

TOWN OF OCEAN BREEZE  
MINUTES TOWN COUNCIL REGULAR MEETING  
Monday, May 14, 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 – Vice-President Kagdis led the Pledge of Allegiance
- Roll Call – Present: President Kenneth De Angeles, Vice-President Ann Kagdis, Council Members Richard Gerold, Mary Jo Geyer, Terry Locatis, David Wagner  
Absent: Mayor Karen Ostrand
- 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 Gerold, made a Motion to approve the Minutes of the April 9, 2018 Regular Meeting with corrections as mentioned by Council Member Gerold.

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

Absent: Mayor Ostrand

Opposed: None

Motion Passed 6 – 0

**3. Candidate for County Commission District 4** – Dan Crow (absent).

**4. Revised Ordinance #276-2018 Second Reading** – The Town Clerk read Ordinance #276-2018 into the record:

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA PRESCRIBING THE DATE OF THE REGULAR MUNICIPAL ELECTIONS; ESTABLISHING THE QUALIFYING PERIOD FOR CANDIDATES; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE TOWN TO PARTICIPE IN THE MARTIN COUNTY SUPERVISOR OF ELECTIONS’ “VOTE BY MAIL” PROGRAM; AND, OTHERWISE OBTAIN SERVICES AND OVERSIGHT OF TOWN ELECTIONS BY THE MARTIN COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

Attorney Crary reminded the Council that at the end of last year the Council approved an Emergency Ordinance to confirm that at the first meeting following an election, the winning Candidate would be sworn-in. This Ordinance moved the election up to November so the defeated Council Member’s or Mayor’s terms would be cut short by the Ordinance because the first meeting would presumably be in December rather than January.

President De Angeles asked for questions or comments by the Council.

Council Member Geyer asked about the language in the Ordinance “OTHERWISE OBTAIN SERVICES AND OVERSIGHT OF TOWN ELECTIONS;” she asked about other services such as education and the actual supervising of the Election.

Attorney Crary answered that he made that change because the Agreement from the Supervisor of Elections, that had been presented and not currently signed, showed a number of options that the Supervisor of Elections could do for the Town. He stated that it had not been decided whether to obtain the Supervisor's services in off years. The way the Ordinance had been written was limited to "Vote by Mail" when there were other things the Supervisor of Elections could do for Town.

Council Member Gerold, seconded by Council Member Locatis, made a Motion to approve Ordinance #276-2018.

President De Angeles asked for public comments.

There were none.

Roll Call:

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

Absent: Mayor Ostrand

Opposed: None

Motion Passed 6 – 0

**5. Request from Sun Communities for 4COP License** – Chris Walters, Community Manager, Ocean Breeze Resort, requested approval for the Modification of Agreement Regarding Café Use Area, drafted on May 7, 2018 which would allow Sun Communities to pursue a 4COP license.

Council Member Gerold asked about full menu food service on Page 2 of the Agreement was necessary.

Mr. Walters stated that with a 4COP license, Sun would not be required to offer food service during all times of serving alcohol. He stated that it was the desire of the Town Council.

Mr. O'Neil answered the language was added to the document by Staff to reflect earlier conversations that at all times when serving beer, wine or liquor, there should be full food service, with the primary service being food and alcohol being secondary.

Council Member Gerold asked if the hours of operation would be until Midnight.

Mr. Walters stated that there were few requests for food after 8:00 or 9:00 pm, but that they would be prepared to offer it if requested.

Council Member Wagner suggested using the recommendation of Staff.

Council Member Locatis asked about Item C which stated that customers should not be permitted to leave the designated area with alcoholic beverages. He added that the 2COP license currently in place included package sales.

Mr. O'Neil stated that the PUD, as currently drafted did not permit retail activity; Sun would be required to come back to do a PUD Amendment.

Council Member Locatis stated that it was permitted within Sun's 2COP license.



Mr. O'Neil commented that Sun is constrained by their current PUD.

Attorney Crary pointed out that Exhibit A was the same Exhibit A that was attached to the original 2COP license.

