



Town of Orchid

Wednesday, November 1, 2023

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

Town Council Meeting Minutes Regular Meeting

1. Call to Order

The Town Manager introduced the new Town Clerk, Tina Woods, who called the meeting to order at 9:02 a.m.

2. Roll Call

Present: Councilmember Robert Gibbons
Councilmember Paul Knapp
Councilmember Mary Jane Benedetto
Councilmember John Heanue
Councilmember James Raphalian

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

3. Annual Selection of Mayor & Vice Mayor

A. Annual selection of Mayor

The Town Clerk explained that every November the Mayor and Vice Mayor are selected by and from the Councilmembers. She then asked for nominations for Mayor.

**Councilmember Knapp moved to select Councilmember Gibbons as Mayor. Councilmember Benedetto seconded the motion.
All Councilmembers were in favor**

The Town Clerk congratulated Mayor Gibbons and turned over the gavel.

B. Annual selection of Vice-Mayor

Mayor Gibbons asked for nominations for the Vice-Mayor position.

**Councilmember Benedetto moved to select Councilmember Knapp as Vice-Mayor. Councilmember Heanue seconded the motion.
All Councilmembers were in favor**

4. Preliminary matters; Agenda additions, deletions or modifications

There were none.



5. Public Participation

Orchid resident, Mr. Fred Reinhardt stood and asked to be recognized by the Town Council to speak on his concerns regarding the condition of the streetlights, which he felt the Council had not sufficiently examined. Mr. Reinhardt stated that he recently examined fifty of the hundred and nine streetlights and found that approximately 32% of those have some corrosion, almost all have cobwebs and bugs including inside the dome, as well as faded paint. He asked why the painting of the streetlights had been deferred, adding it should be an annual maintenance project.

Mayor Gibbons explained during this year's budget process he and other Councilmembers had evaluated the state of the Town's streetlights and had concluded that painting them was not yet necessary. He said he had not noted the state of deterioration described by Mr. Reinhardt, nor had others on the Council. He added that he would be more than happy to accompany Mr. Reinhardt for a fresh look at the Town's streetlights. Vice-Mayor Knapp and Councilmember Heanue agreed that a second examination was warranted by Mr. Reinhardt's remarks.

Orchid Island Golf and Beach Club (OIGBC) CEO Rob Tench requested that the streetlights be painted to match the street signs. The Town Manager explained the streetlights are usually painted the color they are when they are new. Mayor Gibbons acknowledged that made sense and observed that there are far more streetlights than street signs in the community.

The Council planned to consider the issue of painting the streetlights during the current fiscal year at an upcoming meeting.

6. Consent Agenda

Approval of the Minutes: Regular meeting of September 18, 2023.

Councilmember Raphalian moved to approve the meeting minutes of September 18, as presented. Mayor Gibbons seconded the motion.

All Councilmembers were in favor.

7. Town Council Business

- A. Ordinance No. 2023-13: amends the Floodplain Management Regulations to conform with new FEMA requirements.

The Town Clerk read the title of the ordinance. The Town Manager explained that the Florida Department of Emergency Management (FDEM) works closely with the Federal Emergency Management Agency (FEMA) to ensure compliance of Codes of Ordinances of participating municipalities and counties with the National Flood Insurance Program requirements. A program in which the Town of Orchid is enrolled.

She 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. Councilmember Benedetto asked whether any residences in Orchid could be impacted by the regulations pertaining to substantial improvement of a structure in the floodplain. The Town Manager affirmed that there are.

She advised that because this ordinance regards the Town’s Land Development Regulations, it will be reviewed by the Local Planning agency prior to second reading by the Town Council. She also stated that this ordinance is not considered by FDEM to make the regulations more onerous on building permit or site plan applicants, which is important due to the Florida legislature’s passage of HB 250 in the 2023 legislative session, which prohibits the Town, due to its proximity to the landfall of Hurricane Nicole, from adopting land development regulations that make application procedures more burdensome.

