

MINUTES REGULAR TOWN COUNCIL MEETING

SEPTEMBER 11, 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
COUNCILMEMBER BUD OATWAY
VIA TELEPHONE

ABSENT:

COUNCILMEMBER PAUL JOHNSON

STAFF IN ATTENDANCE:

DEB C. BRANWELL, TOWN MANAGER
TERRI WALLACE, TOWN CLERK
ANTHONY GARGANESE, TOWN ATTORNEY
VIA TELEPHONE AT 5:00 PM

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

DELETION BY MAYOR DUNLOP:

5. C. FIRST READING OF ORDINANCE 2009-05 – CAPITAL IMPROVEMENTS ELEMENT DEFERRED TO THE NOVEMBER REGULAR TOWN COUNCIL MEETING, AT THE REQUEST OF TOWN ATTORNEY GARGANESE

ADDITION BY MAYOR DUNLOP:

MAYOR DUNLOP AND MR. RON JOAQUIM WERE SHOWN OFFICE SPACE THAT THE MAYOR IS PROPOSING FOR THE NEW TOWN ADMINISTRATIVE FACILITY.

AGENDA ITEM #3 – APPROVAL OF MINUTES WITH CHANGES

MINUTES REGULAR TOWN COUNCIL MEETING – SEPTEMBER 4, 2009

*VICE-MAYOR JOYCE MOVED TO APPROVE THE MINUTES WITH CHANGES OF SEPTEMBER 4, 2009.
COUNCILMEMBER TROXELL SECONDED THE MOTION.
ALL COUNCILMEMBERS PRESENT AGREED.*

AGENDA ITEM #4 – COMMITTEE REPORTS

BEACH AND SHORES PRESERVATION ADVISORY COMMITTEE. MR. TROXELL SPOKE OF THE COUNTY COMMISSION MEETING OF TUESDAY, SEPTEMBER 8, 2009, REGARDING THIS MATTER. THE COMMISSION CONCLUDED THAT TIME IS OF THE ESSENCE AND, WITH THE HELP OF STATE SENATOR NEGRON, STATE SENATOR HARIDOPOLIS, AND STATE REPRESENTATIVE POPPELL, THE PERMITTING PROCESS WILL BE EXPEDITED FOR THE UPLAND SAND BIDDERS. THEREFORE, THE COUNTY COMMISSIONERS VOTED 4-0 (WESLEY DAVIS RECUSED HIMSELF – DUE TO THE FACT HIS BROTHER’S COMPANY WAS AMONG THE BIDDERS) TO AWARD THE CONTRACT TO RANGER CONSTRUCTION INDUSTRIES, INC. THIS AWARD TO RANGER ALSO RESULTS IN THE EQUAL USE OF ALL BRIDGES TO THE BARRIER ISLAND, NOT JUST THE 510 BRIDGE.

METROPOLITAN PLANNING ORGANIZATION. MAYOR DUNLOP STATED THAT THE MEETING OF SEPTEMBER 10, 2009, DEALT WITH ROADS. THE STATE REPRESENTATIVE PRESENT SAID THAT THE TAX MONIES, THAT ARE A RESULT OF DOCUMENTS STAMPS FROM THE SALE OF REAL ESTATE, ARE SO LOW THAT THE STATE IS NOT GOING TO AWARD ANY OF THOSE MONIES TO THE COUNTIES OR MUNICIPALITIES THIS NEXT YEAR.

