

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, November 12, 2018
Ocean Breeze Jensen Beach Clubhouse, Pineapple Bay Room – 10:30 a.m.
700 NE Seabreeze Way, Jensen Beach, FL 34957

- 1. Call to Order** – President Ken 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 Karen Ostrand, President Ken De Angeles, Vice-President Ann Kagdis, Council Members 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 – Council Member Wagner, seconded by Council Member Locatis, made a Motion to approve the Minutes of the October 15, 2018 Regular Meeting.

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

Opposed: None

Motion Passed: (5-0)

Notation for the Record: Minutes of the Regular Meeting, Monday, October 8, 2018 meeting, in which there was no quorum, were provided to each Town Council Member and the Mayor.

3. Oath of Office for Newly Elected Council Members and Mayor – Attorney Crary administered the Oaths of Office to Mayor Karen Ostrand and Council Members Richard Gerold, Terry Locatis and David Wagner.

4. Reorganization of Town Council – President De Angeles asked for nominations for the office of President.

Council Member Locatis, seconded by Council Member Wagner, nominated Council Member Ken De Angeles for the office of the President.

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

Opposed: None

Motion Passed: (5-0)

President De Angeles asked for nominations for the office of Vice-President.

Council Member Wagner, seconded by Council Member Locatis, nominated Council Member Ann Kagdis for the office of the Vice-President.

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

Opposed: None

Motion Passed: (5-0)

5. Proposed Budget Amendment #1 – Mr. O’Neil explained the Budget Amendment process and asked Mr. Leahy, by telephone conference, to explain the amendments.

Mr. Leahy explained that Florida Statutes provided for the Town Council to approve a Budget Amendment for last fiscal year by November 30, 2018. He explained the amendment to the Special Revenue Fund stating that funds that were set aside for Grants – Contract Labor, in the amount of \$6,000 were being moved to Road and Street to cover the costs of the new monument signs. He stated that \$34,000 would remain in the Grants – Contract Labor line item until the grants were completely closed out. He added that the General Fund saw an increase in revenue for Building Permits and

Charges for Services beyond the originally budgeted amounts. He commented that the corresponding expense line items were increased. He stated that the Government Grants line items for revenue and expenses were increased simultaneously, as a cautionary measure and that the closing of the Grants would probably take place in February, 2019.

Vice-President Kagdis, seconded by Council Member Locatis, made a Motion to approve the Proposed Budget Amendment #1.

President De Angeles asked for comments from the public on Proposed Budget Amendment #1 for the Fiscal Year ending September 30, 2018.

There were none.

Roll Call Vote:

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

Motion Passed: (5-1)

6. Overview of the Ocean Breeze East Planned Unit Development Agreement – Mr. O’Neil referred to his Memorandum dated November 7, 2018 to the Ocean Breeze Town Council and Mayor Ostrand, and for the record was attached to the November 12, 2018 Minutes. He explained that the purpose was to converse about the Ocean Breeze East PUD and the Amendments. He spoke about permitted uses and development procedures stating that the PUD was a Zoning Agreement between the Town and the developer, and various dates of the PUD Agreement and the amendments.

Council Member Gerold asked for a definition of a legacy resident

Mr. O’Neil referred to tab #12, tab #8 and page 21 of the PUD.

Council Member Gerold asked about “legacy resident” and “legacy home” on tab #12.

Mr. O’Neil referred to page 21 after tab #8, the “no displacement clause” and after tab #12, where the language determined the definition of a legacy resident.

Council Member Gerold asked if a legacy resident, in a legacy home was no longer living there, does the Title carry to a new resident or just a legacy home. He asked what would happen, what would happen.

Mr. O’Neil answered that the legacy status was the individual so that if the home was sold or bequeathed to someone, there was no longer a legacy individual.

President De Angeles asked if a “legacy home” referred to an individual.

Mr. O’Neil stated that the original intent was to protect those individuals from displacement.

Council Member Gerold asked about a legacy resident leaving a home on to an heir and changes in ownership. He stated that if there was change in ownership, according to Sun and their Prospectus, upgrades had to be made to the home.

Mr. O’Neil stated that he did not believe the legacy status was transferable because it related to individuals who were in the Park at the time of the adoption of the PUD, either owners or renters.

President De Angeles asked if that date was January 27, 2015.

Mr. O'Neil answered "yes."

Attorney Crary stated that the document was designed to protect the legacy residents and was expanded to include renters.

Council Member Gerold referred to tab #12 "legacy residents" and "legacy home."

Attorney Crary stated that he would need to review the language.

Mr. O'Neil spoke about the development conditions and permitted uses in the PUD and Amendments, the rules for selling of alcoholic beverages and the location of RVs in the PUD until 2021. He spoke about pest control and gave an update regarding the recent meeting with the Health Department.

Council Member Gerold asked about the communication line as it referred to pests.

Mr. O'Neil answered that if it was a public issue, to contact the Town, but that the Martin County Health Department had regulations in place to dispense with such issues. He stated that the Town was working closely with Sun and complaints should come through the Town to be documented and shared with Sun and the Health Department.

Mr. O'Neil continued to discuss lighting, the public safety concerns and the ongoing efforts on Sun's part to improve the lighting conditions, and the location of elevated units (Tab #16).

