



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

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

I. CALL TO ORDER\ROLL CALL

Vice Mayor Ted Blackburn called the meeting to order at 5:32 pm. Village Clerk Ariana S. Lawson called the roll. The following Council members were present on roll call: Vice Mayor Ted Blackburn, Councilman Mike Forster, Councilwoman Deb Gillis and Councilman Dave Purdo. Mayor Ken Philipson was not in attendance. Also in attendance were Village Manager Ed Koconis, Village Attorneys Nina Boniske and James White, Village Clerk Ariana Lawson, and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Vice Mayor Blackburn invited former Mayor Cathi Hill to lead the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

A. Proclamation

Wounded Warrior Soldier Ride Day – Friday, January 11, 2013

Vice Mayor Blackburn read the Proclamation and presented it to local event organizer Cathi Hill. Ms. Hill thanked the Village in supporting the event in its eighth year in Islamorada and encouraged the public to attend and show their support as well.

IV. PUBLIC COMMENT

Vice Mayor Blackburn called for public comment.

Don Horton, Islamorada, requested the Village authorize the installation of a gate on the Village easement at 139 Gimpy Gulch. Mr. Horton stated that the adjacent property owner, his client, is willing to pay for the gate installation, maintenance and electrical operating costs. Mr. Horton provided a handout depicting the property location and aerial photographs of the property. Vice Mayor Blackburn suggested the Village Council consider the request as an agenda item at a subsequent Regular Village Council Meeting.

Cheryl Culberson, Venetian Shores, expressed concern regarding noise generated by Smugglers Cove and requested an amendment to the Village's existing noise ordinance. Ms. Culberson referenced a recent incident in which the Monroe County Sheriff's Office responded to a complaint lodged by herself.

Lou Quirch, Islamorada, requested the Village more stringently enforce license requirements for vacation rentals. Council requested Village Manager Ed Koconis review the existing vacation rental code requirements and present recommendations for better enforcement at a subsequent Regular Village Council Meeting, including a breakdown of the occupational license fee distribution.

Stanley Margulies, Islamorada, requested the Village more strictly enforce code violations. Dr. Margulies cited a commercial fishing vessel moored in Venetian Shores that he stated had been reported to Village code enforcement but continues to conduct commercial transactions in the neighborhood.

Monroe County Sheriff's Office (MCSO) Captain Corey Bryan offered to assist the Village's code enforcement officials in regulating noise and commercial/occupational licensing.

Councilman Forster recognized MCSO Officer Nelson Sanchez for recently curtailing illegal spearfishing activities in the Village.

Vice Mayor Blackburn closed public comment.

V. AGENDA: Request for Deletion / Emergency Additions

There were no deletions or emergency additions to the agenda.

Councilman Forster made a public announcement regarding an upcoming Relay for Life event in the Village scheduled for April 27-28, 2013.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

Ad Hoc Solid Waste Services Citizens' Advisory Committee Chairperson Dave Boerner presented an update to the Village Council on the three weekly meetings the committee has held thus far. Mr. Boerner stated that the committee's goal is to provide a written report of recommendations for Village Council's consideration in deliberating whether to negotiate a renewal of the Village's existing solid waste services contract or to advertise a Request for Proposals (RFP). Mr. Boerner reported that the committee has evaluated minimum standards under the current contract with regard to the residential and commercial recycling program, yard waste limitations, service schedule and fees; and that they are now beginning to look at the potential for enhanced levels of service. Mr. Boerner reported that the Village's current recycling rate of 15% is lower than Monroe County's and neighboring communities'. He stated that the committee will recommend moving toward automated pickups and providing larger residential recycling containers. Mr. Boerner also stated that a financial incentive may be recommended to encourage increased commercial recycling, citing the success of Lee County, Florida's mandatory commercial recycling fee as an example. He noted that the committee has received input from commercial businesses, but would like to receive additional citizen input. Vice Mayor Blackburn inquired whether the committee has investigated the utility of compressed natural gas (CNG) trucks. Mr. Boerner responded that a CNG approach may add significant cost to solid waste services. Councilwoman Gillis requested the Committee further evaluate CNG and the length of time it would take to recapture the cost of the initial investment. Councilman Purdo expressed satisfaction with the committee's progress.

