

TOWN OF OCEAN BREEZE
MINUTES TOWN COUNCIL REGULAR MEETING
Monday, March 13, 2017
Hoke Hall / Lifestyle Center – 10:30 a.m.

1. Call to Order – President Kagdis 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 Ann Kagdis, Vice-President Ken De Angeles, Council Members Jerry Collins, Richard Gerold, Terry Locatis and 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 – Vice-President De Angeles, seconded by Council Member Wagner, made a motion to approve the Minutes of the February 13, 2017, Regular Meeting.

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

Opposed: None

Absent: None

Motion Passed 6 – 0

3. Resolution #253-2017 – President Kagdis read the Resolution into the record:

A RESOLUTION OF THE TOWN OF OCEAN BREEZE URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE HB 17 AND SB 1158 WHICH PREEMPTS LOCAL BUSINESS REGULATIONS, PROHIBITS LOCAL GOVERNMENT FROM IMPOSING OR ADOPTING ANY NEW REGULATIONS OR BUSINESSES UNLESS EXPRESSLY AUTHORIZED BY THE LEGISLATURE; DIRECTING TOWN ADMINISTRATION TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE TREASURE COAST REGIONAL LEAGUE OF CITIES, THE MARTIN COUNTY LEGISLATIVE DELEGATION, AND ANY OTHER INTERESTED PARTIES

Vice-President De Angeles, seconded by Council Member Wagner, made a motion to approve Resolution No. 253-2017.

President Kagdis asked for comments or discussion from the Council.

There were none.

President Kagdis asked for comments or questions from the public.

There were none.

Roll Call: Kagdis, De Angeles, Collins, Gerold, Locatis, Wagner

Opposed: None

Absent: None

Motion Passed 6 – 0

4. Resolution #254-2017 – President Kagdis read the Resolution into the record:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA VOIDING RESOLUTION NUMBERS 230-2015 AND 244-2016 THEREBY RESCINDING A REDUCTION IN BUILDING PERMIT FEES FOR THE OCEAN BREEZE EAST PLANNED UNIT DEVELOPMENT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Vice-President De Angeles, seconded by Council Member Collins, made a motion to approve Resolution No. 254-2017.

President Kagdis asked for comments or discussion from the Council.

There were none.

President Kagdis asked for comments or questions from the public.

Gary Timmons, Sun Communities, 3000 NE Indian River Drive, Ocean Breeze, asked how this would affect the private provider inspection services.

Terry O'Neil, Town Management Consultant, provided a brief history of the previous Resolutions and explained the need to rescind the discounted fees.

Council Member Collins asked about the inspection services provided through the Town.

Mr. O'Neil explained that any additional inspection costs would have to be passed through to Sun Communities and that the Town is obliged to collect no more than is reasonable to support the Town's costs associated with building; adding that another adjustment in fees could be made at a later date.

President Kagdis stated that any overages would be returned to the builder.

Roll Call: Kagdis, De Angeles, Collins, Gerold, Locatis, Wagner

Opposed: None

Absent: None

Motion Passed 6 – 0

5. Ordinance #251-2017 – President Kagdis read the Ordinance into the record:

AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, AMENDING ORDINANCE NUMBER 170-2010, ALSO KNOWN AS THE OCEAN BREEZE PARK WEST PLANNED UNIT DEVELOPMENT (PUD), THEREBY ADOPTING A FINAL MASTER SITE PLAN FOR A HOUSING DEVELOPMENT CONSISTING OF APPROXIMATELY 143 SINGLE-FAMILY HOMES; PROVIDING A REVISED/FINAL MASTER SITE PLAN, DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT; DECLARING SAID PROJECT TO BE CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT PROVISIONS AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

President Kagdis explained that the hearing was a Quasi-Judicial hearing.

President Kagdis asked if the Council Members had any exparte communications to disclose.

Vice-President De Angeles stated that he spoke to Morris Crady with Lucido and Associates.

President Kagdis directed those giving testimony to stand, raise their right hand, and be sworn in.

They did so.

Attorney Crary administered the oath.

President Kagdis asked Staff for testimony, including evidence, and recommendation regarding this Ordinance.

