

TOWN OF OCEAN BREEZE
MINUTES TOWN COUNCIL REGULAR MEETING
Monday, September 10, 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 Ostrand, President Ken De Angeles, Vice-President Kagdis, Council Members Richard Gerold, Terry Locatis, David Wagner
Absent: Council Member Mary Jo Geyer
- 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 August 13, 2018 Regular Meeting.

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

Opposed: None

Absent: Geyer

Motion Passed 5 – 0

3. Certificate of Completion of the Advanced Institute for Elected Municipal Officials – Vice-President Kagdis – Mayor Ostrand presented Vice-President Kagdis with the Florida League of Cities Certificate of Completion for the Advanced Institute for Elected Municipal Officials.

4. Comments from the public on topics not on the Agenda – There were none.

5. Comments from the Council on topics not on the Agenda – Council Member Gerold asked if the Budget Hearings were considered scheduled meetings.

Mr. O’Neil answered that the Budget Meetings were not considered Special Meetings for the purposes of a Regular Town Meeting.

Council Member Gerold asked for this to be part of the record because of Council Member Geyer’s absences.

Council Member Wagner asked Chris Walters, Sun Communities, about cars parked along West End Blvd., parking for Peter’s Steak House and the guardrail because it had been an issue on Thursday, Friday and Saturday nights. He asked about trimming the bushes along the property.

Mr. Walters answered that he would start a work order on this issue.

Vice-President Kagdis spoke about The Entrepreneurship Foundation and their Adopt-A-Class Campaign and that the recommended donation was \$200 per classroom. She suggested incorporating this donation into the budget because the grant education component was directly tied to the Environmental Studies Center.

President De Angeles, seconded by Council Member Gerold, made a Motion that a \$200 donation be made to the Environmental Studies Center.

Mayor Ostrand stated that during the budget process, she would like the Council to consider another \$200 donation to The Entrepreneurship Foundation Scholarship Fund.

President De Angeles, seconded by Council Member Wagner, made a Motion that the Town budget a \$200 donation for the Environmental Studies Center.

Roll Call:

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

Opposed: None

Absent: Geyer

Motion Passed 5 – 0

Attorney Crary asked the President to pass the gavel stating that he was not allowed to make a Motion while acting as President.

President De Angeles (who passed the gavel to Vice-President Kagdis), seconded by Council Member Wagner, made a Motion that at the budget meetings a \$200 donation be considered for other schools in the area.

(President De Angeles took the gavel back)

Vice-President Kagdis stated that she believed the Mayor was speaking about The Entrepreneurship Foundation Scholarship Fund specifically and not the other four schools.

President De Angeles asked if the Council Members would like to support all the schools or just The Entrepreneurship Foundation Scholarship Fund.

Council Member Locatis stated The Scholarship Fund.

Council Member Gerold stated The Scholarship Fund.

President De Angeles amended his Motion to include just The Entrepreneurship Foundation to be considered for donation.

Council Member Wagner stated that Town Council voted to donate \$200 to the Environmental Studies Center and stated that President De Angeles could not make the Motion. Council Member Wagner, seconded by President De Angeles, made a Motion that an additional \$200 be donated to The Entrepreneurship Foundation Scholarship Fund. Vice-President Kagdis clarified that these payments were to be made in the current fiscal year.

Roll Call:

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

Opposed: None

Absent: Geyer

Motion Passed 5 – 0

Vice-President Kagdis asked about pest control during demolition and stated that there had been a significant increase in rodent damage to properties when houses had been demolished. She asked staff to check the PUD for a pest control section and report back to the Council.

President De Angeles asked Mr. Walters to comment.

Mr. Walters stated that he believed there was a provision in the PUD regarding pest control. He stated that if it was determined that there was evidence of pest infestation, Sun responded. He stated that Sun was spending approximately \$1,400 monthly on pest control which was significantly higher than prior years. He stated that someone would reach out to Martin County Biologists to make a determination of how the Town may be able to manage this as well. He stated that he was available to provide assistance in this area and asked for recommendations in order that corrective action could be taken.

Vice-President Kagdis asked for data on what paid pest control had been doing over the past few months at Ocean Breeze (Resort).

Mr. Walters spoke about Sun's (pest control) invoices and he had instructed the pest control company that should there be any evidence of rodent infestation, it be addressed. He added that this was probably something that he could research and formulate for the Council.

Mayor Ostrand thanked Mr. Walters for the lighting placed along the River and stated that after three days of sun, they were not working at night.

Mr. Walters stated that there was an activation tab on the light and that it might have been overlooked and added that he would follow up.

Mayor Ostrand stated that there were to be double-heads on all of the lights and asked why one of the lights had a single-head.

Mr. Walters answered that he did not know that the plan was that all the lights were supposed to be double-headed and that he would secure an answer to her question.

Mayor Ostrand asked if this would be corrected.

Mr. Walters answered "sure".

Vice-President Kagdis asked about displacement of existing residents. She stated that the language in the letter from (Jody Gabel) the law firm of Lutz, Bobo & Telfair last year to the Tenant and the Town Council was that "your tenancy would not be interrupted with this change in the lease." She stated that this same tenant had received another letter of non-renewal of tenancy and that the Town Council could direct the legal staff to investigate and find out the circumstances. She commented that unless there was non-payment of rent or a felony conviction, no pre-existing, "legacy" resident under the PUD should be asked to relocate.

President De-Angeles asked Attorney Crary if he was aware of this and asked if he would look into the matter.

