



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
February 28, 2013
5:30 PM**

I. CALL TO ORDER\ROLL CALL

Mayor Philipson called the meeting to order at 5:30 pm. 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, Village Clerk Ariana Lawson, and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Former Mayor Don Achenberg led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

**A. Proclamation
American Red Cross Month – March 2013**

Vice Mayor Blackburn presented the proclamation to Red Cross Representative Ted Cudnick.

B. Presentation by Bill Peebles Regarding State Legislative Priorities

Bill Peebles presented the Proposed State Legislative Priorities for 2013 to Council.

Monroe County Commissioner David Rice and Monroe County Administrator Roman Gastesi discussed the Mayfield Grant Funds Interlocal Funding Distribution Agreement for “Year Two of Four,” providing a brief history of the establishment of the grant and the county-wide distribution of funds.

Vice Mayor Blackburn Expressed concern over the perceived inequitable distribution of funds, particularly with regard to funding the Key Largo Wastewater Treatment District would be receiving for the capacity upgrade for which the Village is paying a significant portion. He stated his understanding that the Mayfield Grant was never intended to support wastewater implementation in the City of Key West or the Florida Keys Aqueduct Authority. Mr. Gastesi

*Minutes of
Regular Village Council Meeting
February 28, 2013*

stated his belief that the non-inclusion of Key West in the original Mayfield Grant documentation was a scrivener's error, noting that the grant was intended to benefit the Florida Keys Area of Critical State Concern, within which Key West is located. He stated that the County intends to meet with representatives of each municipality in May/June 2013 to discuss how to equitably distribute the outstanding balance of outside funding granted county-wide.

Councilwoman Gillis objected to the language in Tab 5, Exhibit "A", paragraph 4(c) on page 4 of 15 of the Interlocal Funding Distribution Agreement for "Year Two of Four."

Councilman Forster voiced his desire to see the Key Largo Wastewater Treatment District voluntarily assist the Village with the capacity purchase utilizing a portion of the Mayfield Grant funding they would receive in Year Two. He also stated that Islamorada needs a voice at the table with regard to the distribution of the remaining grant funds, citing the gas tax matrix as an example, wherein Islamorada receives 18% of the total funds, corresponding to the Village's actual percentage of the County population.

Erin Muir, Legislative Assistant to Representative Holly Raschein, shared a letter from the Representative to the Mayor and Council, dated February 28, 2013. On behalf of Representative Raschein, Ms. Muir urged Council to approve the Interlocal Funding Distribution Agreement for "Year Two of Four." Ms. Muir advised Council that Representative Debbie Mayfield suggested at the recent Cudjoe Key groundbreaking ceremony that the State release more than \$50M in bond funding in FY13, as Mayor Philipson had recently suggested to Representative Raschein.

Mr. Gastesi provided clarification of the City of Key West's utilization of Mayfield Grant funding for stormwater infrastructure.

Mayor Philipson requested Council consider Tab 5 at this time (Mayfield Grant Funds Interlocal Distribution).

Upon completion of Tab 5, Council resumed discussion of the Proposed State Legislative Priorities for 2013. Councilwoman Gillis suggested 1) requesting an additional 100 hotel unit allocations from the State, 2) pursuing grants and/or legislative appropriations to assist package plant owners and residents in connecting to central sewers, and 3) removing the square footage restrictions from commercial zoning in order to provide economic relief to private owners with package plant easements on their property.

Councilwoman Gillis offered a motion to approve the Proposed State Legislative Priorities for 2013, with the addition of Councilwoman Gillis' recommendations. Mayor Philipson called for all in favor/any opposed. The motion passed 5-0.

IV. PUBLIC COMMENT

Claire Johnson, Islamorada, thanked Council and staff for allowing the Upper Keys Rotary Club to use Founders Park for the recent Gigantic Nautical Flea Market. Frank Hawkins, 102 Pelican Road, Tavernier, also thanked Council for allowing the Upper Keys Rotary Club to use Founders Park for Gigantic Nautical Flea Market, as well as John Sutter and Captain Corey Bryan for their support services. He reported that the event grossed \$212,000, the bulk of which would be granted to local students for college scholarships. Mr. Hawkins also spoke in support of

renegotiating the solid waste services contract with Advanced Disposal Services, Inc. Mayor Philipson closed public comment.

Councilman Purdo and Councilwoman Gillis requested those in attendance keep the Eyster family in their prayers as Mrs. Eyster recovers from a recent life-threatening incident. Councilman Purdo thanked Fire/EMS staff for their efficient response to the incident.

Councilman Forster announced the opening of the public review period for the Everglades National Park Draft General Management Plan. Councilman Forster directed interested individuals to the Park's website for additional information and the submission of comments.

