

MINUTES REGULAR TOWN COUNCIL MEETING

SEPTEMBER 4, 2009

SMALL CONFERENCE ROOM

ORCHID ISLAND GOLF AND BEACH CLUB, ORCHID, FLORIDA

AGENDA ITEM #1 – CALL TO ORDER AND ROLL CALL

MAYOR DUNLOP CALLED THE MEETING TO ORDER AT 4:45 PM.

PRESENT:

MAYOR RICHARD DUNLOP
VICE-MAYOR SUE JOYCE
COUNCILMEMBER BILL TROXELL

ABSENT:

COUNCILMEMBER PAUL JOHNSON
COUNCILMEMBER BUD OATWAY (DID NOT
RECEIVE INFORMATION TO CALL IN)

STAFF IN ATTENDANCE:

DEB C. BRANWELL, TOWN MANAGER
TERRI WALLACE, TOWN CLERK
ANTHONY GARGANESE, TOWN ATTORNEY
VIA TELEPHONE

AGENDA ITEM #2 – AGENDA MODIFICATIONS, ADDITIONS AND/OR DELETIONS

THERE WERE NONE.

AGENDA ITEM #3 – APPROVAL OF MINUTES WITH CHANGES

MINUTES REGULAR TOWN COUNCIL MEETING – JUNE 3, 2009

*VICE-MAYOR JOYCE MOVED TO APPROVE THE MINUTES OF JUNE 3, 2009.
COUNCILMEMBER TROXELL SECONDED THE MOTION.
ALL COUNCILMEMBERS PRESENT AGREED.*

AGENDA ITEM #4 – COMMITTEE REPORTS

BEACH AND SHORES PRESERVATION ADVISORY COMMITTEE. AFTER MUCH DISCUSSION AMONGST THE COMMITTEE MEMBERS, THEY VOTED 8 TO 2 THAT TIME WAS OF THE ESSENCE AND THE PROJECT SHOULD BE COMPLETED AS QUICKLY AS POSSIBLE. THE SEBASTIAN INLET DISTRICT WILL PAY \$4.68 MILLION TOWARD THIS RESTORATION PROJECT AND THE STATE OF FLORIDA HAS INDICATED THAT THEY WOULD BE WILLING TO FUND UP FIFTY (50%) PERCENT OF THE TOTAL COST. AS A RESULT, INDIAN RIVER COUNTY MAY NOT HAVE TO FUND ANY PORTION OF THIS PROJECT.

AGENDA ITEM #5 – TOWN COUNCIL MATTERS

A. RESOLUTION 2009-02 – BUILDING INSPECTION FEE SCHEDULE

MAYOR DUNLOP ASKED TOWN CLERK WALLACE TO READ THE HEADER OF THE RESOLUTION.

*COUNCILMEMBER TROXELL MOVED TO APPROVE
RESOLUTION 2009-02 – BUILDING FEE SCHEDULE.
VICE-MAYOR JOYCE SECONDED THE MOTION.*

A BRIEF DISCUSSION FOLLOWED REGARDING THE COMMERCIAL RATES.

THE MAYOR ASKED FOR A ROLL CALL VOTE:

<i>MAYOR DUNLOP</i>	<u> <i>AYE</i> </u>
<i>VICE-MAYOR JOYCE</i>	<u> <i>AYE</i> </u>
<i>COUNCILMEMBER TROXELL</i>	<u> <i>AYE</i> </u>
<i>COUNCILMEMBER JOHNSON</i>	<u> <i>ABSENT</i> </u>
<i>COUNCILMEMBER OATWAY</i>	<u> <i>ABSENT</i> </u>

B. RESOLUTION 2009-03 – LAND DEVELOPMENT FEE SCHEDULE

MAYOR DUNLOP ASKED TOWN CLERK WALLACE TO READ THE HEADER OF THE RESOLUTION.

*COUNCILMEMBER TROXELL MOVED TO APPROVE
RESOLUTION 2009-03 – LAND DEVELOPMENT FEE SCHEDULE.
VICE-MAYOR JOYCE SECONDED THE MOTION.*

THERE WAS NO DISCUSSION ON THIS RESOLUTION.

THE MAYOR ASKED FOR A ROLL CALL VOTE:

<i>VICE-MAYOR JOYCE</i>	<u> <i>AYE</i> </u>
<i>COUNCILMEMBER TROXELL</i>	<u> <i>AYE</i> </u>
<i>MAYOR DUNLOP</i>	<u> <i>AYE</i> </u>
<i>COUNCILMEMBER OATWAY</i>	<u> <i>ABSENT</i> </u>
<i>COUNCILMEMBER JOHNSON</i>	<u> <i>ABSENT</i> </u>

C. RESOLUTION 2009-05 – EMPLOYEE PENSION FUND REDUCTION

MAYOR DUNLOP ASKED TOWN CLERK WALLACE TO READ THE HEADER OF THE RESOLUTION.

