



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
December 13, 2012  
5:30 PM**

**I. CALL TO ORDER\ROLL CALL**

Mayor Ken Philipson called the meeting to order at 5:30 p.m. Mayor Philipson introduced Ariana Lawson as the new Village Clerk and requested Ms. Lawson call the roll. The following Council members were present on roll call: Mayor Ken Philipson, Vice Mayor Ted Blackburn, Councilman Mike Forster, Councilwoman Deb Gillis, and Councilman Dave Purdo. Also in attendance were Village Manager Ed Koconis, Village Attorneys Nina Boniske and James White, and all other appropriate personnel.

**II. PLEDGE OF ALLEGIANCE**

Mayor Philipson invited Fred Feitel to lead the Pledge of Allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

**A. Acknowledgement of Five Years of Service by Islamorada Employees**

Village Manager Ed Koconis presented a Certificate of Appreciation to Assistant Dockmaster Tom Sheehan for his five years of service to the Village at the Plantation Yacht Harbor. Certificates of Appreciation will be delivered to Fire/EMS staff Andrew Gamil and Carlos (Charlie) Martin, who were unable to attend.

**B. Acknowledgement of Service on Citizens' Advisory Committees**

Vice Mayor Ted Blackburn commended Brian Lesko for his service on the Near Shore Water Regulation Citizens' Advisory Committee and Claire Carrier for her service on the Parks and Recreation Citizens' Advisory Committee. Certificates of Appreciation will be delivered to Mr. Lesko and Ms. Carrier, who were unable to attend.

**IV. PUBLIC COMMENT**

Mayor Philipson called for public comment. David Makepeace expressed positive comments regarding the planned workshops to address the Village Attorney and Building/Planning Departments.

Bruce Williams announced the sale of solid waste disposal service provider Veolia Environmental Services to Advanced Disposal Services. Larry Barr inquired whether affordable housing residents who have

already paid for their sewer connection hookup would be reimbursed. Ron Levy requested Council consider conducting a cost benefit analysis regarding continued operation of the existing North Plantation Key Wastewater Treatment Plant to utilize the reuse water to irrigate Founders Park and amendment of the wastewater Design, Build, Operate agreement to allow residents in need of grinder pumps to obtain installation services directly from Reynolds rather than independent contractors. Jim Bellizzi inquired whether Village staff has applied for FEMA grant funds to bury utility lines or investigated the possibility of applying for Small County Road Assistance Program funds. Mayor Philipson stated that he would inquire with staff whether any actions had been taken.

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

Councilman Purdo announced the appointment of Debbie Shonyo to the Landscape Advisory Committee, and he wished a happy birthday to Mr. Irving Eyster. Councilman Purdo thanked the Islamorada Chamber of Commerce for an event they sponsored the prior Friday as well as John Sutter and staff for support provided at the event. Councilman Purdo also thanked Bruce Williams for his recent satisfactory response to a complaint regarding solid waste services.

Councilman Forster announced the appointment of Travis Yednak to the Ad Hoc Land Acquisition Advisory Committee.

Mayor Philipson thanked Councilman Purdo for his attendance and participation in the Leadership Monroe County session on December 7, 2012.

Mayor Philipson and Councilman Forster requested that the Presentation by the Water Quality Improvement Citizens' Advisory Committee Chair David Makepeace be moved up in the agenda from its original placement in Mayor/Council Communications to directly follow the Wastewater Matters Monthly Project Report (Tab 1).

## **VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

No Citizens' Advisory Committee updates were presented.

## **VII. VILLAGE MANAGER REPORTS AND UPDATES**

### **A. Status Update on Noise Ordinance Amendments**

Village Manager Koconis reported that staff has reviewed the scope of other municipalities' noise ordinances, discussed effectiveness with other municipalities and determined that the main difference between ordinances is the utilization of a "plainly audible" versus decibel means of measuring noise. Mr. Koconis requested direction from Council regarding any proposed changes to the existing ordinance.

Councilman Forster inquired whether the staff looked at the City of Marathon and City of Key West noise ordinances. Mr. Koconis stated that while Monroe County is considering switching from plainly audible to a hybrid method, the Sheriff's Office expressed the opinion that a plainly audible method is the preferred method with regard to enforcement. Councilwoman Gillis suggested amending the existing ordinance to simply include daytime noise restrictions. Discussion ensued regarding enforcement concerns.

