



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
August 22, 2013
5:30 PM**

I. CALL TO ORDER / ROLL CALL

Mayor Ken Philipson called the meeting to order at 5:30 pm. The following Village 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 Planning Director Cheryl Cioffari, Planner Jay Berenzweig, Public Works and Parks & Recreation Director John Sutter, and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Public Works and Parks & Recreation Director John Sutter led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

- A.** Presentation of Home Rule Hero Award Plaque to Mayor Ken Philipson on behalf of the Florida League of Cities

Vice Mayor Ted Blackburn presented a plaque to Mayor Ken Philipson on behalf of the Florida League of Cities, honoring Mayor Philipson as a Home Rule Hero Award recipient.

IV. PUBLIC COMMENT

Mayor Ken Philipson opened public comment. John Cooper proposed solutions toward ending litigation in Venetian Shores. Joe Ziomek spoke regarding private road repaving and encouraged Council to exercise eminent domain to facilitate repaving/sewer connections in Venetian Shores. Van Cadenhead spoke regarding Tab 13. David Makepeace quoted prices he had received for sewer connection and grinder pump installation at his residence. Cheryl Culberson and Doug Rabe spoke in support of mediation between the Village and Venetian Shores resident James Bellizzi. Joe Robinson expressed unhappiness with the cost of wastewater connections and grinder pump installations. Larry Barr commented on factors influencing the cost of wastewater connections and grinder pump installations. John Fernandez inquired whether there would be any forewarning when repaving is to

commence in particular neighborhoods. Wastewater Program Manager Greg Tindle stated that Reynolds Water Islamorada would print a weather-dependent repaving schedule in the local newspaper. Key Largo Wastewater Treatment District Board Chairmen Robby Majeska commented regarding purported misquotes printed in the Free Press. Mayor Philipson closed public comment.

V. AGENDA: Request for Deletion / Emergency Additions

Council moved up discussion of Mayor/Council Communications Item XIV. Bike Lanes on Sunshine, Royal Poinciana and Seminole Boulevards. Councilman Mike Forster opened discussion, requesting cost estimates for engineering be brought back to Council for consideration at the next Regular Village Council Meeting. Vice Mayor Ted Blackburn suggested formation of an ongoing capital fund with a revenue source dedicated to maintenance of existing bike paths. Councilwoman Deb Gillis suggested moving forward quickly.

Mayor Ken Philipson called for public comment. Steve Jahn and Judy and Alexis Justice spoke in favor of bike paths in Plantation Key Colony. Robby Majeska spoke in favor of bike paths Village-wide and sidewalks downtown. Larry Barr spoke against a bike path but in favor of sidewalks on Sunshine Boulevard. Mayor Philipson closed public comment.

Council directed staff to present a Change Order to the Design, Build, Operate (DBO) Agreement for consideration at the next Regular Village Council Meeting.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

- A.** Landscape Advisory Committee Update and Presentation of Pineapple Award to La Jolla Resort – Jennifer Cappadona

Committee Member Jennifer Cappadona provided a Committee update to Council and presented the Pineapple Award to the La Jolla Resort.

- B.** Parks and Recreation Citizens' Advisory Committee Update – Chairperson Carolyn Wightman

The Parks and Recreation Citizens' Advisory Committee did not provide an update.

- C.** Near Shore Water Quality Citizens' Advisory Committee – Chairperson Bob Mitchell

Chairperson Bob Mitchell provided a Committee update to Council. Mr. Mitchell reported that the Committee recently distributed Lobster Mini Season brochures. He also updated Council on developments regarding prop scar restoration, County-wide pumpout services, missing idle speed buoys in Whale Harbor, and Florida Fish and Wildlife concerns with the Lower Matecumbe Wheel Ditch.

- D.** Local Planning Agency Update – Chairperson John Fernandez

Chairperson John Fernandez provided a Committee update to Council.

VII. VILLAGE MANAGER REPORTS AND UPDATES

No Village Manager reports or updates were presented.

VIII. CONSENT AGENDA

- A. Resolution Approving Fourth Amendment to the Contract for Local Police Services between the Monroe County Sheriff's Office, Monroe County and Islamorada, Village of Islands, for Fiscal Year 2013-2014 **TAB 1**

Councilwoman Deb Gillis requested Tab 1 be pulled for discussion. Finance Director Maria Aguilar reminded Council of direction given to staff at the last Budget Workshop to add funds for additional marine patrol and a new vessel. She stated that staff would request the Monroe County Sheriff's Office reflect another \$37,000 for overtime and \$33,000 for the purchase of a new marine patrol vessel. Councilwoman Deb Gillis offered a motion to approve the resolution as amended. Councilman Mike Forster seconded the motion. The motion passed 5-0.

- B. Resolution to Adopt 2012 Public Facilities Capacity Assessment Report **TAB 2**
- C. Resolution Approving the Landscape Maintenance Memorandum of Agreement with the Florida Department of Transportation, Contract #E-6I67 **TAB 3**

Councilwoman Deb Gillis made a motion to approve Tabs 2 and 3 of the consent agenda. Councilman Dave Purdo seconded the motion. Council voted all in favor. The motion passed 5-0.

