



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
February 14, 2013  
5:30 PM**

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

Mayor Ken Philipson called the meeting to order at 5:30 p.m. The following Council members were present on roll call: Mayor 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, Village Clerk Ariana Lawson, Finance Director Maria Aguilar and all other appropriate personnel.

**II. PLEDGE OF ALLEGIANCE**

Mr. Jean Genet led the Pledge of Allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

Mayor Philipson announced the appointment of Jennifer Cappadona to the Landscape Advisory Committee. He stated that he would request Council direct the Committee at their next Citizens' Advisory Committee Update to work with the Village's Wastewater DBO contractor on landscaping for the planned pump stations throughout the Village.

Councilman Purdo provided an update on the construction status of the new Islamorada Chamber of Commerce building at Founders Park. He announced that anyone interested in purchasing bricks inscribed with their names should contact the Islamorada Chamber of Commerce.

Councilwoman Gillis announced the Islamorada Chili Cook-Off at the Islamorada Moose Lodge February 16-17, 2013.

Vice Mayor Blackburn reported that the Everglades National Park has contacted the Village regarding potential locations to hold a public information session regarding their nearly complete General Management Plan.

*Minutes of  
Regular Village Council Meeting  
February 14, 2013*

**A. Presentation Regarding Operation of Green Turtle Hammock Preserve –  
The Jacoby Group**

Carl Hampp, Florida Executive Director of Jacoby Development, Inc., detailed a proposal on behalf of Jim Jacoby, founding member and CEO of the The Jacoby Group, to open a marine research educational and research facility at the Village's Green Turtle Hammock property.

Councilwoman Gillis made a motion to direct staff to work with The Jacoby Group to develop an Operating Agreement for consideration by Council at a future Village Council Meeting. Council voted all in favor.

**IV. PUBLIC COMMENT**

Mayor Philipson opened up public comment. Ron Levy, Islamorada, requested Council and staff consider how recent pay raises approved for the Key Largo Wastewater Treatment District Board will affect the Village. Larry Barr, North Plantation Key, spoke regarding the Village's permitting process and wastewater repaving with regard to stormwater management. Angel Borden, Islamorada, requested Council direct staff to go out to bid for solid waste services. Mayor Philipson closed public comment.

Councilman Purdo requested as a future agenda item the formation of a charter review committee.

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

Mayor Philipson announced, and Village Attorney James White read the resolution title for, the following emergency addition to the agenda:

Proposed Resolution Establishing an Ad Hoc Planning and  
Development Services Citizens Advisory Committee

Council decided not to assign a staff member liaison unless requested by the Committee.

Mayor Philipson called for public comment; there was none.

Council assigned a final report submission deadline and Committee sunset date of May 9, 2013, and requested staff schedule a Special Call Joint Workshop with the Ad Hoc Planning and Development Services Citizens Advisory Committee and the Local Planning Agency (LPA) no later than May 9, 2013. Cheryl Culberson, LPA member, stated that the May 9, 2013 meeting date should be sufficient for the LPA's participation in the process.

Councilman Forster offered a motion to approve; Vice Mayor Blackburn seconded the motion. The motion passed 5-0.

The following Committee member nominations were made:

Mayor Philipson – Ken Gentes  
Vice Mayor Blackburn – Brett Ekblom  
Councilman Forster – Don Horton, who will be resigning from the LPA  
Councilwoman Gillis – Dave Boerner  
Councilman Purdo – Roger Young

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

### **A. Presentation by Ad Hoc Solid Waste Citizens' Advisory Committee – Chairperson Dave Boerner**

Committee Chairperson Dave Boerner distributed copies of “Report to the Village Council, Islamorada, Village of Islands on the Solid Waste Services Contract” and summarized the Committee’s recommendations. Mayor Philipson requested Council address the recommendations at the February 28, 2013 Regular Village Council Meeting.

Mayor Philipson invited Carolyn Wightman to provide an update on behalf of the Parks & Recreation Citizens' Advisory Committee. Ms. Wightman advised of upcoming events including the Gigantic Nautical Flea Market, Woofstock and Bay Jam. Ms. Wightman stated that the Committee advises Council against the Village authorizing gate installation at any location at Gimpy Gulch, and she expressed support for The Jacoby Group’s proposed plans for the Green Turtle Hammock Park. Vice Mayor Blackburn requested the Committee conduct an inventory of the Village’s public properties and suggest future uses for the properties to Council.

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

At Council’s request, Village Manager Ed Koconis provided a summary to Council of the Village’s current abandoned/distressed properties ordinance and how it differs from and/or is similar to those of other municipalities. Council discussion ensued regarding amendment of the current ordinance and the possibility of registering and conducting monthly inspections of violating properties. Vice Mayor Blackburn suggested the Village explore contracting cleanup and then placing liens on offenders. Councilman Forster stated that might be worth pursuing if it is determined not to be cost-prohibitive. Council directed staff to work with a distressed properties consulting company to determine whether such a project would be cost-effective in the Village.

