



Town of Orchid

Wednesday, January 3, 2024

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

Town Council Meeting Minutes Regular Meeting

1. Call to Order

Mayor Gibbons called the meeting to order at 9:03 a.m.

2. Roll Call

Present:

Town Council

Mayor Robert Gibbons
Vice Mayor Paul Knapp
Councilmember Mary Jane Benedetto
Councilmember John Heanue
Councilmember James Raphalian

Town Staff

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

Guests

Christine Noll-Rhan of Carr, Riggs & Ingram CPAs and Advisors
Steve Boehning of Coastal Waterways Design & Engineering

3. Preliminary matters; Agenda additions, deletions or modifications

There were none.

4. Public Participation

There was none.

5. Presentations

A. Independently Audited Financial Statements by Carr, Riggs & Ingram

Ms. Christine Noll-Rhan, Partner with Carr, Riggs & Ingram (CRI), presented the audit report for Fiscal Year 2022-2023. She stated that, due to the Town's organization and efficiency, Orchid's was this cycle's first government audit to be finalized by CRI, just like last year. She affirmed that the Town again achieved a "clean" opinion. She pointed out that the Town's fund balance had not suffered a loss despite the unexpected and significant expense of the post-Hurricanes Ian and Nicole emergency dune repair project undertaken in January 2023. She acknowledged this was in part thanks to the Town Council's decision to assign the project the



full allocation of American Rescue Plan Act funds as well as the Town's balance of Infrastructure Sales Surtax funds to bolster financial and physical resilience of the community.

Ms. Noll-Rhan also talked about anticipated changes in the next audit report already. She explained that a newly effective Governmental Accounting Standards Board statement requires the cost of the non-cancellable portion of the Town's new office lease to be booked as a liability and associated asset to be depreciated over that same term. She advised that lease payments must be recorded as debt expense, divided over interest and principal based on a hypothetical rate from the Town's bank at the time the lease starts. Mayor Gibbons expressed dissatisfaction with the representation of the lease as a debt, but appreciated Ms. Noll-Rhan's explanation of the new requirements.

B. Vulnerability assessment scope and planning by Coastal Waterways Design & Engineering

Mr. Steve Boehning, Coastal Engineer with Coastal Waterways Design & Engineering, explained what the Town should expect from the Vulnerability Assessment he has been tasked with completing for the Town in accordance with the recent Florida Department of Environmental Protection's grant. Mr. Boehning explained that the assessment would bring into focus Orchid's vulnerability to water-related events such as sea level rise, increased rain, and storm surge. Councilmembers understood the assessment would not necessarily find solutions to identified risks, but Mr. Boehning emphasized that funding assistance for future mitigation projects would be aided by a robust vulnerability assessment.

6. Consent Agenda

Approval of the Minutes of the December 6, 2023 meeting.

***Councilmember Benedetto moved to approve the meeting minutes of December 6, 2023.
Councilmember Raphalian seconded the motion.
All Councilmembers were in favor.***

7. Town Council Business

A. Appointments to the Local Planning Agency

The Town Manager informed the Town Council that two regular and two alternate seats on the Town's Local Planning Agency (LPA) were open for appointment. The former were held by Mr. Daniel McEvoy and Mr. Paul Stach, both of whom sought reappointment. She stated about the alternate seats that one had a vacancy, while the other was held by Mr. Frederick Reinhardt, who was also interested in reappointment. Additionally, two further residents had applied to serve on the LPA.

The Town Council opted to use ballots to make the appointments. These were tallied and resulted in all current members being reappointed to the same seats they'd held, and the vacant alternate seat going to Mr. Robert Bauer.

B. Municipal Elections Agreement for 2024 from Indian River County Supervisor of Elections

The Town Manager noted that calendar year 2024 was an election year for the Town of Orchid. She stated that two seats would be up for election, specifically those presently held by Vice-Mayor Knapp and Councilmember Benedetto. She added that in election years the



Indian River County Supervisor of Elections provides the Town with an agreement delineating each party's responsibilities, which was presented for the Town Council's approval.

Upon prompting, the Town Manager gave the timing of the qualifying period (all of April) and provided an overview of circumstances which in 2021 led to a Code change regarding the timing and length of the qualifying period. These were a request from the County Supervisor for more time between the end of the qualifying period and election day, an interest in holding the qualifying period at a time when the majority of Orchid's residents are local, and a desire to provide Town candidates ample time to complete the necessary steps of filing.

Councilmember Benedetto asked when residents would be notified of the forthcoming election and its qualifying period. The Town Manager responded that general information was already available on the Town's website, and that email notices to the Town's mailing list would start shortly, once the "candidate information packet" was updated to incorporate recent statutory changes.

Councilmember Benedetto made a motion to approve the Indian River County Supervisor of Elections' 2024 Municipal Elections agreement. Councilmember Heanue seconded the motion.