*VICE-MAYOR JOYCE MOVED TO APPROVE
RESOLUTION 2009-05 – EMPLOYEE PENSION FUND REDUCTION.
COUNCILMEMBER TROXELL SECONDED THE MOTION.*

THERE WAS NO DISCUSSION ON THIS RESOLUTION.

THE MAYOR ASKED FOR A ROLL CALL VOTE:

<i>COUNCILMEMBER TROXELL</i>	<i>AYE</i>
<i>MAYOR DUNLOP</i>	<i>AYE</i>
<i>VICE-MAYOR JOYCE</i>	<i>AYE</i>
<i>COUNCILMEMBER JOHNSON</i>	<i>ABSENT</i>
<i>COUNCILMEMBER OATWAY</i>	<i>ABSENT</i>

D. ORDINANCE 2009-03 – ESTABLISH BUSINESS TAX RECEIPT

MAYOR DUNLOP ASKED TOWN CLERK WALLACE TO READ THE HEADER OF THE RESOLUTION.

*VICE-MAYOR JOYCE MOVED TO APPROVE THE FIRST READING OF
ORDINANCE 2009-03 – ESTABLISH BUSINESS TAX RECEIPT.
COUNCILMEMBER TROXELL SECONDED THE MOTION.*

TOWN ATTORNEY GARGANESE DISCUSSED THE REASONING BEHIND THE TOWN OF ORCHID ADOPTING SANIBEL, FLORIDA'S BUSINESS TAX RECEIPT ORDINANCE.

THE MAYOR ASKED FOR A ROLL CALL VOTE:

<i>MAYOR DUNLOP</i>	<i>AYE</i>
<i>VICE-MAYOR JOYCE</i>	<i>AYE</i>
<i>COUNCILMEMBER TROXELL</i>	<i>AYE</i>
<i>COUNCILMEMBER OATWAY</i>	<i>ABSENT</i>
<i>COUNCILMEMBER JOHNSON</i>	<i>ABSENT</i>

E. ORDINANCE 2009-4 – AMEND CHAPTER 42-11 CONTRACTOR REGISTRATION REQUIREMENTS

MAYOR DUNLOP ASKED TOWN CLERK WALLACE TO READ THE HEADER OF THE RESOLUTION.

COUNCILMEMBER TROXELL MOVED TO APPROVE THE FIRST READING OF ORDINANCE 2009-04 – AMEND CHAPTER 42-11 CONTRACTOR REGISTRATION REQUIREMENTS. VICE-MAYOR JOYCE SECONDED THE MOTION.

TOWN MANAGER BRANWELL DISCUSSED HER CONVERSATION WITH MARY LOU NORRIS REGARDING THE ISSUANCE OF WINDOW DECALS TO CONTRACTORS BY THE TOWN AND BY ACCESS CONTROL. AFTER THE TOWN MANAGER CONFERRED WITH THE TOWN ATTORNEY, IT WAS DETERMINED THE TOWN WOULD STOP ISSUING DECALS. THE TOWN WILL CONTINUE TO REGISTER THE CONTRACTORS AND ISSUE WORK PERMITS.

THE MAYOR ASKED FOR A ROLL CALL VOTE:

<i>VICE-MAYOR JOYCE</i>	<i>AYE</i>
<i>COUNCILMEMBER TROXELL</i>	<i>AYE</i>
<i>MAYOR DUNLOP</i>	<i>AYE</i>
<i>COUNCILMEMBER OATWAY</i>	<i>ABSENT</i>
<i>COUNCILMEMBER JOHNSON</i>	<i>ABSENT</i>

F. TOWN MANAGER EMPLOYMENT AGREEMENT SECOND ADDENDUM

VICE-MAYOR JOYCE MOVED TO APPROVE THE TOWN MANAGER EMPLOYMENT AGREEMENT SECOND ADDENDUM. COUNCILMEMBER TROXELL SECONDED THE MOTION. ALL COUNCILMEMBERS PRESENT AGREED.

G. APPOINTMENT TO THE INDIAN RIVER COUNTY CENSUS 2010 COMMUNITY ACTION COMMITTEE

MAYOR DUNLOP VOLUNTEERED FOR THE APPOINTMENT OF THE INDIAN RIVER COUNTY CENSUS 2010 COMMUNITY ACTION COMMITTEE.

