

TOWN OF OCEAN BREEZE  
MINUTES TOWN COUNCIL REGULAR MEETING  
Monday, March 12, 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 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 Council Member Geyer, made a Motion to approve the Minutes of the February 12, 2018 Regular Meeting.

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

Opposed: None

Motion Passed 6 – 0

**3. Candidate for County Commission District 4** – Harold Markey announced his candidacy for the District 4 County Commission seat and gave a history of his qualifications and priorities.

**4. Memo on Charter Review Committee** – Mr. O’Neil reviewed his Memorandum dated March 5, 2018 regarding the Charter Review Committee and concluded that Staff suggested that the Town Council review the Charter. He stated that this would be accomplished through Regular Town Council meetings and perhaps, if needed, a public workshop.

Attorney Crary concurred.

President De Angeles asked for comments from the Council.

Council Member Wagner stated that he agreed with the recommendation.

Vice-President Ann Kagdis stated she agreed with the recommendation.

Mayor Ostrand commented about the importance of updating the Charter.

Council Member Locatis stated that he agreed with the recommendation and that the Council Members should commit to obtaining input from the residents.

Council Member Gerold suggested placing copies of the Town Charter in the Welcome Center.

Pam Orr, Town Clerk, stated that the Charter could be found on the Town website.

Council Member Geyer suggested a matrix be prepared that would clearly outline the pros and cons of each potential change.

President De Angeles suggested a designated workshop in the fall for Charter revisions in order to acquire the input, concerns and suggestions.

Council Member Wagner, seconded by Council Member Geyer, made a Motion to adopt Staff's recommendation that the Town Council become the Charter review entity to be accomplished through Regular Town Council meetings and perhaps one or two public workshops, if needed.

Roll Call

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

Opposed: None

Motion Passed 6 – 0

**5. Discussion of a Maintenance Ordinance for the Town** – President De Angeles asked for comments from Mr. O'Neil and Attorney Crary.

Mr. O'Neil briefed the Council on issues at Ocean Breeze Plaza which initiated the discussion of possibly adopting a Property Maintenance Ordinance. He stated that the drafted Property Maintenance Ordinance was a comprehensive document and that the decision to adopt such an Ordinance should be weighed against the ability to enforce it, the Town resources and he explained the magistrate process.

Attorney Crary stated that litigation to enforce such an ordinance would be expensive. He informed the Council that Martin County Attorney, Sarah Woods, informed him that through an Interlocal Agreement use of their Magistrate would be available. He pointed out some items in the Agreement would have to be handled by an Attorney outside of his law firm, which would add additional expenses. He stated that this draft was a complex document interfacing with the Florida Statutes. He added that once the Council decided the elements to be adopted by the Town, there would be additional legal expenses to make sure the form was correct. He reminded the Council that, if adopted, this would be a law created by which citizens would have to abide, to the extent that those laws could be enforced.

President De Angeles asked the Council to consider that in their PUD, Sun Communities had their maintenance control mechanisms in place, the new development would have a home owners association which would control and maintain the appearances of that property and if an issue arose at the Plaza, the Town would be able to contact or meet with the property manager to resolve.

Council Member Geyer asked how this potential Property Maintenance Ordinance was triggered.

Mayor Ostrand explained that she initiated the process and gave a detailed account some of the issues encountered in vacant spaces that the Town viewed to lease. She expressed her concern for the health, safety and welfare of the other renters and their customers and stated the importance of an Ordinance.

Council Member Geyer asked if there was a change in ownership or management of the Plaza and were they educated as to expectations.

President De Angeles confirmed there was a change of management and that he and the Town Clerk had met with new management on another issue which was quickly resolved.

Mayor Ostrand stated that management and owner were not local therefore she believed there should be a simple law on the books.

Council Member Geyer asked if the Town would have to provide enforcement.



Attorney Crary stated that there did not have to be enforcement, but that if adopted, the idea was that it was enforceable.

Council Member Locatis asked if it was possible to have a simplified ordinance that applied only to the commercial area.

Mr. O'Neil stated "yes."

Council Member Gerold asked if the Plaza was covered under Martin County codes.

Mr. O'Neil answered that the Health Department regulations applied, but not Martin County regulations.

Attorney Crary stated that the Health Codes apply to the State.

President De Angeles asked if there was a problem, would the Town use those agencies to resolve it.

