



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, December 12, 2013
5:30 PM**

I. CALL TO ORDER / ROLL CALL

Mayor Blackburn called the meeting to order at 5:31 p.m. The following Council members were present on roll call: Mayor Ted Blackburn, Vice Mayor Deb Gillis, Councilman Mike Forster, Councilman Ken Philipson, and Councilman Dave Purdo. Also in attendance were Village Manager Ed Koconis, Village Attorneys Roget Bryan and James White, Village Clerk Synthia Lankford, Monroe County Sheriff's Office Captain Corey Bryan and all other appropriate personnel.

Mayor Blackburn read a letter from Jonathon Elwing, pastor at the First Baptist Church, thanking the community for its support of the Food Bank.

II. PLEDGE OF ALLEGIANCE

Skip Bradeen led the Pledge of Allegiance.

III. ELECTION OF MAYOR AND VICE MAYOR

Councilman Ken Philipson made a motion to elect Ted Blackburn as Mayor. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

Councilman Ken Philipson made a motion to elect Deb Gillis as Vice-Mayor. Councilman Mike Forster seconded the motion. Council voted all in favor. The motion passed 5-0.

IV. PRESENTATIONS AND ANNOUNCEMENTS

Mayor Blackburn introduced new Village Clerk Syndi Lankford and new Village Attorney Roget Bryan.

A. Presentation of 5- and 15-Year Service Pins to Village Employees

Village Manager Ed Koconis presented pins for Village employees Debbie Naiser for 15 years of service; and Greg Goebel, Anthony Barrios and Jason Press for 5 years of service.

- B.** Presentation by Florida Fish & Wildlife Conservation Commission, Regarding Wheel Ditch South of Robbie's of Islamorada (Captain David Dipre, FWC)
Captain David Dipre, FWC, spoke about the Wheel Ditch north of Robbie's Marina. Captain Dipre will make a recommendation to the Near Shore Water Regulation Citizens' Advisory Committee at their January 21, 2014 meeting to make the area a slow speed/no wake zone in the interest of public safety.

Mayor Blackburn expressed gratitude for FWC's diligence on the safety concerns of the Wheel Ditch. Councilman Forster inquired on which entity would address any challenges to the area being made a slow speed or no wake zone. Captain Dipre indicated it would be the responsibility of FWC in conjunction with the Park Service.

- C.** Presentation of the Certificate of Completion from the Advanced Institute for Elected Municipal Officials to Councilman Ken Philipson

Mayor Blackburn presented Councilman Ken Philipson with the Certificate of Completion from the Advanced Institute for Elected Municipal Officials.

- D.** Announcement of Santa Parade

Assistant Fire Chief Jason Lyman announced the Santa Parade on Sunday, December 15, 2013.

V. PUBLIC COMMENT

Stan Marguiles encouraged Council to authorize Reynolds' Water to begin the installation of sewers in Venetian Shores. Mr. Marguiles also supports Publix in Islamorada.

Bruce Williams, Advanced Disposal, advised carts for trash and recycling are being delivered, he expects to be finished by December 20th. Mr. Williams provided his contact information for any questions; office (305) 853-3433 and cellular (305) 797-1333.

Don Horton asked Council to reconsider the proposed changes to long dock variances. Mr. Horton indicated if the proposed ordinance is adopted there would be no procedures available to receive permission to construct a long dock. Mr. Horton request Council, in consideration of approving the ordinance, exempt anyone that has begun the application process from the proposed changes.

David Makepeace encouraged the Near Shore Water Regulation Citizens' Advisory Committee to meet in the Founders' Park Community Center on January 21, 2014, to allow attendance by the public.

Barry Wray inquired if Council would consider allowing a local business to have fireworks and a band playing until 1:00 a.m. on New Year's Eve.

Harry Delashmut stated the Village Code governing long docks needs reform.

Zee Hopman expressed his agreement that construction of long docks continue to be allowed in the Village.

David Dubriel encouraged Council to continue to allow administrative variances for long docks in the Village.

VI. AGENDA: Request for Deletion / Emergency Additions

Councilman Ken Philipson made a motion to move Tab’s 7, 8 and 9 ahead, following the Consent Agenda items. Councilman Dave Purdo seconded the motion. Council voted all in favor. The motion passed 5-0.