Councilman Purdo suggested that the March 14, 2013 Regular Village Council Meeting be abbreviated to accommodate Governor Rick Scott's attendance at a local fundraiser scheduled for the same night. Mayor Philipson stated that the Governor may be attending the Regular Village Council Meeting that night and that the meeting would be shortened accordingly.

Councilman Purdo thanked the student volunteers for their participation in the Upper Keys Rotary Club's Gigantic Nautical Flea Market.

V. AGENDA: Request for Deletion / Emergency Additions

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

Ad Hoc Planning and Development Services' Citizens Advisory Committee member Dave Boerner advised the Council that the Committee would be hosting a charette-style public meeting on Thursday, March 7, 2013. Mr. Boerner encouraged public participation at the meeting.

A. Report by Ad Hoc Solid Waste Services Citizens' Advisory Committee – Chairperson Dave Boerner TAB 1

Chairperson Dave Boerner summarized the recommendations contained in Attachment "B" to the Resolution, entitled "Report to the Village Council, Islamorada, Village of Islands on the Solid Waste Services Contract from the Ad Hoc Solid Waste Services Citizens' Advisory Committee" and dated January 14, 2013.

Mayor Philipson commended the report. He noted that the Village would not likely be able to replicate Lee County's reuse of building materials. He also suggested staff take franchise fees into account in developing a Request for Proposals (RFP). Mr. Boerner stated that the Village may need to increase the portion of the franchise fee currently allocated for staff salaries to accommodate an increase staff effort commensurate with increased recycling efforts by the Village. He discussed the control and regulation of commercial recycling providers.

Vice Mayor Blackburn stated that the failure of the Village to regulate commercial recycling would result in the loss of revenue to the Village. Mr. Boerner noted that Miami-Dade County does not allow unlicensed recyclers to pick up recycling materials.

Councilman Forster agreed with the Committee's recommendations for commercial mandatory recycling, but stated that as a local business owner he would like to have the freedom to choose his recycling provider. Mr. Boerner responded that most communities with mandatory

commercial recycling allow businesses to choose whether they wish to use a franchised hauler, licensed recycler, or self-haul recyclable materials. Councilman Forster inquired as to the cost of mandatory commercial recycling enforcement. Mr. Boerner stated that the Village would initially need to invest in additional staff effort to implement increased recycling efforts.

Councilman Purdo objected to the Committee's use of Lee County as a model for solid waste and recycling management, and to the potential implementation of mandatory commercial recycling and the utilization of compressed natural gas (CNG). Mr. Boerner stated that CNG is commonly used in municipal buses and is safer than the common SCUBA tank.

Don Achenberg, Committee member, advised Council that the State of Florida requires the Village to show a 75% recycling rate for solid waste by 2020. Mr. Achenberg urged the Council to consider the Committee's recommendations and provide direction to staff accordingly.

David Makepeace, Committee member, thanked Council for the opportunity to participate in the solid waste service review process. He noted that the Village could authorize an opt-out fee for non-participation in the commercial recycling program.

Councilwoman Gillis voiced her favor for mandatory commercial recycling with reasonable penalties for non-compliance.

John Sutter, Director of Public Works & Parks and Recreation, reminded Council that the current solid waste services agreement expires September 2013, and requested explicit direction with regard to contract renegotiation versus issuance of a Request for Proposals (RFP).

Mayor Philipson called for public comment. Greg Sullivan, Senior District Manager, Waste Management, Inc., related the City of Key West's experience with solid waste recycling efforts. Cheryl Culberson, Islamorada, spoke in favor of rolling carts and recommended Council hold a Special Call Workshop to discuss the topic further. Angel Borden, Islamorada, read a statement to Council regarding the Village's current solid waste service provider's reporting record to Monroe County and the State of Florida. Mayor Philipson closed public comment.

Council requested staff schedule a Village Council Workshop to further discuss the Committee's recommendations on Friday, March 15, 2013, at 3:00 pm, to be followed by a Special Call Meeting to allow Council to provide direction to staff with regard to renegotiation of the solid waste services contract versus advertisement of an RFP.

VII. VILLAGE MANAGER REPORTS AND UPDATES

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 2

January 11, 2013 Special Call Village Council Workshop

*Minutes of
Regular Village Council Meeting
February 28, 2013*

January 24, 2013 Regular Village Council Meeting

February 8, 2013 Village Council Meeting
Executive Session (Case No. 2006-CA-43-P)

