



# Town of Orchid

Friday, March 25, 2022

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

## Town Council Meeting Minutes Special Meeting

### 1. Call to Order

Mayor Gibbons called the meeting to order at 10:02 a.m.

### 2. Roll Call

**Present:**

Mayor Robert Gibbons  
Vice-Mayor Paul Knapp  
Councilmember Mary Jane Benedetto  
Councilmember Simms Browning  
Councilmember Patti Oertle-Phaneuf

**Staff:**

Cherry Stowe, Town Manager  
Vyviana Sawley, Town Clerk  
D. Johnathan Rhodeback, Assistant Town Attorney  
Warren Dill, Town Attorney

### 3. Preliminary matters; Agenda additions, deletions or modifications

There were none.

### 4. Public Participation

There was none under this agenda item.

### 5. Town Council Business

Discussion with public input regarding consideration of the need for amendments to the existing regulations pertaining to dogs on the beach

Mayor Gibbons explained that the previous meeting did not provide enough time for the Councilmembers to complete their discussion. He stated the Council would for that reason start by continuing their discussion from the last meeting. He then highlighted that anyone interested in speaking would have the opportunity to do so later in the meeting.

He recognized the variety of thoughts and reactions received from the public by the Town Council as well as the value of that input. He also indicated his understanding that some residents who experience fear or discomfort with unleashed dogs on the beach, or have family guests or other visitors with such feelings, are hesitant to publicly state those concerns, and some residents who prefer that dogs be leashed while on the beach are hesitant to do so for fear of offending good friends and neighbors who feel strongly about being able to take their dogs to the beach without a leash requirement. His fellow Councilmembers agreed.



Mayor Gibbons then asked the Town Manager to provide a brief description of the handout provided to the Councilmembers pertaining a listing of all the proposed amendments to the existing regulations on dogs on the beach that the Town Council had at some point in the last two years talked about. The Town Manager stated its purpose as a discussion aid to the Council and provided a verbal listing of the different regulations to consider, such as setting a maximum leash length, a maximum number of dogs per caretaker, requiring licensing of dogs, and regulations regarding waste pick-up and disposal. She also explained possible enforcement options available to consider as well.

Mayor Gibbons acknowledged the complexity of the topic at hand, and the need for the issue to be properly addressed. He also expressed the need to come together as a community in finding a resolution that would compromise between the varying points of view. He then reviewed Indian River County's regulations pertaining to dogs on the beach, as well as the regulations of the other two municipalities in the County (the Town of Indian River Shores and the City of Vero Beach) and certain private communities within the barrier island, and summarized a variety of concerns that have been brought to the Council's attention.

Mayor Gibbons provided his views, stating the idea of a proposed "safe zone" made little sense to him, as it implies other areas of the beach would be the opposite of safe. He proposed that Orchid model their regulation regarding off-leash dogs after Indian River Shores, where dogs may be off-leash before 9 a.m. and after 5 p.m. so long as they are licensed with the Town. He also expressed ideas for a maximum leash, clarifications of visual and voice control, and waste management.

Vice-Mayor Knapp said that, although he does not own a dog and does not spend much time on the beach, he does understand the appreciation of being able to have unleashed dogs on the beach. He also expressed that just because there had been no formal complaints, that doesn't mean there isn't a problem. He explained he was open to modification of the current law but felt that elaborate mechanisms such as policing and licensing would not be useful.

Councilmember Oertle-Phaneuf stated her displeasure in seeing dogs and beachgoers on the dunes, expressing the extensive cost to repair and replenish the dunes by both the county and the Town. She expressed the importance of protecting the beach and keeping it clean, as well as the promoting safety of those on the beach. Councilmember Oertle-Phaneuf stated her proposal for licensing all dogs and the possibility of the Town keeping DNA and photo record of each licensed dog in order to be able to issue fines based on DNA evidence of abandoned dog waste on the beach. She also proposed creating a budget which would be utilized to enforce the laws to ensure they are being followed properly. She also advised of her research into and experience with a "poop patrol" service whereby a company is contracted to clean up any dog waste.

