



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
May 23, 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 Attorney Nina Boniske, Village Clerk Ariana Lawson, Finance Director Maria Aguilar and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Van Cadenhead led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

Mayor Ken Philipson advised the public of an upcoming Historic Preservation Open House & Panel Discussion on May 30th, 2013 at 5:30 p.m. at the Helen Wadley Branch of the Monroe County Public Library.

A. Acknowledgement of Service on Land Acquisition Advisory Committee

No Committee members were present to accept the certificates of appreciation.

B. Proclamation – Acknowledging Gordon Hadley’s Service to Islamorada

Vice Mayor Ted Blackburn announced that Gordon Hadley was unable to attend the meeting and thanked him for his service to the Village of Islamorada.

John Sutter presented a certificate of appreciation to Kelly Astin, Principal of the Treasure Village Montessori School, for her service on the Parks and Recreation Citizens’ Advisory Committee.

Corey Bryan, Monroe County Sheriff’s Office, thanked Village staff and the public for assistance in cleaning up over 2,500 pounds of garbage from Tea Table Key the preceding past weekend. Officer Josh Brady and Sergeant Mark Coleman were recognized for courageous actions in diffusing a recent dangerous incident on Galleon Road.

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Councilman Dave Purdo announced the health of Gene Eyster and thanked the Island Christian School for sponsoring yesterday's MARC function. Councilman Mike Forster noted that MARC's budget had recently been cut by \$150,000. Councilman Purdo read a letter to Council from a member of the Ad Hoc Planning and Development Services Citizens' Advisory Committee

Councilwoman Deb Gillis thanked Captain Bryan for organizing the past weekend's cleanup at Tea Table Key.

A. Presentation of FY 2012 Comprehensive Annual Financial Report – **TAB 1**
James L. Burdick, Partner, Cherry Bekaert, LLP

Jim Burdick, Lead Partner, Cherry Bekaert, LLP, presented the Comprehensive Annual Financial Report (CAFR) as of September 30, 2012 to Council. .

Vice Mayor Blackburn inquired if swap arrangements are appropriate for municipalities. Mr. Burdick noted that the swap arrangement noted is appropriate but that new arrangements may not be advisable at this time given the current economic atmosphere. Vice Mayor Blackburn expressed interest in exploring lowering the cost of fixed debt.

Councilman Purdo inquired whether another assessment will need be levied for wastewater. Maria Aguilar stated that Village has been transparent about the need for a second assessment.

Mayor Philipson called for public comment. Stan Margolis spoke about the drop in taxable value of real property. Mayor Philipson closed public comment.

A. PUBLIC COMMENT

Mayor Philipson opened public comment. Angel Borden spoke regarding the solid waste RFP. Mayor Philipson closed public comment.

B. AGENDA: Request for Deletion / Emergency Additions

There were no deletions or emergency additions to the agenda.

C. CITIZENS' ADVISORY COMMITTEE UPDATES

a. Village Council Appointments to Citizens' Advisory Committees, the Historic **TAB 2**
Preservation Commission and the Local Planning Agency

Assistant to the Village Manager Mary Swaney presented the staff report to Council. Council made the following appointments:

- Local Planning Agency (LPA): Councilman Dave Purdo appointed Don Horton. Reappointment of the existing LPA members Richard Baker, Cheryl Culberson, Amy Knowles and John Fernandez was approved by a 5-0 vote.
- Councilwoman Deb Gillis appointed Barbara Edgar and Councilman Mike Forster appointed Buddy Pinder to the Historic Preservation Committee.

- Vice Mayor Ted Blackburn appointed Loi Baltes to the Landscape Advisory Committee and Donna Gleason to the Workforce/Affordable Housing Citizens Advisory Committee.
- Mayor Ken Philipson appointed Kathy Fegers to the Parks and Recreation Committee.

IV. VILLAGE MANAGER REPORTS AND UPDATES

b. Update on Planning and Development Services

Councilman Mike Forster requested item XIV.C CityView Discussion be addressed immediately following the Village Manager Reports and Updates.

Village Manager Ed Koconis provided the update to Council. Mr. Koconis reported that the Planning and Building Departments would be closed on June 24, 2013 while staff participates in customer service training. He advised Council that amendments to the Village code are being drafted; Building Permit application status lists are being updated daily and are available on the Village’s website; weekly random audits of permit applications are being conducted; and that staff is now required to respond to public inquires within one (1) business day and to maintain call logs.