Mr. O'Neil gave a recap of the Zoning Board hearing held on February 9, 2017 and the Special Meeting, to consider Ordinance 251-2017 upon first reading. He referred to his memo dated March 10, 2017 stating that the major changes were that the applicant had amended the Master Site Plan to include White Pine Terrace as the second access point and abandonment of the Highland Avenue access point. He added that Martin County's Engineering Department had not yet formally approved the White Pine Terrace connection. He stated that the Applicant was confident of the approval and advised the Town Council to review the new language provided on Exhibit "C" regarding the configuration of the roadway connections. He spoke about the Applicant's desire to donate, to the Town, Parcel "A" at NE Highland Avenue, originally proposed as an access point. He stated that a town office would be considered at that location or the parcel would be used for a single-family home. He confirmed that any future development of that property would require a public hearing and mailed notice to property owners within three hundred feet. He gave the details that Attorney Crary had included as it pertained to Fire/EMS services with Martin County. He added that all of the conditions that Staff recommended at the last meeting had been included in the updated document, the proposed application was consistent with the Town's Comprehensive Plan and in compliance with the original PUD agreement adopted in 2010. He commented that at 3.1 units per acre, the project is considerably less dense than otherwise might have been developed. Mr. O'Neil concluded that staff recommended consideration of public comment and approval on second reading.

Vice-President De Angeles asked Mr. O'Neil if he spoke to Don Donaldson (Engineering, Martin County) regarding White Pine Terrace.

Mr. O'Neil stated that he spoke to Mr. Donaldson before the February 28, 2017 meeting and he believed that the connection to White Pine Terrace was not problematic.

Vice-President De Angeles asked Mr. Crady if the developer would be providing utilities to the parcel of land being donated to the Town.

Mr. Crady responded "yes."

President Kagdis asked the petitioner to give testimony and call any witnesses.

Morris Crady, AICP, of Lucido & Associates, gave a presentation of the updated proposed OBP West PUD Amendment Site Plan Application. He explained all the access point changes and confirmed the donation of Parcel "A" to the Town of Ocean Breeze. He confirmed that a side-walk would be installed along the south side of White Pine Terrace to connect to the NE Savannah road sidewalk and along Skyline Drive connecting to the Jensen Beach Boulevard sidewalk. He provided detailed information about the phasing of the project and stated that three lots were eliminated at the Skyline Drive entrance. He spoke of his contact with the Britt Family, whose home was located at the

construction entrance on Skyline and South Street. He advised that two lots of seventy-five feet would be added at the location where the Highland Avenue was eliminated. He stated that anything built on Parcel "A" would only have access at South Street and would not be a member of the HOA. He remarked that the applicant was in agreement with all of Staff's conditions in the revised documents; however, the applicant would like to request use of White Pine Terrace (Condition #11), as a construction entrance to alleviate some of the traffic on Skyline Drive.

Vice-President De Angeles asked about Parcel "A" being donated to the Town.

Mr. Crady explained that the Town would have full ownership of Parcel A; adding that an environmental audit and title work would be conducted by the applicant.

President Kagdis asked if staff had any questions for the petitioner.

Mr. O'Neil stated that he agreed with the added construction traffic entrance.

Attorney Crary stated that Parcel "A" would be subject to the Town Council's acceptance.

Council Member Collins asked Attorney Crary about quid pro quo in regards to Parcel "A".

Attorney Crary answered that it had been stated in the public record that the applicant was aware that they were not obligated to donate and that the Town Council was aware that they were not obligated to accept. He spoke about additional insurance requirements to build an office.

Vice-President De Angeles asked Attorney Crary about taking ownership of Parcel "A" and liability regarding the parcel.

Attorney Crary answered that ownership would take place at the time of recordation of the plat and a decision would have to be made at that time as to whether the Town would want to take ownership.

Mr. Crady commented that Martin County had stated that the developer had a legal right to use White Pine Terrace because it is a public road, but that the permitting requirements must be met. He added that he would meet with the residents on White Pine Terrace, as well as Skyline Drive, prior to construction and that as far as complaints, he would be the point-person for the Town.

Attorney Crary stated that the donation of Parcel "A" would be a potential donation for public purpose, and would solve a traffic problem on South Street.

President Kagdis asked for additional comments or questions from the Council or Staff.

There were none.

President Kagdis asked for comments from the public.

