

# ISLAMORADA VILLAGE OF ISLANDS

## AGENDA



### REGULAR VILLAGE COUNCIL MEETING

October 10, 2013

5:30 PM

Islamorada Founders Park Community Center  
87000 Overseas Hwy,  
Islamorada, FL 33036

#### VILLAGE COUNCIL

Ken Philipson, Mayor  
Ted Blackburn, Vice Mayor  
Mike Forster, Councilman  
Deb Gillis, Councilwoman  
Dave Purdo, Councilman

Edward Koconis, AICP, Village Manager  
Ariana S. Lawson, Village Clerk  
Nina Boniske, Village Attorney

Our Mission:

- λ to Protect the Resident's Right to Quiet Enjoyment of Life
- λ to Plan for Enhancing Our "Village" Character
- λ to Preserve Our Community: Its People, Natural Resources, and Pride
- λ to Provide Basic Services to Support Our Quality of Life





**ISLAMORADA, VILLAGE OF ISLANDS  
REGULAR VILLAGE COUNCIL MEETING**

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
Thursday, October 10, 2013  
5:30 PM**

**I. CALL TO ORDER / ROLL CALL**

**II. PLEDGE OF ALLEGIANCE**

**III. PRESENTATIONS AND ANNOUNCEMENTS**

- A. Recognition of Michael McLoad's Service on the Water Quality Improvement Citizens' Advisory Committee
- B. Proclamation – Put It Down Campaign (MCSO Captain Corey Bryan / Fire Chief Terry Abel)

**IV. PUBLIC COMMENT**

**V. AGENDA: Request for Deletion / Emergency Additions**

**VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

**VII. VILLAGE MANAGER REPORTS AND UPDATES**

- A. Report Regarding 90-Day Review of Noise Complaints by Sheriff's Office

**VIII. CONSENT AGENDA**

(All items on the Consent Agenda are considered routine by the Village Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event, the item will be moved to the Main Agenda.)

**A. Minutes:**

**TAB 1**

September 11, 2013 Special Call Village Council Meeting  
(Executive Session: Case No. 13-CV-10121)

September 11, 2013 Special Call Village Council Meeting  
(Executive Session: Case No. 10-CA-334-P)

September 12, 2013 Special Call Village Council Meeting  
(Executive Session: Case No. 10-CA-43-P)

**IX. ORDINANCES**

**X. QUASI-JUDICIAL**

- A.** Application for Five (5) Temporary Use Permits Associated within One (1) Three Day Special Music Event (“Beach Road Trip”) Held at Numerous Venue Locations throughout the Village **TAB 2**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE APPLICATION BY BEACH ROAD TRIP WEEKEND, INC. FOR FIVE (5) SEPARATE TEMPORARY USE PERMITS ASSOCIATED WITH ONE (1) THREE DAY SPECIAL MUSIC EVENT HELD AT NUMEROUS VENUE LOCATIONS THROUGHOUT THE VILLAGE, ALSO KNOWN AS “BEACH ROAD TRIP WEEKEND”, THAT IS ANTICIPATED TO DRAW BETWEEN 250 TO 500 PERSONS AT ANY GIVEN TIME BEGINNING ON NOVEMBER 1, 2013 THROUGH NOVEMBER 3, 2013 ON PROPERTIES LOCATED AT 84457 OLD HIGHWAY ON WINDLEY KEY WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT AS LEGALLY DESCRIBED IN EXHIBIT “A”; 84801 OVERSEAS HIGHWAY ON WINDLEY KEY WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT AS LEGALLY DESCRIBED IN EXHIBIT “B”; 83413 OVERSEAS HIGHWAY ON UPPER MATECUMBE KEY WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT AS LEGALLY DESCRIBED IN EXHIBIT “C”; AND AT WINDLEY KEY FOSSIL REEF GEOLOGICAL STATE PARK AT APPROXIMATELY MM 84.9 OVERSEAS HIGHWAY ON WINDLEY KEY WITHIN THE CONSERVATION (C) ZONING DISTRICT AS LEGALLY DESCRIBED IN EXHIBIT “D”; AND PROVIDING FOR AN EFFECTIVE DATE**

**XI. RESOLUTIONS**

- A.** Resolution Approving Fourth Amendment to Agreement for Professional State Lobbying Consulting Services **TAB 3**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FOURTH AMENDMENT TO PROFESSIONAL STATE LOBBYING CONSULTING SERVICES AGREEMENT BETWEEN WILLIAM J. PEEBLES, P.A. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE PROFESSIONAL STATE LOBBYING SERVICES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FOURTH AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FOURTH AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

