President De Angeles asked for questions, comments or proposed changes on Page 14.

There were none.

Council Member Locatis welcomed the public to speak with him or any other Town Council Member about this Charter workshop.

**7. Comments from the public on topics not on the Agenda** – Ray Burdett, 95 NE Ocean Breeze Drive, asked if a tie should occur if it would be a violation of the Sunshine Law for the Mayor to vote during the Town's annual reorganization.

Attorney Crary stated it would not be a violation because she would be doing so in the public, but her vote does not count.

Mr. Burdett asked if a change could be made to allow the Mayor to cast the deciding vote should that particular situation arise again.

Attorney Crary answered that if the Mayor was given a vote on the Town Council for any purposes, the Sunshine would apply.

Mr. Burdett asked if there could be a secret ballot?

Attorney Crary answered that would be a violation of the Sunshine Law.

President De Angeles asked for any further comments from the public.

There were none.

**8. Comments from the Council on topics not on the Agenda** – Council Member Gerold asked Gary Timmons to give an update on the pier.

Gary Timmons, Construction Supervisor, 3000 NE Indian River Drive, Ocean Breeze, stated that in May, Sun Communities received comments from the Army Corps of Engineers regarding the plans Sun had submitted to build a pier ten-feet wide by ninety-five feet long. He stated that the Army Corps narrowed the pier to six feet because of grasses. He stated that Sun went back to the Army Corps and resubmitted plans on May 24, 2018, and that they were waiting for a response.

Council Member Geyer asked about Florida Fish and Wildlife.

Mr. Timmons answered that he believed Florida Fish and Wildlife had signed off.

Inaudible

Mr. Timmons stated that the kayak blocks would require a separate permit . . . (inaudible).



A member of the audience asked about the timing once the permit was obtained.

Mr. Timmons stated ninety days or less.

Vice-President Kagdis reported on her attendance at the Florida Municipal Insurance Trust Board of Trustees meeting. She spoke about the prevalence of harassment claims including, but not limited to, verbal harassment. She reported on liability insurance premium rebates. She asked about certain lights that were not working along Indian River Drive that are on the Town's contract with FPL. She requested that the Town Council Members fill out an evaluation form regarding leadership.

Mr. O'Neil stated Staff would bring forth a draft Resolution for a tie-breaking procedure. He added that there were no ballot issues brought forth at this Charter workshop.

Council Member Wagner asked Chris Walters, Community Manager, about a certain resident who was experiencing a severe problem with their roof.

Mr. Walters answered that this problem was a manufacturer warranty issue and that it was being monitored.

**9. Comments from Town Management Consultant Terry O'Neil** – there were none

**10. Comments from Mayor Ostrand** – Mayor Ostrand announced that the Florida League of Cities Hero Award was given to Vice-President Kagdis. She added that last year's Hero Award went to Council Member Wagner. She spoke about Home Rule and municipal governments.

**11. Announcements** – President De Angeles announced:

- Next Regular Town Council Meeting – Monday, July 9, 2018 at 10:30 a.m. to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room.
- Treasure Coast Regional League of Cities Bar-B-Q at First United Methodist Church in Okeechobee – Wednesday, July 18, 2018.

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

All in Favor: Yes

Opposed: None

Motion Passed 6 – 0

Minutes approved: \_\_\_\_\_

*July 9, 2018*