Mayor Philipson called for public comment. Jim Bellizzi suggested reviewing noise level restrictions for vessels in the Florida Statutes. David Law relayed the circumstances of a recent noise incident that affected his residence and suggested that the ordinance be amended to provide for a tool by which law enforcement can measure noise.

## **B. Status Update Regarding U.S. 1 Transportation Concurrency**

Village Manager Koconis reported that the BOCC is moving forward with a county-wide level of service, a concept that the State of Florida indicated would be acceptable. Mr. Koconis stated that staff plans to propose an amendment to the Comprehensive Plan to the Local Planning Agency in January and that any proposed changes related to countywide implementation would be addressed in the Code of Ordinances rather than the Comprehensive Plan. Mayor Philipson called for public comment; there was none.

## **VIII. WASTEWATER MATTERS**

### **A. Monthly Project Report for Period 10/29/12 through 12/02/12**

**TAB 1**

Wade Trim Vice President Tom Brzezinski presented the first of what shall be expanded monthly reports to Council by Wade Trim, as the Owner's Representative, of the previous months' wastewater project activities and a summary of the construction contractor's progress, construction highlights, and a schedule of upcoming events. Mr. Brzezinski noted that the Project Schedule is still being finalized and will be included in a subsequent report.

Councilman Purdo requested a budget be provided to Council as part of each report showing the cost breakdown of owner's representative, design management, construction management, project control and contractor services. Councilwoman Gillis expressed appreciation for the monthly project report, as well as concern that much effort was put into the report. Councilwoman Gillis noted that the format and content of future reports should change as needed.

Councilman Forster brought up a recent email distributed to Council voicing concern by a local contractor that local contractors were not receiving fair consideration in the award of wastewater construction subcontracts under the Design, Build and Operate Agreement. Councilman Forster reported that he met with Wesley Self, Reynolds Water Islamorada, who advised him that local contractors would have the opportunity to bid on future project elements including but not limited to pump station construction, grassing, electrical, landscaping, asphalt paving, concrete curing and formwork. Councilman Forster relayed Mr. Self's agreement to post job availability at both the Village's Public Safety and Administration Headquarters and at Reynolds Water Islamorada's (RWI) local office. Councilman Forster noted that the high insurance coverage requirements may preclude some local contractors from eligibility but are necessary to ensure that the Village and residents are protected. Mayor Philipson suggested that RWI consider streamlining the bid packages to make them more understandable. Councilwoman Gillis suggested local contractors also call RWI's hotline to inquire about job opportunities.

Councilman Purdo inquired whether property adjacent to Fire Station 19 is still being considered as a pump station location. Wastewater Program Manager Greg Tindle confirmed that the location is still under consideration.

Mayor Philipson called for public comment. Larry Barr inquired about the Meridian Community Services Group referenced in the report and about the services they are providing. Mr. Barr also requested the full names of the report reviewers be listed and that the next report address low pressure systems and grinder pumps on Lower Matecumbe Key.

### **B. Resolution Approving the First Amendment to the Design, Build and Operate Agreement between Islamorada, Village of Islands, and Reynolds Water Islamorada, LLC (Adopting Owner Direct Purchase Program)**

**TAB 2**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FIRST AMENDMENT TO DESIGN, BUILD AND OPERATE (DBO) AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS, AND REYNOLDS WATER ISLAMORADA, LLC TO DESIGN, BUILD AND OPERATE THE VILLAGE'S WASTEWATER SYSTEM; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MAYOR TO EXECUTE THE FIRST AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney James White read the title of the resolution. Wastewater Program Manager Greg Tindle delivered the staff report.

Councilwoman Gillis inquired whether the Village would be required to purchase its own insurance on the direct-purchase items. Mr. Tindle stated that staff has received verbal confirmation from the Florida Department of Revenue that current insurance coverage arrangements are adequate, and that staff is currently awaiting written confirmation of this.

Mayor Philipson called for public comment. Greg Matthews suggested that the Village employ a consultant to reach out to package plant owners to encourage them to connect to the system. Mayor Philipson and Councilwoman Gillis expressed interest; Attorney Nina Boniske suggested any direction regarding the issue be made during discussion of general wastewater issues rather than during public comment. Mark Weiss described his experience handling AirVac equipment for the Key Largo Wastewater Treatment District during construction of Key Largo's wastewater system and suggested he would be a qualified individual to do so for the Village. David Makepeace inquired how the \$100,000 minimum threshold to directly purchase materials or equipment was determined. Mayor Philipson requested Mr. Tindle speak to this. Mr. Tindle explained how staff and RWI came to agree on the \$100,000 figure. Ms. Boniske noted that approval of the program creates an administrative expense to the Village. Discussion ensued regarding the approval process, timing, and restrictions.

