



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
Thursday, September 26, 2013  
5:30 PM**

**I. CALL TO ORDER / ROLL CALL**

Mayor Philipson called the meeting to order at 5:30 pm. 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 Planning Director Cheryl Cioffari, Public Works/Parks and Recreation Director John Sutter, and all other appropriate personnel.

**II. PLEDGE OF ALLEGIANCE**

Sue Miller led the Pledge of Allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

**A. Proclamation – Fire Safety Week (Chief Terry Abel)**

Mayor Ken Philipson read the proclamation and presented it to Fire Chief Terry Abel who spoke regarding the importance of fire safety in residential households.

**IV. PUBLIC COMMENT**

Mayor Philipson opened public comment. Van Cadenhead spoke regarding cable programming and requested the public be provided copies of Village Council Meeting agendas free of charge. Terry Peters spoke regarding repaving. Councilman Mike Forster requested repaving be discussed at the October 9, 2013 Workshop. Kristy Ross spoke in support of bike paths on Sunshine Boulevard from US-1 to Coral Avenue. Larry Barr also spoke regarding bike paths on Sunshine Boulevard.

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

**VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

*Minutes of  
Regular Village Council Meeting  
September 26, 2013*

**A. Local Planning Agency Update (Chairperson John Fernandez)**

Chairperson John Fernandez presented the Local Planning Agency update to Council.

**B. Water Quality Improvement Citizens' Advisory Committee Update (Chairperson David Makepeace)**

Chairperson David Makepeace presented the Committee update to Council.

**C. Workforce/Affordable Housing Citizens' Advisory Committee Update (Chairperson Barry Wray)**

Chairperson Barry Wray reported on recent discussion with Hana Eskra, Gorman and Company, Inc., who indicated that construction of Wet Net Villas is approximately one month behind schedule, with a grand opening anticipated in January 2014. Mr. Wray also spoke regarding increased demand for affordable housing permits, recent sales of affordable housing properties, and rental properties in the Village. Mr. Wray stated that the Committee recommends staff hire Government Services Group to apply for Community Development Block Grant (CDBG) funding. Councilwoman Deb Gillis requested staff research CDBG funding and bring information back for consideration at a future Council meeting.

**VII. VILLAGE MANAGER REPORTS AND UPDATES**

**VIII. CONSENT AGENDA**

(All items on the Consent Agenda are considered routine by the Village Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event, the item will be moved to the Main Agenda.)

**A. Proposed Resolution Approving First Amendment to the Agreement between Professional Emergency Services, Inc. and Islamorada, Village of Islands for Medical Director Services **TAB 1****

**B. Approving 2013 Environmental Sustainability Plan **TAB 2****

Councilman Dave Purdo made 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 – Comprehensive Plan Text Amendment for Bulkheads, Seawalls or Other Hardened Vertical Shoreline Structures and Stabilization Canals and Shorelines **TAB 3****

Village Attorney James White read the title of the ordinance. Environmental Planner Susan Sprunt delivered the staff report to Council. Mayor Ken Philipson called for public comment. James Bellizzi inquired whether the ordinance impacts natural or man-made shorelines. Ms. Sprunt directed Mr. Bellizzi to the staff report and ordinance for clarification. Councilwoman Deb Gillis offered a motion to approve the ordinance. Councilman Mike Forster seconded the motion. Council voted and the motion passed 5-0.

- B. First Reading – Land Development Regulation Text Amendment for Bulkheads, Seawalls or Riprap** **TAB 4**

Village Attorney James White read the title of the ordinance. Environmental Planner Susan Sprunt 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 ordinance. Councilman Mike Forster seconded the motion. Council voted and the motion passed 5-0.

- C. First Reading – Ordinance Amending the Comprehensive Plan to Amend Policy Regarding Enlargement or Extensions to Nonconforming Structures** **TAB 5**

Village Attorney James White read the title of the ordinance. Planning Director/Village Manager Ed Koconis 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 ordinance. Vice Mayor Ted Blackburn seconded the motion. Council voted and the motion passed 5-0.

- D. First Reading – Ordinance Amending the Land Development Regulations Related to Nonconformities** **TAB 6**

Village Attorney James White read the title of the ordinance. Planning Director/Village Manager Ed Koconis delivered the staff report to Council. Mayor Ken Philipson called for public comment; there was none. Councilwoman Gillis offered a motion to approve the ordinance. Councilman Mike Forster seconded the motion. Council voted and the motion passed 5-0.

