



TOWN COUNCIL MEETING

JANUARY 11, 2012

TOWN OF ORCHID ADMINISTRATIVE FACILITY
7707-3 US HIGHWAY 1, VERO BEACH

AGENDA ITEM #1 – CALL TO ORDER AND ROLL CALL

MAYOR DUNLOP CALLED THE MEETING TO ORDER AT 9:00 AM

PRESENT:

COUNCILMEMBER RICHARD DUNLOP
COUNCILMEMBER BUD OATWAY
COUNCILMEMBER PAUL JOHNSON
COUNCILMEMBER BILL TROXELL
COUNCILMEMBER HARRIS WEBBER

STAFF IN ATTENDANCE:

DEB BRANWELL, TOWN MANAGER
TERRI WALLACE, TOWN CLERK
PHIL REDSTONE, CHIEF OF POLICE
ANTHONY GARGANESE, TOWN ATTORNEY
VIA TELEPHONE

AGENDA ITEM #2 – PRELIMINARY MATTERS

A. AGENDA ADDITIONS, DELETIONS, OR MODIFICATIONS

VICE-MAYOR OATWAY ASKED TO ADDRESS AT THE END OF THE MEETING THE TOPIC OF MS. MARY LOU NORRIS' DEPARTURE AS PROPERTY MANAGER FOR THE COMMUNITY ASSOCIATION AT THE ORCHID ISLAND GOLF AND BEACH CLUB.

B. ADOPTION OF CONSENT AGENDA

1. APPROVAL OF MINUTES OF TOWN COUNCIL MEETING OF DECEMBER 7, 2011.

***COUNCILMEMBER TROXELL MOVED TO APPROVE THE MINUTES OF THE DECEMBER 7, 2011,
TOWN COUNCIL MEETING.
COUNCILMEMBER JOHNSON SECONDED THE MOTION.
ALL COUNCILMEMBERS AGREED.***

AGENDA ITEM #3 – COMMITTEE REPORTS

METROPOLITAN PLANNING ORGANIZATION (MPO)

MAYOR DUNLOP STATED THAT HISTORICALLY, IN DECEMBER, THE DISTRICT SECRETARY OF TRANSPORTATION ATTENDS THE MEETING TO REPORT ON THE DISTRIBUTION OF THE FOLLOWING YEAR'S ESTIMATED FUNDS AND THIS IS THE FIRST YEAR THIS DID NOT OCCUR, WHICH MAY MEAN THERE ARE NO FUNDS TO BE DISTRIBUTED.

ON CR510, THE POTHoles WILL BE PATCHED AFTER THE SAND TRUCKS ARE FINISHED TRANSPORTING.

BECAUSE OF CONSTRUCTION, SR 60 AND CR 512'S SPEED LIMITS WERE LOWERED AND THE MPO VOTED TO REINSTATE THE SPEED LIMIT TO 55 MPH. ALSO, 53RD STREET IS COMPLETED AND VERY ATTRACTIVE.

BEACH AND SHORES COMMITTEE – COASTAL STRUCTURES SUB-COMMITTEE

COUNCILMEMBER TROXELL STATED FOR COUNCIL THERE WAS A MEETING ON THE PREVIOUS MONDAY, IN WHICH THE MAYORS OF EACH MUNICIPALITY WERE INVITED TO ATTEND. EACH MUNICIPALITY WAS REPRESENTED BY A MAYOR, OR MAYOR'S REPRESENTATIVE, EXCEPT THE CITY OF VERO BEACH. THE MEETING WAS CALLED TO DISCUSS MOVING FORWARD ON BEACH PROFILING/MODELING, TYPE OF POSSIBLE STRUCTURES, AND DISPENSING REQUESTS FOR QUOTES. MR. TROXELL FURTHER DISCUSSED THE PERCENTAGE OWNERSHIP OF THE SHORELINE, THE POSSIBLE FINANCIAL CONTRIBUTIONS OF EACH MUNICIPALITY, AND WHO WAS WILLING TO PARTICIPATE. VICE-MAYOR OATWAY, AGAIN STATED FOR THE RECORD, THAT HE IS RELUCTANT TO COMMIT TO SPENDING MONEY ON A PROJECT THAT MAY OR MAY NOT HAVE ENOUGH SUPPORT IN THE COUNTY. MAYOR DUNLOP AND MR. TROXELL STATED FOR THE RECORD THE COMMITMENTS OTHER MUNICIPALITIES HAVE VERBALLY PLEDGED, BUT THE MAYOR AND MR. TROXELL ARE NOT GOING TO COME BEFORE THE TOWN COUNCIL WITH VAGUE, OR NON-EXISTENT NUMBERS, AND ASK COUNCIL TO COMMIT TO THIS PROJECT. COUNCILMEMBER JOHNSON STATED THAT HE HAS EXTENSIVELY RESEARCHED THE SUCCESS OR FAILURE OF PREFABRICATED EROSION PREVENTION (PEP) REEFS AND CANNOT FIND A STUDY SHOWING SUCCESS. THE MAYOR EXPLAINED THIS IS WHY THE MODELING IS NECESSARY TO DETERMINE THE FUTURE COURSE OF ACTION.