Councilman Purdo pulled his item on TDRs from Mayor/Council Communications.

VII. CITIZENS’ ADVISORY COMMITTEE UPDATES

A. Proposal Evaluation, Rankings and Recommendations of the Audit Committee for Professional Auditing Services

Mayor Blackburn commended the hard work of the Audit Committee members and presented Proclamations to Jim Grainger, Joe Catarineau and Dick Hagood. The evaluations and rankings of the Committee will be provided by Finance Director Maria Aguilar as Tab 10.

B. Workforce/Affordable Housing Citizens’ Advisory Committee Update

Chairperson Barry Wray provided the Workforce/Affordable Housing Citizens’ Advisory Council update. The Wet Net development will see its first residents move in next week and an official Grand Opening for the public will be held in February. The Committee has selected members for a task force to discuss use of funds received from the CDBG grant. The Committee continues to work on the language in the Workforce/Affordable Housing Trust fund to allow assistance with down payments for Affordable Housing Units.

C. Local Planning Agency Update

Director of Planning and Development Services Ed Koconis provided the update. The LPA approved the Comprehensive Plan Amendment to eliminate the provision of long docks, by a vote of 4-0, with one abstention. The Text Amendment to the Definition of Hotel and Motel Rooms was discussed in detail, but died for a lack of second after a motion to approve.

VIII. VILLAGE MANAGER REPORTS AND UPDATES

A. Mandatory Connections to the Wastewater System

Ed Koconis reported in January 2014 courtesy letters will be sent out Phase I and Phase II property owners as a Notice to Connect within 90 days to the Village Wastewater system. Property owners that do not begin the connection process will be turned over for Code Enforcement action.

IX. 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

March 28, 2013 Regular Village Council Meeting

April 25, 2013 Regular Village Council Meeting

May 9, 2013 Regular Village Council Meeting

May 23, 2013 Regular Village Council Meeting

June 27, 2013 Regular Village Council Meeting

July 25, 2013 Regular Village Council Meeting

August 8, 2013 Regular Village Council Meeting

November 18, 2013 Town Hall Meeting

Councilman Mike Forster offered a motion to approve. Councilman Dave Purdo seconded the motion. Council voted all in favor. The motion passed 5-0.

Councilman Forster requested an item be added to Mayor/Council Communications; regarding a scheduling a Workshop in January regarding IT related programs in the Village.

X. QUASI-JUDICIAL

A. Resolution - Application for Major Conditional Use by Equity Development Group LLC **TAB 7**

Village Attorney James White read the quasi-judicial statement. Village Clerk Synthia Lankford swore in the witnesses. Village Attorney James White read the title of the resolution. Council members disclosed all ex parte communications. Village Clerk Synthia Lankford entered into the Official Record the ex-parte e-mail communications received both for and against the development application. Mr. White briefly explained the quasi-judicial hearing procedures to Council. Assistant Director of Planning Cheryl Cioffari presented the staff report to Council, recommending Council approve the application with the conditions listed in the Resolution.

For the applicant; Tim Maloney, District Manager of Publix Supermarkets and former Island Christian School graduate, spoke about Publix's commitment to community involvement and United Way fundraising. Bridget O'Connor, Publix Real Estate Manager, believes the appropriate commercial location has been located in Islamorada for the Publix development. Barnard Danzansky, Managing Member of Equity Development Group introduced the design team members; Land Use Attorney Andy Tobin, Architects Bob Weber, Civil Engineer George Camaro, Landscape Architect Dave Bodker, Traffic Engineer George Galan, and Environmental Studies Harry Delashmut. Mr. Delashmut advised Council that one hundred percent native vegetation was planned for the development. Mr. Danzansky presented a power point presentation (Applicant's Exhibit A) illustrating the evolving iterations to the development to address the Village Planning staff concerns and receive their recommendation for approval. Mr. Danzansky explained to Council that Publix will be beneficial to the community, create one hundred year round jobs and increase the tax base. George Galland provided Council a synopsis of the traffic study.

Mayor Blackburn opened public comment for those in favor.

Hobie Kostyk spoke in favor of allowing Publix in Islamorada.

John Curd expressed support of Publix and believes it is a good location for the project.