Vice-Mayor Knapp made a motion to accept on first reading Ordinance No. 2023-13. Mayor Gibbons seconded the motion.

The Town Clerk took a roll-call vote as follows:
Mayor Gibbons..... aye
Vice-Mayor Knapp aye
Councilmember Benedetto..... aye
Councilmember Heanue aye
Councilmember Raphalian..... aye

- B. Ordinance No. 2023-14: replaces Article I, II and III of the Code's chapter regarding Building and Building Regulations

The Town Clerk read the title of the ordinance. The Town Manager explained that the ordinance makes amendments to the Town’s regulations that implement the Florida Building Code (FBC). She added that the new language would replace the current language in the relevant articles to remove outdated references and focus specifically on provisions pertaining to the practical application of the FBC and Town Comprehensive Plan.

Councilmember Raphalian made a motion to accept on first reading Ordinance No. 2023-14. Councilmember Benedetto seconded the motion.

The Town Clerk took a roll-call vote as follows:
Vice-Mayor Knapp aye
Councilmember Heanue..... aye
Councilmember Raphalian..... aye
Mayor Gibbons..... aye
Councilmember Benedetto..... aye

- C. Ordinance No. 2023-15: amends the Code of Ordinances on Site Plan Review and Approval Procedures.

The Town Clerk read the title of the ordinance. The Town Manager explained that the changes to the Town’s “Site Plan Review and Approval Procedures” are proposed in connection with updates across the Land Development Regulations following the adoption of the 2021 Comprehensive Plan and the 2023 amendment thereto. She advised



that they clarify and bring up to date provisions in the Code, conveniently collate existing regulations applicable to site plan applications held within other parts of the Code, reduce the paper burden on applicants, narrow the scope of projects that must be submitted as a site plan application and broaden amendments to site plan elements that may be considered a minor modification to an approved site plan. She emphasized that the amendments did not aim to make site plan applications more burdensome, recognizing the Town Council's consistent interest in promoting clarity and simplicity in its procedures.

She drew specific attention to the section on minor modifications to advise that amendments therein increased the types of projects affecting an existing site plan that could be considered by only the Mayor. The Town Council indicated comfort with the expanded role of the Mayor.

Vice-Mayor Knapp made a motion to accept on first reading Ordinance No. 2023-15. Councilmember Benedetto seconded the motion.

The Town Clerk took a roll-call vote as follows:
Councilmember Heanue..... aye
Councilmember Raphalian..... aye
Vice-Mayor Knapp..... aye
Councilmember Benedetto..... aye
Mayor Gibbons..... aye

- D. Ordinance No. 2023-16: adopts final budget amendment for the Fiscal Year ended September 30, 2023.

The Town Clerk read the title of the ordinance. The Town Manager explained the details of the changes.

Mayor Gibbons made a motion to accept the first reading of Ordinance No. 2023-16. Councilmember Heanue seconded the motion.

The Town Clerk took a roll-call vote as follows:
Councilmember Raphalian..... aye
Councilmember Benedetto..... aye
Mayor Gibbons..... aye
Councilmember Heanue..... aye
Vice-Mayor Knapp..... aye

- E. Resolution No. 2023-12: adopts new statewide mutual aid agreements prepared by the Florida Department of Emergency Management.

The Town Clerk read the title of the resolution. The Town Manager explained that annually, within sixty days of the end of a fiscal year, the Town Council has the opportunity to adopt a final budget amendment to ensure the budgeted expenditures fully cover the actual expenditures of the elapsed fiscal year as required by state law. She stated that this step had been expected to be necessary for the fiscal year ended September 30, 2023, due to the need to respond to damaging effects on the coastline from Hurricanes Ian and Nicole.



She pointed out that the final budget amendment addresses the disparity between the original budget, adopted in advance of either storm's naissance, and the actual expenditures of the fiscal year. She advised that, when total expenditures are exceeded, the amendment must be adopted in the same manner as the original budget, rather than by motion, and in Orchid that is by ordinance.