President De Angeles asked for further questions from the Council and the public.

There were none.

Council Member Wagner, seconded by Council Member Gerold, made a Motion to approve the request by Sun for a 4COP license.

Roll Call:

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

Absent: Mayor Ostrand

Opposed: None

Motion Passed 6 – 0

Mr. Walters asked if the actual Agreement would be prepared by Attorney Crary?

Mr. Crary answered that the Agreement had been prepared and the Town had accepted the Agreement with the red lines.

**6. OB East PUD Timetable** – Mr. O'Neil spoke about the Ocean Breeze East PUD timetable and added that McKenzie Engineering had reviewed and reported on the field work; which was weighed against the timetable in the PUD Agreement. He stated that most tasks had been completed and on schedule, but there were a few items that would be explained by Mrs. Cambolor, Planner for Sun Communities.

Marcela Cambolor, Planner for Sun Communities, explained the construction schedule. She spoke about Ordinance 241-2016 adopted by the Town Council in December, 2016 and recorded in February, 2017. She pointed out Exhibit B, the Development Conditions, which stated that the timetable included all phases. She added that Mr. McKenzie had used that table to measure progress against commitments; and that even with the rain and hurricanes, Sun was able to meet almost all commitments. She stated that the construction of the pier did not meet the timetable and that Sun would be seeking a permit from the Town once the approval from Florida Wild Life Commission was received. She confirmed that permits had been obtained from DEP and Army Corps of Engineers. She commented that Sun was within the timeframe stated in the list given by Mac Kenzie Engineering. She also stated that the design of the upland beach area, at the entrance to the pier, was to have included some parking spaces, a beach and a drop-off for kayaks. She added that these components were tied to the pier so they had not been initiated. She advised that a missing element was the new streets and infrastructure on the redevelopment side. She pointed out in the report area C was to be completed within fourteen months of adoption of that Ordinance. She continued that if using the December, 2016 date, Sun was two months over, but if going by the recorded date of February, 2017, Sun was two weeks over the deadline.

She spoke about Hurricane Irma and the fact that Sun consulted with Staff about getting an automatic six months extension which was warranted when a State of Emergency was declared. She added that Sun choose not to ask because, at the time, they were so close to completion they believed that they should move forward. She concluded that Sun anticipated having the southern portion redevelopment completed by the end of July or early August. She spoke about Ocean

Breeze Island, on which there was no time frame, so Sun was in compliance and that Sun would come back before the Council at some point with a minor PUD amendment.

Council Member Geyer asked about the power lines on Ocean Breeze Drive, poles that were to be removed; and green spaces, landscaping and lighting not completed.

Mrs. Camblor stated that these aspects were not part of the PUD, but she understood that there was another agreement with Sun regarding completion of these items.

Council Member Geyer stated that the lighting, which was part of the PUD, was linked to the issue with the poles and had not completed.

Mrs. Camblor commented about the lights and the poles.

(Inaudible)

Council Member Wagner stated that Sun was currently in breach of the PUD Agreement. He spoke about live power lines which were a serious safety issue and insisted that action be taken. He commented that a number of residents spoke to him about other issues and asked about the new RV sites being developed where homes were to be built.

Discussion ensued.

Mrs. Camblor stated that when issues had arisen, Sun had done their best to address them. She asked that if there were specific situations to address, they should be brought to her attention in writing, and she would address them specifically. She added that the element of walkways that McKenzie brought forth were not complete due to an underlying issue with that walkway.

Council Member Wagner asked about Sun's intention with additional RV sites beyond the forty-three in the PUD.

Mrs. Camblor answered it was stated in the PUD.

Council Member Wagner asked if on January 1, 2022, they would disappear.

Mrs. Camblor answered that Sun would begin selling or renting those sites as soon as it was possible. She added that the ultimate goal was to sell units as represented in the PUD; however, as stated in the PUD, up until that time, those sites could be used by RVs. She commented that after January 1, 2022, those sites were solely and exclusively for units, not RVs. She clarified that Park Models were considered RVs by the State.