A motion to adopt the resolution was made by Vice Mayor Blackburn and seconded by Councilwoman Gillis. Village Clerk Ariana Lawson called the roll and the motion passed 5-0.

**C. Presentation by Water Quality Improvement Citizens' Advisory Committee Chair David Makepeace and Request for Direction Regarding Dependent Wastewater Special District (Councilman Forster)**

At the request of Mayor Philipson and Councilman Forster, the presentation was moved up in the agenda from its original placement in Mayor/Council Communications.

Water Quality Improvement Citizens' Advisory Committee Chair David Makepeace narrated a PowerPoint presentation on the merits of forming a Dependent Wastewater Special District. Mr. Makepeace requested Council direct the Committee to either hold a workshop to further discuss formation of a special district, or to cease further exploration of the subject.

Council discussion ensued. Vice Mayor Ted Blackburn recommended holding a workshop to further discuss the subject. Mayor Philipson stated that formation of a special district may have been financially feasible at an earlier stage, but questioned the cost benefits of doing so now. Councilwoman Gillis

commented that special district formation would have been more valuable 1-2 years ago and opined that formation now would not benefit the Village. Councilman Forster stated that he would like to hear more about special district formation at a subsequent workshop. Councilman Forster and Vice Mayor Blackburn expressed concern over the amount of time spent on wastewater matters at Regular Village Council Meetings. Comparisons were made with the Key Largo Wastewater Treatment Special District. Councilwoman Gillis noted that the earliest referendum for an elected special district board could not be held until 2014, with election in 2016, unless a special election is held; and she expressed concern over four-year terms for nominated board members.

Mayor Philipson suggested scheduling a workshop in February 2013. Mr. Makepeace stated that if staff would like to hold a joint workshop with the Water Quality Improvement Citizens' Advisory Committee, the Committee's next meeting is scheduled for January 9, 2013. Councilwoman Gillis requested a copy of the presentation be provided to Council. Attorney Nina Boniske requested Council confirm whether they desire the workshop to be held as a joint meeting with the Water Quality Improvement Citizens' Advisory Committee. Mayor Philipson confirmed that the workshop should be a joint meeting, to be scheduled in February 2013.

- D. Resolution Approving the Second Amendment to the Design, Build and Operate Agreement between Islamorada, Village of Islands, and Reynolds Water Islamorada, LLC (Adopting Property Owner Service Connection Relocation Procedure)**

**TAB 3**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE SECOND AMENDMENT TO DESIGN, BUILD AND OPERATE (DBO) AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS, AND REYNOLDS WATER ISLAMORADA, LLC TO DESIGN, BUILD AND OPERATE THE VILLAGE'S WASTEWATER SYSTEM; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SECOND AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MAYOR TO EXECUTE THE FIRST AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney James White read the title of the resolution. Wastewater Program Manager Greg Tindle delivered the staff report.

Councilman Purdo compared the proposed procedures to those adopted by the Key Largo Wastewater Treatment District and suggested the Village allow property owners to request relocations up to three days prior to local vacuum pit installation. Mr. Tindle and Wade Trim Vice President Tom Brzezinski stated that the intention is to complete the majority of relocations by 60% design phase to avoid impacting the construction schedule and cost, but that later relocations could still be accomplished. Mr. Brzezinski discussed the October 23-24, 2012 Public Meetings, noting that there are currently 35-40 property owners seeking vacuum pit relocations in the Middle and North Plantation Key service areas.