AGENDA ITEM #4 – TOWN COUNCIL MATTERS

A. MARKETING CONTRIBUTION

MR. EDWARD 'TED' HUTTON, VICE-PRESIDENT OF THE ORCHID ISLAND GOLF AND BEACH CLUB'S BOARD OF GOVERNORS AND CHAIRMAN OF THE CLUB'S MARKETING COMMITTEE, CAME BEFORE COUNCIL TO PRESENT THE CLUB'S 2011 MARKETING CAMPAIGN MATERIALS AND TO POSSIBLY SOLICIT A CONTRIBUTION TO THE 2012 CAMPAIGN. MAYOR DUNLOP POINTED OUT THAT THE TOWN AUDITORS POSED CONCERNS ABOUT THE LEGALITY OF THE CONTRIBUTION AND TOWN ATTORNEY GARGANESE STATED AGAIN TO SATISFY THE 'PUBLIC PURPOSE.' VICE-MAYOR OATWAY STATED THAT THE AUDITORS CANNOT CONTROL THE TOWN'S EXPENDITURES AND THAT THE TOWN FOLLOWS THE LAW. COUNCIL FURTHER ADVISED MR. HUTTON HOW THE TOWN CAN BE REPRESENTED IN THEIR PRESENTATION AND PUBLICATIONS. COUNCIL ALSO STATED THAT THE MARKETING MATERIALS WERE SUPPOSED TO BE BROUGHT BEFORE COUNCIL FOR REVIEW, THEY WERE NOT, AND WOULD LIKE FOR THAT TO HAPPEN THIS TIME. MR. HUTTON SAID THAT THE MARKETING COMMITTEE WOULD CERTAINLY LET THE TOWN MANAGER AND COUNCIL REVIEW ANY MATERIALS THAT REFER TO THE TOWN. MR. HUTTON CONTINUED TO EXPLAIN THAT THE MARKETING COMMITTEE HAS RETAINED A MARKETING CONSULTANT (OF WHICH THE CLUB IS CONTRIBUTING TO HALF OF HER RETAINER FEE AND, FURTHER ADDED, TORWEST IS FUNDING THE PHOTO SHOOT AND SEARCH ENGINE REQUIREMENTS) , BUT IS LOOKING TO HIRE A FULL-TIME PERSON IN THE NEAR FUTURE. MR. HUTTON STATED FOR COUNCIL OF ALL THE LOCATIONS THAT HAVE COMMITTED TO HOST A PRESENTATION AND WHERE THE COMMITTEE IS LOOKING TO SECURE LOCATIONS. MR. HUTTON THEN BROKE DOWN THE SPENDING INCREMENTS THAT THE INTERESTED ENTITIES WILL CONTRIBUTE:

ORCHID ISLAND GOLF AND BEACH CLUB:	\$ 15,000 ADVERTISING \$ 20,000 FOR MARKETING CONSULTANT
COMMUNITY ASSOCIATION:	\$10,000
THE TOWN OF ORCHID:	MARKETING COMMITTEE IS ASKING FOR \$10,000
TOTAL PROPOSED BUDGET:	\$ 55,000

VICE-MAYOR OATWAY ASKED MR. HUTTON TO PROVIDE FOR COUNCIL A BREAKDOWN OF HOW THE MARKETING COMMITTEE PROPOSES TO EXPEND THE CLUB FUNDS.

RECEPTIONS:	\$ 14,000
ADVERTISING:	\$ 10,000
MARKETING CONSULTANT RETAINER:	\$ 20,000
WEBSITE AND PHOTO SHOOTS:	\$150,000 - \$160,000

MR. OATWAY THEN ASKED FOR LAST YEAR'S BREAKDOWN OF THE CLUB'S EXPENDITURES.

