



TOWN COUNCIL MEETING

JANUARY 5, 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
COUNCILMEMBER PAUL JOHNSON
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

AGENDA ITEM #2 – PRELIMINARY MATTERS

A. AGENDA ADDITIONS, DELETIONS, OR MODIFICATIONS

COUNCILMEMBER WEBBER ASKED TO HAVE THE MARKETING CAMPAIGN ADDED TO THE AGENDA AND QUESTIONED WHY IT WASN'T ON THE AGENDA. COUNCIL RESPONDED THAT NO PROPOSAL HAD BEEN SUBMITTED. THEREFORE, IT WAS DECIDED NOT TO ADD THIS TO THE AGENDA.

VICE-MAYOR OATWAY ASKED TO HAVE THE MANDATORY CLUB MEMBERSHIPS ADDED TO THE END OF THIS AGENDA.

B. ADOPTION OF CONSENT AGENDA

1. MINUTES OF TOWN COUNCIL MEETING – DECEMBER 1, 2010
2. APPROVAL OF MOU WITH THE IRC SHERIFF'S OFFICE

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

AGENDA ITEM #3 – COMMITTEE REPORTS

COUNCILMEMBER TROXELL REPORTED THE BEACH PROJECT HAS BEEN COMPLETED, WITH A SHORTAGE NEAR SANDERLING TO BE REPLENISHED IN FEBRUARY WHEN THE PROJECT CONTINUES.

MAYOR DUNLOP REPORTED ON THE MPO WHICH MET WITH THE STATE, IN DECEMBER, I-95 HAS BEEN COMPLETED WITH FIBER OPTICS IN INDIAN RIVER COUNTY (IRC) TO CONTROL TRAFFIC CAMERAS AND ELECTRONIC SIGNS. WE WILL ALSO BE GETTING ROAD RANGERS IN OUR AREA. THE STATE ALSO HOPES TO START WIDENING I-95 IN IRC THE END OF THIS CALENDAR YEAR (WHICH WILL TAKE 4 TO 5 YEARS). THE CR510 EXPANSION HAS BEEN DELAYED FOR 2 TO 3 YEARS, THE CR512 HAS BEEN COMPLETED, BUT THE WIDENING WEST OF I-95 HAS BEEN DELAYED. THEY WILL FUND THE EXPANSION OF 82 AVENUE FROM 26TH STREET TO LACONIA (\$23 MILLION).

MAYOR DUNLOP REPORTED THAT THERE WILL BE A MAYORS' MEETING ON JANUARY 10, 2011, AT 9:00 AM IN SEBASTIAN. IT IS AN OPEN PUBLIC WORKSHOP, WITH THE COUNTY COMMISSIONERS, INTENDED TO DISCUSS WAYS TO ENTICE COMPANIES TO COME TO INDIAN RIVER COUNTY.

COUNCILMEMBER TROXELL REPORTED THAT HE ATTENDED A CEO SUMMIT AT POINTE WEST AND HE SAW MORE EMPHASIS ON BUSINESS MANAGEMENT. THERE WAS ALSO A PRESENTATION ON THE EAST COAST RAILWAY.

AGENDA ITEM #4 – TOWN COUNCIL MATTERS

A. COUNCIL DISCUSSION REGARDING TYPE OF PRESENTATION AND MATERIAL FOR MARSH ISLAND PRESENTATION

MAYOR DUNLOP STARTED THE DISCUSSION REGARDING THE 'WHITE PAPER.' THE MAYOR DISCUSSED THE BASIS ON HOW THE WHITE PAPER SHOULD BE CONSTRUCTED. THE MAYOR ALSO RELAYED THAT MARSH ISLAND HAD PROVIDED FINANCIAL STATEMENTS TO COUNCIL AND THAT MR. JOHN VON HAGEN WAS PRESENT TO ANSWER COUNCIL'S QUESTIONS. COUNCIL REVIEWED THE ITEMS THAT EACH CONSTRUCTED TO CONTRIBUTE TO VICE-MAYOR OATWAY'S OUTLINE, WHICH COUNCIL AGREED WOULD BE THE STARTING POINT FOR THE FINAL WHITE PAPER. AFTER THIS PART OF THE DISCUSSION, PUBLIC COMMENT ENSUED. COUNCIL CONCLUDED THAT ONCE ALL THE INFORMATION IS COMPILED INTO THE WHITE PAPER, IT WILL BE MAILED TO THE PROPERTY OWNERS. COUNCILMEMBER JOHNSON THEN ASKED TO GET CERTIFIED FINANCIAL STATEMENTS FROM MARSH ISLAND.

