



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

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

I. CALL TO ORDER\ROLL CALL

Mayor Ken 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 and James White, Village Clerk Ariana Lawson, Finance Director Maria Aguilar, Wastewater Program Manager Greg Tindle, Chief Building Official Gerry Albertson, Public Works/Parks and Recreation Director John Sutter, and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Bob Mitchell led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

- A. Proclamation**
Child Abuse Prevention Month – April 2013
- B. Proclamation**
Water Conservation Month – April 2013

Mayor Philipson read the proclamations for Child Abuse Prevention Month and Water Conservation Month.

Mayor Philipson also announced the resignation of Committee Member Bob Johnson from the Landscape Advisory Committee and nominated Shelby Heeter as his replacement.

Councilman Dave Purdo requested discussion of agenda item XII.A. Staff Pay Adjustments be deferred to the April 11, 2013 Regular Village Council Meeting.

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Regular Village Council Meeting
March 28, 2013*

IV. PUBLIC COMMENT

Mayor Ken Philipson called for public comment. George Paul inquired whether the flow chart for sewer hookup and decommissioning was complete. Larry Barr spoke regarding wastewater assessments for condominiums and North Plantation Key. David Makepeace commented on Council's business practices. George Scott requested Council authorize street resurfacing on South Coconut Palm, and spoke regarding the purchase of a vacuum trailer and other sewer expenses. Barry Wray spoke about the Florida Keys Environmental Coalition and requested permission to present a formal proposal to Council. Council consented to Mr. Wray collaborating with the Village Manager to have the proposed item placed on a future agenda. Angel Borden expressed concern over the time necessary for reestablishment of the Ad Hoc Solid Waste Services Citizens' Advisory Committee. David Makepeace, Chairperson, Water Quality Improvement Citizens' Advisory Committee (WQICAC), invited Barry Wray to make his presentation at the May 2013 WQICAC Meeting. Mayor Philipson closed public comment.

V. AGENDA: Request for Deletion / Emergency Additions

There were no deletions or emergency additions to the agenda.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

A. Workforce Affordable Housing Citizens' Advisory Committee

Committee Member Keith Douglass provided an update to Council on the behalf of the Workforce Affordable Housing Citizens' Advisory Committee, presenting a list of the Committee's goals with regard to agenda item XI.C (Tab 8). Councilman Mike Forster inquired what the Wet Net unit rental rates are. Committee Chairperson Barry Wray commented on the eligible median income amount. Councilman Forster requested Mr. Wray provide a rate summary to the Village Clerk for distribution to Council. Councilwoman Deb Gillis referenced recent conversation with Hana Eskra, Gorman and Company, in which Ms. Eskra stated that the developer was interested in pursuing another property for the development of affordable housing units for the next higher income level.

Chairperson Bob Mitchell presented an update to Council on behalf of the Near Shore Water Regulation Citizens' Support Committee. Mr. Mitchell advised Council that the Committee is investigating the possibility of participation in a prop scar restoration program partially funded by community resources. He requested Council authorize discussion of shared project funding with the Village Manager, stating that the Village is precluded from participation in Monroe County's pumpout funding agreement but that the Clean Vessel Act fund from the State could fund approximately 75% of project costs should the Village choose to undertake such a project. Mr. Mitchell also stated that the Committee recommends replacement of missing buoys out to 1,200 feet in Whale Harbor. Council directed staff to discuss prop scar funding with the Committee and bring the item back to Council for consideration at the April 11, 2013 Regular Village Council Meeting. Council also directed staff to contact the Monroe County Administrator to request the County replace missing buoys outside of the Village's jurisdiction.

B. Water Quality Improvement Citizens' Advisory Committee

Chairperson David Makepeace presented an update on behalf of the Water Quality Improvement Citizens' Advisory Committee. Mr. Makepeace reported that the Committee has commenced discussions on input for wastewater utility. He advised Council that the Committee recommends re-instituting water quality

testing to establish baseline data for grant applications for canal improvement projects. The Committee is also recommending the Council pursue grant funding for canal and storm water improvements.

VII. VILLAGE MANAGER REPORTS AND UPDATES

The Village Manager presented no reports or updates.

VIII. CONSENT AGENDA

A. Minutes: TAB 1

February 11, 2013 Village Council Joint Workshop with the Local Planning Agency

February 28, 2013 Regular Village Council Meeting
Executive Session (Case No. 10-CA-334-P)

February 28, 2013 Regular Village Council Meeting

Councilwoman Deb Gillis offered a motion to approve the consent agenda. Vice Mayor Ted Blackburn seconded the motion. Council voted all in favor. The motion passed 5-0.

