



## TOWN COUNCIL MEETING

APRIL 6, 2011

### 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 BUD OATWAY ARRIVED @ 9:01  
VIA TELEPHONE  
COUNCILMEMBER PAUL JOHNSON ARRIVED  
@ 9:01 VIA TELEPHONE  
COUNCILMEMBER BILL TROXELL  
COUNCILMEMBER HARRIS WEBBER

**STAFF IN ATTENDANCE:**

DEB C. 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**

MAYOR DUNLOP STATED HE WOULD LIKE TO MAKE THREE (3) AGENDA ADDITIONS. THE FIRST, THE TWO (2) LETTERS THAT COUNCIL WAS ASKED TO SEND ON BEHALF OF DR. HUDSON AND MR. HOPKINS CONGRATULATING THEM ON WINNING THE DAN K. RICHARDSON HUMANITARIAN AWARD, SO THAT IT BECOMES A MATTER OF RECORD. THE SECOND, CALLING THE MEETING OF APRIL 18, 2011, BECAUSE THAT A POSTPONEMENT DONE IN A FORMAL MEETING, UNDER ROBERT'S RULES WHICH HAD A VOTE OF THE MAJORITY OF THE COUNCILMEMBERS, THAT MEETING CAN'T BE CALLED WITHOUT A FORMAL VOTE. THE THIRD, TO DISCUSS RECORDING THE MARSH ISLAND PETITIONS AT TOWN ATTORNEY GARGANESE'S INSTRUCTION.

VICE-MAYOR OATWAY REQUESTED ASKED THAT WHAT WOULD BECOME ITEM 4C (VOTING ON THE APRIL 18<sup>TH</sup> MEETING) BE DISCUSSED AT THE EARLIEST TIME POSSIBLE, DUE TO A SCHEDULING CONFLICT IN WHICH THE VICE-MAYOR AND COUNCILMEMBER JOHNSON HAD A LIMITED TIME OF AVAILABILITY. COUNCIL AGREED.

**B. ADOPTION OF CONSENT AGENDA**

1. MINUTES OF TOWN COUNCIL MEETING – MARCH 2, 2011

*COUNCILMEMBER WEBBER MOVED TO APPROVE THE CONSENT AGENDA.  
COUNCILMEMBER TROXELL SECONDED THE MOTION.  
ALL COUNCILMEMBERS AGREED.*

AT THIS TIME, MAYOR DUNLOP TOOK THE OPPORTUNITY TO PRESENT THE \$10,000 CONTRIBUTION TO THE MARKETING CAMPAIGN TO MR. CHARLES MCGOVERN. MR. MCGOVERN GRACIOUSLY ACCEPTED THE FUNDS AND THANKED COUNCIL FOR THE CONTRIBUTION. THE MAYOR THEN STATED THAT THE LETTER OF AGREEMENT STILL NEEDED TO BE FULLY EXECUTED.

*MAYOR DUNLOP THEN STATED THAT AGENDA ITEM #3 – COMMITTEE REPORTS WOULD BE EXCHANGED WITH AGENDA ITEM #4 – TOWN COUNCIL MATTERS.*

**AGENDA ITEM #4 – TOWN COUNCIL MATTERS**

**A. FIRST READING OF ORDINANCE 2011-01 – AMEND THE LIST OF PERMITTED, CONDITIONAL, AND ACCESSORY USES IN A MULTI-FAMILY ZONING DISTRICT.**

MAYOR DUNLOP STATED TO COUNCIL THAT TOWN ATTORNEY GARGANESE HAD PROVIDED AN OPINION ON ALL THE OPTIONS TO AFFORD COUNCIL ENOUGH INFORMATION TO MAKE THE MOST APPROPRIATE DECISION. COUNCIL CONCLUDED THAT 'ACCESSORY USE' IS THE MOST APPROPRIATE. THERE WAS NO DISCUSSION. MAYOR DUNLOP INSTRUCTED TOWN CLERK WALLACE TO READ THE TITLE OF ORDINANCE 2011-01.

*COUNCILMEMBER TROXELL MOVED TO ACCEPT THE FIRST READING OF ORDINANCE 2011-01 – AMEND THE LIST OF PERMITTED, CONDITIONAL, AND ACCESSORY USES IN A MULTI-FAMILY ZONING DISTRICT.*

*COUNCILMEMBER WEBBER SECONDED THE MOTION.  
THE MAYOR THEN ASKED FOR A ROLL CALL VOTE.*

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

**B. TIME CHANGE OF SECOND HEARING ON ORDINANCE 2011-01**

MAYOR DUNLOP STATED FOR COUNCIL THAT THE SECOND READING OF ORDINANCE 2011-01, BY LAW, HAS BE READ AFTER 5:01 PM, UNLESS THE MAJORITY OF COUNCIL PLUS ONE TO APPROVE MOVING THE MEETING TO ANOTHER TIME.