Council Member Wagner stated that this matter was a growing concern among the residents.

Mrs. Camblor reiterated to produce a list of items having to do with the PUD and they would be addressed by Sun via the PUD and other items would be addressed by management.

Discussion ensued.

President De Angeles suggested that residents compile a specific list for the Council, Mayor and/or Sun Communities.



Council Member Wagner pointed out that it was three and a half years later and they're still building RV sites.

President De Angeles asked what Council Member Wagner would suggest.

Council Member Wagner answered, "to build home sites."

President De Angeles stated that by 2022 there would be no RVs on the south end.

Mr. O'Neil commented that it was clear that 2022 was the date RVs would be allowed in that area; but, that Sun understood there were some concerns from residents.

Council Member Gerold asked if the RV owners were given rules and regulations for the Resort.

Mrs. Camblor stated that this was not a PUD issue, but she would be happy to find the answer.

Council Member Gerold asked about lighting for the gazebo.

Mrs. Camblor answered that there was a commitment to do lighting.

Council Member Gerold asked about her optimism for the Island.

Mrs. Camblor that she was very optimistic.

President De Angeles asked if the Oceanographic Society was still committed to participate.

Mrs. Camblor answered "yes," and that they want to have a research center and shore restoration. She added that Florida Oceanographic had sought assistance from Sun to seek and secure grants.

Vice-President Kagdis asked about the demolition of older units and the infestation of rodents. She also asked about tarping the piles of sand and rock stating that it was a requirement under the PUD.

Mrs. Camblor answered that the areas were to be wet; she didn't know about tarping and that she would look into these issues.

President De Angeles asked Mr. Walters about doing extermination before tearing a house down.

Mr. Walters answered that anyone could call the situation to their attention and Sun would address it with the demolition.

Mr. O'Neil pointed out that there was language in the PUD that directly related to demolition of structures and the obligation to fumigate and contain disbursement of bees, insects, rodents, etc. and that it was non-negotiable.

Mrs. Camblor stated that language was added at the time of the amendment because it had been brought up and she assured the Council that it would be addressed.

Council Member Geyer asked about the Ocean Breeze Drive issue and that the Council was told by FPL that by April 1<sup>st</sup>, it would be done. She stated that FPL relayed to her in January that this would be delayed because they were working on the south side for the RV spots, etc. and added that this information was obviously inaccurate. She commented that the issue on Ocean Breeze Drive was not being addressed as promised.

Mrs. Camblor agreed and added that she would address these issues if provided with dates and names.

Vice-President Kagdis stated that Amy Brunjes was in charge of the project initially after Nick Blount retired. She added that Amy was promoted and that it was the responsibility of Sun Communities to follow through.

Mrs. Camblor stated that she would follow-up.

Gary Timmons, Supervisor of Construction, stated that Mrs. Camblor had not been involved with FPL. He stated that FPL had been a challenge from the beginning and in a recent meeting, even though Sun had attempted, FPL would not commit to a date.

Mr. Walters stated that he was told by FPL that it would not be a year, but that they could not give a date.

Mr. Timmons stated that he had never dealt with Amy Brunjes but had three FPL representatives with whom he had dealt and that for the past two years he had been working with Diane Valagis. He added that FPL was disconnecting/de-energizing the power on the old lines tomorrow; but would not give him a date on the removals.

Council Member Geyer stated that the old lines had nothing to do with Ocean Breeze Drive and asked Mr. Timmons about the memo regarding FEC giving permission to allow a line to cross.

Mr. Timmons answered yes, that was correct and that FPL would like to create the power route on the west side of the FEC railway, and they wanted Sun to pay a fee. Mr. Timmons stated that he told them he did not believe Sun should be paying for an FPL issue, and that he agreed to move forward to complete the project.

Council Member Wagner asked why the lines on Buoy were hot.

Mr. Timmons answered that even though a work order had been submitted last August, FPL would not turn them off because that work order was expired and a new one was needed.