IX. ORDINANCES

A. First Reading – Comprehensive Plan Text Amendment Regarding TAB 2 Proportionate Share Mitigation for Transportation Concurrency

Village Attorney James White read the title of the ordinance. Senior Planner Kevin Bond presented the staff report. Mayor Philipson opened public comment; there was none. Councilman Dave Purdo offered a motion to approve. Councilwoman Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

B. First Reading – Land Development Regulations Text Amendment TAB 3 Regarding Proportionate Share Mitigation for Transportation Concurrency

Village Attorney James White read the title of the ordinance. Senior Planner Kevin Bond presented the staff report. Mayor Philipson opened public comment; there was none. Councilman Dave Purdo offered a motion to approve. Vice Mayor Ted Blackburn seconded the motion. Council voted all in favor. The motion passed 5-0.

C. Second Reading – Proposed Amendment to Noise Ordinance TAB 4

Village Attorney James White read the title of the ordinance. Village Manager Ed Koconis presented the staff report. Councilman Mike Forster expressed concern over the proposed language and requested a Village Council Workshop to further discuss amending the current noise ordinance.

Mayor Ken Philipson opened public comment. Larry Barr opined that there should be standard ordinance enforcement criteria. David Ball stated that he was being denied the right of quiet enjoyment of his

property and requested Council amend the ordinance to establish a maximum decibel level. Michael Fink and Boo Shaw spoke in favor of eliminating the Founders Park exemption in the noise ordinance and requested Council clearly outline enforcement steps, contact information and hours. Bernie Kay opined that the existing ordinance is not being enforced. Angel Borden commended Council's decision to hold a Workshop for further discussion of the subject. George Spall recommended staff demonstrate at the Workshop how decibel readers measure noise. Dave Young recommended businesses install noise barriers to reduce disruption of neighbors. Mayor Philipson closed public comment.

Further Council discussion ensued. Councilman Forster offered a motion to table the proposed ordinance. Councilman Dave Purdo seconded the motion. Council voted and the motion passed 3-2, with Mayor Philipson and Vice Mayor Ted Blackburn voting in opposition. Council directed the Village Manager to schedule a Village Council Workshop and encouraged stakeholders in the business community to attend.

D. Second Reading – Amendment to Floodplain Management Standards Ordinance

TAB 5

Village Attorney James White read the title of the ordinance. Senior Planner Kevin Bond presented the staff report. Mayor Ken Philipson opened public comment; there was none. Councilwoman Deb Gillis offered a motion to approve. Councilman Mike Forster seconded the motion. Council voted all in favor. The motion passed 5-0.

X. QUASI-JUDICIAL

No quasi-judicial items were presented.

XI. RESOLUTIONS

A. Resolution Approving Operating Agreement with Green Turtle Island School, Inc. for Green Turtle Hammock Park

TAB 6

Village Attorney James White read the title of the resolution. Public Works and Parks & Recreation Director John Sutter presented the staff report. Finance Director Maria Aguilar reported on the budget impact, advising Council that insurance coverage on the property is currently limited to property and casualty insurance, with no coverage for flood or windstorm. Ms. Aguilar requested Council direction regarding the acquisition of additional coverage. She also noted the agreement requirement that the Village pay the wastewater assessment and hookup for the property, an approximate cost of \$50,000. Village Attorney Nina Boniske noted the significant improvements detailed in the Exhibit G Development Schedule to be made to the property by Green Turtle Island School/Jacoby Group. Councilman Mike Forster summarized the project background for the public's benefit. Vice Mayor Ted Blackburn discussed the long-term benefits and requested discussion of additional property insurance be deferred to coordinate with Fiscal Year 2013-2014 budget discussions. Public Works and Parks & Recreation Director John Sutter advised Council that the Agreement is contingent upon approval by the Florida Communities Trust.

Mayor Philipson opened public comment; there was none. Councilman Dave Purdo offered a motion to approve. Councilwoman Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

B. Resolution Approving Amendment #1 to State Revolving Fund Loan Agreement # WW882020

TAB 7

Village Attorney James White read the title of the resolution. Finance Director Maria Aguilar presented the staff report and provided clarification on variable capitalized interest. Mayor Ken Philipson opened public comment; there was none. Councilwoman Deb Gillis offered a motion to approve. Councilman Mike Forster seconded the motion. The motion passed 5-0.

