



Town of Orchid

Wednesday, February 7, 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 9:04 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 & Interim Town Clerk
D. Johnathan Rhodeback, Town Attorney

3. Preliminary matters; Agenda additions, deletions or modifications

There were none.

4. Public Participation

There was none.

5. Consent Agenda

Approval of the Minutes of the regular meeting of January 3, 2024

Councilmember Raphalian moved to approve the meeting minutes of January 3, 2024.

Councilmember Heanue seconded the motion.

All Councilmembers were in favor.

6. Town Council Business

- A. Receipt of reimbursement funds for emergency dune repairs by the Town following Hurricanes Matthew, Irma and Dorian

The Town Manager spoke about the payment of \$978,596.42 the Town received in January from Indian River County for the Town's pro rata share of FEMA and state reimbursement funds toward the Town's cost of the emergency dune repair projects following Hurricanes Matthew,



Irma, and Dorian. She noted that the overall expense of these projects, completed in 2017, 2018, and 2020, totaled \$1,098,255.45. She calculated that the reimbursement meant that the Town's actual share of the cost of these projects now stood at only \$119,695.03, or just 10.9%.

She advised that the Town's auditor found that it was unnecessary to deem the received funds a replenishment of the Town's Local Government Infrastructure Surtax balance following the use of such funds for the Hurricane Matthew dune repair. However, the Town Manager cautioned that FEMA's audit process could result in a so-called "claw back" of funds distributed to the County and that the Town could then be required to pay back its relevant portion of the funds. She emphasized how hard the County had been working directly with FEMA to avoid such a scenario.

Mayor Gibbons proposed utilizing the funds to step up efforts to find alternatives of a more permanent nature to repeated emergency sand placement projects. He expected that vetting and pursuing alternatives would be a multi-year effort. He suggested the Town Council start by hosting a workshop to discuss beach erosion with a variety of stakeholders and consultants, including both contracted coastal engineers, and representatives of the Orchid Island Golf & Beach Club and the local Community Association. Councilmember Heanue recommended that Mr. Michael Sole of the Beach and Shores Preservation Advisory Committee of Indian River County also be approached to participate in the proposed workshop.

Vice-Mayor Knapp agreed that this was a worthwhile endeavor, but added that for the time being the reimbursement funds should be considered part of the Town's general reserves (to be formalized at the budget process in September) and should be maintained until the close of FEMA's audit process.

Councilmember Benedetto expressed it was clear the community couldn't continue to rely on avoiding landfall hurricanes' worst impacts by luck alone. She suggested Representative Brackett be asked to be involved in the Town's efforts.

B. Renewal of agreement with Carr, Riggs & Ingram for independent auditing services

The Town Manager reminded the Town Council that at the last meeting there was a consensus that a renewal of the agreement with the Town's independent auditing firm Carr, Riggs & Ingram (CRI) be sought. She mentioned that the firm had initially been selected following a Request for Proposals process conducted by an Audit Selection Committee and that the Town entered into the original agreement in 2019 for three fiscal year audits. She added that the agreement had since been renewed once already and that this second renewal would cover audits for Fiscal Years 2023-2024, 2024-2025 and 2025-2026.

Mayor Gibbons found CRI to be both competent and responsive. He appreciated particularly that the firm balanced well its independence from the Town and its availability to provide prompt assistance to the Town.

**Mayor Gibbons made a motion to approve the renewal of the agreement with Carr, Riggs & Ingram. Councilmember Benedetto seconded the motion.
All Councilmembers were in favor.**

Mayor Gibbons recessed the meeting for a 5-minute break starting at 9:40 a.m.



C. Realtor proposals for the sale of Town Hall at 7707 U.S. Highway 1, Suite 1

The Town Manager advised that in January she received proposals from six realtors interested in assisting the Town with the planned sale of the Town's current unit at 7707 U.S. Highway 1 following the move of Town Hall to new premises.

Mayor Gibbons found that the recommended sale price was overall similar between the realtors' assessments of value. He highlighted that the property has many attractive attributes, including its location on U.S. Highway 1, its endcap position in the building allowing it to feature ample windows, and its logical interior layout suitable for businesses of a wide variety.

A discussion followed regarding how to select the realtor most attuned to the Town's interest in selling the unit at the right time for the right price. Proctor Kennedy Properties emerged as a favorite based on the submitted materials, after which realtor Louise Kennedy, who was in the audience, responded to questions from the Town Council. For instance, she listed the types of businesses and organizations she thought would be interested in the space. She also explained she had decided to attend the public meeting to demonstrate the partnership the firm would offer the Town and shared its motto of "quietly getting it done".