VII. VILLAGE MANAGER REPORTS AND UPDATES

A. Status Update on Amendment of Noise Ordinance

Village Manager Ed Koconis provided a status update on staff's investigation of noise regulation. Mr. Koconis stated that music generates the largest number of noise complaints in the Village. He reported that the two most commonly used options for measuring noise are decibel meters and a more subjective "plainly audible" standard. Mr. Koconis stated that utilization of decibel meters would require a decision as to whether readings would be taken at the source of the noise or the location of the complaint; and that utilization of the "plainly audible" standard may be complicated by the expanse of water surrounding the Village, over which noise easily carries. Mr. Koconis noted that restrictions on outdoor music may significantly alter the character of many long-standing businesses in the community.

Councilman Purdo suggested staff investigate the effectiveness of plexiglass and soundproof curtains in reducing indoor noise. Councilwoman Gillis expressed a preference for the "plainly audible" standard, noting potential issues with decibel meters including equipment acquisition and maintenance expenses and noise interference from non-offending sources such as the US-1. Councilman Forster spoke in support of decibel meters as appropriate enforcement tools for gauging violations. Council generally agreed that anonymous complaints are problematic, and suggested it may be worthwhile for staff to work directly with the small number of repeat noise offenders to resolve noise issues. Vice Mayor Blackburn requested staff present an amendment to the Village's existing noise ordinance at a subsequent Regular Village Council Meeting.

Vice Mayor Blackburn opened public comment. Larry Barr, North Plantation Key, Don Horton, Islamorada, and David de Haas, Islamorada, encouraged Village Council to establish decibel limits in the noise ordinance and arm law enforcement with the appropriate devices with which to measure noise. Cheryl Culberson, Plantation Key, spoke in favor of "plainly audible" standards and suggested staff research hybrid laws enacted by other beachfront communities.

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:

December 13, 2012 Regular Village Council Meeting

TAB 1

Councilman Purdo made a motion to approve. Councilman Forster seconded the motion. Vice Mayor Blackburn called for all in favor/any opposed. The motion passed 5-0. Vice Mayor Blackburn commended Village Clerk Ariana Lawson on the quality of the Minutes.

IX. ORDINANCES

A. First Reading – Consideration of an Ordinance Amending Chapter 2, Article IV of the Village Code, Purchasing Provisions

TAB 2

Village Attorney James White read the title of the ordinance. Islamorada Finance Director Maria Aguilar delivered the staff report.

Councilman Purdo expressed concern that the Village has waived competitive bidding too frequently. Council discussion ensued regarding the State of Florida Attorney General's recommendations during the State Operational Audit that the Village amend its purchasing regulations to address adding specific

provisions for waiver of competitive bidding and for extension of existing contracts. Ms. Aguilar and Village Attorney Nina Boniske provided additional clarification, noting that the amended regulations would require the provision of very detailed information to Council upon which they may base decisions when considering waivers of competitive bidding.

Vice Mayor Blackburn opened public comment; there was none.

A motion to approve the ordinance was made by Councilwoman Deb Gillis and seconded by Councilman Mike Forster. Village Clerk Ariana Lawson called the roll. The motion passed 4-0.

**B. Second Reading – Future Land Use Map (FLUM) Amendment
FLRZ-12-02 for Barbro LLC**

TAB 3

Vice Mayor Blackburn requested that Tab 5 be moved up in the agenda from its original placement under X. Quasi-Judicial to directly follow Tab 3 since both relate to the same property, and that Tab 6 be similarly moved up to be read following Tab 4. Village Attorney James White accommodated the request by reading the quasi-judicial hearing statement for Tabs 5, 6 and 7, and Village Clerk Ariana Lawson swore in the witnesses. Each Council Member confirmed that they had not been party to any ex parte communications regarding any of the quasi-judicial items.

Mr. White read the title of the ordinance. Senior Planner Kevin Bond delivered the staff report.

Vice Mayor Ted Blackburn noted that conversion of the subject property from conservation to residential is appropriate in this particular case but that, in general, Village Council should keep in mind when considering similar requests in the future that such properties could be used as public conservation easements.

Vice Mayor Blackburn opened public comment. Pete Bacheler, PBD Enterprises, clarified that the same family has owned the property for over forty years.

A motion to approve the ordinance was made by Councilwoman Deb Gillis and seconded by Councilman Mike Forster. Village Clerk Ariana Lawson called the roll. The motion passed 4-0.

**C. Second Reading – Future Land Use Map (FLUM) Amendment
(FLRZ-12-04) for Robert and Kathy Mau**

TAB 4

Village Attorney James White read the title of the ordinance. Planner Shane Laakso delivered the staff report. Vice Mayor Blackburn opened public comment; there was none. A motion to approve the ordinance was made by Councilwoman Deb Gillis and seconded by Councilman Mike Forster. Village Clerk Ariana Lawson called the roll. The motion passed 4-0.

