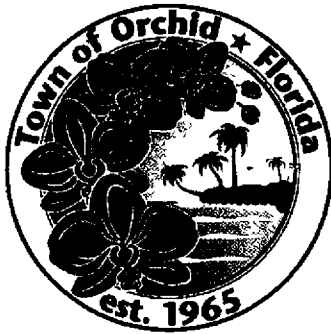




Town of Orchid

Wednesday, April 1, 2026, at 9 a.m.

Town Hall - 9301 Highway A1A, Suite 201, Vero Beach, FL 32963

Town Council Minutes

Regular Meeting

1. Call to Order

Mayor Gibbons called the meeting to order at 9:00 a.m.

2. Roll Call

Present

Mayor Robert Gibbons
Vice-Mayor Paul Knapp
Councilmember John Heanue
Councilmember Daniel McEvoy
Councilmember James Raphalian

Town Staff

Cherry Stowe, Town Manager
Jane Garcia, Town Clerk
D. Johnathan Rhodeback, Town Attorney

3. Preliminary matters; agenda additions, deletions, or modifications

There were none.

4. Public Participation

There was none.

5. Consent Agenda

- A. Approval of the minutes of regular meeting of March 4, 2026
- B. Addendum to agreement with Morgan & Eklund for biennial surveys of beach

Councilmember Heanue made a motion to approve the Consent Agenda.

Vice-Mayor Knapp seconded the motion.

All Councilmembers were in favor.

6. Proclamation and Presentation

- A. Proclamation for April as Water Conservation Month
 - *James Cannon, St. Johns River Water Management District*

The Town Manager introduced Mr. Cannon and explained that the Town's Comprehensive Plan requires annual adoption of a proclamation for Water Conservation Month, and to provide residents with information on water conservation methods. The



Town Clerk read the proclamation, and Mayor Gibbons presented it to Mr. Cannon, who accepted it on behalf of the St. Johns River Water Management District. He stated that water conservation is vital to the health of the entire state of Florida, which was presently facing its worst drought in 25 years.

B. Marking the Country's 250th anniversary in Indian River County

➤ Aaron Vos and Tammy Bursick, USA All Day – July 4th Committee Members

The Town Manager introduced Mr. Aaron Vos and Ms. Tammy Bursick, representatives of the USA All Day - 4th of July Celebration Committee. Ms. Bursick outlined the ambitious plans for the festivities, emphasizing an "all-communities" focus to commemorate the 250th anniversary of the United States.

Mr. Vos indicated their intent to unify all local towns, cities, and the county in a joint time-capsule project, which is scheduled to be sealed on July 3 at noon. The time-capsule vault will be opened in 50 years. Mr. Vos presented an empty time capsule and encouraged the Town Council to ensure that the Town of Orchid is uniquely represented. The Town Council discussed potential items for inclusion in the time capsule and it was suggested that Mr. Rob Tench, Orchid Island Golf & Beach Club (OIGBC) General Manager, would have additional ideas for Orchid's submission to the joint project, leveraging his leadership and deep connection to the community.

7. Town Council Business

A. Ordinance No. 2026-01; amends Chapter 22 "Elections" of the Code of Ordinances

➤ First reading

The Town Clerk read the title of the proposed ordinance, followed by the Town Manager explaining that the recently passed Charter amendment, which had received overwhelming voter support, necessitated an update to the Code of Ordinances to reflect the changes, particularly regarding Councilmember elections and vacancies.

The Town Manager explained that the second reading and public hearing were scheduled for May 6. Mayor Gibbons acknowledged the significant time and effort invested in drafting the amendments and urged a careful review by interested parties.

Councilmember Raphalian moved to accept Ordinance No. 2026-01 on first reading.

Mayor Gibbons seconded the motion.

The Town Clerk took a roll-call vote as follows:

Mayor Gibbons.....aye

Councilmember Raphalian.....aye

Councilmember Heanue.....aye

Vice-Mayor Knapp.....aye

Councilmember McEvoy.....aye

B. ImageX agreement for cloud-based records management software by M-Files

The Town Manager presented a proposed three-year agreement with ImageX for cloud-based records management software by M-Files. She noted that a number of years ago the company had acquired 5i Solutions, with which the Town originally contracted in 2017. She advised that the original contract's two three-year renewals would be exhausted by the end of the current fiscal year. She stated that ImageX had seamlessly continued the



same service as had been supplied by 5i Solutions, providing robust document management and retention tracking in a highly customized environment with live support, as needed.

A primary point of discussion involved Exhibit A, which included an optional monthly local backup service. Former Councilmember Thrailkill had originally requested such local backups, and these had been folded in gratis by 5i Solutions. The Town Manager pointed out that these would now incur a specific cost, as the service is particular to the Town and does not come standard with M-Files.

Councilmember McEvoy inquired about the potential use of alternative backup locations, prompting the Town Manager to highlight the built-in redundancy already present within the agreement. She further clarified that while the Town maintains its own local copy on a monthly basis (which is then backed up again by ImageNet locally and on a separate cloud), the software provider performs backups daily. Furthermore, the Town Manager reassured the Council that because M-Files is a large, independent developer, the Town's records would remain secure even if ImageX faced unexpected business difficulties. The Town Attorney affirmed that in his experience daily backups are standard across cloud-based service companies.