MAYOR DUNLOP MOVED TO VOLUNTEER VICE-MAYOR OATWAY AND ONE OR TWO OTHER CPAs FROM ORCHID TO REVIEW THE MARSH ISLAND FINANCIAL STATEMENTS AND GIVE THEIR OPINION IF THE FINANCIAL STATEMENTS ARE IN COMPLIANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

COUNCILMEMBER TROXELL SECONDED THE MOTION.

FOUR COUNCILMEMBERS AGREED.

COUNCILMEMBER JOHNSON DISSENTED.

MAYOR DUNLOP STATED THAT TOWN ATTORNEY GARGANESE'S OPINION BE INCLUDED IN THE WHITE PAPER. ALL AGREED, BUT VICE-MAYOR OATWAY DISAGREED. COUNCILMEMBER JOHNSON QUESTIONED VICE-MAYOR OATWAY'S DISSSENTION AND VICE-MAYOR OATWAY RELENTED TO MAKE THE DECISION UNANIMOUS. COUNCILMEMBER JOHNSON SPOKE TO THE TOPIC OF 'FULL DISCLOSURE' AND VICE-MAYOR OATWAY ASKED HIM TO PUT THAT DOCUMENT TOGETHER TO INCLUDE IN THE WHITE PAPER. COUNCILMEMBER JOHNSON AGREED TO DO SO. AGAIN, PUBLIC DISCUSSION ENSUED. COUNCILMEMBER JOHNSON INTERJECTED THAT HE WOULD LIKE TO MAKE A RESOLUTION AND THE MAYOR ASKED HIM IF YOU WOULD LIKE TO MAKE A MOTION. COUNCILMEMBER JOHNSON THEN SAID THAT HE WAS MAKING A MOTION.

COUNCILMEMBER JOHNSON MOVED THAT THE TOWN COUNCIL SPONSOR A NON-BINDING REFERENDUM OF THE PROPERTY OWNERS IN THE TOWN OF ORCHID BASED ON NORMAL FLORIDA STANDARDS AND THOSE STANDARDS ARE A SIMPLE, PAPER BALLOT THAT IS SENT TO EACH PROPERTY OWNER, A SINGLE VOTE PER PROPERTY OWNER INDICATING 'YES' OR 'NO' IN TERMS OF THEIR VIEW OF WHETHER OR NOT WE SHOULD PROCEED WITH THE ANNEXATION OF MARSH ISLAND.

THE MAYOR ASKED COUNCILMEMBER JOHNSON IF HE IS RECOMMENDING THIS ACTION PRIOR TO THE DISBURSAL OF THE WHITE PAPER. COUNCILMEMBER JOHNSON ANSWERED NO, BUT HE WOULD PERSONALLY COMMIT TO JUDGING AND TO VOTING WITH THE MAJORITY OF THE PEOPLE AT ORCHID IN TERMS OF THEIR VIEW OF WHAT WE SHOULD DO.

THERE WAS NO SECOND ON THE MOTION; THEREFORE, THE MOTION DIED.

AGENDA ADDITION ITEM #5 – MANDATORY CLUB MEMBERSHIPS

VICE-MAYOR OATWAY ASKED IF MANDATORY CLUB MEMBERSHIPS AFFECTED THE TOWN IN ANY WAY. THE MAYOR ASKED IF MR. JOHN CROSBY, PRESIDENT OF THE BOARD OF GOVERNORS, WOULD CARE TO COMMENT ON THIS SUBJECT. MR. CROSBY RESPONDED TO THE MAYOR, 'I'M NOT THE TOWN, I GUESS BUD HAS TO ANSWER HIS OWN QUESTION, I WOULDN'T THINK IT WOULD.' VICE-MAYOR OATWAY RESPONDED THAT HE DIDN'T RAISE THE QUESTION TO 'THROW JOHN UNDER THE BUS, BUT IS THERE ANY TOWN IMPLICATION THAT WE SHOULD BE FOCUSED ON?' THE VICE-MAYOR THEN TURNED TO TOWN ATTORNEY GARGANESE FOR HIS OPINION. IN MR. GARGANESE'S OPINION, THAT IS A PRIVATE MATTER BETWEEN THE MEMBERS AND THE ASSOCIATION AND NOT AN ISSUE FOR THE TOWN. VICE-MAYOR OATWAY THEN ASKED MR. GARGANESE TO REVIEW THE LETTER THEY RECEIVED AND MR. GARGANESE CONSENTED.

AGENDA ITEM #6 – ADJOURNMENT

THE MEETING ADJOURNED AT 11:38 PM.

APPROVED AT THE _____ TOWN COUNCIL MEETING.

TERRI WALLACE
TOWN CLERK