AGENDA ITEM #5 – TOWN COUNCIL MATTERS

OLD BUSINESS

A. BEACH SUITE DISCUSSION

TOWN ATTORNEY, ANTHONY GARGANESE, REQUESTED THIS SUBJECT BE TABLED UNTIL THE TOWN’S BUILDING OFFICIAL, TOM FORBES, HAS SUFFICIENT TIME TO REVIEW MR. GARGANESE’S WRITTEN OPINION OF 2004 ON THIS SUBJECT. ONCE MR. FORBES HAS REVIEWED MR. GARGANESE’S OPINION, THEY WILL CONFER, AND THEN ADD THE MATTER TO THE AGENDA OF THE NEXT TOWN COUNCIL MEETING, IN OCTOBER, FOR MR. GARGANESE TO DELIVER HIS OPINION. MR. GARGANESE ALSO STATED THAT HE BELIEVES THAT MR. FORBES SHOULD ALSO BE ALLOWED TO VIEW THE PROPERTY IN QUESTION, SINCE MR. FORBES HAS RAISED BUILDING CODE VIOLATION CONCERNS. MR. JOE JOYCE STATED THAT THE CLUB NEITHER WANTED AN OCCUPANCY CLASSIFICATION CHANGE, NOR REQUESTED AN OCCUPANCY CLASSIFICATION CHANGE; THEREFORE, SAW NO REASON FOR AN INSPECTION OF THE PREMISES BY THE TOWN’S BUILDING OFFICIAL. MR. ROB TENCH STATED THAT THE BOARD OF THE CLUB PLANNED TO PROCEED WITH THEIR ORIGINAL INTENT, AS THEY HAVE RECEIVED AN OPINION, RENDERED FROM THEIR ATTORNEY, THAT THE OCCUPANCY USE HAS NOT CHANGED AND THEY INTEND TO OFFER THE SUITE AS A RENTAL TO MEMBERS.

NEW BUSINESS

A. SECOND READING OF ORDINANCE 2009-03 – ESTABLISH BUSINESS TAX RECEIPT

DEFERRED UNTIL THE NOVEMBER TOWN COUNCIL MEETING IN ORDER TO MEET ADVERTISING REQUIREMENTS.

B. SECOND READING OF ORDINANCE 2009-04 – AMEND CHAPTER 42-11 CONTRACTOR REGISTRATION REQUIREMENTS

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

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

<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>AYE</i> </u>

C. FIRST READING OF ORDINANCE 2009-05 – CAPITAL IMPROVEMENTS ELEMENT

HAS BEEN DEFERRED TO THE NOVEMBER 2009 REGULAR TOWN COUNCIL MEETING

TOWN ADMINISTRATIVE FACILITY ITEM ADDED BY MAYOR DUNLOP

MAYOR DUNLOP AND MR. RON JOAQUIM TOURED AN AVAILABLE SPACE AT PROCTOR PLAZA JUST NORTH OF THE CURRENT FACILITY ON US HIGHWAY 1. THE SPACE IS 1,500 SQUARE FEET AND RENTS AT AN ANNUAL SQUARE FOOTAGE RATE OF \$11.20 WHICH IS \$16,800 IN ANNUAL RENTAL COST. THE SPACE WILL REQUIRE UPFIT WORK TO MAKE IT SUITABLE FOR OFFICE SPACE. THE REPRESENTATIVE, FOR THIS SPACE, WAS FLEXIBLE ON THE LENGTH OF LEASE AND ON WHETHER OR NOT THE LANDLORD OR THE TOWN PERFORMS THE UPFIT. THE MAYOR HAS CONCLUDED THAT THE UPFIT SHOULD COST APPROXIMATELY \$10,000. THE MAYOR PROPOSED THAT COUNCIL APPROVE COUNCILMEMBER TROXELL TO PROCURE A PROPOSAL OF WHETHER THE LANDLORD OR THE TOWN WOULD MAKE THE RENOVATIONS AND HOW MUCH IT IS GOING TO COST. COUNCILMEMBER TROXELL STATED HE WOULD MEET WITH THE LANDLORD'S REPRESENTATIVE ON THIS MATTER. MR. TROXELL WILL THEN BRING THE PROPOSAL BEFORE COUNCIL AT A SPECIAL CALL MEETING ON OCTOBER 19, 2009, AT 9 AM.

AGENDA ITEM #6 – PUBLIC COMMENT

THERE WAS NO PUBLIC COMMENT.

AGENDA ITEM #7 – ADJOURNMENT

THE MEETING ADJOURNED AT 5:23 PM.

APPROVED AT THE October 19, 2009 SPECIAL CALL TOWN COUNCIL MEETING.

Terri Wallace
TERRI WALLACE
TOWN CLERK