



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
July 11, 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 Deputy Village Manager/Finance Director Maria Aguilar, Village Attorneys Nina Boniske and James White, Village Clerk Ariana Lawson, Wastewater Program Manager Greg Tindle, Senior Planner Kevin Bond and all other appropriate personnel.

**II. PLEDGE OF ALLEGIANCE**

Myles Mylander led the Pledge of Allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

- A. Canal Restoration Presentation – Wendy C. Blondin, P.G., AMEC, and Gus Rios, Florida Department of Environmental Protection**

Environmental Planner Susan Sprunt introduced Gus Rios, Environmental Administrator with the Florida Department of Environmental Protection, Wendy Blondin, Hydrogeologist of AMEC Environmental Infrastructure, LLC, and Rhonda Haag, Monroe County Sustainability Coordinator. Mr. Rios provided project background information to Council on the Monroe County Canal Restoration Program.

Ms. Blondin narrated a PowerPoint presentation on the Canal Management Master Plan entitled “Monroe County Canal Restoration Updates 7-10-13.” Ms. Blondin summarized the plan’s issues and goals, results of recent bathymetric surveying and sediment sampling in Monroe County, and demonstration project selection. She suggested the Village conduct an inventory of water quality conditions within Islamorada canals, select specific canals and boat basins for demonstration projects, and prepare cost estimates for canal/basin restoration.

Council discussion ensued. Councilman Mike Forster inquired as to the difference in water quality between the Upper and Lower Keys. Ms. Blondin stated that the differences are based on canal construction and that canals in the Upper Keys are generally deeper. She also advised Council that the Florida Keys National Marine Sanctuary has produced an extensive amount of data on nearshore water quality that may be of use to the Village. Councilman Dave Purdo expressed concern over arsenic detected in water quality samples. Ms. Blondin advised

Council that arsenic is pervasive everywhere and that the local exposure levels identified are not dangerous. Mr. Rios expressed his surprise at how low the local arsenic and heavy metals levels actually are, and noted that heavy metals can be disposed of at landfills or industrial sites. Councilman Forster advised Council that he had met with Treasure Harbor resident Terry Peters, and that he would share local canal data provided by Mr. Peters with the rest of Council. Council expressed interest in partnering with Monroe County to secure grant funding for canal restoration.

Monroe County Sheriff's Captain Corey Bryan reported to Council that the Monroe County Sheriff's Office had been approached by the Florida Department of Transportation requesting that the MCSO and Village partner with FDOT in support of the "Put It Down Campaign" to reduce the incidence of testing while driving. Captain Bryan stated that the kickoff event will be held August 14, 2013 from 10:00 a.m. to noon at the FDOT Operations Center in Marathon, Florida, with four (4) events to be scheduled for September 2013, including one (1) at Coral Shores High School in the Village. He also stated that the Village's participation would require no monetary commitment, just the provision of the Village and Fire Department logos for inclusion on posters, as well as the Village's assistance in distributing campaign information. Council agreed to partner with FDOT and the County to support the campaign.

Councilwoman Deb Gillis wished a happy birthday to former Mayor and Councilmember Don Achenberg.

#### **IV. PUBLIC COMMENT**

Mayor Philipson opened public comment.

Myles Milander, Coral Cove Community President, Islamorada, expressed concern regarding construction plans for residential wastewater connections and associated fees.

Van Cadenhead, Islamorada, sang about the dog park at Founders Park. Martin Moe, Islamorada, expressed concern regarding the number of boaters purportedly anchored each weekend within 300 feet of the shoreline adjacent to White Marlin Beach, Sandy Point Condominiums, and Port Antigua.