She stated that the amendment includes adjustments in both revenues and expenditures to give a more complete picture of the budget. Councilmember Raphalian received confirmation that the sharp increase in Intergovernmental Revenues was due to the Town Council's allocation of American Rescue Plan Act funds to the emergency dune repair project in the prior year.

Councilmember Raphalian made a motion to adopt Resolution No. 2023-12.

Councilmember Heanue seconded the motion.

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

Councilmember Benedetto..... aye

Mayor Gibbons..... aye

Councilmember Raphalian..... aye

Vice-Mayor Knapp..... aye

Councilmember Heanue..... aye

F. Annual county and regional committee appointments for 2023-2024

The Councilmembers discussed the county and regional committees that they currently serve on and everyone expressed that they were happy to continue with the same, except that Councilmember Raphalian and Vice-Mayor Knapp decided to switch their positions as 1st representative and 2nd representative on the Economic Development Council giving Councilmember Raphalian more opportunities to attend the meetings. Councilmember Raphalian was also appointed to represent the Town of Orchid at the Treasure Coast Regional Planning Council.

Mayor Gibbons moved to approve the committee appointments. Vice-Mayor Knapp seconded the motion.

All Councilmembers were in favor.

G. Town Staff Evaluations

The Town Manager's performance over the past year was evaluated by the Council, with each Councilmember given a chance to speak. The Mayor pointed out that he noticed that every member seemed to use the same words in their written evaluations, such as "excellent in all aspects of the position". He continued by saying that she is consistent, has good relationships with the Orchid residents and all Golf and Beach Club staff and does a great job keeping the Council up to date. Each Councilmember agreed with all of Mayor Gibbons' comments with Councilmember Heanue adding she's very knowledgeable, Councilmember Benedetto saying she is like "a dog with a bone" seeing that everything is followed through with even during the summer months and that she is very competent and great at multi-tasking and Councilmember Raphalian adding about Town Manager Stowe that she never has a negative thing to say and never complains. OIGBC CEO Rob Tench asked to comment and stated that she is easy to work with.



The Town Manager then had the opportunity to provide a summary of her recent evaluation of Orchid's Building Clerk, Teresa Brown. She reported that Teresa continues to have a great rapport with the Orchid residents and their contractors. She mentioned that Teresa did an exceptional job handling the Town Hall office alone in the summer covering absences of the Town Manager when necessary, due to a vacancy during that period in the Town's small staff. She touched on Teresa's work so far on the online permitting program that the Town had just started implementing, noting that gaining expertise with it would be an area for Teresa to focus on in the upcoming year.

8. Councilmember Matters of Interest and Committee Reports

Councilmember Benedetto gave a report on the Metropolitan Planning Organization's (MPO) 5-year work program on roads and infrastructure for Indian River County, which is budgeted to cost the County 1.9 or 3.9 million dollars depending on whether the State will provide some of the funding. Mayor Gibbons brought up the local concerns about increased congestion of the one laned Wabasso bridge and road coming east from US 1, due to the anticipated new developments on the west side of the Wabasso bridge and beyond. The Council discussed how difficult evacuations would be, if needed due to a hurricane, if something isn't planned for expansion of that the bridge. Vice-Mayor Knapp said that he read that the railroad crossing on Route 510 will be expanded to two lanes each way in the near future. Councilmember Benedetto also reported that the recent MPO meeting included information on a proposal claiming to revitalize the "downtown" Vero area by reducing the number of lanes of Route 60 through downtown Vero Beach to two, adding a bike lane and adding parallel parking on the opposite side of the road as the bike lane. She advised that approximately 85% of the people in attendance were not in favor of these suggestions, asking how this will "revitalize" downtown. She gave details about two more upcoming public hearings on the subject.

9. Town Staff Reports

The Town Manager reported that Indian River County's dune project for Sector 3, in which the Town is located, is still on schedule for starting around December 1.