LINX MAGAZINE:	\$ 25,000
RECEPTION:	\$ 14,000
SEARCH ENGINE OPTIMIZATION:	\$ 5,000
TOTAL:	\$ 44,000

MR. OATWAY FURTHER STATED THAT HE WANTS TO BE VERY CLEAR ON WHAT THE TOWN SHOULD BE CONTRIBUTING, THAT HE WAS THE ONE THAT PUSHED FOR LAST YEAR'S CONTRIBUTION, AND THAT IT WAS MADE CLEAR IT WAS NOT AN ANNUAL CONTRIBUTION. MR. OATWAY CONTINUED THAT IT IS CLEAR THAT, AFTER A YEAR OF INACTIVITY, THE TOWN IS NOT GOING TO SPEND THE \$10,000 THAT WAS ALLOCATED LAST YEAR, BUT HE IS NOT OPPOSED TO CONTRIBUTING ANOTHER \$10,000 FOR THE TOWN, BUT IS OF THE OPINION THAT THIS WOULD BE THE LAST CONTRIBUTION. COUNCILMEMBER WEBBER SUGGESTED THAT COUNCIL CONSIDER APPROVAL OF THE CONTRIBUTION SUBJECT TO A MARKETING PLAN, AS WELL AS THE EMPLOYMENT OF A SALES/MARKETING PERSON. MR. OATWAY STATED THAT HE WAS NOT INTERESTED IN MICROMANAGING THE MARKETING, COUNCILMEMBER JOHNSON AGREED, AND FURTHER STATED THAT SATISFYING THE 'PUBLIC PURPOSE' IS NOT IN HOW MANY REFERENCES THERE ARE TO THE TOWN IN THE MARKETING MATERIALS, BUT IN THE ENHANCEMENT OF REAL ESTATE SALES AND TOWN 'ECONOMICS.'

***VICE-MAYOR OATWAY MOVED TO APPROVE THE TOWN CONTRIBUTE HALF THE COST OF THE MARKETING CONSULTANT.
COUNCILMEMBER JOHNSON SECONDED THE MOTION.
ALL COUNCILMEMBERS AGREED.***

B. CONTRACTOR PENALTIES – COUNCILMEMBER WEBBER

COUNCILMEMBER WEBBER GAVE HIS PRESENTATION ON CONTRACTOR PENALTIES AND CODE ENFORCEMENT AND REVIEWED WITH COUNCIL PAST VIOLATIONS AND THE ANTICIPATION OF POSSIBLE FUTURE VIOLATIONS. COUNCIL QUESTIONED WHY THIS ISSUE HAD ARISEN AND MR. WEBBER INFORMED THEM THAT THERE ARE CONTRACTORS THAT HAVE IN THE PAST PERFORMED WORK ON HOMES WITHOUT PERMITS AND INSPECTIONS. HE STATED HIS EFFORTS ARE TO STOP THIS PRACTICE FROM TAKING PLACE AND TO SANCTION THOSE WHO DO NOT FOLLOW PROPER PROCEDURE. AFTER A LENGTHY DISCUSSION ABOUT VIOLATIONS, REMEDIES, SANCTIONS, AND THE DEPTH OF INVOLVEMENT OF THE TOWN IN THIS PROCESS BETWEEN COUNCIL, TOWN MANAGER BRANWELL, AND TOWN ATTORNEY GARGANESE, THE FOLLOWING MOTION WAS MADE:

COUNCILMEMBER TROXELL MOVED THAT ENFORCEMENT OF THE TOWN OF ORCHID PERMITTING PROCESS BE ACTIVELY PURSUED. UPON RECEIVING THE LETTER FROM THE ARCHITECTURAL REVIEW BOARD THAT THE CONTRACTOR HAS PAID THEIR ARCHITECTURAL REVIEW BOARD FEES AND ARE REQUIRED TO GET A PERMIT FROM THE TOWN, THE TOWN WILL SEND LETTERS TO THE CONTRACTOR, VERIFYING THEIR REQUIREMENT TO GET A PERMIT FROM THE TOWN PRIOR TO COMMENCING WORK. TO COMPLETE THE COMMUNICATIONS LOOP, THE TOWN WILL THEN NOTIFY THE ARCHITECTURAL REVIEW COMMITTEE WHEN THE CONTRACTOR HAS APPLIED FOR THE PERMIT WITH THE TOWN.

DISCUSSION ENSUED.

VICE-MAYOR OATWAY ASKED MR. TROXELL'S MOTION TO BE REPEATED.

VICE-MAYOR OATWAY SECONDED THE MOTION.

FURTHER DISCUSSION ENSUED.

COUNCILMEMBER TROXELL AMENDED HIS ORIGINAL MOTION TO INCLUDE: THE TOWN WILL ALSO NOTIFY THE ARCHITECTURAL REVIEW COMMITTEE WHEN A CONTRACTOR HAS APPLIED FOR A PERMIT WITH THE TOWN.