Councilman Mike Forster inquired whether a list of benchmark improvements for the Planning Department will be provided to Council. Mr. Koconis stated that staff would provide a benchmarks list to Council for review, along with a summary update of the CityView upgrade.

Stu Bautz provided an update to Council on the status of the CityView upgrade. Mr. Bautz advised Council that installation of a new dedicated production server is complete, that data migration from the old software is ongoing as is development of a methodology for updating property data from Monroe County Property Appraiser’s Office. He also stated that the permitting modules and public access web portal are being configured.

Council requested a summary of the CityView status in 90 days based on the steering committee’s meeting minutes and an estimate at a future Village Council Meeting of the cost to provide sufficient in-person training.

Mayor Philipson requested placement of “Discussion of Environmental Toll by Ron Levy” under 6/13/13 RVCM Presentations and Announcements.

V. CONSENT AGENDA

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| A. Minutes: | TAB 3 |
| March 15, 2013 Village Council Workshop | |
| March 15, 2013 Special Call Village Council Meeting | |
| B. Resolution Approving First Amendment to Professional Federal Lobbying Consulting Services Agreement | TAB 4 |

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

VI. ORDINANCES

No proposed ordinances were presented.

VII. QUASI-JUDICIAL

- C. Resolution Approving Dock Length Variance (VAR-12-01) by Scott Daiagi for **TAB 5**
Property Located at 89401 Old Highway, Plantation Key, Parcel Number
00092490-000000

Village Attorney James White read the title of the resolution and read into the record the quasi-judicial statement. Village Clerk Ariana Lawson swore in the witnesses. Council members disclosed all ex parte communications on VAR-12-01. Planner Jay Berenzweig presented the staff report to Council.

David DeHaas introduced Frank Greenman, legal counsel for Scott Diagi. Mr. Greenman gave a presentation of the proposed long dock project. The following exhibits were entered into evidence; Exhibit A, an aerial map published by the Monroe County Property Appraisers' and; Exhibit B, an 11 x 17 inch photograph illustrating what the dock would be constructed upon.

Mayor Philipson called for public comment.

Kenneth Gray, 89389 Old Hwy, spoke in favor of the application.

Ron Fairless, 89451 Old Hwy, spoke in opposition to the application, stating that the applicant already has two docks and that there is no need to build a third dock over the existing jetty. Mary Helen Fairless, 89451 Old Hwy, spoke in opposition of the application. Melissa Kramer, 89501 Old Hwy, Tavernier, cited Village Code stating that only one dock is allowed per single-family property and believes construction of the dock would interfere with public recreation and have a negative impact on the environment. Michael J. Healy, Esq., Silver Law Center, representing Ron and Mary Helen Fairless, stated the applicant Scott Daiagi already has adequate depth for a docking facility. Mr. Healy presented composite Exhibit 1, a 10 tab presentation and Exhibit 2 an April 20, 2012 correspondence from Village of Islamorada Planner Jay Berenzweig to David DeHaas. Melissa Kramer, 89501 Old Hwy, referenced Village code section 30-1550.

Village Clerk Ariana Lawson swore in additional persons wishing to give public testimony who were not previously sworn in. Angel Borden spoke in favor of the long dock and stated similar docks exist on nearby residential properties. Larry Barr, 186 Kahiki Dr, Tavernier, conveyed his concern that the jetty, as it currently exists, is a safety hazard. Kenneth Gray, 89389 Old Hwy, stated the proposed location does not have substantial recreational use. Mr. Greenman requested Mr. Gray state the basis of his distinction between an navigational obstruction and a navigational hazard. Mr. Gray indicated his basis was a career in the United States Coast Guard as a maritime attorney. Ron Fairless stated Mr. Daiagi has existing boat access on his property.

Village Planner Jay Berenzweig entered three exhibits into the record; Exhibit V-1, Google Earth aerial map showing location of the jetty and proposed dock; Exhibit V-2, FDEP's MapDirect nautical chart "Daiagi Water Depths"; and Exhibit V-3, aerial photo with MapDirect nautical chart overlaid. Mr. Berenzweig indicated the applicant does not meet the adequate water depth at his existing boat basin.

Council elected to defer a decision on the item to a date certain of June 27, 2013, at the regularly scheduled Village Council Meeting, to allow sufficient time for review of the materials distributed at the meeting by the applicant and opposing parties, and for further consideration of the application.

