



Town of Orchid

Monday November 6, 2023

Orchid Island Beach Club, 1 Beachside Drive, Orchid, FL 32963

Local Planning Agency Meeting Minutes Committee Meeting

1. Call to Order

Chair Danielsen called the meeting to order at 9:00 a.m.

The Town Manager introduced the new Town Clerk and introduced Johnathan Rhodeback in his new role as the new Town Attorney, after he had served as Assistant Town Attorney for many years. She explained that the previous Town Attorney, Warren Dill, had decided to step back and semi-retire but would still be available if needed.

2. Roll Call

Present: Chair Paul Danielsen
Member Richard Dunlop
Member Paul Stach
Member Daniel McEvoy

Absent: Vice Chair Joe Harding
Alternate Member Frederick Reinhardt

The Town Clerk noted that there is one vacant alternate seat.

Staff: Cherry Stowe, Town Manager
Tina Woods, Town Clerk
D. Johnathan Rhodeback, Town Attorney

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

There were none.

4. Public Participation

The Town Clerk noted that she had received one Speaker Card and introduced Chris Brock and Kyler Durham, new Landscaping Architects with Kimley-Horn of Vero Beach offering their services in Indian River County again.

5. Consent Agenda

Approval of the minutes:

- March 31, 2023 meeting

Member Dunlop moved to approve the meeting minutes. Chair Danielsen seconded the motion. All members were in favor.



6. Committee Business

- A. Resolution No. 2023-06-AC regarding Ordinance No. 2023-13, which amends the floodplain land development regulations to conform with new FEMA requirements.

The title of the resolution was read by the Town Clerk. The Town Manager explained that FEMA and FDEM had adjusted their guidance regarding one of the definitions included in the Town’s Floodplain Management Regulations and that the Town was now required to amend that definition pursuant to the new guidance. She added that FDEM sought some non-substantive minor clean up changes at the same time.

She detailed how the to-be-amended definition of “market value” is used to determine if a structure must be brought into compliance with current flood elevations and pointed out that “market value” in this case is not the same as in real estate terms. Member McEvoy stated that maybe FEMA should use the term “replacement value” instead of market value. Currently the definition of market value, based on information from the Indian River County Property Appraiser, is set at 115% of improvement value, but FEMA wants the Town to remove that percentage from the definition to increase flexibility. She explained that “market value” can be determined by using the Property Appraiser’s value adjusted by a factor or hiring an independent appraiser. Several examples were discussed amongst the members, who determined that the bottom line was that the change to remove the percentage rate was appropriate, because it could fluctuate from year to year.

Chair Danielsen moved to adopt Resolution No. 2023-06-AC recommending adoption of Ordinance No. 2023-13, as recommended to be amended.

Member McEvoy seconded the motion.

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

Member Stach aye
Member Dunlop aye
Chair Danielsen aye
Member McEvoy aye

- B. Resolution No. 2023-07-AC regarding Ordinance No. 2023-15, which amends the site plan review and approval procedures.

The title of the resolution was read by the Town Clerk. The Town Manager explained how the changes proposed narrow when a site plan is needed and broaden what items fall under “minor modification to an approved site plan” allowing for only the Mayor’s approval.

Several members were concerned about a Mayor being given so much power even though they agreed that minor adjustments to an approved plan could be done faster with him having the authority to approve them. The Town Manager reminded the members that the Mayor is provided the option to bring anything that he is not comfortable approving alone before the Council. Member Dunlop brought up how some could perceive this as a conflict of interest if the Mayor might benefit from the improvement. He felt that all applications for minor modifications should be brought to the Council. Member McEvoy questioned whether the Council should be



burdened with a lot of minor issues, pointing out that most Councilmembers are away most of the summer and that getting three of them together for a vote could hold up minor jobs for months.

After much discussion between members and questions to the Town Attorney, they concluded that wording should be added to address their concerns. They added that they would like to have this brought before them again showing the new wording if the Town Council is amenable and that until then they would be uncomfortable recommending adoption of the ordinance.

Member Stach moved the adoption of Resolution No. 2023-07-AC recommending rejection of Ordinance No. 2023-15.

Chair Danielsen seconded the motion.

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

Member McEvoy..... aye

Member Stach..... aye

Member Dunlop..... aye

Chair Danielsen aye

7. Member Matters of Interest

There were none.

8. Adjournment

Chair Danielsen adjourned the meeting at 9:48 a.m.

These minutes were approved by the Local Planning Agency at the meeting of November 29, 2023, as certified by Tina Woods, Town Clerk.