X. QUASI-JUDICIAL

**A. Second Reading – Official Zoning Map Amendment FLRZ-12-02
for Barbro LLC**

TAB 5

Mr. White read the title of the ordinance. Senior Planner Kevin Bond delivered the staff report. Vice Mayor Blackburn opened public comment; there was none. A motion to approve the ordinance was made by Councilwoman Deb Gillis and seconded by Councilman Mike Forster. Village Clerk Ariana Lawson called the roll. The motion passed 4-0.

- B. Second Reading – Zoning Map Amendment (FLRZ-12-04) for Robert and Kathy Mau TAB 6**

Village Attorney James White read the title of the ordinance. Planner Shane Laakso delivered the staff report. Vice Mayor Blackburn opened public comment; there was none. A motion to approve the ordinance was made by Councilwoman Deb Gillis and seconded by Councilman Mike Forster. Village Clerk Ariana Lawson called the roll. The motion passed 4-0.

- C. Second Reading – Zoning Map Amendment (FLRZ-12-01) for a Property Located at Approximately MM 86.5 TAB 7**

Village Attorney James White read the title of the ordinance. Planner Shane Laakso delivered the staff report. Vice Mayor Blackburn opened public comment; there was none. A motion to approve the ordinance was made by Councilwoman Deb Gillis and seconded by Councilman Mike Forster. Village Clerk Ariana Lawson called the roll. The motion passed 4-0.

XI. RESOLUTIONS

- A. Proposal for CityView 2012 Enterprise Application Upgrade TAB 8**

Consideration of the resolution was deferred to the January 24, 2013 Regular Village Council Meeting.

XII. MOTIONS

No motions were made.

XIII. WASTEWATER MATTERS

- A. Wastewater Update**

Wastewater Program Manager Greg Tindle announced the Village Council Joint Workshop with the Water Quality Improvement Citizens' Advisory Committee on February 6, 2013; at 10:00 a.m. Mr. Tindle reported that since the service connection relocation policy was approved at the December 13, 2012 Regular Village Council Meeting, the Village has received forty (40) relocation requests, thirty-two (32) of which have been closed out. Staff is working with Reynolds Water Islamorada to develop a public meeting schedule that will be posted online in the next couple of weeks to keep the public informed about construction in specific areas.

Councilman Forster expressed appreciation for staff assistance with recent wastewater issues on Apache Street, and also for resolution of two wastewater issues discussed during public comment at the December 13, 2012 Regular Village Council Meeting.

- B. Request for Council Direction – Advertisements for Resolution of Intent For Remaining Service Area Second Wastewater Non-Ad Valorem Assessment TAB 9**

Finance Director Maria Aguilar delivered the staff report.

Councilman Forster stressed that the advertised assessment would be for the Remaining Services Areas only; and not the North Plantation Key Service Area. Councilwoman Gillis reiterated that Council is providing direction to advertise only at this time, to preserve the option to levy an assessment in FY 2013-14, and that advertising the assessment does not obligate the Village to enact the assessment.

Vice Mayor Ted Blackburn opened public comment; there was none.

A motion to approve direction for staff to publish the required notice of public hearing advertisements and to prepare a resolution for adoption at the February 14, 2013 Regular Village Council Meeting was made by Councilwoman Deb Gillis and seconded by Councilman Mike Forster. Village Clerk Ariana Lawson called the roll. The motion passed 4-0.

XIV. MAYOR / COUNCIL COMMUNICATIONS

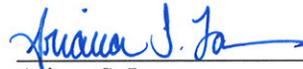
Vice Mayor Blackburn reported that he and Mayor Philipson attended the swearing-in of Congressman Joe Garcia on January 7, 2013, and that Congressman Garcia indicated his support for the Village's wastewater implementation efforts.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Village Attorney Nina Boniske called for an Executive Session for the case of Intercoastal Contracting Corporation, a Florida Corporation, Plaintiff, v. the Village of Islamorada, a Political Entity, Brown & Demandt, PA, a Florida Professional Association, Robert Brown, and Donald Hodgetts, Defendants, in the Circuit Court for the 16th Judicial Circuit, in and for Monroe County, Florida, General Jurisdiction, Case No. 2006-CA-43-P, to be scheduled at the Village Council's convenience.

XVI. ADJOURNMENT

A motion to adjourn was made by Councilwoman Dave Purdo and seconded by Councilman Mike Forster. The meeting adjourned at 7:16 p.m.



Ariana S. Lawson
Village Clerk

Approved by the Village Council this 14th day of February, 2013.