- E. Second Reading - Ordinance Amending the Comprehensive Plan to Amend Transfer of Development Rights (TDRs)** **TAB 7**

Village Attorney James White read the title of the ordinance. Assistant Planning Director Cheryl Cioffari delivered 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. Council voted and the motion passed 5-0.

## **X. QUASI-JUDICIAL**

See item XI.A Resolutions (Tab 8).

## **XI. RESOLUTIONS**

- A. Resolution Considering a Request by Ocean Dawn LLC dba Ocean House for a 2COP Alcoholic Beverage Permit** **TAB 8**

Village Attorney James White read the title of the resolution, noting that the item is actually quasi-judicial. Village Clerk Ariana Lawson administered the quasi-judicial oath and swore in the witnesses. Council was asked to disclose all ex-part communications; there were none. Assistant Planning Director Cheryl Cioffari delivered the staff report to Council. Mayor Ken Philipson called for public comment. Van Cadenhead noted a correction to Attachment “A” of the agenda package. Councilman Mike Forster offered a motion to approve. Councilman Dave Purdo seconded the motion. Council voted and the motion passed 5-0.

**B. Resolution Approving Amendment to State Wastewater Funding Distribution Agreement for Year Two of Four**

**TAB 9**

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. Vice Mayor Ted Blackburn and Councilwoman Deb Gillis commended Mayor Philipson for his efforts with regard to this item. Councilwoman Deb Gillis offered a motion to approve the resolution. Councilman Dave Purdo seconded the motion. Council voted and the motion passed 5-0.

**C. Consideration of Six (6) Separate Temporary Use Permits Associated with One (1) Three Day Special Music Event held at number venue locations throughout the Village.**

**TAB 10**

Village Attorney James White read the title of the resolution. Assistant Planning Director Cheryl Cioffari delivered the staff report to Council. Councilman Dave Purdo expressed concern over parking safety hazards. Vice Mayor Ted Blackburn called for public comment. Diane Burke, Phyllis Mitchell, Cheryl Culberson, Stan Margulies, David Makepeace, Van Cadenhead and John Pistorino expressed concern regarding the proposed application. Councilman Mike Forster inquired whether the applicant or any representatives were present to answer questions. None were present. Councilwoman Deb Gillis offered a motion to deny the permit application. Vice Mayor Ted Blackburn seconded the motion. Council voted and the motion passed 5-0.

**XII. MOTIONS**

**A. Discussion and Direction Regarding Stratton's Right-of-Way Abandonment**

**TAB 11**

Village Manager Ed Koconis delivered the staff report to Council. Mayor Ken Philipson called for public comment. James Bellizzi spoke regarding the item. Council decided to table the item for future discussion. Sue Miller spoke regarding her own residential right-of-way issues in Stratton's Subdivision and encouraged Council to make a decision. Village Attorney Nina Boniske stated that the subject is not time-sensitive but that it is a long-running issue that abandonment would resolve. She stated that it was unclear what implications resolution of the lawsuit would have for the Bellizzi lawsuit, but that it may impact wastewater construction.

**XIII. WASTEWATER MATTERS**

**A. Wastewater Project Update**

**TAB 12**

Wastewater Program Manager Greg Tindle delivered the project update to Council. Council expressed dissatisfaction with progress made to date in the areas of permitting and land acquisition. Village Attorney Nina Boniske summarized the circumstances surrounding the demand letter issued to the Village by Layne/Reynolds Water Islamorada, citing Layne/Reynolds Water Islamorada's delay in securing legal counsel to handle the title work as a significant hurdle. Village Manager Ed Koconis summarized a subsequent meeting he participated in with Wesley Self.

Mayor Ken Philipson called for public comment. Buddy Pinder and Richard Crow spoke regarding the demand letter. Hank Paurowski stated that his local homeowners association is hesitant to proceed with granting easements without knowing the status of repaving. James Bellizzi spoke regarding Fontaine Lakes Estates. John Cooper spoke regarding Venetian Shores and requested that wastewater issues be addressed earlier in agenda.

Larry Barr spoke regarding eminent domain and opined that it would be most economical to stick with the current grinder pump design. Van Cadenhead inquired regarding that status of the replacement of defective sewer pits in North Plantation Key. Sue Miller requested the Village pay for the installation of residential grinder pumps, citing replacement rates for grinder pumps in other communities including High Springs, Florida. Joe Robinson complained about how disjunctive the meeting has been. David Makepeace requested the Village obtain bids on duplex systems. Sally Bauer and Bob Carpenter commented that it is for grinder pump costs to be passed on to rest of taxpayers. Hank Paurowski suggested utilizing an open step system instead of grinder pumps. Mayor Philipson closed public comment.