Bernie Kay stated Islamorada needs a grocery store, and the jobs created would be beneficial to unemployed residents and young people.

Frank Kulisky supports approving the Publix application.

Clay Crockett believes the Village should take the opportunity to revitalize vacant commercial buildings and indicated his family would appreciate shopping at Publix in Islamorada.

Stephen Pearse advised that it is a major inconvenience for the citizens not to have a local grocery store and that he whole heartedly supports a Publix in Islamorada.

Walter Mason, resident of South Hammock Road, believes Publix has done their jobs in complying with Village regulations and indicated neighbors he spoke to are in support of the project.

Mayor Blackburn closed public comment for those in favor.

Mayor Blackburn opened public comment for those opposed.

Tucker Gibbs, representing K.I.P.P.S. (Keep Islamorada Prosperous, Peaceful and Safe) and neighboring property owners Laurie and Meg Blair, Jerry Lear, Dan and Nancy Phair, Juanita Russell Knudsen, Richard and Mary Russell spoke against the development. Mr. Gibbs states his clients object to the Major Conditional Use project for three reasons (1) the application is not complete, critical aspects of the proposed site plan are not in the application for Council for consideration, (2) the proposal is not consistent with applicable provisions of the Village's Comprehensive Plan and (3) the proposal is not compliant with the Village's Land Development Regulations, in particular the parking requirements. Mr. Gibbs testified his calculations of gross floor indicated an additional forty parking spaces are required for the proposed development to be in compliance with the Village's Land Development Regulations. Neighbor's Exhibit 1 and Exhibit 2 were entered into the record, drawings illustrating Mr. Gibbs calculation of gross floor area. Mr. Gibbs requested the definitions section from the Florida Building Code, regarding gross floor area, be entered into the record as well. In summation Mr. Gibbs stated the project is out of scale, too big and too intense, that is inconsistent with the City's Comprehensive Plan and requested Council vote to deny the application for Major Conditional Use.

Mark Alvarez, Professional Planner, presented a power point presentation, Neighbor's Exhibit 3, entitled, "Publix, Overseas Highway North of Russell Street, Major Conditional Use Application, Review Consistency and Compatibility." Mr. Alvarez agreed with Mr. Gibbs parking assessment, in his interpretation of the Village code forty additional spaces are required to be in compliance. Mr. Alvarez believes the noise, smoke and odors associated with a high intensity commercial use is incompatible with the residential neighborhood.

Beth Kaminstein encouraged Council to maintain the charming small town character of the Village and reject behemoth commercial developments. Ms. Kaminstein stated historically 10,000 square foot was the maximum allowable for commercial developments.

Chris Zishka expressed concern over the noise and traffic that would be generated behind Publix and the negative impact to the surrounding residents.

Ann Wittwer advised Council that the developer had initially offered to purchase her property but never offered a contract and has ceased communications. Ms. Wittwer is worried about the location of the proposed wastewater treatment facility and the noise that will be generated by delivery trucks.

Dave Feder appealed to Council to maintain the small town feel of Islamorada and stated the proposed development does not comport with our community.

Robert McClung stated commercial development does not attract tourism and Publix would not bring arts or culture to our town.

Gerry Lear spoke about the noise that would be generated by trucks at night and worries the proposed temporary sanitation facility becoming permanent.

Suzy Feder voiced concern over retail chain stores overrunning small businesses, and believes commercial development should not be located in residential areas.

Linda Makepeace stated she is afraid of the traffic problems that will occur as motorists navigate the center lane to merge into northbound traffic.

Chris Calderwood spoke about the negative effects of the proposed development including noise, trash, light pollution, traffic and decreased property values.

Meg Blair communicated her desire to maintain Islamorada's small town charm and does not believe a large supermarket enhances the character of the Village.

Tony Hammon stated he believes Publix would be a good neighbor to the Island Christian School and community at large, but is concerned over the safety of his students.

George Geisler expressed concerns over the traffic hazards and the safety of the students at Island Christian School.

David Makepeace commented about the potential for increased accidents caused by commercial traffic entering the highway.

Mayor Blackburn closed public for those opposed.

Mayor Blackburn opened general public comment.