IX. ORDINANCES

- A. First Reading – Text Amendment to Policy 1-2.4.7 “Limit Transient Rental Use of Residential Properties” of the Islamorada, Village of Islands, Comprehensive Plan **TAB 4**

6:56 Village Attorney James White read the title of the resolution. Assistant Planning Director Cheryl Cioffari presented the staff report to Council. Mayor Ken Philipson called for public comment; there was none. Councilwoman Deb Gillis offered a motion to approve the ordinance. Councilman Mike Forster seconded the motion. The motion passed 5-0.

- B. First Reading – Text Amendment to Chapter 30 “Land Development Regulations,” Article VI “Specific Use Restrictions,” Division 6 “Vacation Rentals,” Section 30-1295(B)(2) of the Village Code **TAB 5**

Village Attorney James White read the title of the resolution. Assistant Planning Director Cheryl Cioffari presented the staff report to Council. Mayor Ken Philipson called for public comment; there was none. Councilwoman Deb Gillis offered a motion to approve the ordinance. Councilman Mike Forster seconded the motion. The motion passed 5-0.

- C. First Reading – Text Amendment to Comprehensive Plan Policy 6-1.7.7 “Restrict Clearing of Native Vegetation” **TAB 6**

Village Attorney James White read the title of the resolution. Assistant Planning Director Cheryl Cioffari presented the staff report to Council. Mayor Ken Philipson called for public comment. Larry Barr suggested Council consider amending the Village Code to require new property owners to remove invasive species upon

acquisition of title. Mayor Philipson closed public comment. Councilwoman Deb Gillis offered a motion to approve the ordinance. Councilman Mike Forster seconded the motion. The motion passed 5-0.

D. Second Reading - Land Development Regulations Text Amendment to Clear Sight Triangles TAB 7

Village Attorney James White read the title of the resolution. Planner Shane Laakso presented the staff report to Council. Mayor Ken Philipson called for public comment; there was none. Councilwoman Deb Gillis offered a motion to approve the ordinance. Councilman Mike Forster seconded the motion. The motion passed 5-0.

E. Second Reading - Land Development Regulations Text Amendment to Zoning Districts and Setbacks Requirements TAB 8

Village Attorney James White read the title of the resolution. Assistant Planning Director Cheryl Cioffari presented the staff to Council. Mayor Ken Philipson called for public comment; there was none. Councilwoman Deb Gillis offered a motion to approve the ordinance. Councilman Dave Purdo seconded the motion. The motion passed 5-0.

F. Second Reading – Comprehensive Plan Text Amendment Regarding Proportionate Share Mitigation for Transportation Concurrency TAB 9

Village Attorney James White read the title of the resolution. Assistant Planning Director Cheryl Cioffari presented the staff report to Council. Mayor Ken Philipson called for public comment; there was none. Vice Mayor Ted Blackburn offered a motion to approve the ordinance. Councilman Dave Purdo seconded the motion. The motion passed 5-0.

G. Second Reading – Land Development Regulations Text Amendment Regarding Proportionate Share Mitigation for Transportation Concurrency TAB 10

Village Attorney James White read the title of the resolution. Assistant Planning Director Cheryl Cioffari presented the staff report to Council. Mayor Ken Philipson called for public comment; there was none. Councilman Dave Purdo offered a motion to approve the ordinance. Councilman Mike Forster seconded the motion. The motion passed 5-0.

H. Second Reading – Comprehensive Plan Text Amendment for U.S. 1 Transportation Concurrency TAB 11

Village Attorney James White read the title of the resolution. Assistant Planning Director Cheryl Cioffari presented the staff report to Council. Mayor Ken Philipson called for public comment; there was none. Councilwoman Deb Gillis offered a motion to approve the ordinance. Mayor Ken Philipson seconded the motion. The motion passed 5-0.

I. Second Reading – Land Development Regulations Text Amendment for U.S. 1 Transportation Concurrency TAB 12

Village Attorney James White read the title of the resolution. Assistant Planning Director Cheryl Cioffari presented the staff report to Council. Councilman Mike Forster offered a motion to approve the ordinance. Councilwoman Deb Gillis seconded the motion. 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 13**

Village Attorney James White read the title of the resolution. Village Clerk Ariana Lawson administered the quasi-judicial oath and swore in the witnesses. Council disclosed all ex-part communications. Planner Jay Berenzweig presented the staff report to Council.

Attorney Franklin Greenman and David de Haas introduced the variance application on behalf of the applicant. Mr. Berenzweig responded to statements made by Mr. Greenman and Mr. de Haas and answered Council's questions regarding the application and staff's review.

Mayor Ken Philipson called for public comment in support of the application; there was none. Mayor Philipson called for public comment in opposition. Michael Healy, Deena Joy Fairless Farrell, Debora Heald and Van Cadenhead spoke in opposition to the variance.

Mayor Philipson called for rebuttal by the applicant. David de Haas and Franklin Greenman spoke on behalf of the applicant.