***Vice-Mayor Knapp made a motion to select Proctor Kennedy Properties for the sale of Town Hall and to authorize the Mayor to execute an agreement with the firm in a form approved by the Town Attorney. Councilmember Heanue seconded the motion.
All Councilmembers were in favor.***

D. Search to fill Town Clerk vacancy

The Town Manager and Councilmember Benedetto provided an update on their ongoing effort to fill the vacant position of Town Clerk. They addressed the way they had adjusted their methodology since the previous search and the results this was yielding. Vice-Mayor Knapp stated that he was eager to find someone likely to stay in the position for a long time. Councilmember Benedetto agreed with that emphasis for the search, but reported that based on the almost 100 resumes she had reviewed, a history of longevity was an increasingly difficult attribute to find. Nevertheless, she and the Town Manager felt good progress had already been made and that several candidates showed real promise. Vice-Mayor Knapp encouraged them to call a special meeting to expedite the hiring process.

Mayor Gibbons brought up that he had arranged an exit interview with the former Town Clerk, who unexpectedly resigned at the last meeting. He relayed that the manner of her resignation had not been meant to cause embarrassment or consternation for anyone, and had instead been thought to be convenient in that everyone was advised at once and at a time that would not "throw off" the course of the meeting. He added that her departure was convivial without negative feelings. He noted that she had been complimentary of the Town Manager's patient and supportive approach to training.

7. Councilmember Matters of Interest and Committee Reports

Vice-Mayor Knapp said that since the last meeting, when he detailed a couple of recent negative encounters with illegally unleashed dogs on the beach, including a biting incident, he had been approached by numerous residents with similar experiences. He suggested that residents ought to be able to report these incidents to the Town, Orchid Island Golf and Beach



Club or Community Association, so that a better overall picture can emerge of continued problems despite the Town's regulations, licensing program, and related educational efforts. There was a consensus these reports should be made to the Town and not be anonymous.

Next, Councilmember Benedetto announced that she would not seek reelection. She shared that it was a difficult decision with which she had wrestled for months in no small part because of her love of the work on the Council. Mayor Gibbons expressed surprise at her decision and said she would be terribly missed. He appreciated her early notice of the decision though, as it may help another resident more easily decide to run for her seat in this year's election.

The Town Manager provided a committee report from the recent Metropolitan Planning Organization's (MPO) Technical Advisory Committee meeting at which the Florida Department of Transportation (FDOT) presented alternative solutions to the increasing problem of congestion on Route 510, including specifically at the busy intersection with U.S. Highway 1. She described two viable alternatives: Alternative 1 - an at-grade solution featuring the addition of multiple lanes to increase the overall capacity of the crossing and Alternative 2 - a flyover solution that would take east- and westbound traffic over the railroad and intersection thereby reducing traffic on the crossing. She mentioned a third alternative noting it was not considered feasible by FDOT, which favors Alternative 1 despite their study indicating that Alternative 2 would yield the best relief of congestion, the longest-term benefit, and a traffic pattern with a lower anticipated accident rate. She stated that Orchid Resident Bill Kennedy, the Town's appointee on the MPO's Bicycle and Pedestrian Advisory Committee, strongly supported Alternative 2 based on the same presentation at that committee's recent meeting. The Town Council discussed the alternatives and based on the preliminary information from FDOT came to a unanimous preference for Alternative 2. The Mayor was encouraged to send a letter on behalf of the Town Council to relevant parties and the Town Manager was asked to prepare an associated resolution for adoption at the next regular meeting.

8. Town Staff Reports

The Town Manager mentioned that Coastal Engineer Steve Boehning had started the first task of the Town's vulnerability assessment, which he had given a preliminary pre-statement on at the last meeting. She reminded the Town Council that the budget for this year did not include the project, but that the unbudgeted expenses would be balanced out by unbudgeted revenues due to the associated Florida Department of Environmental Protection grant.

She provided an update on the streetlight painting project, advising that the work was tentatively planned for mid-March. She added that the contractor requested an additional \$25 per streetlight to seal the cover plates against water intrusion. The Town Council agreed that the additional cost was worthwhile.

The Town Manager advised that House Bill 191, which would permit Orchid to hold public meetings outside of the boundaries of the Town, had successfully cleared all its committees and would next progress to a vote of the Florida House.

9. Confirmation of the Next Meeting Date and Adjournment

The Mayor reminded everyone that the next Town Council meeting was scheduled for Wednesday, March 6, 2024, at 9 a.m. at the Orchid Island Beach Club. Councilmember Benedetto announced she would not be able to attend that meeting.



**Mayor Gibbons moved to adjourn the meeting.
Vice-Mayor Knapp seconded the motion.
All Councilmembers were in favor.**

The meeting was adjourned at 11:49 a.m.

These minutes were approved by the Town Council at the regular meeting of March 6, 2024, as certified by Cherry Stowe, Interim Town Clerk.

