



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
June 27, 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, Wastewater Program Manager Greg Tindle, Assistant Director of Planning Cheryl Cioffari and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Village Attorney James White led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

Vice Mayor Ted Blackburn announced the Florida League of Cities' legislative advocacy team's recent awarding of the "Home Rule HERO Award" to Mayor Philipson for being an outstanding advocate of the protection of the home rule rights of Islamorada's constituents, as well as municipal citizens throughout the state during 2013 legislative session.

Mayor Ken Philipson stated that he would read a proclamation at a non-municipal event on June 28, 2013 proclaiming June 29, 2013 as Ray Lewis Day in Islamorada.

Councilman Dave Purdo appointed Barbara Pensell to replace Amy Strause on the Landscape Advisory Committee.

IV. PUBLIC COMMENT

Mayor Ken Philipson opened public comment. David Elbaum, Islamorada, inquired as to the anticipated timeline for resolution of a purported illegal vacation rental code violation at 229 Toll Gate Boulevard. Mayor Philipson stated that Council would revisit Mr. Elbaum's inquiry later in the meeting. Van Cadenhead, Islamorada, expressed concern over the Village's abandonment of the List Street property; postponement of Council's review of Dock Length Variance Application VAR-12-01; and the waterway crossing of wastewater pipelines in the

Village. Randy Bell, Water Resource Technologies, Marathon, suggested the Village purchase grinder pumps for residents to ensure that pumps of a good quality are installed. Mayor Philipson closed public comment.

V. AGENDA: Request for Deletion / Emergency Additions

There were no emergency additions or deletions to the agenda.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

No Advisory Committee updates were presented.

VII. VILLAGE MANAGER REPORTS AND UPDATES

A. Update on Planning and Development Services

Village Manager Ed Koconis advised Council that the Building, Planning and Code Enforcement staff had attended an all-day customer service training. Mr. Koconis presented a project list detailing projected dates and staff assignments that address the Land Development Regulation amendments proposed by Ad Hoc Planning and Development Services Citizens' Advisory Committee.

Mayor Ken Philipson requested an update on the Winn Dixie development application. Mr. Koconis reported that the Winn Dixie applicant will be submitting a proposed amendment for a structure of the same size but with different locations for secondary access.

Councilman Dave Purdo requested the Village Manager provide a summary to him of the Planning Department's June 27, 2013 meeting with Rebecca Jetton. Mr. Koconis summarized the meeting for Council. Mayor Philipson advised Council he had met with Rebecca Jetton and directed the Village Manager to plan a meeting with hoteliers and the Chamber of Commerce to address how they can enhance their properties.

Mr. Koconis presented an update on the Mosquito Control Board property. The initial Phase I assessment indicated the need for a Phase II assessment, with an associated total cost of approximately \$13,000. He distributed a handout entitled "Mile Marker 81.8 Property – Preliminary Information – 6/27/13." Mr. Koconis inquired whether Council wished to move forward with preparation of a Phase II Environmental Assessment. Fire Chief Terry Abel explained that acquisition of the property is critical in providing the space needed for fire personnel training. Mayor Philipson inquired if it was possible to negotiate a longer lease for the property to amortize the expense. Mr. Koconis advised Council that Monroe County would grant the lease for only five (5) years. Councilman Mike Forster inquired whether there were any concerns regarding contamination. Chief Abel stated that he did not feel the potential for major environmental hazards is great. Council directed staff to move forward with preparation of a Phase II Environmental Assessment.

VIII. CONSENT AGENDA

A. Minutes:

TAB 1

June 4, 2013 Village Council Workshop (Legal Services)

June 4, 2013 Special Call Village Council Meeting (Legal Services)

June 13, 2013 Village Council Workshop (Noise)

June 13, 2013 Regular Village Council Meeting

- B.** Proposed Resolution Approving an Affordable Housing Agreement between Islamorada, Village of Islands, Florida and Glory of the Atlantic, LLC for Project MN-12-02 **TAB 2**
- C.** Proposed Resolution Approving an Affordable Housing Agreement between Islamorada, Village of Islands, Florida and Glory of the Atlantic, LLC for Project SP-13-02 **TAB 3**

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

IX. ORDINANCES

- A.** First Reading - Land Development Regulations Text Amendment to Outdoor Seating Areas **TAB 4**

Village Attorney James White read the title of the resolution. Assistant Planning Director Cheryl Cioffari delivered the staff report to Council. Vice Mayor Ted Blackburn inquired regarding the impact of the proposed amendment. Ms. Cioffari stated that no impact was anticipated. Mayor Ken Philipson called for public comment; there was none. Councilwoman Deb Gillis made a motion to approve; Councilman Mike Forster seconded the motion. Council voted and the motion passed 5-0.