Mike McLoad, member of the Port Antigua Board of Directors, spoke regarding litter, bodily waste, noise disturbance and safety concerns posed by boaters anchoring within 300 feet of the shoreline off Lower Matecumbe Key. Mr. McLoad stated that the area is already marked by no-wake buoys, and requested the Village assist in monitoring the area and establish a no-anchor/no-motor zone within 300 feet of the shoreline, and distributed a letter to Council from the Friends of Lower Matecumbe Key dated July 9, 2013, along with accompanying photographs depicting nearshore boating activities along Lower Matecumbe Key beaches.

Larry Barr, Islamorada, expressed concern over pavement overlay and related storm water management costs.

James Bellizzi, Islamorada, suggested the Village employ an additional law enforcement officer specifically to monitor the 300-foot zone along bayside beaches within the Village.

David Makepeace, Islamorada, encouraged Council to authorize staff to engage Monroe County's canal management consultant and begin budgeting now for project participation, rather than waiting for budget season to commence.

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

There were no emergency additions or deletions to the agenda.

**VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

**A. Local Planning Agency Committee Update – Chairperson John Fernandez**

Chairperson John Fernandez presented an update on behalf of the Local Planning Agency (LPA). Vice Mayor Ted Blackburn suggested Environmental Planner Susan Sprunt participate in LPA discussions of recommended Land Development Regulation (LDR) changes. Chairperson Fernandez advised Council that proposed LDR changes are presented to the LPA for review with staff recommendations.

Chairperson David Makepeace presented an update on behalf of the Near Shore Water Quality Improvement Citizens' Advisory Committee. Mr. Makepeace expressed satisfaction with progress made in working with Wade Trim to explore low-pressure versus grinder pump options on Upper and Lower Matecumbe Keys. He commended Susan Sprunt on her knowledge and expertise and her canal restoration efforts. Mr. Makepeace stated that the Committee would be switching focus to storm water related issues and related code changes. He encouraged Council to consider stormwater management best practices in evaluating pavement overlay for wastewater, and offered the Committee's assistance in doing so. At the request of Council, Wade Trim, Inc. Vice President Thomas Brzezinski spoke regarding the possibility of overlaying Village streets with impervious pavement. Mr. Brzezinski stated that the only way a pervious pavement overlay would work would be to reconstruct the whole road and remove the existing impervious pavement, but that other options could be evaluated for isolated areas. Council directed the Near Shore Water Quality Improvement Citizens' Advisory Committee to work with Wastewater Program Manager Greg Tindle and Wade Trim to evaluate the pavement overlay with regard to stormwater management options.

Councilman Mike Forster assured the public that while the Village Council does not generally dialogue with speakers during Public Comment, their concerns are noted and frequently discussed as agenda items at future public meetings. Councilman Forster also requested Council discuss the CityView Steering Committee during the Mayor/Council Communications portion of the agenda.

**VII. CONSENT AGENDA**

Councilwoman Deb Gillis pulled Tab 2 from the consent agenda for discussion.

- 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 1****

Councilman Dave Purdo made a motion to approve the proposed resolution; Councilwoman Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

- B. Resolution Approving Agreement with the Florida Keys Aqueduct Authority for Installation and Maintenance of Fire Hydrants **TAB 2****

Village Attorney James White read the title of the resolution. Councilwoman Gillis summarized the benefits to the Village of entering into the Agreement. Mayor Ken Philipson called for public comment; there was none. Councilwoman Gillis made a motion to approve the proposed resolution; Councilman Dave Purdo seconded the motion. Council voted all in favor. The motion passed 5-0.

## **VIII. ORDINANCES**

- A. Second Reading - Land Development Regulations Text Amendment to Outdoor Seating Areas **TAB 3****

Village Attorney James White read the title of the resolution. Senior Planner Kevin Bond presented the staff report. Mayor Ken Philipson called for public comment; there was none. Councilwoman Deb Gillis made a motion to approve the proposed ordinance; Councilman Mike Forster seconded the motion. Council voted and the motion passed 5-0.

