



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, October 10, 2013
5:30 PM**

I. CALL TO ORDER / ROLL CALL

Mayor Ken Philipson called the meeting to order at 5:47 p.m. 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 Attorneys Nina Boniske and James White, Village Clerk Ariana Lawson, Monroe County Sheriff's Office Captain Corey Bryan, Islamorada Fire Chief Terry Abel, Wastewater Program Manager Greg Tindle and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Larry Barr led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

- A.** Recognition of Michael McLoad's Service on the Water Quality Improvement Citizens' Advisory Committee

Vice Mayor Ted Blackburn recognized Michael McLoad for his service on the Water Quality Improvement Citizens' Advisory Committee.

- B.** Proclamation – Put It Down Campaign (MCSO Captain Corey Bryan / Fire Chief Terry Abel)

Monroe County Sheriff's Office Captain Bryan and Islamorada Fire Chief Terry Abel delivered the proclamation.

III. PUBLIC COMMENT

Mayor Ken Philipson called for public comment. Van Cadenhead and Ed Kinkelaar gave public comment. Mayor Ken Philipson closed public comment.

IV. AGENDA: Request for Deletion / Emergency Additions

Councilman Mike Forster requested discussion under Mayor/Council Communications of late Mayor Emeritus Ron Levy.

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V. CITIZENS' ADVISORY COMMITTEE UPDATES

Vice Mayor Ted Blackburn appointed Liz Riesz to the Water Quality Improvement Citizens' Advisory Committee.

VI. VILLAGE MANAGER REPORTS AND UPDATES

A. Report Regarding 90-Day Review of Noise Complaints by Sheriff's Office

Captain Corey Bryan presented a report to Council summarizing the number and types of noise complaints received over the past four (4) months.

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. Minutes:

TAB 1

September 11, 2013 Special Call Village Council Meeting
(Executive Session: Case No. 13-CV-10121)

September 11, 2013 Special Call Village Council Meeting
(Executive Session: Case No. 10-CA-334-P)

September 12, 2013 Special Call Village Council Meeting
(Executive Session: Case No. 10-CA-43-P)

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

IX. ORDINANCES

No ordinances were presented for consideration.

X. QUASI-JUDICIAL

A. Application for Five (5) Temporary Use Permits Associated within One (1) Three Day Special Music Event ("Beach Road Trip") Held at Numerous Venue Locations throughout the Village

TAB 2

Village Attorney Nina Boniske read the title of the resolution and read the quasi-judicial hearing statement. Council disclosed all ex-parte communications. Councilman Mike Forster recused himself from voting on this particular agenda item. The Village Clerk administered the quasi-judicial oath and swore in the witnesses. Assistant Planning Director Cheryl Cioffari presented the staff report to Council. At the request of Vice Mayor Blackburn, Ms. Cioffari clarified that events expecting 250+ attendees are required to obtain a temporary use permit from the Village.

Mayor Ken Philipson called for public comment. Applicant Hans Mullings addressed concerns voiced by Council and the public at the September 26, 2013 Regular Village Council Meeting. Peter Wright spoke regarding the applicant's intentions to hire locals for the event and regarding potential financial benefits to the local economy. Van Cadenhead spoke in support of the application, but encouraged respect for the lives lost in the quarry at what is now Windley Key Fossil Reef Geological State Park during the 1933 Hurricane. Stephen Kurutz spoke in support of the application. Gary Ellis advised Council of the Redbone Celebrity Tournament occurring the same weekend as the proposed event and voiced concern regarding traffic congestion. Phyllis Mitchell voiced concern over traffic congestion and the potential threat to endangered and threatened plant life at Windley Key Fossil Reef Geological State Park. Cheryl Culberson expressed concern regarding noise violations, conflict with the Redbone Celebrity Tournament event, liability issues, and solid waste. Diane Burke expressed concern regarding noise violations and potential negative impacts to Windley Key Fossil Reef Geological State Park. David Makepeace expressed concern regarding traffic congestion and safety issues at the Fountain property proposed parking location; questioned location and safety of the barge concept. Mayor Philipson closed public comment.

Mr. Mullings addressed concerns voiced during public comment.

Mayor Philipson inquired about the barge. Mr. Mullings distributed Exhibit "E", entitled "Whale Harbor, Saturday, November 2, 2013," for Council consideration. Councilman Dave Purdo expressed concern over conflict with Redbone Celebrity Tournament, and over potential roadway safety issues. He expressed a greater level of comfort with the current application, as compared to last year's. Councilwoman Deb Gillis and Vice Mayor Ted Blackburn expressed concern over parking during wastewater construction, potential noise violations, and after-hours activities. Council discussion ensued regarding noise. Matthew O'Rourke, Layne Construction, advised Council of plans for equipment staging within the proposed event areas during the week preceding the event. Discussion ensued regarding the number of anticipated event participants.

