



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
July 25, 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 Attorney Nina Boniske, Village Clerk Ariana Lawson, Monroe County Sheriff's Office Captain Corey Bryan, Chief Building Official Gerry Albertson, Public Works and Parks & Recreation Director John Sutter and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Councilman Dave Purdo led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

There were no presentations or announcements.

IV. PUBLIC COMMENT

Mayor Ken Philipson opened public comment. Ray Carr spoke regarding increased residential taxes resulting from wastewater assessments. Van Cadenhead spoke regarding party bars. He recommended signs be placed on 3-inch rebar and that the Village seek assistance of Florida Keys National Marine Sanctuary. Donna Gleason, President, Lower Matecumbe Key Association, spoke in favor of the establishment of a 300-foot no-wake and no-motor zone. Larry Zettwok distributed photographs to Council entitled "Area of Critical Concern, July 6, 2013" and spoke in favor of increased law enforcement off Lower Matecumbe Beach. Daniel Phair – requested Council consider local quality rather than accommodate non-local developers. Also requested Village establish website to assist locally unemployed individuals. Barbara Moe conveyed personal observations of activities off Lower Matecumbe Beach and inquired as to her home/landowner rights with regard to regulation of beach activities. Martin Moe referenced meeting minutes of the Trustees of Internal Improvement Fund from 1954 with regard to bay bottom ownership off Lower Matecumbe Key stating that passage over submerged land is allowable but that anchorage may be prevented. Diana Ziomek questioned whether billing by the Florida Keys Aqueduct Authority

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will feature a base rate for charges in abstentia; whether there will be a monthly service rate; whether charges would be billed monthly or based on annual average usage; and whether charges would be based on the highest documented usage. Stan Margulies requested Council move up discussion of Tab 9 to allow earlier public comment. 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

Buddy Pinder provided an update to Council on behalf of the Historic Preservation Commission.

VII. VILLAGE MANAGER REPORTS AND UPDATES

A. Update on Planning and Development Services Including CityView Progress

Village Manager Ed Koconis provided an update to Council on the status of the CityView Upgrade. IT/Communications Director Stu Bautz reviewed a handout provided to Council entitled "CityView 2013 Steering Committee Update" summarizing three (3) potential service options. Mr. Bautz recommended selection by Council of Additional Service Option 2. Council discussion ensued. Council directed staff to pursue Additional Services Option 2.

B. Update on Lower Matecumbe Beach Concerns

Village Manager Ed Koconis provided an update to Council on the Village's investigation of beach safety/noise concerns off Lower Matecumbe Key. Mr. Koconis noted that the Fiscal Year 2013-2014 budget includes the addition of one (1) full-time (MCSO) deputy for water patrol and requested Council direction with regard to the matter. Council discussion ensued.

Mayor Ken Philipson called for public comment. Mike McLoad invited Council to his home on Labor Day weekend to experience the purported activities firsthand. Daniel Zettwok and Martin Moe also spoke regarding beach safety concerns. Van Cadenhead inquired whether the Village possesses any unused watercraft that could be used to patrol the waters off Lower Matecumbe Key beaches. Mayor Philipson closed public comment.

VIII. CONSENT AGENDA

A. Minutes:

TAB 1

April 11, 2013 Regular Village Council Meeting

June 27, 2013 Village Council Workshop

Councilman Dave Purdo offered a motion to approve the consent agenda. Councilwoman Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

IX. ORDINANCES

A. First Reading – Application for Text Amendment to the Comprehensive Plan and Land Development Regulations (TA-12-01) by EDSA, Inc. on behalf of Bonefish Holdings LLC, formerly known as AV Investors LLC

TAB 2

Village Attorney James White advised Council that Tab 2 consists of two (2) related ordinances that may be discussed by Council together, but which would require separate votes by Council. Mr. White read the titles of both ordinances. Senior Planner Kevin Bond presented the staff report to Council.