Speaker #1, Carole Christie, 1422 NE South Street, Jensen Beach, expressed her appreciation for the consideration of South Street and asked that the Town Council would also take into consideration a single family home on Parcel A to align with the other homes on South Street.

Speaker #2, Michelle Foster, 1483 NE South Street, Jensen Beach, expressed her appreciation for the consideration of the White Pine Terrace entrance/exit.

Speaker #3, Paula Joyal, 1340 NE 29th Terrace, Jensen Beach, expressed her concerns regarding consideration of the White Pine Terrace access point. She asked about fencing along the FEC railway, a wall along other interfaces with the development, two-story home placements within the development, traffic concerns and surrounding property valuations.

Speaker #4, Joan Antolik, 1419 NE 29th Terrace, Jensen Beach, expressed her concerns about White Pine Terrace as an access point and construction entrance, two-story homes within a single-story neighborhood, the large number of homes in the development, growth in Jensen Beach and traffic problems.

Speak #5, Linda Heaton, 31 NE Nautical Drive, Ocean Breeze, expressed her high opinion about the quality of work by D.R. Horton.

Mr. Crady answered: 1) the proposed buffer along the FEC railway would be a six-foot earthen berm and an opaque fence; 2) the density of the project is 3.1 units per acre, which is a down-zoning from the current PUD, compatible with the neighborhood and consistent with the zoning and density; 3) the current zoning in the surrounding areas allowed for up to three stories/35 feet in height, however the developer would agree to restrict lots 120 – 127 to single family, one-story only; 4) the traffic impacts would require permits from the County and improvements; 5) the proposed six-foot high, opaque fence along the border of Legion Heights.

Mayor Ostrand spoke about the train noise and sound barrier walls.

President Kagdis stated that the Town would work on quiet zones with FEC Railway.

Council Member Locatis stated that the current PUD allows for single-family homes, town houses, multi-family apartments, mobile homes and commercial. He stated his positive opinion on this project and the use of White Pine Terrace as an access point.

Council Member Collins asked about approving the Ordinance with a contingency that the White Pine Terrace access would be agreed upon by the County.

Mr. O'Neil stated that if approved, the site plan would be locked in and would not be amended without going through the Zoning Board and Ordinance process again.

Vice-President De Angeles, seconded by Council Member Collins, made a motion to approve, on second reading, Ordinance No. 251-2017, to include two provisos that the White Pine Terrace and Skyline Drive access points be permissible for construction traffic, and that lots 120 – 127 would be limited to single-story homes. Attorney Crary stated that was assuming all the information, findings of fact, in the "whereas" clauses were included.

Roll Call: Kagdis, De Angeles, Collins, Gerold, Locatis, Wagner

Opposed: None

Absent: None

Motion Passed 6 – 0

6. Comments from the public on topics not on the Agenda – David Britt, 1802 NE South Street, Jensen Beach, expressed his approval of the Council's approval of Ordinance No. 251-2017 with the White Pine Terrace access point.

7. Comments from the Council on topics not on the Agenda – Mayor Ostrand spoke about the residents changing their town name to “Ocean Breeze” with the Martin County Tax Collector and the town monument.

Mr. O’Neil stated that the monument had been discussed with Mr. Capra, Captec Engineering and that a decision had yet to be made.

Mayor Ostrand asked about the traffic when the Indian River Drive project begins.

Mr. O’Neil stated that a maintenance and traffic plan would be implemented and added that he would ask Mr. Capra to make a presentation to the Town Council on traffic and construction issues.

President Kagdis spoke about the information she provided to the Council regarding training with Kathy Till and Associates and ethics training.

8. Comments from Town Management Consultant Terry O’Neil – Mr. O’Neil provided the Town Council with information about the Indian River Drive project schedule.

9. Comments from Mayor Ostrand – (see item #7).

10. Announcements - Meetings to be held at Hoke Hall / Lifestyle Center

- Monday, April 10, 2017 at 10:30 am – Regular Meeting
- Tax Collector – FLOW Mobile, March 20th and 21st (or, take documents to the Tax Collector’s office with letter and required documents)

11. Adjourn – Vice-President De Angeles, seconded by Council Member Collins, made a motion to adjourn the meeting at 11:40 a.m.

All in Favor:

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

Opposed: None

Absent: Collins

Motion Passed 6 – 0

Minutes approved: April 10, 2017