She next shared that the Town's local bill has been filed in Tallahassee and is now officially Bill #191. She added that if it's adopted by the Florida Legislature, it will allow the Town to meet outside the boundaries of the Town within a 5-mile perimeter.

After a preapplication meeting with consultants for the OIGBC regarding a project to revamp the golf clubhouse, the Town is expecting an application any time, the Town Manager said. She reminded the Town Council that she had emailed the early drawings and descriptions to them, and that the application was anticipated to go to the Mayor for his approval as a minor modification of several elements to an approved site plan.

She advised that Indian River County's new water quality report, conducted by an engineering firm to address continued concerns about copper pipe leaks in the Utility's Service Area (in which Orchid is located), had been released and likely will be discussed at the December meeting of the Board of County Commissioners. Vice-Mayor Knapp suggested that the Town send a letter to Orchid residents to share this information once the date is confirmed.



The Town Manager confirmed for the record that the lease for a new Town Hall location along Route 510 and Highway A1a had been signed. She provided an overview of the work being done pertaining to the build out as well as the interior decoration of the space, including the designer's vision board which was on display at the meeting. The Council discussed the location and features of the alarm and access control system to be installed. Looking over the floor plan drawing, Councilmember Heanue suggested a change to the large meeting space and found consensus of the Council to pursue the adjustment even if there was an additional cost to the Town. All agreed that the current Town Hall location on US #1 would be sold and put on the market sometime at the beginning of 2024.

Estimates from ImageNet for moving, upgrading and installing the IT system and new phone system were distributed by the Town Manager and discussed by the Town Council. It was decided to go with both estimates, as Councilmembers agreed that any upgrades that were needed should be done now rather than later.

Vice-Mayor Knapp moved to approve a maximum budget of \$15,000 for Imagenet to ensure the modernity and robustness of the technology environment at the new Town Hall facility. Councilmember Heanue seconded the motion.

All Councilmembers were in favor.

The Town Manager recommended renewal of the staff's health insurance, for which the budget would not be exceeded. The Town Council was in consensus.

The Town Manager presented information on the Town's current contract with Coastal Connections that will shortly be up for renewal. She noted that Coastal Connections provides the Town's current dog license public outreach and, since they had been hired, most interactions had been positive across 41 beach visits and were augmented with the voluntary collection of 522 lbs. of trash. Vice-Mayor Knapp stated that he had received feedback from beachside residents that the Town's program was proving successful. Council agreed that they were interested in renewing the contract inclusive of the recommendations for the program in the new year.

Next, Town Attorney Warren Dill made an announcement that he would like to slow down and therefore, wants to step back from his role as Town Attorney for Orchid. He expressed how much he has enjoyed working with the Town of Orchid, its Council and staff since 2015. He pointed out that Johnathan Rhodeback, Assistant Town Attorney, has been attending the Town's meetings and working with the Town for the last 5 years, and Attorney Dill felt he is ready to handle the position alone. He pointed out that he would still be in the office part time, so he will be available to help or fill in as may be needed. The Council thanked Attorney Dill for his time, commitment and dedication, and concurred that Assistant Town Attorney Rhodeback is ready to step up.

Mayor Gibbons moved to approve the continuation of the Town's relationship with Dill, Evans & Rhodeback and the designation of Jonathan Rhodeback as Town Attorney going forward and to express appreciation for Warren Dill's excellent service as Town Attorney over the past years including for his continuing availability to assist from time to time as needed.

Vice-Mayor Knapp seconded the motion.

All Councilmembers were in favor.



10. Confirmation of the Next Meeting Date and Adjournment

The next Town Council special meeting is scheduled for November 14 at 9 a.m. and the next regular Town Council meeting is scheduled for December 6 at 9 a.m. Both meetings will be at the same location.

Vice-Mayor Knapp moved to adjourn the meeting.

Councilmember Heanue seconded the motion.

All Councilmembers were in favor.

The meeting was adjourned at 12:18 p.m.

These minutes were approved by the Town Council at the regular meeting of December 6, 2023, as certified by Tina Woods, Town Clerk.

