

MINUTES
SPECIAL CALL
TOWN COUNCIL MEETING

OCTOBER 19, 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 9:00 AM.

PRESENT:

MAYOR RICHARD DUNLOP
VICE-MAYOR SUE JOYCE
COUNCILMEMBER BILL TROXELL
COUNCILMEMBER BUD OATWAY
COUNCILMEMBER PAUL JOHNSON
VIA TELEPHONE

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.

THE MAYOR REVIEWED WITH COUNCIL HIS BUDGET IN BRIEF.

AGENDA ITEM #3 – APPROVAL OF MINUTES WITH CHANGES

MINUTES FINAL BUDGET HEARING – SEPTEMBER 11, 2009

*COUNCILMEMBER TROXELL MOVED TO APPROVE THE MINUTES OF THE FINAL BUDGET HEARING
ON SEPTEMBER 11, 2009.*

*VICE-MAYOR JOYCE SECONDED THE MOTION.
ALL COUNCILMEMBERS AGREED.*

MINUTES OF THE REGULAR TOWN COUNCIL MEETING – SEPTEMBER 11, 2009

*VICE-MAYOR JOYCE MOVED TO APPROVE THE MINUTES OF THE REGULAR TOWN COUNCIL MEETING ON SEPTEMBER 11, 2009.
COUNCILMEMBER OATWAY SECONDED THE MOTION.
ALL COUNCILMEMBERS AGREED.*

AGENDA ITEM #4 – TOWN COUNCIL MATTERS

A. TOWN ADMINISTRATIVE FACILITY RELOCATION DISCUSSION

THE LEASE AT 7406 US HIGHWAY 1 EXPIRES ON DECEMBER 31, 2009. THERE IS A ONE-YEAR OPTION, BUT THE LANDLORD IS NOT AMENABLE TO A RENT REDUCTION; THEREFORE, COUNCIL IS SEARCHING FOR A NEW FACILITY. MAYOR DUNLOP AND MR. RON JOAQUIM, IN AUGUST, LOCATED A SPACE AT 7707-3 US HIGHWAY 1. IN THE MAYOR'S ABSENCE, HE TURNED THE TASK OF RESEARCHING FUTURE FACILITY SPACE OVER TO COUNCILMEMBER TROXELL IN CONJUNCTION WITH MR. JOAQUIM. MESSRS TROXELL AND JOAQUIM VISITED THE 7707-3 LOCATION AND DETERMINED THE SPACE WOULD REQUIRE GUTTING AND TOO MUCH MONEY TO UPFIT. AFTER EXHAUSTING OTHER POSSIBLE SPACES IN THE IMMEDIATE AREA, THEY CAME BACK TO 7707-3. MESSRS TROXELL AND JOAQUIM NEGOTIATED A TWO-YEAR LEASE (COMMENCING JANUARY 1, 2010) WITH A ONE-YEAR OPTION ON THIS SPACE FOR \$11.20/SQUARE FOOT WITH AN ANNUAL RENTAL ADJUSTMENT OF FOUR (4%) PERCENT. ALSO INCLUDED IN THE PROPOSED LEASE, THE TOWN (AS THE 'TENANT') WOULD BE RESPONSIBLE FOR ALL 'INTERIOR IMPROVEMENTS.'

*COUNCILMEMBER OATWAY MOVED TO AMEND THE 7707-3 US HIGHWAY 1 LEASE PROPOSAL TO A ONE-YEAR LEASE WITHOUT THE FOUR (4%) PERCENT INCREASE AND TWO ONE-YEAR OPTIONS.
COUNCILMEMBER TROXELL SECONDED THE MOTION.*

THE TOWN COUNCIL BRIEFLY DISCUSSED THIS MOTION.

COUNCIL VOTED THREE TO TWO IN FAVOR OF THE MOTION.

*MAYOR DUNLOP, VICE-MAYOR JOYCE, AND COUNCILMEMBER OATWAY IN FAVOR.
COUNCILMEMBERS JOHNSON AND TROXELL DISSENTED.*

THE MAYOR THEN VERIFIED WITH TOWN ATTORNEY GARGANESE THAT COUNCIL COULD VOTE IN ADVANCE TO APPROPRIATE A CERTAIN DOLLAR AMOUNT OR UP TO A CERTAIN DOLLAR AMOUNT FOR THE NECESSARY RENOVATIONS TO THE OFFICE SPACE.

*MAYOR DUNLOP MOVED TO APPROPRIATE UP TO FIFTEEN THOUSAND (\$15,000.00) DOLLARS TO RENOVATE THE 7707-3 US HIGHWAY 1 OFFICE SPACE.
COUNCILMEMBER TROXELL SECONDED THE MOTION.
ALL COUNCILMEMBERS AGREED.*

TOWN MANAGER BRANWELL REPORTED THAT SHE HAD SECURED FOUR BIDS TO MOVE THE TOWN ADMINISTRATIVE FACILITY TO THE 7707-3 US HIGHWAY 1 SPACE. THE BIDS RANGED IN PRICE FROM \$2,000 TO \$2,400.

B. BEACH SUITE OPINION FROM TOWN ATTORNEY GARGANESE

TOWN ATTORNEY, ANTHONY GARGANESE, STATED THAT AFTER FURTHER REVIEW BY THE TOWN BUILDING OFFICIAL, TOM FORBES, AND SUBSEQUENT DISCUSSION WITH MR. FORBES, THE BEACH SUITES' 'CHANGE OF OCCUPANCY' IS A NON-ISSUE.