TOWN ATTORNEY GARGANESE ADDED THAT THIS MOTION IS FINE AS LONG AS IT IS UNDERSTOOD THAT THE TOWN ENFORCES THE FLORIDA BUILDING CODE.

ALL COUNCILMEMBERS AGREED.

C. RESOLUTION 2012 – 01 AMEND PARKING SPACES

MAYOR DUNLOP ASKED TOWN CLERK WALLACE TO READ THE TITLE OF RESOLUTION 2012-01 AMEND PARKING SPACES.

COUNCILMEMBER TROXELL MOVED TO APPROVE RESOLUTION 2012-01 AMEND PARKING SPACES. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

THE MAYOR CALLED FOR A ROLL CALL VOTE.

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

D. CALL OF MEETINGS – VICE-MAYOR OATWAY

THE QUESTION HAS ARISEN AS TO WHETHER OR NOT IT IS MANDATORY FOR COUNCIL TO HOLD ITS MONTHLY MEETING. ACCORDING TO TOWN ATTORNEY GARGANESE, THE MEETING SCHEDULE IS PART OF THE TOWN CHARTER AND CAN ONLY BE AMENDED THROUGH REFERENDUM. HOWEVER, IN THE EVENT THE COUNCIL BY MAJORITY VOTE OF AT LEAST THREE MEMBERS SO DECIDES, THE COUNCIL SHALL NOT BE REQUIRED TO MEET IN JULY OR AUGUST OF THE YEAR. MR. GARGANESE WAS ASKED TO SEE IF THIS COULD BE APPLIED TO MONTHS WHERE THIS IS NO BUSINESS. COUNCILMEMBER WEBBER DISSENTED WITH THE IDEA OF NOT HOLDING A MONTHLY MEETING, STATING THAT IT IS COUNCIL'S DUTY TO MEET ON A MONTHLY BASIS.

VICE-MAYOR OATWAY AGAIN STATED THAT HE ALSO DID NOT AGREE HAVING AGENDA ITEMS THAT ARE A MATTER OF ADMINISTRATIVE APPROVAL. FOR EXAMPLE, HE STATED THE TOWN MANAGER COULD HAVE APPROVED THE TOWN STAFF CHRISTMAS GIFT CERTIFICATES. MAYOR DUNLOP DISAGREED WITH MR. OATWAY STATING ANYTHING TO DO WITH STAFF COMPENSATION SHOULD BE APPROVED BY COUNCIL, SO THERE IS NO APPEARANCE OF IMPROPRIETY BEFORE THE STATE, THE AUDITORS, AND THE RESIDENTS OF THE TOWN.

E. OFFICE POLICY AND PROCEDURE – MAYOR DUNLOP

MAYOR DUNLOP STATED THAT FROM THIS POINT FORWARD STAFF WILL NOTIFY COUNCIL A WEEK AHEAD OF VACATION TIME TO BE TAKEN. VACATION DAYS CANNOT BE CONVERTED TO SICK DAYS IN THE EVENT OF AN ILLNESS. THIS YEAR WILL BE THE LAST YEAR THAT STAFF CAN CARRY OVER VACATION. ONE FULL-TIME STAFF MEMBER WILL BE IN THE OFFICE AT ALL TIMES DURING REGULAR BUSINESS HOURS.

ALSO, FROM THIS POINT FORWARD, STAFF WILL PROVIDE COUNCIL WITH A QUARTERLY FINANCIAL STATEMENT FOR THEIR REVIEW AND APPROVAL AND A QUARTERLY NEWSLETTER FOR THE MAYOR TO DISPERSE TO TOWN RESIDENTS.

THE TOWN'S WEBSITE CONTAINS OUTDATED MATERIALS, ERRONEOUS INFORMATION, AND IS IN NEED OF BETTER MAINTENANCE.

COUNCILMEMBER JOHNSON AGREED WITH THE MAYOR ON THE VACATION POLICY, UNLESS STAFF REQUESTS PERMISSION FOR A SPECIAL TRIP.

VICE-MAYOR OATWAY REQUESTED THAT TOWN STAFF CONSTRUCT A LETTER TO MS. MARY LOU NORRIS THANKING HER ON BEHALF OF COUNCIL AND STAFF FOR HER EXEMPLARY SERVICE AS PROPERTY MANAGER FOR THE COMMUNITY ASSOCIATION.

AGENDA ITEM #5 – PUBLIC COMMENT

THERE WAS NO PUBLIC COMMENT.

THE MEETING ADJOURNED AT 11:12 AM.

APPROVED AT THE _____ TOWN COUNCIL MEETING.