Council Member Wagner commented about the dangers of these energized wires.

Mr. Timmons stated the wires were due to be de-energized tomorrow and then FPL would come back to remove the poles and overhead lines.

Discussion ensued.

Mrs. Camblor stated that FPL viewed this as a project by a private land owner. She commented that she would attempt to set up a meeting with Amy Brunjes, along with a representative from the Town, so that FPL would understand this was affecting the Town, not merely a private owner.



**7. Comments from the public on topics not on the Agenda** – Ray Burdett, 95 NE Ocean Breeze Drive, asked about the Environmental Studies Center.

Mr. O'Neil stated that there was a relationship between the Town and the Environmental Studies Center as a result of the educational component of the grants for the Indian River Drive project and added that Joe Capra would be giving a report.

Vice-President Kagdis announced that she attended the Florida Municipal Insurance Trust national meeting on municipalities, insurance claims and concerns from 2017. She asked to postpone the report until next month when she would have printed copies.

Joe Capra, Captec Engineering, Inc., reported on the Indian River Drive project. He stated that the project was substantially complete and, weather permitting, the plantings should be complete within the next couple of weeks. He added that the crosswalks, flashers and stripping needed to be completed and that this would happen about 30 days after the asphalt. He announced that, so far, the project was within budget and there were a few small changes; but nothing substantial. He spoke about the grant requirement to monitor the project for a year within certain rain amount parameters. He explained the sampling component and reporting costs, which were about eighty thousand dollars. He stated that the billing cycle with Martin County, the Town and the Granting Agencies was working well and moving forward. He explained the details of the educational component at the Environmental Studies Center and also at different affairs throughout the year for student and adult education. He spoke about the kiosks that would be located at the north and south ends of the project and the extra items which Sun would be providing such as benches overlooking the river, trash containers and lighting, similar to that in the Resort, along the waterway. He suggested letting the plants grow before the ribbon cutting.

President De Angeles asked when the cross-walk flashers would be installed.

Mr. Capra answered that he was told by the contractor that they would be installed this week or next, weather permitting. He added that he would confirm.

Council Member Locatis asked if the flashers had a button to push to activate or if they were continuously flashing.

Mr. Capra stated that he believed they had the push button.

Council Member Wagner asked who would control the testing and would it be a reoccurring expense.

Mr. Capra responded that based on grant projects in which he had been involved, the testing should be one time.

President De Angeles asked for public comments on topics not on the Agenda.

There were none.

**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 reminded the Council that the plat document from D.R. Horton, which was required by Statute, would be presented at the next Town Council Meeting. He stated that part of that PUD involved the property owner deeding to the Town a parcel that fronts South Street. He commented that the Council would be asking for a twenty-four-month period before taking possession of the property due to liability, insurance and maintenance. He asked Council Members to give some thought to what to do with the property and stated that some thoughts were an office facility, which would bear scrutiny because of its location in a residential neighborhood; and another idea would be to market the property for sale and use the proceeds for capital or other needs.

Attorney Crary explained the unusual Title issue with the parcel.

Vice-President Kagdis suggested not rushing the matter to consider all the issues.

Council Member Wagner agreed to delay ownership of the parcel.

President De Angeles agreed.

**10. Comments from Mayor Ostrand** – absent.

**11. Announcements** – President De Angeles announced the review of the Town Charter at the June 11, 2018 meeting. He encouraged the Council Members to review it, prepare questions, comments and recommendations for the June meeting.

He announced Niki Norton, candidate for District 4 County Commission, would be speaking at the June 2018 meeting.

Regular Town Council Meeting, Monday, June 11, 2018 at 10:30 am to be held at Ocean Breeze Resort, Pineapple Shores Room.

**12. Adjourn** – Vice President Kagdis, seconded by Council Member Gerold, made a Motion to adjourn the meeting at 11:45 am.

All in Favor: Yes

Opposed: None

Absent: Mayor Ostrand

Motion Passed 6 – 0

Minutes approved: June 11, 2018