Councilwoman Deb Gillis offered a motion to approve the resolution, with amendments. Councilman Dave Purdo seconded the motion. Council voted, with Councilman Mike Forster abstaining. The motion passed 3-1, with Vice Mayor Ted Blackburn dissenting.

XI. RESOLUTIONS

- A. Resolution Approving Fourth Amendment to Agreement for Professional State Lobbying Consulting Services **TAB 3****

Village Attorney Nina Boniske read the title of the resolution. Village Manager Ed Koconis presented the staff report to Council. Councilman Dave Purdo made a motion to approve the resolution. Councilwoman Deb Gillis seconded the motion. Council voted and the motion passed 5-0.

- A. Resolution Approving Employment Agreement between Roget Bryan and the Village to Serve as Village Attorney **TAB 4****

Village Attorney Nina Boniske read the title of the resolution and presented the staff report to Council. Council discussion ensued regarding salary, vehicle and mileage allowance, and retirement benefits.

Councilman Dave Purdo offered a motion to approve the resolution. 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

Wastewater Program Manager Greg Tindle presented the update to Council. Mayor Ken Philipson called for public comment. Larry Barr commended staff on the October 9, 2013 Village Council Workshop. Council directed staff to issue a Notice to Proceed to Reynolds Water Islamorada for full pavement overlay.

B. A Resolution Approving the Purchase and Sale Agreement between Islamorada, Village of Islands, and H&C Islander Resort, LLC for the Acquisition of Property Consisting of Lot 10, Block 9 Stratton's Subdivision, Islamorada **TAB 5**

Village Attorney Nina Boniske read the title of the resolution. Wastewater Program Manager Greg Tindle delivered the staff report to Council. Council commended staff for cost savings achieved in purchase negotiations.

Mayor Ken Philipson called for public comment. James Bellizzi, Van Cadenhead and Buddy Pinder provided public comment. Mayor Philipson closed public comment.

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.

XIV. MAYOR / COUNCIL COMMUNICATIONS

Councilman Mike Forster spoke regarding the recent passing of Mayor Emeritus Ron Levy. Council agreed to accept a donation by local artists Dwayne and Cindy King, The Rain Barrel Sculpture Gallery, of a bronze bust of Mr. Levy for placement at Village Hall. Councilman Forster suggested Council consider naming the Founders Park Pool Complex after Mayor Emeritus Levy.

A. Discussion and Direction Regarding Long Dock Variances (Mayor Philipson)

Mayor Ken Philipson requested staff present for consideration at a future Regular Village Council Meeting an ordinance removing long docks from the Village Code.

Councilwoman Deb Gillis requested a status update at a future Regular Village Council Meeting on canal restoration and RESTORE Act funding.

Mayor Philipson requested Council consider moving the election of Mayor and Vice Mayor from the first meeting in December to the first meeting in October to coincide with the Village's fiscal year. Council agreed and directed staff to explore the possibility of doing so.

Mayor Philipson resigned as Mayor and offered a motion to appoint Vice Mayor Ted Blackburn as Mayor. Councilman Mike Forster seconded the motion. Council voted all in favor and the motion passed 5-0.

Councilman Dave Purdo offered a motion to nominate Councilman Forster as Vice Mayor; Councilman Forster declined. Councilman Forster nominated Councilwoman Deb Gillis as Vice Mayor. Newly elected Mayor Ted Blackburn seconded the motion. Council voted all in favor and the motion passed 5-0.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

- A.** Approval of a Resolution of the Village Council Authorizing Partial Settlement of the Litigation Styled *Intercoastal Contracting Corporation v. the Village of Islamorada, Brown & Demandt, P.A., Robert Brown and Donald Hodgetts; Village of Islamorada v. Great American E&S Insurance Company*, Case No. 2006-CA-43-P, 16th Judicial Circuit, Monroe County, Florida Approving the Settlement Agreement Regarding Intercoastal’s Breach of Contract Claim against the Village and Professional Negligence Claim against Brown & Demandt, Robert Brown and Donald Hodgetts for the Construction of the Village’s Amphitheater (the “Litigation”) **TAB 6**

Village Attorney Nina Boniske read the title of the resolution and delivered the staff report to Council. Mayor Ted Blackburn and Councilman Dave Purdo commended Ms. Boniske and Councilwoman Deb Gillis in their settlement negotiation efforts in this case. Councilman Dave Purdo offered a motion to approve the resolution. Councilwoman Deb Gillis seconded the motion. Council voted and the motion passed 5-0.

- B.** Discussion and Direction Regarding the Increase of Annual BPAS Non-Residential Square Footage

Village Manager Ed Koconis opened discussion. Council requested Mr. Koconis provide an update at the October 24, 2013 Regular Village Council Meeting on bathroom additions for hotels.

XVI. ADJOURNMENT

Councilman Dave Purdo offered a motion to adjourn. Councilman Mike Forster seconded the motion. The motion passed 5-0. The meeting adjourned at 9:42 p.m.



Ariana S. Lawson
Village Clerk

Approved by the Village Council this 10th day of April, 2014.