Councilmember Benedetto expressed her agreeance with the Mayor in advocating for those who may not want to come forward with public complaints. She also voiced her opposition to a proposed safe-zone because it will not serve the residents who wish to enjoy the beach in front of their property or walk along the beach. Councilmember Benedetto expressed that she would like to see all dogs licensed and to be leashed while on the beach.

Councilmember Browning recognized the urgency in creating a resolution due to the longevity of this topic before the Council created by uncontrolled circumstances related to



the pandemic, and acknowledged the input received is cause for a change. Councilmember Browning also expressed his concern for providing enforcement, but supported having a set off-leash time and to have all dogs leashed while in front of the Club.

A brief discussion transpired among the Council pertaining to details of leash length, maximum off-leash distance, licensing, and enforcement.

*There was a brief recess from 11:58 a.m. to 12:04 p.m.*

Mayor Gibbons opened the floor to public comment.

Ms. Jann Moylan, resident of Orchid, stated she frequently walks her dog on the beach, mostly on-leash, and regularly picks up other people's dogs' droppings and beachgoers trash. She also indicated that all dogs within Indian River County are to be vaccinated for rabies. She concluded with her endorsement of creating a set off-leash time.

Orchid resident Mr. Robert Breadner voiced that the proposed idea of having a set off-leash time is an excellent compromise. He also mentioned the Town's dune signage had been impactful in helping keep people and dogs off the dunes.

Mr. Jerry Storch of Orchid expressed his support for the Council and the regulations they intend to create for the Town. He emphasized that he had not lobbied any Councilmembers regarding particular amendments.

Mr. Breadner asked for clarification pertaining to the rules and boundaries in front on the Club. Mayor Gibbons explained the Town's law would apply to the entirety of the beach, but added that the Club established a rule 2 years prior requiring that all dogs be leashed in front of the Club. The Council declined to include such a regulation in its laws, leaving instead enforcement of the Club's more stringent rule to the Club and the Community Association.

Mayor Gibbons closed the floor to public comment and summarized the proposed structure of the Town's regulation to include the following: dogs on the beach be leashed at all times with a leash no longer than 6 feet, except during off-leash hours; off-leash hours will be from sunrise to 9 a.m. and from 5 p.m. to sunset for dogs licensed by the Town; dogs off-leash must be within 60 feet of caretaker, and the caretaker must maintain visual contact of the off-leash dog(s); and the caretaker may have no more than 2 dogs off-leash at a time.

Councilmembers Benedetto and Oertle-Phaneuf emphasized the need to create a budget for enforcement of the new regulations and Mayor Gibbons agreed that budgeting for enforcement would be discussed at a forthcoming meeting.

***Mayor Gibbons moved to direct the Town's legal counsel to work within a proposed framework for revising the Town's regulations regarding dogs on the beach. Councilmember Browning seconded the motion.***

***All Councilmembers were in favor.***

## **6. Confirmation of the Next Meeting Date and Adjournment**

The next Town Council meeting is scheduled for Wednesday, April 6, 2022, starting at 9 a.m. in the Sandpiper Room.



***Mayor Gibbons moved to adjourn the meeting. Councilmember Oertle-Phaneuf seconded the motion.***

Mr. Jerry Kokes, a long time Orchid resident, who explained he had had to leave the meeting during the public comment portion, asked whether he could still be heard. Mayor Gibbons responded that Mr. Kokes had been called twice during that timeframe, but relented in allowing him to speak now as the same persons in the room then were still present. Mr. Kokes explained that he had witnessed most people picking up after themselves. He expressed that the dune signage is effective and proposed to the Council installation of signage at each end of Orchid's beach explaining the rules and regulations for outside visitors who are not on the Town's mailing list.

Mayor Gibbons reminded the Town Council of the motion on the floor and asked who was in favor.

***All Councilmembers were in favor.***

The meeting adjourned at 12:21 p.m.

*These minutes were approved by the Town Council at the regular meeting of April 6, 2022, as certified by the Town Clerk, Vyviana Sawley.*