All Councilmembers were in favor.

C. Agreement with Complete Cities Planning Group, LLC for land planning services

The Town Manager explained that the Town's longtime planning consultant had recently started her own company, Complete Cities Planning Group. She stated that the proposed agreement mirrored closely the agreement the Town had most recently had with the original firm through which the planner had started to work for the Town.

Mayor Gibbons gave the General Manager of the Orchid Island Golf & Beach Club (Club), Mr. Rob Tench, a chance to express his opinion on the Town's intent to continue with these planners, as some of the review work will regard projects and applications of the Club. Mr. Tench said he had no objection to the Town Council selecting any particular planning firm, stressing that his interest has always simply been to make sure Club projects move along smoothly and expeditiously. Club President Joanne Gulley agreed. Mayor Gibbons appreciated their feedback and assured them that the Town Manager always works closely with the planning consultant and legal counsel to ensure applications are given a thorough, but not overly bureaucratic, review.

Vice Mayor Knapp made a motion to approve the agreement with Complete Cities Planning Group, LLC. Mayor Gibbon seconded the motion.

All Councilmembers were in favor.

D. Evaluation of maintenance options for Town streetlights

The Town Manager gave a brief overview of all the information gathered regarding the Town Council's ongoing interest in evaluating the streetlights and determining any action to be taken in regard to their maintenance, including estimates from cleaning companies and painting businesses, and information from the distributor of the streetlight components.

There was a quick consensus that the best approach to maintenance at this stage was to paint the streetlights in the shade of green requested by the Orchid Island Golf & Beach Club.



Councilmember Benedetto shared that, through personal experience with Surfside Painting and Pressure Cleaning, she could attest that their work is managed and conducted to a high professional standard. Vice-Mayor Knapp agreed that this company was the best choice to both clean and paint the network of 109 Town streetlights, pointing out that the company appeared to intend to prime the entirety of each pole, rather than spot prime as others had suggested.

The Town Manager advised that the quote was based on a paint type specifically requested by the Town to exactly match the paint used by the Club, but that there was feedback from several painters that that paint was not the best choice for this application. She asked to work with the selected painter to determine the best product. Mr. Tench of the Club agreed that finding the optimal paint would benefit both the Town and the Club, which has identical streetlights it maintains.

Vice Mayor Knapp recommended that new cover plates be ordered in the standard color to replace those in the field in disrepair and to ask Surfside Painting and Pressure Cleaning to paint those too, as well as parts in inventory. Mr. Tench of the Club offered to have his maintenance crew assist the Town as needed in regard to transitioning to the preferred custom color. The Town Council was in agreement that any new parts following this project be ordered in the custom color despite related upcharges.

Mayor Gibbons made a motion to move forward with Surfside Painting and Pressure Cleaning to paint the Town's streetlights, allowing the Town Manager discretion regarding the overall cost of the project due to the additional work requested by the Town Council and to find the most appropriate materials for the project.

Councilmember Benedetto seconded the motion.

All Councilmembers were in favor.

- E. Final Approval of landscape plan to previously approved site plan for expansion of the fitness/sporting facilities of the Orchid Island Golf & Beach Club at 2 Orchid Island Drive

The Town Manager reminded the Town Council that when it approved the site plan for expansion of the sporting facilities at 2 Orchid Island Drive (including the "510 commercial property") during the summer, several conditions were placed on the approval. One of these regarded approval by the Town Council of a final landscape plan, including an irrigation plan, as well as a sound attenuation plan. She advised that the irrigation plan was expected to be before the Town Council at the next meeting, but that Mr. Tench had provided a landscape plan and sound attenuation plan shortly in advance of this meeting.

She pointed out that the landscape plan showed only landscaping for the undeveloped 510 commercial property, because landscaping on the existing portion of the site plan (the current fitness and sports court facilities at 2 Orchid Island Drive in residential zoning) would remain unchanged. She added the plan did not address lighting as required by the Code, but that the Club had previously submitted a separate photometric plan already approved by the Town Council. Mayor Gibbons asked Mr. Tench if the remainder of the 510 commercial property, for which no plans had been submitted yet, would be sodded. Mr. Tench confirmed that it would be and that the grass would be neatly maintained. There was comfort among the Town Council to approve the landscape plan without review by a landscape consultant in addition to the review already completed by the Town Attorney.



Mayor Gibbons expressed his satisfaction with the sound attenuation plan, which addressed, very well in his opinion, his previously voiced concerns regarding noise from particularly the pickle ball courts.

Councilmember Heanue made a motion to approve the final landscaping and sound attenuation plans.

Councilmember Benedetto seconded the motion.

All Councilmembers were in favor.