Council Member Gerold asked about the shaded areas for elevated units, and there were questions about the specific lots and addresses. He asked how this was determined.

Mr. O'Neil answered that a map could be produced with underlying addresses.

Council Member Gerold explained that some residents were told, in the past, that there were not to be anymore (elevated) next to them and that there was no way to decipher this from the map.

Mr. O'Neil answered that he would speak with Marcela Camblor and Sun to produce an exhibit which would show the underlying lots and numbers for better clarity.

Vice-President Kagdis stated that the blue shaded areas would require the developer to come before the Council for permission. She added that anyone already in an approved elevated unit, who was told that they would not have elevated units adjacent, should bring their concerns to the Council.

Mr. O'Neil stated that research should be done to clarify the matter.

Council Member Gerold stated that he understood that there were not to be any elevated units except around the perimeter. He added that some units were going to be put in the front and Carefree said that if they were allowed to erect elevated units, they would start from the west and move to the east and then, when they got so far to the east, the people that bought those units said there were be no more in front of them. He said there was no line of demarcation.

President De Angeles asked where, on the exhibit, elevated units had already been approved. He asked for a detailed map of the blue area with lot numbers.

Council Member Gerold stated that the elevated units were allowed in the yellow area, and that at the time of purchase they should know what was allowed to be built next door.

Mr. O'Neil stated that he would look into the matter to make sure that another approval process was not obligatory.

Council Member Gerold asked about the underground electric on Ocean Breeze Drive which was to be performed two years ago.

Mr. O'Neil stated that the Town had heard about this issue and that Florida Power and Light had delayed the process.

Vice-President Kagdis stated that this was a major problem for people who purchased houses on Ocean Breeze Drive, she commented that the delay was initiated by the Construction Coordinator for Ocean Breeze with the guarantee that by April 1, 2018, the poles were going to be removed. She added that the reason for the change was to install lighting at the RV section on the south side. She stated that this was not a Florida Power and Light problem but a decision made by the Construction Coordinator to put the lighting in on the south side, and that there should be some accountability.

Mayor Ostrand commented on the danger of the crooked poles on Ocean Breeze Drive and stated that they were leaning more and more toward the street. She stated that it was important that the poles be removed and that she would be willing to work with Sun and FP&L to accomplish it.

Mr. O'Neil remarked that one of the benefits of today's meeting was the clear message that the Town expected this to be resolved.

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

There were none.

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

There were none.

7. Comments from the public on topics not on the Agenda – Candi McKenzie, 30 NE Nautical Drive, Ocean Breeze, asked how the Town Council Meetings could be better advertised or promoted.

Pam Orr, Town Clerk, answered that the meeting dates, times, etc. were on the Town website.

Mrs. McKenzie, stated that she wanted to disburse the information to more people.

President De Angeles stated that this matter would be looked into and that he felt the interest had increased since he had been on the Council since 2013.

Ms. Cathy Berry, 31 NE Nautical Drive, Ocean Breeze, asked where she would be able to find information regarding safety concerns within the Ocean Breeze community.

Mr. O'Neil stated that this information could be found in the PUD document and because the Town was the permitting jurisdiction, the Standard Building Code, the National Fire Protection Code and other agencies had safety standards which could be applied.

Ms. Berry spoke about the importance of a homeowner's meeting due to the influx of new residents.

Vice-President Kagdis stated that when Sun Communities took over, their representatives were receptive to having a residents' association but, at that time, there were many people who were against it and it was voted down. She added that a residents' association was needed to deal with issues that were not Town related.

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

There were none.

8. Comments from the Council on topics not on the Agenda – President Kagdis announced that she and the Mayor would be attending the Florida Legislative Policy Committee in Orlando. She remarked that this was the opportunity for the Legislators to hear from towns of all sizes. She added that at the December, 2018 meeting they would inform the Council and the public about some of the issues that would affect Ocean Breeze.

President Kagdis commented that Ocean Breeze had been generous with the local public schools, and showed a picture of a brick donated by the Town for the pathway at the Environmental Studies Center.

Council Member Gerold announced that the Pineapple Festival would be taking place next weekend.

President De Angeles asked for volunteers for the History Museum at the Jensen Beach Chamber of Commerce.

Vice-President Kagdis invited volunteers to contact her or to go to the Jensen Beach Chamber office to gather information about volunteering.

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

10. Comments from Mayor Ostrand – Mayor Ostrand announced that on December 1st residents of Ocean Breeze had been invited to participate in the Hobe Sound Christmas Parade and invited anyone interested to contact her at 772-418-6460.

Mayor Ostrand spoke about involving the Environmental Studies Center in planting white mangroves at the expense of the Town. She asked for questions or concerns.

There were none.

11. Announcements – Regular Town Council Meeting – Monday, December 10, 2018 at 10:30 a.m. to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room

12. Adjourn – Council Member Wagner, seconded by Vice-President Kagdis, made a motion to adjourn the meeting at 12:30 p.m.

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

Opposed: None

Motion passed 5-0

Respectfully Submitted,

Pam Orr, Town Clerk

Minutes approved: 12/19/2018