James Lupino introduced Rand Gentry, consultant with EDSA (retained by property owner). Mr. Gentry distributed a handout to Council entitled “Eco-Sustainable Lodging in Islamorada” and exhibited seven (7) billboards depicting examples of similar developments worldwide by the applicant, as well as current property conditions on the subject parcel. He stated that this type of project does not currently exist in the Florida Keys. He thanked staff for their guidance in preparing their revised application, noting that the majority of staff’s recommendations were accommodated with the exception of selecting an alternative, less environmentally sensitive site. Mr. Gentry addressed each of staff’s and the Local Planning Agency’s (LPA) comments.

Councilman Dave Purdo inquired whether any docks are to be included in the plan. Mr. Gentry stated that the proposed docks were removed. Mayor Philipson inquired whether deed restriction preventing future dock construction would be objectionable. Mr. Gentry responded that it would not. Councilman Mike Forster commented that the proposed development was fantastic but that the applicant had chosen an inappropriate parcel. He referenced an August 29, 2013 letter from the Florida Department of Economic Opportunity transmitting informal project comments to Planner Kevin Bond. Councilman Forster inquired whether any public outreach had been conducted, to which Mr. Gentry stated that it had. Councilman Forster inquired whether alternative parcels were under consideration, to which Mr. Gentry responded that there were not.

Environmental Planner Susan Sprunt reported to Council that native and invasive exotic species had been removed from the site in the past but has grown back. Ms. Sprunt stated that it was her professional opinion that the quality of the wetland is not declining and that it is still an active ecological system and that she had not seen such development density on any similar parcels in Monroe County. Councilman Purdo inquired about recent clearing on an FDOT-owned property. Ms. Sprunt advised Council that FDOT cleared only invasive Brazilian pepper as mitigation that included property restoration, and that the two properties are not comparable with regard to habitat types and size.

Councilwoman Gillis objected to discussion of changing Village Code for one particular project.

Mayor Ken Philipson called for public comment. Van Cadenhead spoke against the proposed EcoLodge development, stating that middle-class families would be precluded from being able to stay at such a place due to financial constraints. Patty Silver opined that such a development as the EcoLodge would be an excellent addition to the community, but that a less environmentally sensitive parcel should be identified. Stephen Kurutz, Drop Anchor Resort, requested the applicant choose a less environmentally sensitive parcel that is already appropriately zoned. Mr. Kurutz and Dan Phair opined that such a development would negatively impact other local resorts in the Village. Debora Heald spoke in support of the proposed development. Mayor Philipson closed public comment.

Councilwoman Deb Gillis offered a motion to deny the proposed ordinance. Councilman Mike Forster seconded the motion. Council voted and the motion passed 4-1, with Mayor Ken Philipson dissenting.

- B. First Reading - Land Development Regulations Text Amendment to Clear Sight Triangles TAB 3**

Village Attorney James White read the title of the ordinance. Planner Shane Laakso delivered the staff report to Council. Councilman Dave Purdo offered a motion to approve the ordinance. Councilwoman Gillis seconded the motion. Council voted and the motion passed 5-0.

- C. First Reading - Land Development Regulations Text Amendment to Zoning Districts and Setback Requirements TAB 4**

Village Attorney James White read the title of the ordinance. Senior Planner Kevin Bond delivered the staff report to Council. Councilwoman Deb Gillis offered a motion to approve the ordinance. Councilman Mike Forster seconded the motion. Council voted and the motion passed 5-0.

X. QUASI-JUDICIAL

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

Village Attorney James White read the quasi-judicial statement. Village Clerk Ariana Lawson swore in the witnesses. Council members disclosed all ex parte communications. Village Attorney James White read the title or the resolution. Planner Jay Berenzweig delivered the staff report to Council, recommending Council deny the application. Mr. White briefly explained the quasi-judicial hearing procedures to Council.

Applicant Franklin Greenman introduced a new exhibit, entitled “Department of Environmental Protection Trip Report”, dated 2/1/2012, and distributed copies to Council for review.

Patricia Silver and Michael Healy, representing a neighbor opposing the proposed variance, introduced a new exhibit, consisting of a series of emails regarding VAR-12-01, and distributed copies to Council for review.

Council and applicant discussion ensued regarding deferral of the item to a later date while Council reviews the new evidence. Councilwoman Deb Gillis offered a motion to defer the item to the August 22, 2013 Regular Village Council Meeting. Councilman Mike Forster seconded the motion. Council voted and the motion passed 5-0.

