



Town of Orchid

Tuesday, November 14, 2023

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 9:05 a.m.

2. Roll Call

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

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

3. Preliminary matters; Agenda additions, deletions or modifications

There were none.

4. Public Participation

The Town Clerk noted that she had received one Speaker Card and introduced Chris Brock and Tom Lund, new Landscaping Architects with Kimley-Horn of Vero Beach offering their services in Indian River County again, having previously shut down that department.

5. 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 2nd reading of this ordinance which was followed by the Town Clerk reading the title of the ordinance. The Town Manager reminded those present that the Town of Orchid must collaborate with the Florida Department of Emergency Management (FDEM) and the Federal Emergency Management Agency (FEMA) to ensure compliance of its Code of Ordinances with the National Flood Insurance Program requirements.

The Town Manager explained that FEMA and FDEM had adjusted their guidance regarding the definition covering market value included in the Town's Floodplain Management Regulations and had also requested some non-substantive minor clean-up changes being done at the same time. Since the first reading, this ordinance



was reviewed by the Local Planning Agency (LPA), which recommended it for approval, because the LPA agreed with FDEM's requirement to remove the fixed factor from the definition.

The Town Manager explained that she had been in touch with FDEM regarding clarification of which value from the Property Appraiser to utilize for the calculation of market value and was currently waiting for FDEM to finalize the wording in regard to this. The public hearing was opened and when no public participation was forthcoming it was decided by the Council that the hearing should be continued giving FDEM time to get back to the Town Manager with that information.

Vice-Mayor Knapp made a motion to continue the public hearing on Ordinance No. 2023-13 to the Town Council meeting on Wednesday, December 6, 2023 starting at 9 a.m. or shortly thereafter at 1 Beachside Drive in Orchid. Councilmember Raphalian 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 to remove outdated references and focus specifically on provisions pertaining to the practical application of the FBC and Town Comprehensive Plan. The public hearing was opened by Mayor Gibbons, but no comments were received, so the public hearing was closed again.

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

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

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

The Town Clerk gave the 2nd reading of the title of this 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. She brought specific attention to concerns raised by the Local Planning Agency (LPA) regarding the amendments to Code Section 78-8 that expanded the types of projects



affecting an existing site plan that could be approved by the Mayor alone, without being submitted for review by the Town Council. In order to address the LPA's concerns, she suggested additional language that would require the Town Manager to notify the Town Council of an application for a minor modification in advance of its processing, and require the Mayor to consult with the Town Attorney before determining that a project not specifically listed in the section is similar in nature to a listed project and thus eligible to be a minor modification.

The Town Council discussed the LPA's feedback of the ordinance and the proposed language to address the LPA's concerns. Also considered were the legal and ethical implications of the procedures, which had been encoded as far back as 1993. There was comfort among the Councilmembers that no mayor would take the responsibility casually or lightly, and that the added language addressed the LPA's concerns. However, the Council respected the LPA's request to revisit the section with the new wording in place.

The Mayor opened the public hearing and when there was no public input, it was decided to continue the public hearing on this ordinance, giving the LPA time to meet and consider the proposed revisions.

Mayor Gibbons made a motion to continue the public hearing on Ordinance No. 2023-15 to the Town Council meeting on Wednesday, December 6, 2023 starting at 9 a.m. or shortly thereafter at 1 Beachside Drive in Orchid. Councilmember Heanue seconded the motion.

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

- D. Ordinance No. 2023-16: adopts final budget amendment for the Fiscal Year ended September 30, 2023 – 2nd Reading.

The Town Clerk read the title of the ordinance. The Town Manager explained that the main cause for the difference between the budgeted and actual expenditures of the recently ended fiscal year was due to the unanticipated need for an emergency dune repair caused by Hurricanes Ian and Nicole. She pointed out that the revenues had also been updated, since those were also higher than anticipated, thanks to a rise in interest rates as well as the allocation of American Rescue Plan Act Funds to the aforementioned emergency dune repair project. There was no public participation during the public hearing.