## **VIII. CONSENT AGENDA**

### **A. Minutes:**

**TAB 1**

December 13, 2012 Special Call Village Council Meeting  
Executive Session

January 10, 2013 Special Call Village Council Meeting  
Executive Session

January 10, 2013 Special Call Village Council Meeting  
Executive Session

January 10, 2013 Regular Village Council Meeting

January 24, 2013 Special Call Village Council Meeting  
Executive Session

### **B. Resolution Approving Assignment and Assumption of Agreement For Solid Waste Collection, Disposal and Recycling Services between the Village and Veolia ES Solid Waste Southeast, Inc. to Advanced Disposal Services Solid Waste Southeast, Inc.**

**TAB 2**

Councilwoman Gillis offered a motion to approve the Consent Agenda. Councilman Purdo seconded the motion. Mayor Philipson called for all in favor. The motion passed 5-0.

## **IX. ORDINANCES**

### **A. First Reading – Proposed Amendment to Noise Ordinance**

**TAB 3**

Village Attorney James White read the title. Village Manager Ed Koconis presented the report.

Mayor Philipson called for public comment.

Dave Feder, Islamorada, demonstrated decibel ranges and discussed various factors influencing sound measurements, including lowness of frequency and proximity of noise source. Mr. Feder recommended the Village use an A-weighted scale at the point of the complaint and that to accurately gauge volume, offending music should be turned off to determine the level of ambient noise prior to measuring the music. Mr. Feder offered the services of Island Community Entertainment (ICE) in conducting a local study if Council so wished. He recommended that the Village spend a couple of months conducting readings throughout the Village, training staff and establishing local decibel baselines for comparison. Mr. Feder noted that any event with a band is currently required to obtain a special events permit, and noise levels around the perimeter of the event should already be checked.

Council discussion ensued over the appropriate dB levels and whether to measure offending noise from the music source of the source of the complaint.

Mayor Philipson again called for public comment. William Mackenzie, Islamorada, stated that unfair music restrictions may drive visitors to other towns in search of music. Cheryl Culberson, Islamorada, cited Air Force base studies on noise restrictions and encouraged Council to enforce the current plainly audible threshold rather than amend the ordinance to utilize a decibel noise measurement system instead. Bernie Kay, Islamorada, and Karen Paxton, Islamorada, spoke in support of establishing time limits in the proposed ordinance amendment. Samuel Maher, Islamorada, reiterated Dave Feder's comments regarding the subjective nature of measuring music and suggested time limits may ameliorate the issue when noise stems from special events.

Doug Young, Manager of Hog Heaven and Whale Harbor, stated that the plainly audible measurement standard does not work. Mr. Young stated that his establishment and others have expended considerable funds complying with the existing plainly audible ordinance, including the installation of reduced amplifiers and noise curtains. He stated that he would be amenable to an 80-90 dB limit at the point of complaint. David Ball, Islamorada, encouraged Council to measure noise at the source. Mayor Philipson closed public comment.

Further Council discussion ensued, after which Council directed staff to bring forward a revised Second Reading of the amended ordinance reflecting the following changes at a future Village Council Meeting: to measure noise from the complainant's property line; not to differentiate between commercial and residential noise; to distinguish between daytime and nighttime dB limits; to use a dBA (no dB-B/C distinction) standard of measurement; to establish 80 dBA as the daytime noise limit; to establish 60 dBA as the nighttime noise limit with the exception of New Year's Year, when the limit would be 80 dBA until 12:30 am; to require special event permits to also comply with each of the aforementioned requirements; to strike the multifamily dwelling exceptions.

Councilwoman Deb Gillis offered a motion to approve; Councilman Mike Forster seconded the motion. The motion passed 5-0.

**B. Second Reading – Consideration of an Ordinance Amending Chapter 2, Article IV of the Village Code, Purchasing Provisions** **TAB 4**

Village Attorney James White read the ordinance title. Finance Director Maria Aguilar presented the report. Vice Mayor Blackburn offered a motion to approve. Councilwoman Deb Gillis seconded the motion. The motion passed 5-0.

**C. Second Reading – Land Development Regulations Text Amendment to Off-Street Parking, Loading and Driveways Standards** **TAB 5**

Village Attorney James White read the ordinance title. Senior Planner Kevin Bond presented the report, noting a change from the First Reading to the Second in the minimum building size requiring a loading space, from 3,000 to 5,000 square feet, for office uses.

Mayor Philipson requested the loading space requirement be changed from 5,000 to 10,000 square feet for office uses, and a change of the minimum building size requiring a loading space from 0 to 10,000 square feet and reducing the loading space size from 10 feet x 50 feet to 10 feet x 25 feet for these uses between 10,000 and 19,999 square feet.

Mayor Philipson called for public comment; there was none.

Councilman Purdo offered a motion to approve as with the amendments proposed by Mayor Philipson. Councilwoman Gillis seconded the motion. The motion passed 4-1, with Vice Mayor Blackburn voting against.