8. Councilmember Matters of Interest and Committee Reports

Mayor Gibbons advised that he intended to approve the application for minor modification of the Golf Clubhouse of the Orchid Island Golf and Beach Club that afternoon. The Town Manager listed the elements of the application, pointing out that all Councilmembers had received copies of the application materials as they were received from September through December. There were no comments or questions from the Town Council.

Mayor Gibbons brought up his observations of myriad violations of the Town's "dogs on the beach" regulations over the holidays, particularly the frequent presence of off-leash dogs during hours when no off-leash dogs are permitted. Vice-Mayor Knapp imparted that he'd been witness to this too and that one such off-leash dog had actually bitten him on the leg. Mayor Gibbons, with deep concern for this incident, asserted that it raised the issue of non-compliance to another level. He remained committed to an educational approach, but felt the Council may be forced to take a more stringent approach if violations continued, particularly because the Town's contracted "educator" on the beach reported that some dog owners refused to comply even when informed of the regulations. The others on the Council agreed. Councilmember Benedetto was aware that at least a portion of the violators were guests of local residents in Town for the holidays. The Town Manager was asked to send an email now and then again in advance of Easter to the community about the regulations and to emphasize that the laws pertain to local guests as much as to any other beachgoer. She was also asked to check on the presence and location of signage pertaining to the dog regulations, which aim to educate visitors entering the beach from outside of the community.

9. Town Staff Reports

The Town Manager gave an update on the progress at the new Town Hall, including regarding wiring, flooring, painting, and the selection of furnishings. The Town Council requested that, before the next meeting, the Town Manager reach out to several commercial real estate agents to obtain proposals for selling the current Town Hall location.

The Town Manager reported that the County's ongoing Sector 3 dune restoration project had reached the point where Golden Sands Beach Park had been closed for mobilization. She stated that the contractor would now head north from the park to connect to the portion of the project already completed from Treasure Shores Beach Park. She added that depending on weather conditions, residents should expect the project to turn south and be active within Orchid towards the end of January.

She next shared information about another beach-related topic, as she'd been asked to research the use of "Tiger Dams" on the beach for the purpose of protecting the dunes during inclement weather. Mayor Gibbons, along with several others including Mr. Tench of the Club,



had been alerted by a local resident to this flood damage prevention system with our dunes in mind. She provided information gathered about the system and listed the reasons why it appeared not to be a good solution for Orchid.

The Town Manager said that, with the release and presentation of the latest audit report, the obligations of Carr, Riggs and Ingram had been fulfilled. She asked the Council whether it would like to consider a second three-year renewal for auditing services from the independent audit firm or was interested in establishing an Audit Committee to conduct a Request for Proposals process. The Town Council was unanimous that Carr, Riggs and Ingram was doing excellent work for the Town and that a renewal to their agreement would be appropriate.

10. Confirmation of the Next Meeting Date and Adjournment

The Mayor reminded everyone that the next Town Council meeting was scheduled for Wednesday, February 7, 2024, at 9 a.m. at the Orchid Island Beach Club.

***Mayor Gibbons moved to adjourn the meeting.
Councilmember Benedetto seconded the motion.***

Town Clerk, Tina Woods, indicated that she had an announcement and then tendered her resignation effective January 18. She had realized that the position was not a perfect fit for her long-term and was concerned that she should not take more of the Town Manager's time to train her further.

Mayor Gibbons suggested that the Town Council discuss the sudden resignation right away. Vice-Mayor Knapp asked whether Ms. Woods would like to step outside for that discussion and Mayor Gibbons emphasized that she was not required to leave the room but would be welcome to do so if that was her own preference under the circumstances. Ms. Woods acknowledged the offer and signaled she would like to leave the meeting. The Town Manager took over note-taking for the minutes.

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

Vice-Mayor Knapp asked for feedback from the Town Manager regarding the Town Clerk's announcement. The Town Manager was also asked for an overview of previous hiring efforts for the position starting from when she herself held the job and what next steps she recommended. Mayor Gibbons requested that Councilmember Benedetto once again assist the Town Manager in the search for a new Town Clerk. She was amenable but recommended the Town Council consider a higher annual starting salary to promote responses from good quality candidates. There was a consensus that a salary up to \$60,000 for a highly qualified candidate was acceptable.

***Mayor Gibbons moved to approve an Interim Town Clerk Agreement for Ms. Stowe with the same terms as the previous such agreement, including those that are financial in nature, with an end date three months following the last day of the current Town Clerk or the hiring of a replacement Town Clerk, whichever is sooner.
Councilmember Benedetto seconded the motion.
All Councilmembers were in favor.***



Mayor Gibbons asked the Town Manager to schedule special meetings of the Council as may be necessary to aid the hiring of a new Town Clerk.

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

The meeting was adjourned at 12:05 p.m.

These minutes were approved by the Town Council at the regular meeting of February 7, 2024, as certified by Cherry Stowe, Interim Town Clerk.