Since the current contract does not expire until September, the Town Manager offered to investigate any remaining concerns the Town Council may have, but the Town Council was comfortable to move forward.

Mayor Gibbons made a motion to execute the agreement as presented, inclusive of the optional monthly local backup service.

Councilmember McEvoy seconded the motion.

All Councilmembers were in favor.

C. Continuation of Operations Plan including Post-Storm Permitting Plan

The Town Manager explained several legislative requirements of Senate Bill 180 (2025), including the requirement to have a Post-Storm Permitting Plan in place by May 1, 2026. She advised that the Continuation of Operations Plan folded that plan into a larger emergency responsiveness framework for the Town. She advised that the interlocal agreement the Town had recently entered into with Indian River County, for a back-up facility for the Town's administration should Town Hall be temporarily unreachable or unusable, was part of the effort to comply with the bill.

Other related activities she advised of included publication of a Post-Storm Recovery Permitting Guide on the Town's official website to help property owners navigate post-storm recovery for affected structures, and the publication of a dedicated Frequently Asked Questions (FAQ) section to address a wide variety of pre-, during and post-emergency concerns. This resource features a step-by-step recovery checklist, specialized guidance for individuals with disabilities, and essential links regarding flood zone designations and next steps for residents. She noted that much of the information had been present on the website previously, but not in the newly mandated FAQ format.

Mayor Gibbons commended the staff for comprehensively updating the Town's emergency preparedness strategy to comply with the state legislation.



**Councilmember Heanue made a motion to accept the Continuation of Operations Plan.
Vice-Mayor Knapp seconded the motion.**

All Councilmembers were in favor.

Vice-Mayor Knapp took the opportunity to remark how well the Building Department continues to run, noting a total lack of resident complaints to him about permitting. Mayor Gibbons recalled that Vice-Mayor Knapp and Councilmember Oertle-Phaneuf had made several recommendations years ago, and the Town Manager confirmed that those had proven effective and continued to be implemented. She reported that with the Town's current vendor (changed in 2024) for plan review and inspection services, permit-turnaround is typically just 24 hours, and inspection services are standard available twice-weekly. Most importantly, she advised that the Town directly notifies homeowners when applications are received, permits are issued, and projects threaten to expire, ensuring an open line of direct communication with residents for questions and concerns.

D. Verizon Wireless Facility on Highway A1A

The Town Manager reminded the Council that Verizon Wireless intends to install a "small wireless facility" in the right-of-way (ROW) along A1A in Orchid. She reported that, following a meeting of local stakeholders, including representatives for the Community Association (CA), OIGBC, all three Condominium Associations, and Mayor Gibbons, Mr. Tench, and the Town Manager, she sent a letter to Verizon and its design consultant arguing that the proposed location is not in compliance with the Town's regulations on telecommunication towers and proffering alternative sites deemed more appropriate by the stakeholder group. She further explained that Verizon's Principal Engineer, who followed up with a phone conference that included the Town Manager and Town Attorney, rejected the applicability of local law within the Florida Department of Transportation's ROW, but welcomed the Town Attorney to further explain the Town's contrary position in writing. He also promised to review the proposed alternative locations.

Following that call, the Town Manager reached out to the Florida League of Cities (FLOC) to inquire about the possibility of connecting with another municipality that successfully influenced the relocation of a small wireless facility, and FLOC recommended Attorney Gary Resnick of GrayRobinson, P.A., who has been successful for several cities with this complicated area of law. She said that the Town Attorney, Mayor Gibbons, and she had met by phone conference with Mr. Resnick, who was confident that he could negotiate with Verizon to move the facility to another location. She referred to the proposed letter of engagement Mr. Resnick had provided the Town Council for retaining his services.

Councilmember Raphalian inquired about the cost associated with hiring Attorney Resnick. The Town Manager advised that Attorney Resnick estimated an optimistic total cost at around \$10,000 but cautioned that unpredictable events could influence that budget. The Town Manager suggested retaining him to get started in April and evaluating his progress by the May meeting, so the Town Council can decide then how to manage the situation beyond that time frame. Attorney Rhodeback supported the hiring of Attorney Resnick, who is a proven subject-matter expert.

**Councilmember Raphalian made a motion to engage Attorney Gary Resnick from GrayRobinson, P.A. and to authorize the Mayor to execute the letter of engagement.
Councilmember Heanue seconded the motion.**



All Councilmembers were in favor.

8. Councilmember Matters of Interest and Committee Reports

Councilmember McEvoy initiated a discussion regarding the three council seats open in the 2026 election, specifically inquiring about the appropriate process for identifying and recruiting potential candidates. Mayor Gibbons clarified that Councilmembers are permitted to discuss potential candidacy with any individual; however, he warned that once a candidate is elected or becomes unopposed, they are officially bound by the Sunshine Law. The Town Manager supported a proactive approach, noting that recruitment has historically often stemmed from Councilmembers leveraging their knowledge of the role and the community to attract talented candidates.