C. Proposed Resolution Adopting a Sewer Connection Subsidy Program for Deed-Restricted Affordable Residential Dwelling Units

TAB 8

Village Attorney James White read the title of the ordinance. Committee Liaison Kevin Bond presented the report. Mayor Ken Philipson opened public comment. Larry Barr urged Council to reimburse owners living in deed restricted affordable dwelling units who have already connected to the wastewater system. Mayor Philipson closed public comment. Vice Mayor Ted Blackburn offered a motion to approve. Councilwoman Deb Gillis seconded the motion. The motion passed 5-0.

D. Resolution Approving Risk Management and Insurance Consulting Services Engagement Letter and Increase to Not-to-Exceed Amount

TAB 9

Village Attorney James White read the title of the resolution. Finance Director Maria Aguilar presented the staff report, noting a correction to the resolution to reflect a not-to-exceed amount of \$34,900.00. Mayor Ken Philipson opened public comment; there was none. Councilwoman Deb Gillis offered a motion to approve as corrected. Councilman Dave Purdo seconded the motion. The motion passed 5-0.

E. Resolution – Approval of the Residential Building Permit Allocation System Ranking and Awards: Quarter 1 of 2013

TAB 10

Village Attorney James White read the title of the resolution. Village Manager Ed Koconis presented the staff report. Mayor Ken Philipson opened public comment; there was none. Councilwoman Deb Gillis offered a motion to approve with corrections. Councilman Dave Purdo seconded the motion. The motion passed 5-0.

XII. MOTIONS

A. Staff Pay Adjustments – Councilwoman Gillis / Councilman Purdo

Councilwoman Deb Gillis requested discussion of this item be deferred to the April 11, 2013 Regular Village Council Meeting; Council concurred.

XIII. WASTEWATER MATTERS

A. Wastewater Project Update

Wastewater Program Manager Greg Tindle presented the staff report.

B. Monthly Project Report for the Period 01/28/13 thru 02/24/13

TAB 11

Wade Trim, Inc. Vice President Tom Brzezinski presented the staff report and discussed paving on South Coconut Palm. Councilman Dave Purdo expressed concern regarding lateral line installation Village-wide. Mayor Ken Philipson called for public comment. Larry Barr encouraged Council to provide a list to the public of individuals/companies qualified to install residential low pressure systems connections. Mayor Philipson closed public comment.

**C. Discussion and Direction Regarding Wastewater Phase II Assessment and
Monthly Wastewater Rate Structure and Methodology**

TAB 12

Wastewater Program Manager Greg Tindle introduced Camille Tharpe, Government Services Group (GSG). Ms. Tharpe delivered a PowerPoint presentation to Council and recommended adoption for the Phase II wastewater assessment of the same rate structure and methodology utilized for the Phase I assessment. Councilwoman Deb Gillis clarified that each condo is one (1) EDU, regardless of how many units are in the condo. Tony Hairston, Raftelis Financial Consultants, delivered a PowerPoint presentation entitled Monthly Wastewater Rate Methodology. Councilman Dave Purdo requested the PowerPoint presentation be placed online for public viewing.

Mayor Ken Philipson called for public comment. Larry Barr inquired if rates would be capped at 12,000 gallons. Joe Wieselberg inquired whether future grant funding would reduce anticipated monthly bills. George Spall questioned the amount the Florida Keys Aqueduct Authority would charge the Village to bill customers and whether the Village would receive a portion of any late fees assessed. Mayor Philipson closed public comment.

Council directed staff to proceed as outlined in the presentation. Mr. Tindle advised Council that staff would bring forth a resolution at a future Village Council Meeting to increase the not-to-exceed amount of GSG's current engagement letter. Councilman Purdo requested staff advise Council in the future as to how the Cities of Key Largo and Marathon bill commercial laundromats.

XIV. MAYOR / COUNCIL COMMUNICATIONS

A. Village Manager's Performance Evaluation – Village Council

TAB 13

Council deferred the Village Manager's Performance Evaluation until the Regular Village Council Meeting following the Ad Hoc Planning and Development Services Committee report.

**B. Discussion Regarding Village Manager's Employment Agreement –
Councilman Mike Forster**

TAB 14

Council deferred discussion regarding the Village Manager's Employment Agreement until the Regular Village Council Meeting following the Ad Hoc Planning and Development Services Committee report.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Village Manager Ed Koconis requested direction from Council to work with the Florida Keys Mosquito Control District to develop a lease agreement for use of the District-owned property located behind Fire

Station 20. Council directed staff to conduct an environmental assessment of the property and enter into negotiations with the District for use of the property.

XVI. ADJOURNMENT

Councilman Dave Purdo offered a motion to adjourn. Councilman Mike Forster seconded the motion. Council voted all in favor. The meeting adjourned at 8:30 p.m.



Ariana S. Lawson
Village Clerk

Approved by the Village Council this 12th day of December, 2013.