Councilman Purdo made a motion to approve. Councilwoman Gillis 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 – Ordinance Exempting Qualified Seniors Under Constitutional Amendment VII **TAB 3**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, (THE “VILLAGE”) AMENDING ARTICLE II OF CHAPTER 54 OF THE VILLAGE CODE, CREATING A NEW SECTION 54-32 RELATING TO AD VALOREM TAXATION TO PROVIDE FOR AN ADDITIONAL HOMESTEAD EXEMPTION FOR CERTAIN QUALIFYING SENIOR CITIZENS; GRANTING AN ADDITIONAL HOMESTEAD TAX EXEMPTION EQUAL TO THE ASSESSED VALUE OF HOMESTEAD PROPERTY IF THE PROPERTY HAS A JUST VALUE LESS THAN \$250,000 TO AN OWNER WHO HAS MAINTAINED PERMANENT RESIDENCY ON THE PROPERTY FOR NOT LESS THAN 25 YEARS, WHO HAS ATTAINED AGE 65, AND WHO HAS A LOW ANNUAL HOUSEHOLD INCOME AS DEFINED BY GENERAL LAW; PROVIDING FOR THE VILLAGE CLERK TO DELIVER A COPY OF THIS ORDINANCE TO THE MONROE COUNTY PROPERTY APPRAISER; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Nina Boniske read the title of the ordinance. Finance Director Maria Aguilar presented the staff report. Councilman Purdo made a motion to approve. Councilman Forster seconded the motion. The motion passed 5-0.

- B. First Reading – Amendment to Floodplain Management Standards Ordinance **TAB 4**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 6 “BUILDINGS AND BUILDING REGULATIONS,” ARTICLE III “FLOODPLAIN MANAGEMENT STANDARDS” OF THE CODE OF ORDINANCES TO PROVIDE FOR UPDATES AND

CHANGES CONSISTENT WITH FEDERAL EMERGENCY MANAGEMENT AGENCY REQUIREMENTS AND STANDARDS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Nina Boniske read the title of the resolution. Senior Planner Kevin Bond presented the staff report. Councilwoman Gillis made a motion to approve. Councilman Purdo seconded the motion. The motion passed 5-0.

X. QUASI-JUDICIAL

There were no quasi-judicial items.

XI. RESOLUTIONS

- A. Consideration of Mayfield Grant Funds Interlocal Funding Distribution Agreement for “Year Two of Four”**

TAB 5

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE MONROE COUNTY STATE WASTEWATER FUNDING DISTIRUBITON AGREEMENT FOR “YEAR TWO OF FOUR”; 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; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

Village Manager Ed Koconis presented the staff report.

Mayor Philipson called for public comment. Robby Majeska, Key Largo Wastewater Treatment District (KLWTD), encouraged Council to ratify the agreement. He stated his personal opinion that funding distributions going forward should be based on the percentage of tax payers in each municipality and should take sales tax dollars into consideration as well. David Guardino, Islamorada, stated that the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers grant funding the Village agreed to release to other municipalities when the Village could not previously used the funds in the allotted time should also be taken into consideration during discussion of future total grant funding distributions. David Makepeace, Islamorada, suggested requesting the Legislature release \$75 million in Years 2 and 3 rather than \$100 million in Year 2. Mayor Philipson closed public comment.

Village Attorney Nina Boniske read the title of the resolution. Councilwoman Gillis offered a motion to approve; Vice Mayor Blackburn seconded the motion. The motion passed 5-0.

B. Appointment to Monroe County RESTORE Act Advisory Committee

TAB 6

Village Attorney Nina Boniske read the title of the resolution. Village Manager Ed Koconis presented the staff report. Mayor Philipson called for public comment; there was none. Councilwoman Gillis made a motion to nominate Vice Mayor Blackburn to serve as the Village's Committee representative and to approve the resolution accordingly. Councilman Forster seconded the motion. The motion passed 5-0.

XII. MOTIONS

No motions were made.

XIII. WASTEWATER MATTERS

A. Wastewater Project Update

Wastewater Program Manager Greg Tindle presented the staff report. Mr. Tindle reported on the February 27, 2013 public meeting held in conjunction with the Florida Department of Environmental Protection and the Monroe County Health Department. Mr. Tindle also apprised Council of upcoming public meetings on March 5, 2013 to discuss South Plantation Key pre-design; on March 21, 2013 to discuss Windley Key pre-design; and on March 19, 2013 to discuss construction plans and communications with the Key Largo Wastewater Treatment District.

Councilman Purdo requested staff provide Council an estimated monthly rate for commercial properties. Mr. Tindle advised Council that Raftelis Financial Consultants is currently updating the rate structure to be provided to Council at the March 28, 2013 Regular Village Council Meeting. Councilman Purdo inquired as to the status of the North and Middle Plantation Key full overlays. Mr. Tindle stated that Reynolds Water Islamorada is currently evaluating full overlay designs and costs. Tom Brzezinski stated that Reynolds Water Islamorada's 50% design submittal, including North and Middle Plantation Key overlays, are scheduled to be finalized in mid-April, at which time staff will review the costs and present them to Council if fair and reasonable.

Mayor Philipson called for public comment; there was none.