Attorney Crary stated that would be the first step to find out the jurisdiction on a particular problem.

Vice-President Kagdis stated that each time the property had changed hands, the Town had attempted to meet with the new owner to let them know about the Town and its expectations. She suggested that before spending money on legal fees, the owner should be meet personally with Town representatives to have a detailed discussion. She stated the importance of having a successful commercial area in the Town. She added that she did not believe establishing an ordinance was appropriate at this time.

Council Member Wagner gave a description of the unit as very bad and a health hazard. He asked if there were State agencies that would be called upon in these situations.

Pam Orr, Town Clerk, stated that the Town Building Official, Larry Massing, had inspected the property and advised the Town that if the problem was not corrected, the Town should contact Martin County Health Department. She added that Phillips Edison was contacted and the issue was resolved. She advised the Council that there had been a change in Management during that time and there had been considerable amounts of rain and the unit had a roof leak, of which they were unaware.

President De Angeles agreed with Vice-President Kagdis; that an ordinance was not appropriate at this time. He suggested that the Town Clerk arrange a meeting with Management of the Plaza, he and the Mayor to explain their concerns.

Council Member Wagner, seconded by Council Member Locatis, recommended tabling the discussion of a Maintenance Ordinance.

Roll Call:

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

Opposed: None

Motion Passed 6 – 0

**6. Ordinance #275-2018 – Concerning the Powers of the Mayor** – Mr. O'Neil explained the history of Ordinance #275-2018. He advised that this Ordinance would give the Council concurrence status with the Mayor in decisions regarding hiring and firing of Staff.

The Town Clerk read the Title of Ordinance No. 275-2018 into the record:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA, PURSUANT TO TOWN CHARTER SECTION 2.03., CONCERNING THE POWERS OF THE MAYOR, REQUIRING THAT ANY ACTIONS TAKEN BY THE MAYOR UNDER PARAGRAPHS 5), 6) AND 7) OF SAID SECTION WITH REGARD TO BOARD APPOINTMENTS, THE HIRING AND FIRING OF EMPLOYEES AND INDEPENDENT CONTRACTORS, ETC., SHALL BE SUBJECT TO CONFIRMATION BY VOTE OF THE TOWN COUNCIL; PROVIDING FOR A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE; AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

President De Angeles asked for questions from the Council.

There were none.

Attorney Crary stated that the Mayor requested this Charter change and gave some clarification regarding the Ordinance.

Council Member Wagner asked about the powers of the Mayor and powers of the President overlapping. He brought up the matter of changing the number of Council Members. He stated he did not believe it was appropriate for the President of the Council to attend Staff meetings and conduct day to day business of the Town and then attend Town Council to meetings to vote. He spoke about the tie vote in January, 2018 and the previous discussions about the Town Council consisting of five members instead of six. He asked Staff if the President's office could be a non-compensated Staff position and not vote on the Council.

Attorney Crary stated that a Charter Amendment would be necessary to accomplish this and that the Charter stated the Mayor was the Chief Executive of the Town; the President was not. He stated the only duty of the President was to preside over the meetings. He stated that if the President attends a Staff meeting, he does so as a Member of the Town Council and had no additional powers to make decisions on behalf of the Town. He added that the only way the President would have the authority to act as a representative of Town Council would be that the Town Council first directed him. He explained that the Vice-President's duties were to act as the President and preside over the meetings should the President be unable to do so. The Charter also provided an instance where the President would become the Chief Executive of the Town if the Mayor ceased to hold office and if the President was unable to do so, the Vice-President would become the Chief Executive Officer of the Town. He stated that if the President extended the duty that was not authorized by the Charter, that would not be in compliance with the Charter. He stated that if Council Member Wagner wished to propose his idea to the people, ultimately any changes would require a vote of the citizens.

President De Angeles explained that there was not a Staff meeting prior to every Town Council meeting and that he had initiated a policy for the Agenda to be given to the Town Council Members at least three to four days prior to the meetings to allow them more time to review the materials. He stated that the Staff Meetings consisted of developing the Agenda and making recommendations for Agenda items. He added there were no votes cast or decisions made about voting or hiring or firing at the Staff Meetings. He concluded that any changes could be brought up at a Charter review workshop.