Vice-Mayor Knapp made a motion to adopt Ordinance No. 2023-16 on second reading.

Councilmember Benedetto seconded the motion.

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



- E. Resolution No. 2023-13: confirms that the Town of Orchid does not hold fee simple title to real property within its boundaries and thus does not own property appropriate for affordable housing.

The Town Clerk read the title of this resolution. The Town Manager explained that Florida Statutes require every municipality to compile, every 3 years, an inventory list of all the land owned by the municipality that could be used for affordable housing. The list must be reviewed by Council and posted on the Town's website. She explained that the Town of Orchid's list merely indicates that Orchid does not hold fee simple title to any real property within its boundaries. The Mayor opened the public hearing, but no input from the public was received, so it was closed.

Mayor Gibbons made a motion to adopt Resolution No. 2023-13.

Councilmember Raphalian seconded the motion.

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

Councilmember Raphalian..... aye
Mayor Gibbons..... aye
Vice-Mayor Knapp..... aye
Councilmember Benedetto..... aye
Councilmember Heanue..... aye

- F. Resolution No. 2023-14: amends the threshold up to which only one signature is required on a Town issued check.

The resolution's title was read by the Town Clerk. The Town Manager reminded the Council that this resolution was requested by the Council because the upcoming lease checks would exceed the current \$2,000 limit allowed for just one signature on Town checks. Therefore, the Town Council had indicated its intention to increase the maximum amount to \$5,000 to allow the Town Manager to sign those lease checks, as well as other invoice payments, without delay while awaiting a second signature from a Councilmember, especially during the summer months. Councilmember Benedetto confirmed that this resolution keeps the Town Manager's purchasing authority at \$6,000.

Councilmember Raphalian made a motion to adopt Resolution No. 2023-14.

Councilmember Benedetto seconded the motion.

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

Councilmember Raphalian..... aye
Councilmember Heanue..... aye
Councilmember Benedetto..... aye
Vice-Mayor Knapp..... aye
Mayor Gibbons..... aye

- G. Addendum to commercial lease for Town-initiated change pertaining to the build-out for Town Hall at 9301 Highway A1A.

The Town Manager said she had spoken with the Lessor regarding the changes that the Council had requested to the configuration of the large meeting space at the soon-to-be new Town Hall. She reported that the additional cost would be \$2,500. Councilmembers Heanue and Benedetto agreed that it would be better for the access door to swing into the meeting room towards the outer wall instead of how it was shown on Exhibit "A".



***Councilmember Benedetto made a motion to approve the first addendum to the commercial lease, amended to adjust the direction of the door swing.
Vice-Mayor Paul Knapp seconded the motion.
All Councilmembers were in favor.***

6. Councilmember Matters of Interest and Committee Reports

Vice-Mayor Knapp announced that he would not be able to attend the Town Council's December 6 meeting when discussing the streetlight condition is on the agenda, so he wanted to state that in his opinion the streetlights are not in as much disrepair as previously reported by a member of the community at the last meeting. He felt that they could wait until next year to be repainted, but added he was fine if all the other Councilmembers wanted to paint them this year.

7. Town Staff Reports

The Town Manager was excited to announce that the Town's TRIM process had been approved by the Florida Department of Revenue, which confirmed that the Town had complied with State Law in the setting of its current year millage rate and budget.

The Town Manager followed up with the Town Council regarding the work being conducted by ImageNet at the new Town Hall and advised that they would be wiring for two video screens in the large meeting room. She gained confirmation that two large screens should be purchased and installed prior to move-in, which would not cause the increased budget for IT at the new offices approved at the previous Town Council meeting to be exceeded.

8. Confirmation of the Next Meeting Date and Adjournment

Everyone was reminded that the next Town Council regular meeting is scheduled for December 6, 2023 at 9 a.m. in the same location.

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

The meeting was adjourned at 10:25 a.m.

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