- B.** First Reading - Land Development Regulations Text Amendment to Outdoor Lighting **TAB 5**

Village Attorney James White read the title of the ordinance. Cheryl Cioffari delivered the staff report to Council. Mayor Ken Philipson called for public comment. Van Cadenhead stated he was pleased with the outcome of the lighting ordinance. Mayor Philipson closed public comment. Councilman Dave Purdo offered a motion to approve; Councilwoman Deb Gillis seconded the motion. Council voted and the motion passed 5-0.

X. QUASI-JUDICIAL

- A.** Resolution Approving Dock Length Variance (VAR-12-01) by Scott Daiagi for Property Located at 89401 Old Highway, Plantation Key, Parcel Number 00092490-000000 **TAB 6**

This item was deferred to the July 25, 2013, 5:30 PM, Regular Village Council Meeting.

XI. RESOLUTIONS

- A.** Resolution Approving the Residential Building Permit Allocation System Ranking and Awards: Quarter 2 of 2013 **TAB 7**

Village Attorney James White read the title of the resolution. Assistant Planning Director Cheryl Cioffari delivered the staff report to Council. Mayor Philipson called for public comment; there was none. Councilwoman

Deb Gillis offered a motion to approve; Councilman Mike Forster seconded the motion. Council voted and the motion passed 5-0.

XII. MOTIONS

No additional motions were made.

XIII. WASTEWATER MATTERS

A. Wastewater Project Update

TAB 8

Wade Trim, Inc. Vice Principal Tom Brzezinski presented the update to Council. Mr. Brzezinski stated that the work on the pipeline to Key Largo continues and construction is expected to be complete in November. He advised that patching in North Plantation Key is complete over the trenches and the pits are in process of being hooked up; patching and testing are ongoing on Middle Plantation Key; the vacuum sewer is installed on Middle Plantation Key Old Highway; work will begin shortly on the low pressure force main; the bore under Tavernier Creek is expected to begin in July and take approximately six weeks to complete; and that construction on Windley Key and the Middle Plantation Key low pressure system is expected to commence in July.

Councilman Dave Purdo inquired about the North Plantation Key system fixes. Mr. Brzezinski responded that pressures in the system are high and it appears to be functioning adequately, a report on the fixes in being prepared for Council.

Mayor Ken Philipson inquired when Council could expect the staffing report. Mr. Brzezinski indicated it would be ready either July 25 or August 8, 2013. Mayor Philipson asked for the timing on the land easement acquisitions. Wastewater Program Director Greg Tindle explained that all background work is completed on the properties and that the Village is awaiting owner's responses to offers made contingent upon Council approval. Village Attorney Nina Boniske advised Council to seek alternative locations if these acquisitions do not go through to avoid delaying the construction schedule.

Councilman Purdo inquired about the use and installation of grinder pumps. Mr. Brzezinski explained that a low pressure pump system does provide a benefit and would recommend providing specifications to property owners on the appropriate equipment to purchase. Wes Self, Layne Reynolds, recommended the Village standardize pumps or develop specs limited to two or three types; and projected a short supply of pumps over next twenty-four (24) months. Randy Bell expressed the benefit of the Village purchasing the pumps would be bulk pricing and sales tax exemption on the equipment. Vice Mayor Ted Blackburn requested grinder pump options be included in the next monthly wastewater report.

Council agreed that Vice Mayor Blackburn attend the Key Largo Wastewater Treatment District Board Meeting the following week as Village representative.

Mayor Philipson called for public comment. Van Cadenhead requested that grinder pumps be standardized throughout the Village and inquired as to the expected lifetime and maintenance for underwater pipelines. Mayor Philipson closed public comment.

B. Discussion and Direction Regarding Village Wide Pavement Repair and Overlay

TAB 9

Wastewater Program Manager Greg Tindle summarized the discussion item and staff's recommendations. The cost for Village Wide Pavement Repair and overlay would come at a cost of \$8,250,348. Vice Mayor Blackburn inquired whether the Old Highway was included for pavement overlay; Mr. Tindle confirmed its inclusion.

Council discussion ensued regarding competitive solicitation for the pavement overlay. Mayor Ken Philipson, Vice Mayor Ted Blackburn, Councilwoman Deb Gillis and Councilman Dave Purdo agreed not to go out to bid; Councilman Mike Forster disagreed.