Mayor Philipson called for public comment. Larry Barr spoke regarding wastewater construction complaints and stated that the Village should afford residents time to contact staff to advise them of potential issues. Jim Bellizzi requested staff allow property owners to provide input into the location of vacuum can installations. Stan Margulies expressed positive comments about the proposed Property Owner Service Connection Relocation Procedures and stated that Reynolds Water Islamorada is delivering

a presentation to Venetian Shores residents in January 2013 regarding construction in their neighborhood. Mr. Margulies requested Council consider formation of a Wastewater Special District. David Makepeace expressed support of the proposed Property Owner Service Connection Relocation Procedures and noted that differences between the Village's proposed procedures and those utilized by the Key Largo Wastewater Treatment District may be attributed to restrictions inherent in the different provider agreements. Laraine Cheek spoke regarding the vacuum pit site location for her property and inquired why the connection location she had requested in her wastewater connection survey circa 2008-2009 had not been heeded. Tom Brzezinski, Wade Trim, described how requests were incorporated into the project design and stated that to reduce overall project cost; the design connects multiple homeowners to individual vacuum cans to benefit the community as a whole. Councilman Forster inquired whether there is any remedy for property owners wishing to relocate connections in service areas already at 60% construction completion. Randy Bell, Water Resource Technologies, offered to provide a grinder pump to Mrs. Cheek at no cost as a demonstration station to other property owners. Mrs. Cheek also claimed that she received no notice of when construction would begin in her service area. Mayor Philipson requested Mrs. Cheek schedule an appointment with Wade Trim to discuss relocation options. David Guardino questioned whether design engineers conducted actual field surveys. Hank Paurowski spoke in favor of forming a dependent wastewater special district. Donny Lang stated that the vacuum pit installation for his property has not been sited in a location conducive to the connection he had requested in his wastewater connection survey. Mayor Philipson requested Wade Trim staff meet with Mr. Lang to discuss relocation options. David Makepeace inquired whether property owners in service areas outside Middle Plantation Key would be allowed the opportunity to relocate their connections. Greg Tindle stated that the Middle Plantation Key service area is a unique situation because the design had already been completed prior to the Design, Build and Operate Agreement. Mayor Philipson closed public comment.

Councilwoman Gillis inquired whether connection surveys would be sent out to yet-to-be designed service areas. Tom Brzezinski clarified that the original surveys did not ask where property owners would like their connections to be located but rather where their septic tanks are currently located. Mr. Brzezinski stated that no subsequent surveys will be sent out and that Reynolds Water Islamorada will be conducting field verification of septic tank locations in remaining service areas. Councilwoman Gillis suggested additional outreach to inform property owners of wastewater construction progress and to encourage greater turnout at future Public Meetings. Councilman Purdo inquired whether designs have been updated to include any new construction. Mr. Brzezinski confirmed that design plans are being updated to include new construction as well as opt-outs.

A motion to adopt the resolution was made by Councilwoman Gillis and seconded by Vice Mayor Blackburn. Village Clerk Ariana Lawson called the role and the motion passed 5-0.

- E.** Resolution Approving the Form of Easement Agreement for Wastewater Collection and Transmission Facilities between Property Owners and Islamorada, Village of Islands, and Authorizing the Village Manager to Accept the Easement Interests and Execute the Respective Easement Agreements

**TAB 4**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FORM OF EASEMENT AGREEMENT FOR WASTEWATER COLLECTION AND TRANSMISSION FACILITIES BETWEEN PROPERTY OWNERS AND ISLAMORADA, VILLAGE OF ISLANDS; AUTHORIZING THE VILLAGE MANAGER TO ACCEPT THE EASEMENT INTERESTS, EXECUTE THE RESPECTIVE EASEMENT AGREEMENTS AND ANY ADDITIONAL NECESSARY**

**AGREEMENTS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE EASEMENT AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney James White read the title of the resolution. Wastewater Program Manager Greg Tindle delivered the staff report.

Mayor Philipson noted a change to Exhibit “A” of the Easement Agreement from that which was included in the original Agenda packet. The revised Exhibit “A” was changed to state that the Village would restore pre-existing conditions to the acquired easements. Councilman Purdo inquired what the statutory requirement is for distance between sewer lines and water lines. Wade Trim Vice President Tom Brzezinski stated that the required distance is 3 feet.

Mayor Philipson opened public comment. Jim Bellizzi stated he believes the distance requirement is 10 ft rather than 3 ft., per Monroe County code. Mr. Bellizzi requested the Venetian Shores neighborhood be exempted from the requirements of the proposed Easement Agreement. Mr. Bellizzi circulated a plat map of a portion of Venetian Shores for Council to view. Mr. Bellizzi inquired whether the Village would maintain the easements. Mr. Bellizzi also requested clarification as to the type of equipment the Village might place on easements, and he requested the public recording of Easement Agreements be made mandatory. Doug Rabe requested Reynolds Water Islamorada or the Village, rather than the property owner, bear the responsibility of publicly recording Easement Agreements. With regard to earlier discussion of amending the current noise ordinance, Mr. Rabe opined that more enforcement tools should be provided to law enforcement personnel. Mayor Philipson closed public comment.