**B. Direction Regarding Wastewater Collection System Design Alternatives**

Tom Brzezinski, President, Wade Trim, Inc., opened discussion of wastewater collection system design alternatives. Mayor Ken Philipson called for public comment. Laurie Bell, David Makepeace, Barry Wray, and Joe Robinson each commented on the subject. Mayor Philipson closed public comment.

**C. Discussion and Direction Regarding Potential Bike Lane Construction on Sunshine Blvd.**

Councilman Mike Forster initiated discussion on bike paths. Vice Mayor Ted Blackburn expressed the desire to set up a capital fund dedicated solely to bike paths. Finance Director Maria Aguilar stated that the Village already has a Capital Projects Fund but that it is committed in its entirety to wastewater. Vice Mayor Blackburn stated that he would like to set up fund subcategory with its own revenue stream. Village Attorney Nina Boniske advised Council that the Village has sovereign immunity with regard to the bike path design but not maintenance of bike paths.

Council agreed upon installation of a one-sided bike lane along the entire length of Sunshine Boulevard, as long as the Village Attorney can provide a legal opinion in the next week advising of any illegalities or issues otherwise arising out the project. Council directed staff to have an engineer recommend which side of the street to place the path on and what to do about the dangerous intersection of Sunshine Boulevard and U.S. 1.

Mayor Ken Philipson called for public comment. Jim Bellizzi suggested assessing households to fund bike paths. Mayor Philipson responded that unimproved private lots do not receive water bills so they cannot be assessed and that it was too late for increases to the FY 13/14 assessments. David Makepeace, Barry Wray, Larry Barr and David Giardino also commented on safety and funding related issues. Mayor Philipson closed public comment.

**XIV. MAYOR / COUNCIL COMMUNICATIONS**

Councilwoman Deb Gillis offered a motion to extend the Regular Village Council Meeting for one-half hour, until 10:30 pm. Council voted all in favor and the motion passed 5-0.

**A. Co-Designation of Dogwood Lane / George Hommell Lane (Councilman Forster)**

Councilman Mike Forster offered a motion to locally designate Goerge Hommell Way. Council voted all in favor and the motion passed 5-0.

**B. Discussion and Direction Regarding Activities for Florida City Government  
Week October 20-16, 2013 (Mayor Philipson)**

**TAB 13**

Mayor Ken Philipson announced plans for upcoming Florida City Government Week Open House, essay contest and poster contest activities.

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

### **A. Discussion Regarding No-Motor Zones**

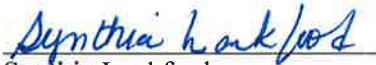
Monroe County Sherriff's Office (MCSO) Captain Corey stated that the MCSO is doing everything they and the Village can under the purview of the law but that not much could be done to discourage nearshore boating, other than increased patrolling on weekends and zero tolerance for noise violations. Captain Bryan introduced FWC Captain David Dupre who stated that FWC is willing to assist the Village in finding a solution, but advised Council that while FWC does not normally enforce municipal ordinances it does enforce Florida Statutes and can work with MCSO to enforce County ordinances. Captain Dupre cautioned against excessive enforcement actions. Vice Mayor Blackburn requested FWC reach out to the homeowners associations on Lower Matecumbe Key, and that additional funds be added to Village's budget for marine patrol enforcement. Captain Bryan stated that the pumpout boat can dock at Robby's Marina. Councilman Mike Forster echoed Vice Mayor Blackburn's comments and requested additional enforcement at Sunset Drive and at the Wheel Ditch. Village Attorney Nina Boniske advised Council that State Law grants the Village jurisdiction up to 1,200 feet to remedy nuisances. Mayor Philipson called for public comment. Jim Bellizzi suggested Council implement some of the Near Shore Water Quality Committee's recommendations. Mayor Philipson closed public comment.

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

Intercoastal Contracting Corporation, a Florida corporation, Plaintiff, v. the Village of Islamorada, a political entity, Brown & Demandt, P.A., a Florida professional association, Robert Brown and Donald Hodgetts, Defendants, Case No. 2006-CA-43-P in the Circuit Court of the 16<sup>th</sup> Judicial Circuit in and for Monroe County, Florida.

## **XVI. ADJOURNMENT**

Councilman Dave Purdo offered a motion to adjourn; Councilman Mike Forster seconded the motion. Council voted all in favor. The meeting adjourned at 10:01 pm.

  
Synthia Lankford  
Village Clerk

Approved by the Village Council this 9<sup>th</sup> day of January, 2014.