- B. Second Reading - Land Development Regulations Text Amendment to Outdoor Lighting **TAB 4****

Village Attorney James White read the title of the resolution. Senior Planner Kevin Bond presented the staff report. Mayor Ken Philipson called for public comment; there was none. Councilman Dave Purdo made a motion to approve the proposed ordinance; Councilwoman Deb Gillis seconded the motion. Council voted and the motion passed 5-0.

## **IX. QUASI-JUDICIAL**

There were no quasi-judicial items on the agenda.

## **X. RESOLUTIONS**

- A. Preliminary Rate Resolution for FY 13-14 Solid Waste Assessment **TAB 5****

Village Attorney James White read the title of the resolution. Finance Director/Deputy Village Manager Maria Aguilar presented the staff report. Mayor Philipson called for public comment. David Giardino, South Plantation Key, requested confirmation that there was no proposed increase to the assessment from last year's; Mayor Philipson provided the requested confirmation. Mr. Giardino expressed support for bidding new solid waste contract. Mayor Philipson closed public comment. Councilwoman Gillis made a motion to approve the proposed resolution; Councilman Forster seconded the motion. Council voted and the motion passed 5-0.

## **XI. MOTIONS**

No additional motions were made.

## **XII. WASTEWATER MATTERS**

- A. Wastewater Project Update**

Tom Brzezinski, Wade Trim, Inc. Vice President presented the update to Council. Mr. Brzezinski stated that work scheduled to begin shortly in the vicinity of Coral Shores High School and Plantation Key School is anticipated to be completed before school resumes in Fall 2013. He also stated that construction will commence shortly on the first channel crossing, across Tavernier Creek, and that construction would begin soon on South Plantation Key and Windley Key as well. Mr. Brzezinski announced a public meeting to discuss preconstruction for South Plantation Key, excluding Venetian Shores, on July 16, 2013; at 6:00 p.m. Mr. Brzezinski also provided an update on development of the Wastewater Utility Policy and system performance of wastewater facilities on North Plantation Key.

**B. A Resolution Approving Change Order No. 2 to the Design Build and Operate Agreement between Reynolds Water Islamorada, LLC, and Islamorada, Village of Islands, to Provide Pavement Repair and Overlay of Village Roads and Streets**

**TAB 6**

Village Attorney James White read the title of the resolution. Wastewater Program Manager Greg Tindle presented the staff report. Vice Mayor Ted Blackburn made a motion to approve the proposed resolution; Councilwoman Deb Gillis seconded the motion. The motion passed 4-1, with Councilman Dave Purdo dissenting.

Mayor Ken Philipson inquired whether staff has contacted the Village's financial advisor to determine whether long-term financing terms could be finalized for presentation to Council by the end of the current fiscal year. Finance Director Maria Aguilar confirmed that staff has been in ongoing discussions with the Village's financial advisor and bank representative regarding this issue. In response to Vice Mayor Ted Blackburn's inquiry, Ms. Aguilar stated that Suntrust has indicated a 10-year term preference. Councilman Mike Forster requested confirmation that Wade Trim would be charging no additional management fees in connection with the proposed change order; Mr. Brzezinski confirmed this. Councilwoman Gillis inquired as to the total length of private roadways in the Village, to which Mr. Brzezinski stated that the thirty-two private roadways comprise approximately 6.25 miles.

Mayor Philipson called for public comment. Van Cadenhead, Islamorada, expressed concern over the Village's efforts to remove the Area of Critical State Concern designation from the Florida Keys. Franklin Greenman, Marathon, spoke regarding the progress of wastewater implementation in neighboring Marathon, Florida, and suggested the Village request voluntary easements from property owners regardless of the pending lawsuit in Venetian Shores. Mr. Greenman offered a \$1 donation to the Village to assist in this; Village Clerk Ariana Lawson returned Mr. Greenman's donation to him. Stan Margulies, Islamorada, inquired what the consequences would be for missing the March 2014 deadline specified in the Design-Build-Operate Agreement and, subsequently, the December 2015 deadline for wastewater implementation. Doug Rabe, Islamorada, spoke regarding the equitable treatment of public and private roadways with regard to pavement overlay. David Giardino, South Plantation Key, questioned the cost of the proposed change order, to which Vice Mayor Blackburn referred to the cost analysis provided by Wade Trim at the last Regular Village Council Meeting. Myles Milander, Islamorada, inquired who would be overseeing the pavement overlay; Council confirmed that Wade Trim would be providing pavement overlay oversight, at no additional cost. Mayor Philipson closed public comment.