*COUNCILMEMBER TROXELL MOVED TO APPROVE MOVING THE SECOND READING TO THE NEXT TOWN COUNCIL MEETING AT 9 AM.  
COUNCILMEMBER WEBBER SECONDED THE MOTION.  
ALL COUNCILMEMBERS AGREED.*

**C. FORMAL VOTE TO APPROVE THE NEXT MEETING ON MARSH ISLAND ANNEXATION**

MAYOR DUNLOP STATED FOR COUNCIL THAT HE WAS IN RECEIPT OF LETTER FROM MR. JOHN VON HAGEN REGARDING THE FACT THERE MAY BE A POTENTIAL BUYER FOR CONDEMNED LOT 15. THE POTENTIAL BUYER HAS REQUESTED A SIXTY (60) DAY EXTENSION ON THE CONDEMNATION PROCEEDINGS, IN ORDER TO HAVE ENOUGH TIME TO PUT AN OFFER TOGETHER, AND THE COUNTY HAS AGREED.

***MAYOR DUNLOP MOVED THAT COUNCIL NOT HAVE A MEETING ON THE ANNEXATION OF MARSH ISLAND UNTIL EITHER ONE OF THREE THINGS HAPPENS: 1) THAT CONDEMNATION IS RESOLVED, OR IT IS THE COUNTY'S EXPENSE, 2) IT IS THE EXPENSE OF WHOMEVER THE NEW OWNER MAY BE, OR 3) WE RECEIVE AN INDEMNIFICATION ON SAID CONDEMNATION. COUNCILMEMBER TROXELL SECONDED THE MOTION.***

VICE-MAYOR OATWAY DISSENTED WITH THIS MOTION. HE STATED THAT TOWN ATTORNEY GARGANESE CLEARLY STATED IN HIS OPINION THAT IF COUNCIL CHOOSES TO ACT ON THE ANNEXATION ORDINANCE AND TO MAKE THE EFFECTIVE DATE ONLY AFTER A FAVORABLE RESOLUTION OF THIS CONDEMNATION ISSUE, WE CAN DO SO. HE DID NOT AGREE WITH DELAYING THE CONSIDERATION OF ANNEXATION. COUNCILMEMBER JOHNSON INTERJECTED THAT HE WAS IN AGREEMENT WITH THE VICE-MAYOR. A MODERATE DISCUSSION REGARDING THE CONDEMNATION AND MODIFYING THE ORDINANCE ENSUED WITH MR. GARGANESE EXPOUNDING ON THE ORDINANCE OPTIONS.

***AFTER DISCUSSION, MAYOR DUNLOP WITHDREW HIS MOTION AND COUNCILMEMBER TROXELL DID AS WELL.***

***VICE-MAYOR OATWAY MOVED TO HAVE THE ANNEXATION OF MARSH ISLAND SPECIAL CALL MEETING ON APRIL 18, 2011, AT WHICH TIME COUNCIL WOULD BE ASKED TO REVERSE COUNCIL'S VOTE, WHICH WAS ALSO TAKEN ON MY MOTION, TO POSTPONE ACTION ON THE FIRST READING. COUNCILMEMBER JOHNSON SECONDED THE MOTION. ALL COUNCILMEMBERS AGREED.***

**D. DISCUSSION – TOWN ATTORNEY GARGANESE'S RECOMMENDATION THAT THE MARSH ISLAND ANNEXATION PETITIONS TO BE FILED AT THE CLERK OF COURT'S OFFICE.**

COUNCIL BRIEFLY DISCUSSED THIS SUBJECT AND AGREED TO PROCEED AS RECOMMENDED.

**AGENDA ITEM #3 – COMMITTEE REPORTS**

**BEACH AND SHORES COMMITTEE:** COUNCILMEMBER TROXELL REPORTED THAT THE BEACH RENOURISHMENT CONTINUES, BUT THE TOWN OF ORCHID'S BEACHES ARE COMPLETE.

**AGENDA ITEM #5 – ADJOURNMENT**

THE MEETING ADJOURNED AT 9:28 AM.

APPROVED AT THE \_\_\_\_\_ TOWN COUNCIL MEETING.

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TERRI WALLACE  
TOWN CLERK