



Town of Orchid

Wednesday, December 6, 2023

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

Town Council Meeting Minutes

1. Call to Order

Mayor Gibbons called the meeting to order at 9:06 a.m.

2. Roll Call

Present:

Mayor Robert Gibbons
Councilmember Mary Jane Benedetto
Councilmember John Heanue
Councilmember James Raphalian

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

Absent:

Vice Mayor Paul Knapp

3. Preliminary matters; Agenda additions, deletions or modifications

There were none.

4. Proclamation

Mayor Gibbons presented a proclamation to Mr. Warren Dill, former Town Attorney for Town of Orchid, on behalf of the Town Council and Town Staff. The Mayor recognized Attorney Dill's exceptional service since taking on the role in 2015, stating his dedication to the Town was greatly appreciated. Mayor Gibbons acknowledged Attorney Dill's astute foresight in bringing Johnathan Rhodeback, Esq. on early to serve as the Town's Assistant Attorney. He added that this prepared him well for stepping into the role as Town Attorney. He affirmed that this gave the Council great comfort and ease with the transition. The Mayor presented Attorney Dill with the proclamation along with a crystal paperweight engraved with the Town seal. Attorney Dill expressed his pleasure in sharing his knowledge of municipal law with the Town and his appreciation for being able to be of service to the Town for so long. He acknowledged the Town had faced significant and varied challenges and thanked the Town Council for their trust in him and each other in navigating them.

5. Public Participation

There was none.

6. Consent Agenda

Approval of the Minutes: November 1, 2023, and November 14, 2023



Councilmember Raphalian moved to approve the meeting minutes of November 1, 2023 and November 14, 2023. Councilmember Benedetto 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 Mayor announced that this would be the third reading of this ordinance, which was followed by the Town Clerk reading the title. A handout was distributed, while the Town Manager explained the recent results of her conversations with the Florida Department of Emergency Management (FDEM), which she had been communicating with for some time on this ordinance and which had been the reason for the delay from the prior meeting. The Town Manager explained she had continued to work with FDEM to clarify the Town's definition for Market Value in regard to floodplain management regulations specifically. She shared that FDEM had seemed to understand the Town's concerns and a compromise was reached to settle on the current wording shown on the handout. Mayor Gibbons appreciated that the new language was fairer to local residents.

Mayor Gibbons advised that the continued public hearing was open. With no public participation, the hearing was then closed. Councilmembers had no further discussion.

Mayor Gibbons made a motion to adopt Ordinance No. 2023-13 on third reading, as amended. Councilmember Benedetto seconded the motion.

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

Councilmember Heanue..... aye
Mayor Gibbons..... aye
Councilmember Raphalian..... aye
Councilmember Benedetto..... aye

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

The Town Clerk gave the third reading of the title of this ordinance. The Town Manager explained that the Local Planning Agency (LPA) held a second meeting regarding this ordinance, which prior to that had been amended by the Town Council in response to concerns raised by the LPA at their first meeting. The LPA, having clarified some questions and concerns with the Town Attorney and Town Manager, adopted Resolution 2023-08-AC, thereby recommending approval of the amended ordinance to the Town Council.

After stating that the continued public hearing remained open and having no discussion brought forth by the public, the hearing was closed by the Mayor. The Town Council had no further comments, but the Mayor did state that he was pleased that the LPA had the opportunity to revisit this ordinance and that a suitable conclusion was reached.

Councilmember Benedetto made a motion to adopt Ordinance No. 2023-15 on third reading, as amended. Councilmember Heanue seconded the motion.

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



Councilmember Benedetto..... **aye**
Councilmember Raphalian..... **aye**
Councilmember Heanue..... **aye**
Mayor Gibbons..... **aye**

C. Evaluation of aesthetic condition of Town streetlights

The condition of the Town's streetlights was a concern previously brought up by resident, Mr. Frederick Reinhardt, on November 1, 2023. In response, it was decided at that meeting that each Councilmember should evaluate the streetlights on their own again. This was something that had been previously undertaken by the Town Council in early 2022 and again in the spring of 2023. The Town Manager and Mayor Gibbons toured the Town with Mr. Reinhardt the week prior to this meeting to look at the streetlights together.

The Town Manager shared that Mr. Reinhardt's main concern was that a maintenance plan be put in place with a schedule to ensure ongoing aesthetic maintenance did not fall behind. The Town Manager reviewed the estimates for cleaning the streetlights obtained since the November 1 meeting. The Manager also expressed that she had reached out to the company that distributes parts for these streetlights to inquire about specific replacement parts, custom colors and the opportunity of getting unpainted items. She advised that she did not have all the answers yet.