XI. RESOLUTIONS

- A. Proposed Resolution Establishing an Ad Hoc Village Attorney Recommendation Advisory Committee TAB 6**

Village Attorney James White read the title of the resolution. Village Manager Ed Koconis delivered the staff report to Council. Mayor Ken Philipson called for public comment; there was none. Council approved the use of telephone interviews and the Village’s Human Resource Manager as Committee Liaison. Councilwoman Deb Gillis offered a motion to approve the resolution; Councilman Mike Forster seconded the motion. Council voted all in favor and the motion passed 5-0.

Council nominated the following Committee members: Councilman Dave Purdo nominated Jim Lupino; Councilwoman Deb Gillis nominated Village Attorney Nina Boniske; Councilman Mike Forster nominated Scott Black; Vice Mayor Ted Blackburn nominated Don Achenberg; and Mayor Ken Philipson nominated Dick Gross.

Village Manager Ed Koconis advised Council that to date the Village has received three (3) applications.

XII. MOTIONS

No additional motions were made.

XIII. WASTEWATER MATTERS

A. Wastewater Project Update

TAB 7

Wade Trim, Inc. Vice President Tom Brzezinski delivered the staff report to Council. Vice Mayor Ted Blackburn expressed unhappiness with the impact to the construction schedule of litigation in Venetian Shores. Village Attorney Nina Boniske summarized the status of the pending litigation. Councilwoman Deb Gillis inquired into the status of the remaining land acquisitions. Mr. Brzezinski advised Council that the acquisition agreement for the Upper Matecumbe Key pump station was being finalized and that has been made with the owners and their legal counsel regarding the property on Lower Matecumbe Key.

B. Resolution Approving Phase II Wastewater Collection and Treatment Facilities Final Assessment

TAB 8

Village Attorney James White read the resolution title. Wastewater Program Manager Greg Tindle delivered the staff report to Council. Mayor Ken Philipson called for public comment; there was none. Councilwoman Deb Gillis offered a motion to approve the resolution. Councilman Mike Forster seconded the motion. Council voted and the motion passed 5-0.

C. Resolution Amending the Wastewater Utility Rate Schedule

TAB 9

Village Attorney James White read the resolution title. Wastewater Program Manager Greg Tindle introduced Anthony Hairston, Raftelis Financial Consultants. Mr. Hairston summarized the proposed amendments to the rate schedule and addressed Diana Ziomek's earlier public comment questions regarding the FKAA billing structure. Mayor Ken Philipson called for public comment. David Guardino inquired whether he would be charged before the wastewater system was actually available to him. Mr. Hairston advised that 30-day notices would be mailed out prior to wastewater becoming available. Van Cadenhead inquired into the possibility of future wastewater assessments. Councilwoman Deb Gillis offered a motion to approve the resolution. Vice Mayor Ted Blackburn seconded the motion. Council voted and the motion passed 5-0.

D. Resolution Approving Change Order #3 to the Design Build and Operate (DBO) Agreement between Reynolds Water Islamorada, LLC and Islamorada, Village of Islands to Provide for Revisions to the Design Build Work

TAB 10

Village Attorney James White read the resolution title. Wastewater Program Manager Greg Tindle delivered the staff report to Council. Mayor Ken Philipson called for public comment; there was none. Councilwoman Deb

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

XIV. MAYOR / COUNCIL COMMUNICATIONS

Councilman Dave Purdo expressed dissatisfaction with fees paid to Wade Trim, Inc. as the Village's Owner's Representative. He requested this be added as a discussion item on the agenda for the August 8, 2013 Regular Village Council Meeting.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

There were no Village Manager communications.

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

Stephen A. Buzzell, Jr., Plaintiff, v. Islamorada, Village of Islands, a Florida municipal corporation, Defendant, Case No. 13-CA-000708-P.

XVI. ADJOURNMENT

Councilman Dave Purdo offered a motion to adjourn; Councilman Forster seconded the motion. Council voted all in favor. The meeting adjourned at 9:29 p.m.



Ariana S. Lawson
Village Clerk

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