Attorney Crary stated that for most of the history of the Town, there were no Staff Meetings. He commented that once the staff meetings started the Mayor generally attended, and at some point, it was thought to be helpful if the President of the Council attended.



Council Member Gerold, seconded by Vice-President Kagdis, made a Motion to approve Ordinance #275-2018 upon first reading.

Roll Call:

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

Opposed: None

Motion Passed 6 – 0

**7. Comments from the public on topics not on the Agenda** – Tim Borst, 202 NE Sail Way, Ocean Breeze, brought forth an issue of the liquor license, where liquor would be sold and consumed.

Discussion Ensued.

Joseph Cofield, Naples, Florida, of The Constitution Project gave a presentation about the distribution of the United States Constitution booklets to every fifth grader in each County in the State of Florida. He gave a report of his progress. He encouraged Martin County to obtain these booklets for distribution and the cost was one dollar a piece.

Council Member Gerold, seconded by Council Member Locatis, suggested the matter be tabled, discussed and the booklet reviewed to make a decision regarding a donation.

Roll Call:

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

Opposed: None

Motion Passed 6 – 0

**8. Comments from the Council on topics not on the Agenda** – Vice-President Kagdis announced that on April 11, the Community Center would be having the next session of a lecture series. She reported that Mayor Ostrand and she attended the State of the Union meeting at Martin County. She thanked Mayor Ostrand and President De Angeles for representing the Town in the St. Patrick's Day Parade.

Council Member Gerold asked for an update on the dock and the lift station fence.

Council Member Geyer asked for an update on the removal of the old utility lines, poles and transformers and also an update on the removal of the lines on Ocean Breeze Drive.

Council Member Wagner stated that the walkways within the resort were being used by motorized vehicles and he believed that this was a health and safety issue. He commented that the appropriate signage needed to be in place.

Chris Walters, Community Manager, Sun Communities stated that the permitting for the pier was in progress and that he would provide the Council with an update. He remarked that multiple requests had been made to Florida Power and Light to have the lines removed because it was hindering the progress of new home installation.

Council Member Geyer stated that an email dated February 22, 2018 by Gary Timmons to the Town stated that the old overhead lines would be removed at a cost to Sun Communities and suggested the jacks be disconnected at master meters then disposal of old transformers, and then Sun would remove the poles and overhead lines. She stated that Diana at FP&L replied that she would have to verify this with her supervisor. Council Member Geyer asked if the jacks were disconnected and who was responsible for removing the old lines. She commented that a follow-up email spoke about a new work order and asked who was responsible for it.

Mr. Walters answered that Sun would generate a new work order and that he would follow-up with Gary Timmons.

Council Member Geyer asked about the Florida East Coast Railroad loop being a snag in removing the transformers on Ocean Breeze Drive. She stated the email stated that FP&L would move ahead with removal of the transformers regardless of the glitch with FEC if that was a priority for them, but that there was no date given as to when it would occur.

Mr. Walters answered he would follow-up with Gary Timmons.

Council Member Wagner advised Mr. Walters about a wire held up by a piece of plastic that ran across Bay which was hanging low and close to his house that something needed to be done about it.

Mr. Walters stated that Sun had requested to remove these, but that FP&L would not allow it.

**9. Comments from Town Management Consultant Terry O'Neil** – Mr. O'Neil reported on the Vote by Mail issue which would require an agreement with the Supervisor of Elections. He stated that the Council could expect an Ordinance at the next regular meeting that would allow the Town to proceed with Vote by Mail service.

**10. Comments from Mayor Ostrand** – Mayor Ostrand spoke about her calls to FP&L, to no avail, and believed that this was a safety issue.

Vice-President Kagdis welcomed Commissioner of Sewall's Point, Vinnie Berile, and the CEO of the Treasure Coast Regional League of Cities, Patricia Christensen.

Freda Timmons, 420 Intercoastal Drive, Ocean Breeze, suggested "Go To Meeting" which would enable free live-cast and stream of the Town Council meetings for the people who could not attend.

**11. Announcements** - Meetings to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay

- Regular Town Council Meeting, Monday, April 9, 2018 at 10:30 am

**12. Adjourn** – Council Member Locatis, seconded by Council Member Gerold, made a Motion to adjourn the meeting at 12:05 pm.

All in Favor:

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

Opposed: None

Motion Passed 6 – 0

Minutes approved: April 9, 2018