Deborah Heald advised Council the properties proposed for the Publix development have always been commercial. Ms Heald believes Publix would be a good neighbor.

Janine Spaulding spoke in support of Publix.

Mayor Blackburn closed general public comment.

Mayor Blackburn inquired if staff had any rebuttal comments.

Assistant Director of Planning Cheryl Cioffari clarified the Village Land Development Regulations Section 30-32 contain a definition of floor area non-residential which was used to calculate the required parking spaces. Ms. Cioffari affirmed the Village Comprehensive Plan limits, but not prohibit, high

intensity uses and the proposed development is within the Highway Commercial zoning district which is the most permissive land use zoning district.

Director of Planning and Development Services Ed Koconis concurred with the interpretation of staff on the definitions in Section 30.

Councilman Purdo inquired about the litigation regarding formula retail.

Village Attorney James White provided clarification of the formula retail ordinance struck down in federal court and advised the Comprehensive Plans and Land Development Regulations were not affected by this ruling.

Council Forster requested staff address the opposition presentation by Mark Alvarez that the development is non-compliant.

Assistant Director of Cheryl Cioffari does not agree with Mr. Alvarez's opinion. The Staff report provided to Council states the proposed development is in compliance with the Comprehensive Plan and Land Development Regulations. Village Attorney Roget Bryan stated legal is in support of the Staff Report.

Vice Mayor Gillis inquired if written approval from the owners of the Fish Bowl is required.

Assistant Director of Planning Cheryl Cioffari advised no written approval from the Fish Bowl is required, as they are not part of the application, but a cross access easement agreement is required as a condition of the approval prior to issuance of any building permit.

Vice Mayor Gillis requested clarification on the status of the temporary wastewater treatment plant, lighting and privacy wall proposed at the development.

Assistant Director of Planning Cheryl Cioffari advised the plans provide for a new temporary wastewater treatment plant, but anticipates it never being built because of the timing of construction and the availability of the Village central wastewater system. The lighting meets all requirements of the Village code and an eight foot wall runs along the property line and follows the crown.

Applicant Bernard Danzansky was invited to the dais to address concerns over the noise delivery trucks generate when backing up. Mr. Danzansky advised the truck's beeping noise while traveling in reverse would be turned off in the early morning hours and the trucks are turned off while unloading.

Councilman Philipson inquired if the developers had met with property owners behind the proposed development. Mr. Danzansky indicated two of the properties behind the development are under contract. An offer was made to the third property owner, Ms. Wittwer, but negotiations were unsuccessful. Mr. Danzansky indicated they still have an interest in purchasing Ms. Wittwer's property at what they would deem as a fair value.

Mr. Danzansky addressed questions brought forward in public comment. The construction period for the project is anticipated to be twelve months, the site wall and all perimeter enhancements will be done before any other work on site, except for demolition, Russell Street improvements will be done at the same time. The proposed sewer plant is temporary, if constructed at all and an eight foot wall with a twenty foot buffer on each side will run along the back property line of the development.

Vice Mayor Gillis inquired if Ms. Wittwer's property is not purchased by the developers what type of boundary would be put between that property and the two residential properties currently under contract.

Mr. Danzansky indicated they would install a chain link fence.

Village Attorney Roget Bryan asked for a motion to extend the meeting. Councilman Ken Philipson made a motion to extend the meeting for one hour. Vice Mayor Deb Gillis seconded the motion. All voted in favor.

Councilman Philipson asked what will happen to the residential properties currently under contract.

Mr. Danzansky replied there are no plans for those properties at this time, the lots will remain residential.

Vice Mayor Gillis queried where the trucks would enter to fill the generator tanks.

Mr. Danzansky proposed the trucks would enter on Russell Street and back into the area to fill the tanks; this is the same process that will be used to fill the propane tanks.

Mayor Blackburn requested Chief Abel address the safety concerns of the tanks. Chief Abel indicated the developer addressed all their safety concerns and everything being proposed is to code.

Vice Mayor Gillis inquired on what type of trash compactor is planned and how often it would be picked up.

Mr. Danzansky advised the compactor is a sealed container installed clean, pick up customarily occurs seven to ten days.

Councilman Purdo expressed his concern over early morning traffic and indicated he would like a flashing light installed by D.O.T. for a school zone.