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

MAYOR DUNLOP REQUESTED TOWN CLERK WALLACE TO READ THE TITLE OF ORDINANCE 2009-03.

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

THERE WAS A BRIEF CLARIFICATION DISCUSSION REGARDING THIS ORDINANCE.

**THE MAYOR CALLED FOR A ROLL CALL VOTE TO APPROVE THE SECOND READING OF
ORDINANCE 2009-03:**

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

D. BEACH RESTORATION REPORT – COUNCILMEMBER TROXELL

COUNCILMEMBER TROXELL ATTENDED THE COUNTY COMMISSION MEETING ON OCTOBER 13, 2009. ON THE AGENDA WAS THE COMPARISON OF OFFSHORE VERSUS UPLAND SAND FILL VOLUME. MR. TROXELL DISTRIBUTED TO COUNCIL A CHART SHOWING THIS COMPARISON. THE DIFFERENT SECTIONS OF BEACH ARE REFERRED TO AS 'MONUMENTS.' THE MONUMENTS FOR THE TOWN OF ORCHID ARE R34, R35, AND R36 WITH R34 BEING IN FRONT OF THE CONDOS. AS THE 'NEAR SHORE' REEFS ARE TO BE SUBJECTED TO ZERO IMPACT FROM BEACH RENOURISHMENT, THE VOLUME OF OFFSHORE SAND WOULD BE 10.5 CUBIC YARDS PER LINEAL FOOT (CY/FT) AND THE VOLUME OF UPLAND SAND WOULD BE 1.2 CY/FT, RESULTING IN A REDUCTION OF 9.3 CY/FT OR 88.6%. ACCORDING TO MR. TROXELL'S INFORMATION, THIS WOULD NOT EVEN BE ENOUGH TO RESTORE THE DUNES. THE COUNTY COMMISSION HAS CHARGED THE SUPPLIER, RANGER CORPORATION, TO COME BACK WITH A GRAIN SIZE OF UPLAND SAND THAT WILL ALLOW EACH MONUMENT TO RECEIVE ITS FULL COMPLEMENT OF SAND ORIGINALLY CALCULATED.

THE COMMISSIONERS VOTED 4-0, WITH WESLEY DAVIS RECUSING HIMSELF, TO SUBMIT THE PERMIT TO FDEP USING THE UPLAND SAND. THEY WILL EVALUATE SAMPLES OF LARGER GRAIN SAND WHICH ARE ACTUALLY BETTER QUALITY SAND THAN THE DREDGE SAND. THEY WILL PROPOSE THIS SAND BE USED FOR THE NEAR REEF AREAS, SO THAT THE FULL COMPLEMENT CAN BE PLACED IN THE 'NEAR REEF' AREAS.

MR. TROXELL THEN ASKED TO CREATE A RESOLUTION TO PRESENT TO THE COUNTY COMMISSION, ON OCTOBER 20, 2009, ON THIS SUBJECT. HE THEN READ TO COUNCIL HIS DRAFT OF THE REQUESTED RESOLUTION. AFTER SOME DISCUSSION ON THE WORDING AND SOME DISSENT ON TOWN INVOLVEMENT, COUNCIL CONCLUDED THAT THE RESOLUTION COULD BE TURNED OVER TO TOWN ATTORNEY GARGANESE FOR DRAFTING. FOLLOWING, THERE WAS SOME PUBLIC DISCUSSION WANTING TO ESTABLISH AN ALLIANCE WITH RESIDENTS AND THE TOWN TO APPROACH THE COUNTY COMMISSION AND STATE REPRESENTATIVES.

COUNCILMEMBER PAUL JOHNSON SUGGESTED THAT COUNCILMEMBER BILL TROXELL REPLACE HIM AS THE TOWN OF ORCHID REPRESENTATIVE ON THE BEACH AND SHORES ADVISORY COMMITTEE. COUNCIL AGREED.

VICE-MAYOR JOYCE MOVED TO RECONSIDER THE ORIGINAL MOTION MADE TO AMEND THE 7707-3 US HIGHWAY 1 LEASE PROPOSAL TO A ONE-YEAR LEASE WITHOUT THE FOUR (4%) PERCENT INCREASE AND TWO ONE-YEAR OPTIONS. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

COUNCILMEMBER OATWAY EXCUSED HIMSELF FOR A PRIOR APPOINTMENT.

ALL COUNCILMEMBERS PRESENT AGREED.

VICE-MAYOR JOYCE MOVED TO ACCEPT THE LEASE PROPOSAL AS PRESENTED. COUNCILMEMBER JOHNSON SECONDED THE MOTION. ALL COUNCILMEMBERS PRESENT AGREED.

ONCE A LEASE AGREEMENT HAS BEEN REACHED, MAYOR DUNLOP HAS AGREED TO OVERSEE THE RENOVATIONS OF THE NEW OFFICE SPACE.

AGENDA ITEM #5 – PUBLIC COMMENT

THERE WAS NO PUBLIC COMMENT.

AGENDA ITEM #6 – ADJOURNMENT

THE MEETING ADJOURNED AT 10:38 AM.

APPROVED AT THE _____ REGULAR TOWN COUNCIL MEETING.

TERRI WALLACE
TOWN CLERK