- B.** Resolution Approving Employment Agreement between Roget Bryan and the Village to Serve as Village Attorney **TAB 4**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE EMPLOYMENT AGREEMENT BETWEEN THE VILLAGE AND ROGET BRYAN TO**

**SERVE AS THE VILLAGE ATTORNEY; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

**XII. MOTIONS**

**XIII. WASTEWATER MATTERS**

- A. Wastewater Project Update
- B. A Resolution Approving the Purchase and Sale Agreement between Islamorada, Village of Islands, and H&C Islander Resort, LLC for the Acquisition of Property Consisting of Lot 10, Block 9 Stratton’s Subdivision, Islamorada

**TAB 5**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE AND SALE AGREEMENT WITH H & C ISLANDER RESORT, LLC FOR THE ACQUISITION OF PROPERTY CONSISTING OF LOT 10, BLOCK 9, STRATTON’S SUBDIVISION (“PROPERTY”) FOR THE VILLAGE’S WASTEWATER SYSTEM; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PURCHASE AND SALE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER AND OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PURCHASE AND SALE AGREEMENT, AND TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE ACQUISITION AND CLOSING OF THE PROPERTY; AUTHORIZING THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE**

**XIV. MAYOR / COUNCIL COMMUNICATIONS**

- A. Discussion and Direction Regarding Long Dock Variances (Mayor Philipson)

**XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**

- A. Approval of a Resolution of the Village Council Authorizing Partial Settlement of the Litigation Styled *Intercoastal Contracting Corporation v. the Village of Islamorada, Brown & Demandt, P.A., Robert Brown and Donald Hodgetts; Village of Islamorada v. Great American E&S Insurance Company*, Case No. 2006-CA-43-P, 16<sup>th</sup> Judicial Circuit, Monroe County, Florida Approving the Settlement Agreement Regarding Intercoastal’s Breach of Contract Claim against the Village and Professional Negligence Claim against Brown & Demandt, Robert Brown and Donald Hodgetts for the Construction of the Village’s Amphitheater (the “Litigation”)

**TAB 6**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PARTIAL SETTLEMENT OF THE LITIGATION STYLED INTERCOASTAL CONTRACTING CORPORATION VS. THE VILLAGE OF ISLAMORADA, BROWN & DEMANDT, P.A., ROBERT BROWN AND DONALD HODGETTS; THE VILLAGE OF ISLAMORADA VS. GREAT AMERICAN E&S INSURANCE COMPANY CASE NO. 2006-CA-43-P, PENDING IN THE SIXTEENTH JUDICIAL CIRCUIT, AND APPROVING THE SETTLEMENT OF CLAIMS BETWEEN INTERCOASTAL, GREAT**

**AMERICAN AND THE VILLAGE RELATING TO THE VILLAGE'S AMPHITHEATER CONSTRUCTION; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE SETTLEMENT AGREEMENT, RELEASE AND ANY ADDITIONAL DOCUMENTS PERTAINING TO THE SETTLEMENT; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT; TO EXECUTE AND FILE ANY REQUIRED DOCUMENTS WITH THE COURT TO DISMISS CERTAIN PARTIES FROM THE LITIGATION; AUTHORIZING THE EXPENDITURE OF \$135,000.00 FROM THE CAPITAL PROJECTS FUND; AND PROVIDING FOR AN EFFECTIVE DATE**

- B.** Discussion and Direction Regarding the Increase of Annual BPAS Non-Residential Square Footage

## **XVI. ADJOURNMENT**

A limited number of agendas will be available for the public at the time of the meeting. The agenda and backup documentation may be viewed and printed from the Village website at [www.islamorada.fl.us](http://www.islamorada.fl.us) as early as the Monday prior to the meeting.

These meetings are open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Administrative Center and Public Safety Headquarters at 664-6412 at least 48 hours before the scheduled meeting.

Anyone wishing to appeal any decision made by the Islamorada Village Council with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

All video, computer or technical devices that will be used at Council meetings must be given to the Village Clerk 48 hours prior to the meeting.

**Anyone giving out documents during public comment shall provide a minimum of 15 copies to the Village Clerk prior to the start of the meeting.**

Two or more committee members from various Village Committees may be present at this meeting.