AGENDA ITEM #6 – TOWN ATTORNEY MATTERS

A. BEACH SUITE DISCUSSION

TOWN ATTORNEY GARGANESE ADDRESSED THE USE OF THE BEACH SUITE AND SHOULD THERE BE AN OCCUPANCY CLASSIFICATION CHANGE, SINCE IT WAS PURCHASED BY THE ORCHID ISLAND GOLF AND BEACH CLUB FROM A PRIVATE RESIDENT. MESSRS JOYCE AND TENCH BOTH STATED THERE IS NO CHANGE IN USE, EVEN THOUGH THE CLUB DOES INTEND TO CHARGE CLUB MEMBERS TO UTILIZE THE SUITE; THEREFORE, NO CHANGE OF OCCUPANCY CLASSIFICATION IS NECESSARY. MR. TOM FORBES, THE TOWN BUILDING

OFFICIAL, WAS ASKED TO RESEARCH THIS SUITE AND STATED IN A REPORT THAT THE CURRENT OCCUPANCY CLASSIFICATION IS R-3 (PERMANENT OCCUPANCY) AND SHOULD BE CHANGED TO R-1 (TRANSIENT OCCUPANCY). VICE-MAYOR JOYCE STATED THAT SHE WAS OF THE OPINION THAT THE SUITE WAS ALREADY R-1 AND MR. GARGANESE SAID THAT HE AGREED THAT MR. FORBES MAY HAVE HIS CLASSIFICATIONS REVERSED. MR. GARGANESE ALSO STATED THAT THERE IS A CONVOLUTED FLORIDA STATUTE REGARDING PUBLIC LODGING THAT LIMITS THE NUMBER OF TIMES A UNIT CAN BE RENTED. MR. GARGANESE STATED THIS SUBJECT SHOULD BE LOOKED INTO MORE THOROUGHLY TO VERIFY THE OCCUPANCY CLASSIFICATION OF THE SUITE AND TO RESEARCH THE STATUTE REGARDING PUBLIC LODGING (CHAPTER 509).

B. CAPITAL IMPROVEMENTS ELEMENT REQUIREMENT

TOWN ATTORNEY GARGANESE ASKED COUNCIL IF THEY SAW ANY CAPITAL IMPROVEMENTS IN THE TOWN'S FORESEEABLE FUTURE. COUNCIL STATING THERE WERE NONE, AT THIS TIME, MR. GARGANESE SAID HIS OFFICE WOULD PREPARE A CAPITAL IMPROVEMENTS ELEMENT ORDINANCE REFLECTING NO CAPITAL IMPROVEMENTS FOR FY 2009-2010.

AGENDA ITEM #7 – PUBLIC COMMENT

THERE WAS NO PUBLIC COMMENT.

TOWN MANAGER BRANWELL STATED SHE HAD TWO ITEMS TO DISCUSS WITH COUNCIL. FIRST, MS. BRANWELL SPOKE WITH CAROLYN GISH (FDOT) REGARDING THE REMOVAL OF THE TREES ON THE NORTHEAST SIDE OF THE 510 BRIDGE. MS. GISH STATED THAT, DUE TO A PIPING PROJECT THE COUNTY HAS SLATED FOR NOVEMBER, FDOT HAS NO PLANS TO REMOVE THE TREES. MS. GISH FURTHER STATED THAT IF THE COUNTY DID NOT REMOVE THE TREES, FDOT WOULD. SECOND, MS. BRANWELL INFORMED COUNCIL THAT THE TOWN HAS BEEN REQUESTED TO SERVE ON THE LOCAL MITIGATION STRATEGY WORK GROUP COMMITTEE. THIS COMMITTEE DETERMINES WHO WILL RECEIVE FUNDING PRE- AND POST-DISASTER IN THE STATE OF FLORIDA FOR PROJECTS THAT ARE INTENDED AS PREVENTATIVE MEASURES TO MINIMIZE LOSS IN THE EVENT OF A DISASTER AND FOR PROJECTS THAT WILL TAKE PLACE IN THE EVENT OF A DISASTER. MS. BRANWELL ASKED COUNCIL TO REVIEW A LIST OF PROJECTS SHE GAVE THEM AND DETERMINE WHETHER OR NOT THEY FEEL THE TOWN OF ORCHID HAS ANY PROJECTS TO ADD TO THE CURRENT LIST.

AGENDA ITEM #8 – ADJOURNMENT

THE MEETING ADJOURNED AT 5:46 PM.

Approved at the September 11, 2009, Regular Town Council Meeting.

Terri Wallace

**Terri Wallace
Town Clerk**