Councilman Forster would like Reynolds to reimburse Village \$94,000 for the cost of the paving survey since the contract will go them now without bid. Wes Self, Reynolds, asserted the paving survey was arduous and it was used to determine the scope of service requested by Council. Mr. Self stated that he could not guarantee his asphalt contractor's pricing for a prolonged period and requested Council make a determination on the change order for paving. Village Attorney Nina Boniske advised Council that they could approve the change order for paving at the July 11, 2013 Regular Village Council Meeting, but that the source of funds for paving private roads must be addressed.

Finance Director Maria Aguilar reported the Transportation Fund balance will be approximately one million dollars (\$1,000,000.00) by the end of the year. Ms. Aguilar explained the remainder of the paving costs would potentially be borrowed, pledging those annual revenue sources as way to pay the debt service. She summarized the other potential funding sources and indicated further research would be required to determine if the Transportation Funds can be used for private roads.

Councilman Forster stated that it had been confirmed that Wade Trim is not charging additional costs for the management of the paving overlay. Wade Trim, Inc. Vice Principal Tom Brzezinski confirmed this.

Mayor Philipson called for public comment. Stan Margulies urged Council to move forward with the change order for full overlay. Van Cadenhead agreed that full overlay is needed and requested that Council put the item out to bid. Mayor Philipson closed public comment.

Nina Boniske clarified that the Reynolds contract had an allowance for paving, but time constraints to meet the deadline for the Mayfield Grant did not allow time for Reynolds to complete the necessary calculations. Ms. Boniske reminded Council that the Village purchasing ordinance states that expenses exceeding four million dollars (\$4,000,000.00) require a super majority vote.

Council directed staff to bring back to Council at a subsequent meeting a single change order with three components for: 1) private paving; 2) public paving; and 3) Venetian Shores.

XIV. MAYOR / COUNCIL COMMUNICATIONS

Mayor Philipson requested the Village Manager address David Elbaum's earlier public comment. Village Manager Ed Koconis stated he would discuss the matter with the Chief Building Official, the Code Enforcement Officer and the Code Enforcement Attorney, and contact Mr. Elbaum with an update on resolution of the situation. Village Attorney Nina Boniske recommended the Code Enforcement Officers investigate if the local option tourist tax and sales tax are being filed by the property owner.

A. Discussion Regarding Golf Carts and 18-Wheeler Vehicles on the Old Highway – Mayor Ken Philipson

Mayor Ken Philipson relayed to Council his concerns for the safety of pedestrians on the Old Highway given the amount of 18-wheeled vehicles using the roadway. Monroe County Sheriff's Office Captain Corey Bryan advised that pursuant to Florida State Statutes, it would be possible for the Village to work with FDOT to prohibit 18-wheeler traffic on the Old Highway. Councilman Dave Purdo echoed Mayor Philipson's safety concerns. Mayor Philipson inquired about changing speed limit from 30 mph to 25 mph and installing more stop signs. Captain Bryan stated staff would discuss that with FDOT as well. Councilman Mike Forster stated that such a change to the Old Highway should be Village-wide and not limited to particular sections. Mayor Philipson requested the subject be brought to Council as a future agenda item.

B. Discussion Regarding National Night Out – Mayor Ken Philipson

Mayor Ken Philipson summarized proposed changes to the annual National Night Out event on August 6, 2013 and stated his desire to keep the Islamorada event separate from the Key Largo event. Council agreed to keep Islamorada National Night Out event at Founders Park separate from Key Largo's event.

Councilman Mike Forster inquired about July 4th events scheduled at Founders Park. Public Works and Parks & Recreation Director John Sutter reported the July 4th Fireworks Party, sponsored by the Islamorada Rotary, starts at 6:00 pm with food, refreshments, live entertainment and fireworks at 9:30 pm.

Councilman Forster reminded Council of Changing of the Guard Ceremony for the Fire Chief is tomorrow, June 28, 2013, beginning at 4:00 p.m. at the Islander.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Village Attorney Nina Boniske advised Council that the Voting Rights Act, which had required 90-day federal review prior to referendums, was struck down by the Supreme Court the day prior.

XVI. ADJOURNMENT

Councilman Dave Purdo offered a motion to adjourn; Councilwoman Deb Gillis seconded the motion. Council voted all in favor. The meeting adjourned at 7:53 pm.



Ariana S. Lawson
Village Clerk

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