Councilman Purdo inquired if the proposed development satisfies the Village parking requirements.

Assistant Director of Planning Cheryl Cioffari confirmed the development meets the parking requirement

Councilman Philipson expressed concern over beer and wine sales on a property adjacent to a school.

Mr. Danzansky responded that on premise consumption of alcohol is illegal and their application conforms to all state and local laws.

Councilman Forster believes a "No Through Street" street sign should be erected on Russell Street to advise customers there is no side entrance. Councilman Forster echoed concerns that a flashing light should be installed for a school zone.

John Zeger, Kittleson and Associates, stated he would open communications with the D.O.T. for installation of a flashing light for the school zone.

Councilman Philipson requested the developer explore the possibility of moving the propane tanks to the location of the temporary treatment plant.

Vice Mayor Gillis inquired if the fourteen foot wall surrounding the propane tanks were reinforced.

Mr. Danzansky responded that it is a filled core concrete block wall.

Councilman Philipson inquired why there wasn't a pharmacy in this store.

Mr. Danzansky indicated the final decision on a pharmacy had not yet been made.

Councilman Forster stated he was unaware the trucks to service the propane and diesel would utilize Russell Street for access; previously he believed Russell Street would only be utilized for pickup of the trash compactor.

Mr. Danzansky assured Council the effects on Russell Street would be minimal. The trucks servicing the propane tanks are no larger than those servicing residential households. Propane tanks are filled once every two weeks and diesel tanks filled quarterly.

Vice Mayor Gillis requested the compactor be dumped once per week.

Staff will add a condition to the Major Conditional Use stipulating the collection of the trash compactor shall occur no less than once every seven days.

Village Attorney Roget Bryan asked for a motion to extend the meeting. Councilman Mike Forster made a motion to extend the meeting for one hour. Vice Mayor Deb Gillis seconded the motion. All voted in favor.

Mayor Blackburn asked for final comments from the applicants and the opposition.

Andy Tobin stated the Planning Director and Planning staff determined the application meets the standards of both the Comprehensive Plan and Land Development Regulations. As no competent or substantial evidence has been provided by the opposition to support its conclusions Mr. Tobin requested Council approve the application.

Tucker Gibbs indicated the Village code requires five parking spaces per one thousand square feet of gross floor area. Village staff made a determination to apply a standard for "floor area, residential" to measure parking requirements. Mr. Gibbs declared forty additional parking spaces are required to meet Village code and the application does not meet the essential requirements of the law.

Mr. Tobin provided a brief rebuttal stating the Planning staff used the definitions in the code to calculate the parking requirements; the Florida Building code definition of gross floor area has no relevance in this calculation.

Planning Director Ed Koconis clarified the definitions used by the Planning Department are the definitions as defined in the Village code.

Mayor Blackburn concluded the public hearing.

Councilman Forster inquired if the Village Attorney agreed with the Planning Department's applicability of the definition.

Village Attorneys James White and Roget Bryan concurred with the Planning Department.

Vice Mayor Gillis requested clarification of the conditions of the Major Conditional Use.

Assistant Director of Planning Cheryl Cioffari read the list of conditions to Council.

Vice Mayor Gillis requested a condition added stating the applicant will erect a fence between Lots 13 and 14 if no agreement is reached to purchase the property.

Assistant Director of Planning Cheryl Cioffari will add an additional condition for installation of a chainlink fence, constructed to the maximum height permissible by Code but not to exceed eight feet between Block Lot 14 and Block Lot 13 of Coral View, Plat Book 3 Page 105, at the Applicant's expense.

Mr. Danzansky inquired if language could be inserted in the cross access agreement that would offer any other suitable arrangement to accomplish the same goal and if the language regarding BPAS could be amended.

Village Attorney Roget Bryan advised the language would be amended to read "a fully executed and effective cross access agreement or other similar or comparable legal instrument."

Village Attorney James White recommended the language regarding BPAS be amended to read "the applicant shall obtain 2,831 square feet of non-residential floor area from the Building Permit Allocation System or TDRs prior to the issuance of any building permit."

Vice Mayor Deb Gillis made a motion to approve the Major Conditional Use. Councilman Dave Purdo seconded the motion. The motion passed 4-1, with Councilman Philipson voting no.