Councilwoman Gillis requested staff address the public recording language of the Easement Agreement. Village Attorney Nina Boniske recommended changing language to require the Village to publicly record Easement Agreements, noting that the Village Attorney’s office would have to consult with Reynolds Water Islamorada and the language of the Design, Build and Operate Agreement, and those recordings would be paid for out of the land acquisition allowance budgeted for the project.

A motion to adopt the resolution was made by Councilwoman Gillis and seconded by Councilman Forster. Village Clerk Ariana Lawson called the role and the motion passed 5-0.

**IX. MAYOR / COUNCIL COMMUNICATIONS**

**X. CONSENT AGENDA**

- A. Minutes:  
November 29, 2012 Regular Village Council Meeting

**TAB 5**

A motion to adopt the resolution was made by Councilwoman Gillis and seconded by Councilman Purdo. Village Clerk Ariana Lawson called the role and the motion passed 5-0.

**XI. ORDINANCES**

There were no ordinances.

**XII. QUASI-JUDICIAL**

There were no quasi-judicial items.

### **XIII. RESOLUTIONS**

- A.** Resolution to Approve the First Amendment to the Professional Services Agreement between Islamorada, Village of Islands and Raftelis Financial Consultants

**TAB 6**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN RAFTELIS FINANCIAL CONSULTANTS, INC., AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE RATE AND FINANCIAL OPERATIONS CONSULTING SERVICES FOR THE VILLAGE'S WASTEWATER UTILITY; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FIRST AMENDMENT OF THE AGREEMENT; AUTHORIZING WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney Nina Boniske read the title of the resolution. Finance Director Maria Aguilar delivered the staff report and provided an explanation of the Attorney General's findings regarding competitive bidding, with clarification of the Village's competitive bid procedures. Ms. Aguilar stated that staff is working with the Village Attorney to amend Chapter 2, Article IV of the Village Code, Purchasing Provisions.

Councilman Purdo voiced concern over not utilizing competitive bidding. Vice Mayor Blackburn stated that he felt a waiver of competitive bidding is appropriate and justified in this case to maintain consistency and for the sake of expediency. Councilwoman Gillis, Councilman Forster and Mayor Philipson concurred.

Mayor Philipson called for public comment; there was none.

A motion to adopt the resolution was made by Vice Mayor Blackburn and seconded by Councilwoman Gillis. Village Clerk Ariana Lawson called the role and the motion passed 4-1, with Councilman Purdo voting in opposition.

- B.** Request for Direction from the Village Council Relating to Additional Wastewater Rate Analysis Consulting Services

**TAB 7**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN RAFTELIS FINANCIAL CONSULTANTS, INC., AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE RATE AND FINANCIAL OPERATIONS CONSULTING SERVICES FOR THE VILLAGE'S WASTEWATER UTILITY; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE**



**MANAGER TO EXECUTE THE SECOND AMENDMENT OF THE AGREEMENT; AUTHORIZING WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney James White read the title of the resolution.

Maria Aguilar delivered the staff report and Anthony Hairston, Raftelis Financial Consultants, Inc., provided an explanation of the proposed amendment. Mr. Hairston explained how the original rate analysis would be updated to adapt to the new project schedule established pursuant to the Design, Build and Operate Agreement; reflect the confirmed availability of Everglades restoration bond funds (Mayfield Grant) in 2013 and infrastructure tax funds; and incorporate updated flow data from the Florida Keys Aqueduct Authority. Mr. Hairston stated that the study will culminate in the production of a billing rate structure for North Plantation Key and the Remaining Service Area.

Councilwoman Gillis inquired whether the study would help determine whether the same rates could eventually be charged throughout the Village, regardless of service area. Mr. Hairston stated that the study would help determine whether that would be a possibility.

Mayor Philipson called for public comment. Larry Barr requested clarification of how equivalent dwelling units (EDUs) were determined and asked why condominium EDUs were 0.8 instead of 1.0. Council and staff advised Mr. Barr that the Village had revised its definition of EDUs and changed the condominium EDU to 1.0. Councilman Purdo requested staff advise him at a future date whether equivalent dwelling units would be revised for laundromat facilities operating within the Village. David Guardino requested confirmation that the Village may consider utilizing separate water meters for irrigation and non-household water usage. Mayor Philipson confirmed this. Mayor Philipson closed public comment.