VIII. RESOLUTIONS

- A. Resolution Approving Florida Department of Environmental Protection State Financial Assistance Agreement Pursuant to Line Items 1592A and 1686A of the 2012-2013 General Appropriations Act (Mayfield Grant) **TAB 6**

Village Attorney James White read the title of the resolution. Finance Director Maria Aguilar presented the staff report to Council. Vice Mayor Ted Blackburn requested confirmation that the grant is invoice-based; Ms. Aguilar confirmed such. Mayor Philipson called for public comment; there was none. Vice Mayor Blackburn offered a motion to approve; Councilwoman Deb Gillis seconded the motion. The motion passed 5-0.

IX. MOTIONS

No additional motions were made.

X. WASTEWATER MATTERS

- A. Wastewater Project Update **TAB 7**

Wade Trim, Inc. Vice President Tom Brzezinski presented the project update to Council. A residents' meeting will be held on May 30, 2013 at 6:00 p.m. in the Community Center for Upper Matecumbe Key residents to review their lateral locations.

- B. Resolution Approving the Purchase and Sale Agreement between Islamorada, Village of Islands and Monroe County for the Acquisition of Property Located at 103 Key Heights Drive, Islamorada **TAB 8**

Village Attorney Lillian Arango read the title of the resolution. Wastewater Program Director Greg Tindle presented the staff report to Council. Mr. Tindle indicated the property includes eight transient motel units that can be sold or transferred off site to dry lots. Councilman Mike Forster inquired into the process of sale of the transferred units. Vice Mayor Ted Blackburn expressed concern regarding speculation of development rights. Councilwoman Deb Gillis indicated she had communicated with the DEO and the transient units could be used for administrative relief. Mayor Philipson called for public comment; there was none. Councilwoman Deb Gillis made a motion to approve; Councilman Mike Forster seconded the motion. The motion passed 5-0.

XI. MAYOR / COUNCIL COMMUNICATIONS

- A. Village Manager's Evaluation **TAB 9**

Vice Mayor Ted Blackburn opened discussion regarding the Village Manager's evaluation and indicated that Mr. Koconis should be credited for significant accomplishments during his tenure as Manager and deserves good review. Councilman Mike Forster explained that his employee evaluation contained positive comments for Mr. Koconis as Village Manager, but negative remarks in his position as Planning Director. Councilman Forster would like golden parachute clause removed from the Village Manager's contract. Councilwoman Gillis stated her evaluation noted areas that need improvement. Councilman Dave Purdo stated that Mr. Koconis should not continue as both Village Manager and the Director of Planning. Mayor Ken Philipson expressed his overall satisfaction with the Manager's performance, though he acknowledged that there are areas for improvement. He

recommended the Manager complete an evaluation of himself next year. Councilman Forster suggested allowing staff to complete anonymous evaluations. Councilman Forster requested Sections 16.3 and 16.4 be stricken from the Village Manager's Employment Agreement. Council discussion ensued; and Council agreed that there would be no change to Manager's contract. The next Village Manager's evaluation will occur in January 2014.

B. Discussion Regarding Village Manager's Employment Contract

TAB 10

This item was discussed in conjunction with TAB 9.

C. Discussion Regarding CityView – Councilman Forster

This item was discussed during the Village Manager's Update.

D. Discussion Regarding RESTORE Act Gulf Oil Spill Restoration Funding

Vice Mayor Blackburn stated that the County-wide committee anticipates receiving between \$5-20 million for distribution to the municipalities.

E. Discussion Regarding Expanding the Role of the Local Planning Agency

Vice Mayor Blackburn expressed the desire to have an independent board review the decisions of the Building and Planning departments. He requested the Village Attorney and staff look into making the Local Planning Agency a quasi-judicial committee.

XII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Council appointed Councilman Mike Forster as steering committee representative for the Florida Keys National Marine Sanctuary Water Quality Improvement Program.

Village Manager Ed Koconis gave Council an update on Mosquito Control property. Council directed the Village Attorney to begin working on a lease agreement to bring for approval at a future meeting.

XIII. ADJOURNMENT

Councilman Dave Purdo offered a motion to adjourn; Councilman Mike Forster seconded the motion. Council voted all in favor. The meeting adjourned at 9:56 p.m.



Ariana S. Lawson
Village Clerk

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