B. Resolution - Application for Alcoholic Beverage Use Permit (AB-13-01) by Equity Development Group LLC TAB 8

Village Attorney James White read the title of the resolution. Assistant Director of Planning Cheryl Cioffari presented the staff report, indicating the application is in compliance with the criteria for evaluating a request for an alcoholic beverage use permit and recommends approval for the proposed resolution and approval for the alcoholic beverage use permit.

Mayor Blackburn opened public comment for those in favor.

Barnard Danzansky thanked Council for their deliberations this evening.

Mayor Blackburn opened public comment for those opposed; no public comment was offered.

Councilman Forster commented Council should address issuance of alcoholic beverage permits on properties in close proximity to churches at some future date.

Councilman Mike Forster made a motion to approve the Alcoholic Beverage Permit. Vice Mayor Deb Gillis seconded the motion. The motion passed 4-1, with Councilman Philipson voting no.

C. Proposed Resolution Approving Affordable Housing Agreement between Islamorada, Village of Islands and Equity Development Group LLC TAB 9

Village Attorney James White read the title or the resolution. Assistant Director of Planning Cheryl Cioffari presented the staff report.

Mayor Blackburn opened public comment; no public comment was offered.

Vice Mayor Deb Gillis made a motion to approve the Affordable Housing Agreement. Councilman Dave Purdo seconded the motion. Council voted all in favor. The motion passed 5-0.

Village Attorney James White announced the Quasi-Judicial section of the Agenda is concluded.

XI. ORDINANCES

A. First Reading –Ordinance Amending the Comprehensive Plan Policy 5-1.2.13:10(D) to **TAB 2 Remove Special Approval Allowing a Variance to Extend Docks Beyond the Size Limitations**

Village Attorney Roget Bryan read the title of the ordinance. Principal Planner Jeff Stuncard presented the staff report. The Local Planning Agency recommended approval of the ordinance 4-0 at their meeting on December 9, 2013. Staff recommends Council approve the Ordinance on its first reading.

Mayor Blackburn opened public comment.

Jim Belizzi requested the Ordinance be sent back for further review and requested any further business be tabled due to the late hour.

Mayor Blackburn closed public comment.

Councilman Mike Forster stated he believes the Ordinance is too broad stroke and further clarification is required.

Councilman Purdo expressed concern about restricting citizens from building on their own property when they own the bay bottom.

Councilman Philipson indicated he believes the current rules for long docks should be revised.

Vice Mayor Gillis requested clarification of water depth requirements from the D.E.P. and the Village.

Mayor Blackburn suggested the item be tabled to allow staff to consider the concerns brought forward this evening.

Ed Koconis indicated he would meet with the concerned parties and bring back the item at a later date for further direction from Council.

Vice Mayor Gillis inquired if Council could set a hard date to stop accepting applications.

Village Attorney Roget Bryan advised that would not be possible at this time.

Councilman Dave Purdo made a motion to table TAB 2. Councilman Ken Philipson seconded the motion. Council voted all in favor. The motion passed 5-0.

B. First Reading –Land Development Regulation Amendment Regarding Long Dock Variances TAB 3

Village Attorney Roget Bryan read the title of the ordinance.

Councilman Ken Philipson made a motion to table TAB 3. Councilman Dave Purdo seconded the motion. Council voted all in favor. The motion passed 5-0.

C. First Reading –Ordinance Amending the Comprehensive Plan Policy 1-3.1.1 Establish a Building Permit Allocation System (BPAS) by Increasing the Non-Residential Square Footage Allocation TAB 4

Village Attorney Roget Bryan read the title of the ordinance.

Councilman Dave Purdo made a motion to extend the meeting for one hour. Vice Mayor Deb Gillis seconded the motion. All voted in favor.

Assistant Director of Planning Cheryl Cioffari presented the staff report. The Local Planning Agency recommended approval the ordinance 4-0 at their meeting on November 4, 2013 with the modification of approving an increase of the non-residential square footage allocation to 10,000 square feet. Staff is recommending Council approve the Ordinance, with an increased non-residential square footage allocation of 15,000 square feet on its first reading.

Councilman Forster inquired if a single applicant could receive the entire 15,000 square footage allocation.