The Council discussed several issues, including painting, cleaning and repairing the lights. Councilmember Heanue stated that he had not found that community members he had spoken with about the subject were concerned about the state of the streetlights. Mayor Gibbons agreed and added that the majority of the lights still appeared in good condition. However, he added that some others were in need of attention. The Councilmembers discussed painting the streetlights all at once or in sections over a number of years, and then by street versus doing the worst ones first. It was decided that the Town Manager should go ahead and get quotes for painting them all, so that all options could be considered at the next meeting.

Mayor Gibbons motioned to get quotes on painting.
Councilmember Raphalian seconded the motion.
All Councilmembers were in favor.

D. Assignment of Vulnerability Assessment to Town engineering firm

The Town Manager reminded the Town Council that the Town was awarded a grant up to \$80,000, on a reimbursement basis, from the Florida Department of Environmental Protection (DEP) to hire an engineering firm to assess the Town's vulnerability to flood risk, storm surge and sea level rise. The preparation of a vulnerability assessment is being required of all municipalities by the State of Florida.

She explained that at the Town Council's instruction, she had reached out to the engineering firms already under contract with the Town to obtain information regarding their ability and interest in assisting the Town with this assessment. She had also asked for information about their proposed approach to the work since this was a new type of project to be undertaken. The information that was received was evaluated by the Council.



**Councilmember Benedetto motioned to assign the Town's vulnerability assessment pursuant to a grant from the Florida Department of Environmental Protection to Coastal Waterways Design & Engineering. Councilmember Raphalian seconded the motion.
All Councilmembers were in favor.**

E. First Addendum to the agreement with Coastal Connections

The annual contract for Coastal Connections is up for renewal as of the end of 2023, which was discussed at the November 1 meeting. The Council stated they were pleased with the services provided by the organization, which provides educational outreach on the beach pertaining to the Town's regulations for the beach, including the off-leash dog licensing program. Councilmember Raphalian felt the price per visit was reasonable. The Council decided to forgo any summer visits, since very few people and dogs were on the beach last summer, knowing the Town would have the option to add a visit at any time.

**Mayor Gibbons motioned to renew the Coastal Connections agreement for another year. Councilmember Raphalian seconded the motion.
All Councilmembers were in favor.**

F. Staff raises and holiday bonuses

Town Councilmembers discussed Teresa Brown's long-time commitment to the Town and excellent service in the position of Building Clerk. They reviewed her current hours and hourly rate. They discussed the inflated cost of living, and a merit increase.

**Mayor Gibbons made a motion to increase her hourly rate to \$29 per hour. Councilmember Benedetto seconded the motion.
All Councilmembers were in favor.**

The Councilmembers then discussed the Town Manager, Cherry Stowe and her many responsibilities in that position. All agreed that her dedication, knowledge and service were well deserving of an increase in her annual salary.

**Councilmember Benedetto made a motion to increase the Town Manager's annual salary to \$116,000 per year. Councilmember Heanue seconded the motion.
All Councilmembers were in favor.**

Finally, Councilmembers reviewed the staff's previous year holiday bonuses, agreeing to keep them the same for the Building Clerk and the Town Manager. They also decided on a lesser amount from last year for the Town Clerk since the position was just filled in October.

**Mayor Gibbons made a motion to gift both Teresa Brown and Tina Woods \$250 each and Cherry Stowe \$1,000 for a Holiday Bonus. Councilmember Raphalian seconded the motion.
All Councilmembers were in favor.**

8. Councilmember Matters of Interest and Committee Reports

Councilmember Benedetto and Councilmember Heanue both announced that neither would be available to attend the December 13, 2023, Metropolitan Planning Organization meeting. It was decided that the Town Clerk would attend in their place, since the Town Manager and



Mayor both had a previous commitment to attend the Treasure Coast Regional League of Cities meeting and luncheon.

9. Town Staff Reports

The Town Manager reported that the County's dune restoration project had started in the north of Sector 3 and would move southward to Orchid in coming weeks. She advised that a firm time for arrival in Orchid was not yet available, but that she would notify residents once it was. She added that the entire project would need to be completed by April 2024. Councilmembers expressed that they hoped the project would not be on Orchid's beach until after Christmas and New Year's.

The Councilmembers were reminded that LPA Assignments will take place at the January 3, 2024 meeting. The Council was also informed by the Town Manager that an updated Accounting Policy and Procedures Manual was emailed to them for review. The Town Manager also gave an update on the new office's build-out status.

10. Confirmation of the Next Meeting Date and Adjournment

Everyone was reminded that the next Town Council meeting was scheduled for Wednesday, January 3, 2024, at 9 a.m. in the Sandpiper Room of the Orchid Island Beach Club and was wished a "Happy Holiday".

**Mayor Gibbons moved to adjourn the meeting.
Councilmember Heanue seconded the motion.
All Councilmembers were in favor.**

The meeting was adjourned at 11:00 a.m.

These minutes were approved by the Town Council at the regular meeting of January 3, 2024 as certified by Tina Woods, Town Clerk.