B. Monthly Project Report for the Period 12/31/12 thru 01/27/13

TAB 7

Wade Trim, Inc. Vice President Tom Brzezinski presented the report.

C. Communication to all Village Council: No Selectivity (Vice Mayor Blackburn)

Vice Mayor Blackburn requested Council adhere to the established process for handling customer complaints related to the wastewater project. He requested staff explain the process by which wastewater project customer complaints are addressed. Greg Tindle explained how construction-related complaints are initially registered with Reynolds Water Islamorada, and then any

unresolved issues should be directed to Mr. Tindle. He stated that all customer complaints are logged.

XIV. MAYOR / COUNCIL COMMUNICATIONS

A. Discussion Regarding Village Manager's Contract and Evaluation

Councilman Forster initiated the discussion. Councilman Forster stated that he would like to strike Sections 16.3 and 16.4 from the Village Manager's Employment Agreement. Mayor Philipson stated that he sees no need for the removal of the sections, but stated that he would support the will of the Council. Vice Mayor Blackburn opined that the title of Director of Planning and Development Services is no longer necessary. Councilwoman Gillis stated that she felt the two separate titles are valid and should remain as is. Councilman Purdo expressed his discomfort with Ed Koconis serving in the capacity as both Village Manager and Director of Planning and Development Services.

Mr. Koconis stated that a factor in the previous Council's acceptance of the current Employment Agreement language was the savings of over \$100,000 in salary resulting from the combination of the two positions. Mr. Koconis stated that he would not like to change the Agreement. Council discussion ensued.

Village Attorney Nina Boniske advised Council that if the Village Manager does not agree to any proposed revisions, Council has the option to terminate the Employment Agreement.

Council agreed to conduct the Village Manager's Performance Evaluation at the March 28, 2013 Regular Village Council Meeting. Council agreed to select an evaluation from the samples previously provided by staff, and to forward their completed evaluations to the Village Clerk for redistribution to the rest of Council prior to the March 28th meeting. Council also agreed to determine at that meeting whether they would like to pursue amending the Employment Agreement.

B. Discussion Regarding Charter Review Committee – Councilman Dave Purdo

Councilman Purdo suggested the formation of a five-person Charter review committee to consider Charter amendments with regard to staggered terms for Council member, elimination of Council member seat designations, and pay raises for Council.

Village Attorney Nina Boniske advised Council can present Charter amendments for referendum without the formation of review committee. She stated that Council could approve an ordinance authorizing Council member salary increases now, but it wouldn't go into effect until approved in the November 2014 general election.

Council agreed, with the exception of Councilman Purdo, that they would prefer to see a cost of living increase rather than a salary increase for Council members. Mayor Philipson suggested Council wait until the Ad Hoc Planning and Building Services Committee completes their tasks before forming a six-week Charter review task force.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Village Attorney Nina Boniske requested executive sessions for pending litigation in the following cases:

Paul Bates and Coconut Cove Resort & Marina, Inc. v City of Islamorada, Village of Islands, Case No. 07-CA-583-P in the Circuit Court of the 16th Judicial Circuit in and for Monroe County, Florida.

Paul Bates and Coconut Cove Resort & Marina, Inc. v City of Islamorada, Village of Islands, Case No. 07-CA-582-P in the Circuit Court of the 16th Judicial Circuit in and for Monroe County, Florida.

Paul Bates, Appellant, v William Wagner, III and Department of Financial Services, Division of State Fire Marshal, State of Florida, Appellees, Case No. 3D12-3179 / L.T. Case No. 128015-12-FM in the 3rd District Court of Appeal in and for the State of Florida.

Paul Bates and Coconut Cove Resort & Marina, Inc. v Islamorada, Village of Islands and Fire Chief William Wagner, III, Case No. 11-CA-389-P in the Circuit Court of the 16th Judicial Circuit in and for Monroe County, Florida.

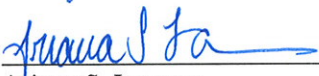
Ms. Boniske also noted that a court-ordered mediation is currently scheduled for March 25, 2013

Village Manager Ed Koconis summarized the 2013 Federal Agenda from Alcalde & Fay and inquired whether Council would like to add any priorities. Councilwoman Gillis suggested Alcalde & Fay investigate non-income restrictive federal grant funding to assist individuals with residential wastewater connections. Mayor Philipson suggested searching for grant funding to combat obesity.

Mr. Koconis also briefly summarized the items slated for review at the March 14, 2013 Regular Village Council Meeting.

XVI. ADJOURNMENT

A motion to adjourn was made by Councilman Purdo and seconded by Councilman Forster. The meeting adjourned at 8:56 p.m.


Ariana S. Lawson
Village Clerk

Approved by the Village Council this 28th day of March, 2013.