Assistant Director of Planning Cheryl Cioffari responded, yes, if the application scored high enough in BPAS it could receive the entire allocation.

Vice Mayor Gillis would like to find a method to distribute the increased square footage allocation to multiple smaller projects.

Director Ed Koconis indicated the Land Development regulations could be amended to include a limitation on the square footage allocation to a single applicant.

Assistant Director of Planning Cheryl Cioffari advised the increase in the BPAS non-residential square footage is to help applicants that have been waiting in the queue, while staff continues to work on how the BPAS functions.

Mayor Blackburn opened public comment.

Jim Belizzi requested Council hear TAB 15 next.

Mayor Blackburn closed public comment.

Vice Mayor Deb Gillis made a motion to approve. Councilman Ken Philipson seconded the motion. Council voted all in favor. The motion passed 5-0.

D. First Reading – Ordinance Amending Chapter 30 “Land Development Regulations,” Article IV “Administrative Procedures,” Division 11 “Building Permit Allocation System,” Section 30-474 “Building Permit Allocation” of the Village Code TAB 5

Village Attorney Roget Bryan read the title of the Ordinance. Assistant Director of Planning Cheryl Cioffari presented the staff report and recommended Council approve the Ordinance on its first reading.

Mayor Blackburn opened public comment; no public comment was offered.

Vice Mayor Deb Gillis made a motion to approve. Councilman Ken Philipson seconded the motion. Council voted all in favor. The motion passed 5-0.

Councilman Ken Philipson made a motion to hear TAB 15 as the next item. Councilman Dave Purdo seconded the motion. Council voted all in favor. The motion passed 5-0.

WASTEWATER MATTERS

C. Resolution Approving Loan Agreement with STI Institutional & Government, Inc., in an Amount Not to Exceed \$6 Million for the Paving Project **TAB 15**

Village Attorney Roget Bryan read the title of the Resolution. Finance Director Maria Aquilar presented the Staff Report.

Mayor Blackburn opened public comment.

Jim Bellizzi recommended use of ad valorem assessments for the paving project in-lieu of borrowing \$6 million dollars.

Mayor Blackburn closed public comment.

Finance Manager Maria Aguilar advised if the obligation of debt service was tapping out the gas tax funds could be transferred in from discretionary sales tax from the capital projects fund.

Councilman Ken Philipson made a motion to approve. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

E. First Reading – Text Amendment to the Definition of Hotel and Motel Room **TAB 6**

Village Attorney Roget Bryan read the title of the Resolution. Director of Planning Ed Koconis presented the Staff Report. Staff recommends Council approve the Ordinance on its first reading.

Vice Mayor Deb Gillis inquired if Steve Kurtz was aware of the proposed changes in the Ordinance.

Director of Planning Ed Koconis indicated Mr. Kurtz was pleased with the progress and understands this is the first step in an ongoing process.

Mayor Blackburn opened public comment; no public comment was offered.

Vice Mayor Deb Gillis made a motion to approve. Councilman Mike Forster seconded the motion. Council voted all in favor. The motion passed 5-0.

XII. RESOLUTIONS

A. Resolution Approving the Final Ranking and Recommendation of the Audit Committee **TAB 10**

and Authorizing the Village Manager to Negotiate a Professional Audit Services Contract for Subsequent Consideration to the Village Council

Village Attorney Roget Bryan read the title of the Resolution. Finance Director Maria Aguilar presented the Staff Report.

Vice Mayor Deb Gillis requested clarification on the term of the agreement.

Finance Director Maria Aguilar indicated the agreement was for one year with up to four yearly renewals.

Mayor Blackburn open public comment; no public comment was offered.

Councilman Dave Purdo made a motion to approve. Councilman Ken Philipson seconded the motion. Council voted all in favor. The motion passed 5-0.

B. Resolution- Approval of the Residential Building Permit Allocation System Ranking and Awards Quarter 4 of 2013 **TAB 11**

Village Attorney Roget Bryan read the title of the Resolution. Director of Planning Ed Koconis presented the Staff Report, recommending allocations for the top six market rate applicants.

Mayor Blackburn opened public comment; no public comment was offered.