Mayor Ken Philipson closed public hearing. Village Attorney James White advised Council that while considering the variance they need to apply the criteria established in the Village Code. He also advised that while the Planning Director may grant a variance if all the criteria are met, he is not required to grant the variance. Council discussion ensued.

Councilman Mike Forster made a motion to approve staff recommendations to deny the variance. Councilwoman Deb Gillis seconded the motion. The motion passed 5-0.

XI. RESOLUTIONS

- A. Annual Rate Resolution for Stormwater Management Services** **TAB 14**

Village Attorney James White read the title of the resolution. Finance Director Maria Aguilar presented the staff report to Council. Mayor Ken Philipson called for public comment; there was none. Councilwoman Deb Gillis offered a motion to approve. Mayor Ken Philipson seconded the motion. The motion passed 4-1, with Councilman Dave Purdo dissenting.

- B. Resolution Approving Lease for Property Located Behind Fire Station 20** **TAB 15**

Village Attorney James White read the title of the resolution. Village Manager Ed Koconis presented the staff report to Council. Mayor Ken Philipson called for public comment; there was none. Councilman Dave Purdo offered a motion to approve. Vice Mayor Ted Blackburn seconded the motion. The motion passed 5-0.

XII. MOTIONS

- A. Motion Approving Agreement with AMEC Environment & Infrastructure, Inc. for Professional Services and Expenditure of \$20,000 for Canal Restoration Project Purposes** **TAB 16**

Village Manager Ed Koconis opened discussion of the proposed motion. Mayor Philipson called for public comment. Barry Wray spoke in support of the Agreement, but expressed concern over the expediency of Council's decision. Councilman Mike Forster offered a motion to approve. Councilman Dave Purdo seconded the motion. The motion passed 5-0.

XIII. WASTEWATER MATTERS

- A. Wastewater Project Update** **TAB 17**

Wastewater Program Director Greg Tindle presented the project update to Council and announced upcoming meetings on August 28, 2013 to discuss the Lower Matecumbe wastewater collection system design and construction, and on September 10, 2013 to address Upper Matecumbe Key pre-construction for the wastewater collection system.

Mayor Ken Philipson called for public comment. Hank Paurowski voiced concerns regarding road repaving, bike paths, pending litigation in Venetian Shores, and grinder pumps. Van Cadenhead inquired whether Council had a backup plan in the event of unforeseen wastewater issues on Lower Matecumbe Key. Staff responded to questions from Councilman Dave Purdo regarding the possibility of a single grinder pump located in the right of way servicing multiple residences, and the distance from a residence at which a lift station would be necessitated. Barry Wray spoke regarding the possibility of grinder pumps operating off of solar power rather than electricity. Larry Barr encouraged Council to take whatever steps are necessary to avoid utilizing grinder pumps. Mayor Philipson closed public comment.

XIV. MAYOR / COUNCIL COMMUNICATIONS

- A. Proposal for Bike Lanes on Sunshine, Royal Poinciana and Seminole Boulevards (Councilman Mike Forster)**

See section V. Agenda (discussion moved up in the agenda).

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Village Manager Ed Koconis requested Council provide direction as to whether or not local preference should be waived in the Request for Proposals (RFP) for solid waste and residential recycling services. Village Attorney Nina Boniske summarized history of the local preference requirements in Section 2-327(e) of the Village Code. Mayor Ken Philipson called for public comment. Hank Paurowski spoke in support of waiving local preference in this case. Councilwoman Deb Gillis offered a motion to waive local preference. Councilman Mike Forster seconded the motion. The motion passed 4-1, with Councilman Dave Purdo dissenting.

Ed Koconis requested Council clarify whether they would prefer in-person interviews over skyped interviews of Village Attorney candidates. Council voted all in favor to allow in-person interviews, at the interviewees'

expense, and to schedule interviews of the nine (9) recommended candidates between September 4, 2013 and September 6, 2013.

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

James Bellizzi, Plaintiff, v. Islamorada, Village of Islands, a Florida municipal corporation, Defendant, Case No. 13-CA-334-P in the Circuit Court of the 16th Judicial Circuit in and for Monroe County, Florida.

Maria Aguilar announced that a resolution would be brought forwarded at the next Regular Village Council Meeting for the approval of a wastewater line of credit. She advised Council that the Village currently has a one million dollar balance in the Transportation Fund for pavement overlay and that once those funds are expended, pavement overlay would be financed through a six million dollar loan, to be repaid utilizing fuel sales tax funds. Ms. Aguilar advised Council that the two options available to the Village were: 1) a 10-year line of credit at 2.9% with 20-year amortization; or 2) a 15-year line of credit at 3.07% with full amortization. Council directed staff to pursue the 15- year line of credit at 3.07% with full amortization.

Mayor Ken Philipson stated that he would like Council to consider roll-back at the next Budget Meeting.

XVI. ADJOURNMENT

Councilman Dave Purdo made a motion to adjourn; Councilman Mike Forster seconded the motion. Council voted all in favor. The meeting adjourned at 9:32 pm.



Synthia Lankford
Village Clerk

Approved by the Village Council this 9^h day of January, 2014.