A motion to adopt the resolution was made by Councilwoman Gillis and seconded by Vice Mayor Blackburn. Village Clerk Ariana Lawson called the role and the motion passed 3-2, with Mayor Philipson and Councilman Purdo voting in opposition. Mayor Philipson stated that he would have preferred the item be competitively bid.

- C. Resolution – Approval of the Residential Building Permit Allocation System Ranking and Awards Quarter 4 of 2012** **TAB 8**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORAD, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE RESIDENTIAL BUILDING PERMIT ALLOCATION RANKINGS AND AWARDING RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 4 OF 2012 OF THE BUILDING PERMIT ALLOCATION SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney James White read the resolution. Cheryl Cioffari delivered the staff report. Mayor Philipson called for public comment; there was none.

A motion to adopt the resolution was made by Councilwoman Gillis and seconded by Councilman Forster. Village Clerk Ariana Lawson called the role and the motion passed 5-0.

- D. Approval of a Resolution Approving Legal Services Contract with Campbell & Malafy, Weitz & Luxenberg, P.C.; Levin, Papantonio, Thomas, Mitchell,** **TAB 9**

Rafferty & Proctor, P.A.; Hinkle & Foran, P.A.; Baron and Budd, P.C.; Morgan and Morgan, P.A.; and Beggs & Lane (Collectively “Special Counsel”) to Service as Special Counsel for BP Claims for the Deepwater Horizon Oil Spill

**APPROVAL OF A RESOLUTION APPROVING A LEGAL SERVICES CONTRACT WITH CAMPBELL & MALAFY, WEITZ & LUXENBERG, P.C.; LEVIN, PAPANTONIO, THOMAS, MITCHELL, RAFFERTY & PROCTOR, P.A.; HINKLE & FORAN, P.A.; BARON AND BUDD, P.C.; MORGAN AND MORGAN, P.A.; AND BEGGS & LANE (COLLECTIVELY “SPECIAL COUNSEL”) TO SERVE AS SPECIAL COUNSEL FOR BP CLAIMS FOR THE DEEPWATER HORIZON OIL SPILL**

Village Attorney James White read the resolution. Village Attorney Nina Boniske delivered the staff report.

Vice Mayor Ted Blackburn stated that the Monroe County Board of County Commissioners (BOCC) had directed County staff at their last BOCC Meeting to move forward in a similar manner. In response to an inquiry from Councilwoman Deb Gillis, Ms. Boniske confirmed that Council’s approval would be of the contract in form. Vice Mayor Blackburn expressed his support for the item.

Mayor Philipson called for public comment; there was none.

A motion to adopt the resolution was made by Councilman Purdo and seconded by Councilman Forster. Village Clerk Ariana Lawson called the role and the motion passed 5-0.

**E. Proposed Resolution Establishing an Ad Hoc Solid Waste Services Citizens’ Advisory Committee TAB 10**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE AD HOC SOLID WASTE SERVICES CITIZENS’ ADVISORY COMMITTEE; PROVIDING FOR THE TERM AND COMPOSITION; PROVIDING FOR MEETINGS AND DISQUALIFICATION OF MEMBERS; PROVIDING FOR STAFF PARTICIPATION; PROVIDING FOR GOALS AND OBJECTIVES; PROVIDING FOR DUTIES AND RESPONSIBILITIES; PROVIDING FOR DISSOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney James White read the resolution. Village Manager Ed Koconis delivered the staff report.

Mayor Philipson expressed disappointment that the matter was to be pursued via committee rather than task force. Council discussion ensued.

Mayor Philipson called for public comment. David Makepeace stated that establishing a committee would effectively quash the appearance of impropriety. Mr. Makepeace volunteered his services as a potential committee member. Mayor Philipson closed public comment.

Councilwoman Deb Gillis offered a motion to approve. Councilman Forster seconded the motion. Village Clerk Ariana Lawson called the role and the motion passed 5-0.

The following appointments were announced to the Ad Hoc Solid Waste Services Citizens' Advisory Committee: Councilwoman Gillis appointed Don Achenberg; Vice Mayor Blackburn appointed Dave Boerner; Councilman Forster appointed George Hertel; Councilman Purdo appointed Dick Hagood; and Mayor Philipson appointed David Makepeace.