Vice Mayor Deb Gillis made a motion to approve. Councilman Dave Purdo seconded the motion. Council voted all in favor. The motion passed 5-0.

C. Resolution - Florida Small Cities Community Development Block Grant Program Establishment of a Citizen's Advisory Task Force **TAB 12**

Village Attorney Roget Bryan read the title of the Resolution. Planner Jay Berenzweig presented the Staff report recommending Council establish a Citizen's Advisory Task Force.

Vice Mayor Deb Gillis requested Staff confirm the date that Applicants may begin applying for grant funds.

Mayor Blackburn opened public comment; no public comment was offered.

Councilman Ken Philipson made a motion to approve. Councilman Mike Forster seconded the motion. Council voted all in favor. The motion passed 5-0.

XIII. MOTIONS

There were no motions on the Agenda.

XIV. WASTEWATER MATTERS

A. Wastewater Project Update **TAB 13**

Tom Brezinski provided the Wastewater Project updated. Testing continues on the force main to Key Largo, the area between Tavernier Creek and MM 100 is expected to be one hundred percent complete by January, from Tavernier Creek to NPK the re-pump station is installed and is being tested, from the NPK re-pump to

MPK is eighty five percent complete. At the MPK vacuum pipe station north the process has begun to dig pipe to connect to the Key Largo Wastewater Treatment Plant. Construction of the SPK force main continues on Windley Key. Construction in Venetian Shores is expected to begin at the end of the first quarter, 2014. The Snake Creek crossing is complete. Paving is progressing on schedule. The permit for the force main for the LMK force main has been applied for from FDOT.

Mayor Blackburn inquired when pumping to Key Largo would begin.

Mr. Brezinski responded June, 2014.

Councilman Dave Purdo requested to see time sheets for the construction inspectors.

**B. Resolution Approving Amendment #2 to State Revolving Fund Loan Agreement
#WW882020**

TAB 14

Village Attorney Roget Bryan read the title of the Resolution. Finance Director Maria Aguilar presented the Staff Report.

Finance Director Maria Aguilar reported to Council that staff from D.E.P. came to the Keys in November to conduct inspections and site visits on projects being funded with S.R.F. funds and Mayfield Grant funds. Mr. Banks from the D.E.P. was very impressed by the record keeping and documentation available. Mr. Banks indicated the documentation provided was the most organized and complete he had ever experienced and credited Gene Hoffman, Ariana Lawson and Greg Tindle.

Mayor Blackburn opened public comment; no public comment was offered.

Councilman Ken Philipson made a motion to approve. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

XV. MAYOR / COUNCIL COMMUNICATIONS

- A. Discussion Regarding Amending the TDR Ordinance providing that TDRs arising out of the re-development of those projects exempt from the moratorium against conversion of existing transient dwelling units/uses into non-transient dwelling units/uses (Tropic Air Resort, Golden Key Motel/Shoreline Motel, Tropical Reef Resort, and Star of the Sea of Islamorada) may be transferred as either transient TDRs or non-transient TDRs (Councilman Purdo)

Councilman Purdo withdrew his item.

- B. Discussion of a Session on Ethics and Sunshine Law for all Committee Members (Councilman Philipson)
- C. Discussion on a Session for Strategic Planning (Councilman Philipson)

Councilman Philipson recommended the Village hire a moderator to conduct a training session for Committee members on Ethics and the Sunshine Law and a separate session to address Strategic Planning in the Village

Vice Mayor Blackburn agreed an instruction session is a good idea and directed staff to bring back options to conduct a training sessions for the Sunshine Law and options for the Strategic Planning Session.

D. Workshop for IT Related Programs in the Village (Councilman Forster)

Councilman Forster requested a Workshop in January to address all IT programs that are being activated in the Village and get an update.

The Workshop is scheduled for Thursday, January 9, 2014 at 3:00 p.m.

Vice Mayor Deb Gillis requested to be advised where media releases are sent. Village Manager Ed Koconis will provide the information.

XVI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Village Attorney Roget Bryan thanked the Council, staff and public for the warm welcome he has received.

XVII. ADJOURNMENT

Councilman Dave Purdo made a motion to adjourn. Councilman Ken Philipson seconded the motion. The meeting adjourned at 12:52 a.m.



Synthia Lankford
Village Clerk

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