Councilmen Dave Purdo spoke in favor of including private roadways in the pavement overlay.

Vice Mayor Ted Blackburn offered a motion to approve the resolution; Councilwoman Deb Gillis seconded the motion. Council voted and the motion passed 4-1, with Councilman Forster expressed his reluctant approval of the resolution and Councilman Purdo dissenting.

**XIII. MAYOR / COUNCIL COMMUNICATIONS**

Mayor Ken Philipson inquired with MCSO Captain Corey Bryan regarding law enforcement along the White Marlin and Port Antigua beaches. Captain Bryan advised Council that the Village currently employs two (2) officers as marine patrol units, and suggested the Village Attorney advise Council as to the Village's enforcement authority on this subject. Councilman Forster requested additional MCSO staffing for marine patrol be addressed in upcoming budget meetings and the possibility of working with the Fish and Wildlife Conservation Commission (FWC) to obtain outside resources and save the Village the cost of hiring additional personnel. Captain Bryan

noted that purported recent incidences of reckless boat operations and safety incidents have not been reported to the MCSO. Council discussion ensued. Village Attorney Nina Boniske stated that the Village's jurisdiction for the enforcement of nuisances and code violations is up to 1,200 feet offshore. Ms. Boniske stated that not all beaches and bay bottoms along Lower Matecumbe Key are privately owned and that trespassing on privately owned bay bottoms is an issue between the property owner and the MCSO. She also stated that boating through navigable waters without anchoring is allowed and clarified that the no-wake zone is from the shoreline to 300 feet offshore. Councilman Forster requested this topic be revisited as a discussion item at the July 25 Regular Village Council Meeting and that Captain Bryan report back regarding jurisdiction and enforcement recommendations.

Councilman Dave Purdo noted his intent to discuss during the upcoming budget season placement of a plaque recognizing local resident Irving Eyster for his efforts in procuring the lighthouse affixed at Founders Park.

Mayor Philipson requested the licensing of "Sober Homes" be discussed at a future Village Council meeting. Mayor Philipson also reported on his meeting earlier in the day with Finance Director Maria Aguilar and Monroe County to discuss equitable way of distributing future Mayfield grant funds. Council directed Mayor Philipson and Ms. Aguilar to continue representing the Village in future discussions on the subject.

Councilman Forster requested the staff provide a CityView Steering Committee update at the July 25, 2013 Regular Village Council Meeting.

#### **XIV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**

Village Attorney Nina Boniske requested an executive session pursuant to Chapter 286, Florida Statutes, in the following case:

Paul E. Bates, et. al., Plaintiffs, vs. Islamorada, Village of Islands, a Florida municipality, et. al.,  
Defendants, Case No. 13-CV-10121.

Deputy Village Manager/Finance Director Maria Aguilar announced upcoming advertisements in the Key West Citizen of public hearings for existing annual non ad-valorem assessments. At Vice Mayor Ted Blackburn's request, Ms. Aguilar stated that she would look into alternate advertising dates for the stormwater assessment in the event Council chooses to increase the stormwater assessment rate during the upcoming budget season.

#### **XV. ADJOURNMENT**

Councilman Dave Purdo offered a motion to adjourn; Councilman Mike Forster seconded the motion. Council voted all in favor. The meeting adjourned at 8:02 pm.



Ariana S. Lawson  
Village Clerk

Approved by the Village Council this 12<sup>th</sup> day of September, 2013.