#### **XIV. MOTIONS**

##### **A. Approval of Regular Village Council Meetings for Calendar Year 2013 TAB 11**

Village Manager Ed Koconis delivered the staff report and requested direction from Council. Mayor Philipson called for public comment; there was none. Council approved the calendar as-is, with direction to amend the schedule as needed if conflicts arise during the year.

#### **XV. UNFINISHED BUSINESS**

##### **A. Set Dates for Workshops to Address Planning/Building Departments and Village Attorney**

Mayor Philipson stated that Mayor Philipson and Vice Mayor Blackburn will be traveling to Washington, D.C. January 22-23, 2013 and perhaps again February 5-6, 2013 to request congressional funding in support of the Village's wastewater implementation project.

Council requested staff schedule the following:

January 11, 2013 – 10:00 a.m. Village Council Workshop to discuss the Planning/Building Departments

February 6, 2013 – 10:00 a.m. Joint Meeting with the Water Quality Improvement Advisory Committee to discuss formation of a Dependent Wastewater Special District

February 8, 2013 – 10:00 a.m. Village Council Workshop to discuss the Village Attorney/Legal Services

Council also requested staff coordinate the Wet-Net groundbreaking ceremony for 9:00 am on Friday, January 11, 2013.

#### **XVI. MAYOR / COUNCIL COMMUNICATIONS**

Vice Mayor Blackburn provided a summary of the Monroe County Board of County Commissioners' recent (BOCC) Meeting regarding the RESTORE Act response and BP oil spill claims. Vice Mayor Blackburn reported that the BP federal trial is scheduled for January 2013, with any settlement taking place before then. Monroe County reportedly anticipates receiving \$5.8-23.3 million in settlement funds, and is considering options for funds distribution to municipalities. Vice Mayor Blackburn referenced a letter dated December 12, 2012 from the City of Marathon to the Monroe County Administrator, advising the County of the City Council's selection of Model #4 with regard to funds distribution committee composition, modified to allow participation by elected officials. Council discussion ensued regarding Village representation on the funds distribution committee. Council agreed to draft a position letter similar to the City of Marathon's for transmission to the County Administrator.

**A. Discussion Regarding Renaming of Stormwater Utility Enterprise Fund  
(Vice Mayor Blackburn)**

Vice Mayor Blackburn reported on his attendance at the Southeast Conference for Climate Change. He recommended renaming the Village's Stormwater Utility Enterprise Fund to allow for broader usage to mitigate the effects of stormwater, storm surge, and sea level rise; and he recommended exploring new funding mechanisms to ensure a significant source of mitigation funds are available when needed. Vice Mayor Blackburn also suggested Council and staff consider establishing controlled anchorages and pursuing pumpout grant funding. Public Works/Parks and Recreation Director John Sutter informed Council that Monroe County Boating Improvement Fund staff has advised the Village that the County intends to offer pumpout services to the Village in the next year or so, with additional information forthcoming in the next 6-9 months. Councilman Forster expressed his support for a pumpout boat program and suggested Near Shore Water Regulation Citizens' Advisory Committee Chair Bob Mitchell make a presentation on the subject at a future Regular Village Council Meeting.

Vice Mayor Blackburn called for public comment. David Makepeace cautioned against the environmental impacts of controlled anchorages.

**XVII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**

Village Attorney Nina Boniske noted that she and Village Manager Ed Koconis are scheduled to participate in all-day mediation in Miami on Tuesday, January 15, 2013 regarding the case of Intercoastal Contracting Corporation v the Village of Islamorada, Brown & Demandt, PA., a Robert Brown, and Donald Hodgetts, Case No. 2006-CA-43-P in the Circuit Court for the 16<sup>th</sup> Judicial Circuit in and for Monroe County, Florida. Ms. Boniske requested an executive session for the case be scheduled prior to the mediation.

Ms. Boniske requested an executive session for the case of Gary Zaret and Jeanne Zaret v Islamorada, Village of Islands, Florida, Case No. 12-AP-8-P in the Circuit Court for the 16<sup>th</sup> Judicial Circuit in and for Monroe County, Florida.

**XVIII. ADJOURNMENT**

A motion to adjourn was made by Councilman Purdo and seconded by Vice Mayor Blackburn. The meeting adjourned at 9:39 p.m.



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Ariana S. Lawson  
Village Clerk

Approved by the Village Council this 10<sup>th</sup> day of January, 2013.