**D. Second Reading – Proposed Code Amendment to Update Sea Turtle Nesting Protection Regulations, Standards and Related Definitions** **TAB 6**

Village Attorney James White read the title of the ordinance. Environmental Planner Susan Sprunt presented the report. Councilwoman Deb Gillis offered a motion to approve. Councilman Dave Purdo seconded the motion. The motion passed 5-0.

**X. QUASI-JUDICIAL**

There were no quasi-judicial items.

**XI. RESOLUTIONS**

**A. Resolution - Approval of Nonresidential Building Permit Allocation System Ranking and Awards Quarter 1 of 2013 (Closed Noon on January 31, 2013)** **TAB 7**

Village Attorney James White read the title of the ordinance. Village Manager Ed Koconis presented the report. Councilman Forster offered a motion to approve. Councilman Purdo seconded the motion. The motion passed 5-0.

**XII. MOTIONS**

No motions were made.

### **XIII. WASTEWATER MATTERS**

#### **A. Wastewater Project Update**

Wade Trim Vice President presented the project update.

Councilman Forster commended the wastewater project progress thus far in his neighborhood. Discussion ensued regarding construction status and the project schedule. Councilwoman Gillis reminded Council of the upcoming February 27<sup>th</sup> & March 5<sup>th</sup> public information wastewater meetings.

Mayor Philipson called for public comment. Larry Barr, North Plantation Key, inquired when notices of sewer system connection deadlines would be reissued to North Plantation Key residents. Village Manager Ed Koconis advised him that staff would seek direction from Council once NPK was fixed. Councilwoman Gillis reminded Council that the ordinance requires connection within thirty (30) days of construction completion in the local vicinity. Mayor Philipson closed public comment.

Vice Mayor Blackburn agreed with Ron Levy's earlier comment that the Village should be vigilant in protecting the Village against escalating costs related to operational increase by the Key Largo Wastewater Treatment District (KLWTD) Board, but he recommended proceeding with care in the interest of preserving the Village's working relationship with the KLWTD.

#### **B. Resolution of Intent for Levy of a Second Wastewater Non-Ad Valorem Assessment in the Remaining Service Area**

**TAB 8**

Village Attorney James White read the resolution title. Finance Director Maria Aguilar presented the report.

Councilman Forster requested the Exhibit B legal description be revised to more clearly exclude NPK Phases I & II. Village Attorney Nina Boniske advised Council that the Notice of Intent as-is is legally sufficient and meets the statutory requirements to get on the tax bill.

Mayor Philipson called for public comment; there was none.

Councilwoman Deb Gillis offered a motion to approve; Councilman Dave Purdo seconded the motion. The motion passed 5-0.

### **XIV. MAYOR / COUNCIL COMMUNICATIONS**

Mayor Philipson invited Councilman Forster to open discussion. Councilman Forster requested Council discuss the Village Manager's contract at the February 28, 2013 Regular Village Council Meeting and determine how to proceed with conducting the Village Manager's annual evaluation. Discussion ensued regarding evaluation procedures. Village Attorney Nina Boniske advised Council that a written evaluation is not required and that oral evaluations would suffice. She also reminded Council that changes to the Village Manager's contract must be agreed upon bilaterally and that contract amendments may be proposed at any time.

Vice Mayor Blackburn further detailed the Everglades National Park's General Management Plan efforts. Councilman Forster noted that the size of the Community Center may not be sufficient to accommodate the expected turnout at the public meeting.

Mayor Philipson advised Council that Governor Rick Scott will be attending an event at the Islander's Florida Conference Center on March 14, 2013 and that the Mayor has invited the Governor to attend the Regular Village Council Meeting scheduled for that night.

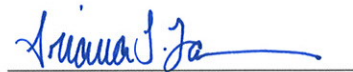
**XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**

Village Attorney Nina Boniske requested a Village Council Meeting Executive Session pursuant to Chapter 286, Florida Statutes, for 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 reported that Village Attorney Michael Popok and Councilwoman Gillis attended a hearing for two of five currently pending summary judgment motions, at which Judge Garcia ruled in the Village's favor in one case. She stated that Judge Garcia continues to review the motion in the other case. Ms. Boniske stated that she would brief each of the Council members individually within the coming week and reminded Council of an upcoming Village Council Meeting Executive Session scheduled for February 28, 2013 at 3:30 pm regarding the case of Intercoastal Contracting Corporation v the Village of Islamorada, Brown & Demandt, P.A., Robert Brown and Donald Hodgetts, Case No. 10-CA-334-P. Vice Mayor Blackburn thanked Councilwoman Gillis and Mr. Popok for their efforts.

**XVI. ADJOURNMENT**

Councilman Purdo offered a motion to adjourn; Vice Mayor Blackburn seconded the motion. Council voted All in Favor. The meeting adjourned at 8:36 pm p.m.



Ariana S. Lawson  
Village Clerk

Approved by the Village Council this 14<sup>th</sup> day of March, 2013.