During the update, the Town Manager informed the Council that the Town Clerk that very morning had already qualified the paperwork of two candidates and that she was just awaiting voter registration confirmation from the Indian River County Supervisor of Elections. While addressing candidate qualifying, she noted that, although serving on the boards of the CA or OIGBC simultaneously with the Town Council is not unlawful, it is generally discouraged due to potential conflicts of interest between the bodies.

9. Town Staff Reports

The Town Manager gave an update on the local Property Tax Coalition and how it is currently monitoring legislative developments following the Florida House's passage of a bill to eliminate non-school property taxes for homestead properties starting in January 2027. While the proposal failed to pass the Senate during the regular session, House Representative Robbie Brackett recently appeared before the Treasure Coast Regional League of Cities to share his insights and discuss potential next steps that the Florida legislature may take. She emphasized Representative Brackett's adamance that the counties, cities and towns of the Treasure Coast were not, in his view, "the problem" that this legislation aimed to address; on the contrary, he found their financial stewardship of taxpayer dollars to be generally exemplary. She underscored that would not exempt the area from any statewide legislation, however. Representative Brackett had advised that a special session was scheduled to finalize the state's budget, and that there was a possibility that redistricting could also be addressed during the special session as well, and that he expected property tax reform could be folded in somewhere.

Despite the Senate's lack of enthusiasm for total elimination of non-school property taxes for homesteaders thus far, the members of the aforementioned coalition found it essential to proceed with educational efforts while awaiting more clarity on the final form of tax reform. To this end, the Town Manager asked the Town Council to approve the sending of a joint letter to Governor DeSantis and the Florida Legislature addressing locally shared intergovernmental concerns. She also advised that the coalition members are working on a video to educate residents on the value of home rule that fits each unique community. Vice-Mayor Knapp stated his disbelief that the premise of the property tax reform is that homeowners are overtaxed in Florida, which he does not feel is the case. Mayor Gibbons agreed and suspected this reform is meant to cut back on home rule powers and consolidate power at the state level. The Town Council was in consensus that a joint letter, including the Town of Orchid, be sent by the coalition to Governor DeSantis and the Florida Legislature. The Town Council also supported publication of an educational video.



The Town Manager provided an overview of a recent meeting between the Town, SWIG, and Indian River County focused on utilizing SWIG's filtration media to meet the Town's Basin Management Action Plan (BMAP) requirements, because Mr. Tench had proposed the use of CA-owned property between Jungle Trail and A1A currently under a highly restrictive conservation easement on which Indian River County and the Town of Orchid are co-grantees. Mr. Tench suggested seeking a lift of these restrictions to achieve broader environmental goals. The Town Manager noted that the process would likely be challenging due to the strong public interest in the Jungle Trail. For that reason, she had asked Mr. Tench to continue to evaluate the use of property within the community not subject to County oversight. Most recently, she had proposed leveraging the unbuildable setbacks of the 510 commercial property or utilizing an area between the north of the 510 commercial property and the south golf course lake, which provides easy lake access, is already cleared of trees and shrubs, and has easy access from Route 510. She reminded the Town Council that SWIG's system is underground and that above ground it is mostly just vegetation of the community's choosing that is visible. She added that SWIG can incorporate a boardwalk and attractive educational signage to make the project an amenity. While she awaited Mr. Tench's evaluation of the alternative locations, she would continue to pursue securing letters of support for the project along Jungle Trail from the CA and County in advance of the annual opening of the state grant portal this summer.

The Town Manager offered to invite Brown & Brown to present on Preferred Governmental Insurance Trust at the May 6 meeting as a potential alternative to the Florida Municipal Insurance Trust (FMIT), which has provided the Town for many years with general liability, property, workers' compensation, and cybersecurity insurance. Vice-Mayor Knapp suggested that a presentation is only necessary if there is a perceived issue with current coverage, and the Town Manager responded with highlights from Brown & Brown's evaluation of the Town's current coverage with FMIT as well as their assertion that they could offer the Town cost savings. Others on the Town Council noted that introducing competition could force FMIT to re-evaluate its rates. Ultimately, Mayor Gibbons suggested staff follow up with both parties to request proposals and added that the Town Council would decide on presentations upon receipt of those in September.

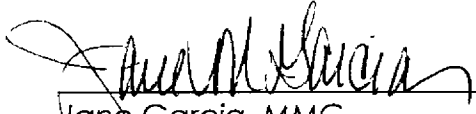
10. Confirmation of next meeting date and adjournment

Mayor Gibbons announced the Special Meeting on April 17 at 3:00 p.m. in the Sandpiper Room of the OIGBC, where a presentation on the updated Beach Preservation Plan will be made by the Indian River County Natural Resources Department – Coastal Division.

Mayor Gibbons made a motion to adjourn.
Councilmember McEvoy seconded the motion.
All Councilmembers were in favor.

The meeting was adjourned at 11:26 a.m.

These minutes were approved by the Town Council at the regular meeting of May 6, 2026.


Jane Garcia, MMC
Town Clerk