Mr. O'Neil stated that he was aware of the concern. He continued that the Town had been through this a couple of years ago and the legal staff went through some considerable investigation and he believed the matter had been settled. He stated that staff did not want to look into this further without direction from the Council.

Council Member Locatis stated that he would need more information before he would vote on any legal action.

Vice-President Kagdis answered that the legal department would need to investigate why the letter from Lutz, Bobo & Telfair Law Firm was not honored and why these changes in 2018. She added that the Council did not have the legal expertise to perform these tasks. She stated that this involves one resident at this point. However, in the past there were several residents, but they had passed away. She stated that rather than this matter continues to be unresolved, she asked the Council to consider investigating the situation and follow through on the letter from Lutz, Bobo to determine the language and validity.

Attorney Crary stated that there were two or three people that he had looked into at one time. He asked if the Town Clerk would pull all the prior emails on the subject and he would take a preliminary look into the matter. He stated that he cannot give an opinion on the validity of the letter without investigating.

Council Member Gerold stated that he would like to see the staff follow-up with emails and contact Sun before getting into any legal action.

Mr. O'Neil stated that he did communicate with Chris Walters about this issue and provided Sun with the letters and correspondence that were related to the earlier issue. He stated that it was Mr. Walters' position that Sun Communities viewed this particular resident as not an owner, which was different from the position Sun took a couple of years ago regarding the same individual. He recommended that the Town Council authorize an initial look into this matter. He stated that Mr. Crary was very frugal. He added because it was approved previously by the Council to look into this matter, he recommended authorizing Mr. Crary a couple hours, along with staff to determine if the matter merits any further action. He stated this wouldn't be a full-blown investigation, but recommended looking into the matter to determine if there was more for the Town Council to consider.

Council Member Wagner, seconded by Vice-President Kagdis, made a Motion to go forward, look into the matter further and authorize Mr. Crary to report back to the Town Council.

Council Member Locatis asked if this was to authorize the Town Council to look into the matter and come back with information or have that information available so that the Council would be able to go to Pam and understand the matter, and that they were not authorizing the undertaking of any legal action.

Attorney Crary answered that he would not file suit without authorization from the Town Council, and stated that he would report in writing.

President De Angeles stated that some of the newer Town Council Members did not have the correspondence; he asked Vice-President Kagdis if it were possible to get this correspondence to the Town Council Members.

Vice-President Kagdis stated that the Town Clerk had the correspondence in the Town files.

Mr. O'Neil stated that a complete copy of the files would be made available to the Town Council.

Council Member Gerold asked about scheduling a PUD workshop.

Vice-President De Angeles asked for further comments from the Council.

There were none.

Vice-President De Angeles asked the Town Clerk to take the roll and repeat the Motion.

Pam Orr stated that Mr. Crary would be authorized to go forward to look into the displacement issues and to investigate only.

Roll Call:

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

Opposed: None

Absent: Geyer

Motion Passed 5 – 0

President De Angeles asked for further comments from the Council.

Vice-President Kagdis announced the anniversary of September 11, 2001 and that St. Martin de Porres Catholic Church had invited all the residents of Ocean Breeze to attend a “Blue Mass” at 8:30 a.m. to honor those who daily protect and serve.

Mayor Ostrand asked about an investigation of the prospectus versus the OBE PUD.

Mr. O’Neil answered that he would speak about this under his comments.

6. Comments from Town Management Consultant Terry O’Neil – Mr. O’Neil spoke about the last meeting in which the prospectus and PUD were discussed. He stated that the prospectus was a separate document from the Town. He remarked that he wrote a letter to Sun Communities inviting them to meet with Town staff to understand any issues of inconsistency between the draft Prospectus and the Town’s PUD. He commented that Sun had not requested a meeting. He spoke about setting up a workshop regarding the OBE PUD as a part of the Agenda in October or November. He spoke about the return of residents and that November might be a better time to put this on the Agenda. He stated that the Town Council Members should have a copy of the PUD but that the Town would provide additional copies if needed. He recommended that the Town Council direct staff to bring this item forth at the November meeting.

David Wagner, seconded by Council Member Locatis, made a Motion that the PUD Workshop be discussed at the November meeting.

Roll Call:

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

Opposed: None

Absent: Geyer

Motion Passed 5 – 0

President De Angeles asked for any discussion on the matter.

There was none.

Mr. O'Neil announced that the new Financial Advisor had signed the contract with the Town and she would be attending the Town's first budget meeting along with T.J. Leahy and then she would be transitioning into that position.

7. Comments from Mayor Ostrand – Mayor Ostrand reported on her and Vice-President Kagdis' attendance at the Florida league of Cities conference. She spoke about the importance of Home Rule.

Vice-President Kagdis expounded upon Home Rule and the impact Home Rule had upon the Town. She reported on the work of her and the Mayor at the Florida League of Cities Florida Legislative Policy Committee. She stated they would be reporting back to the Council and the residents to share the information to call and/or email the legislators at least once a month. She spoke about the importance of everyone being involved.

Mayor Ostrand commended Council Member Wagner for his work for Home Rule and otherwise.

8. Announcements – President De Angeles announced the following meetings to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room:

- Regular Town Council Meeting – Monday, October 8, 2018 at 10:30 am
- Tentative Budget Hearing, Wednesday, September 12, 2018 at 5:01 pm
- Final Budget Hearing, Thursday, September 20, 2018 at 5:01 pm

9. Adjourn – Council Member Wagner, seconded by Council Member Gerold, made a Motion to adjourn the meeting at 11:07 am

All in Favor: Yes

Opposed: None

Motion Passed 5 – 0

Minutes approved: October 15, 2018