



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
Thursday, January 23, 2014  
5:30 PM**

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

Mayor Ted 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 Attorney Roget Bryan, Acting Village Clerk Anita Muxo, Monroe County Sheriff's Office Captain Corey Bryan and all other appropriate personnel.

**II. PLEDGE OF ALLEGIANCE**

State Representative Holly Raschein led the Pledge of Allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

**A. Introduction of Islamorada Youth Council Members**

Councilman Ken Philipson introduced the students appointed to the Islamorada Youth Council. The students appointed from Island Christian School were Brianna Calderwood and Tom Lindholm; from Coral Shores High School, Kyle Estrada-Clark, Mary Belle Gresh and Lars Vihlen.

Councilman Dave Purdo thanked Village Attorney Roget Bryan for his participation in community events. Councilman Purdo advised Kathy Ward was stepping down from the Water Quality Improvement Citizens' Advisory Committee, and he appointed Buddy Collins to fill the position. Councilman Purdo appointed Brian Lesko to replace Mr. Collins on the Nearshore Water Quality Citizens' Advisory Committee.

**B. Recognition of Service Lt. Derek Paul and Introduction of Deputy Tony Conde and Lt. David Carey**

Mayor Ted Blackburn presented Lt. Derek Paul a Certificate in recognition of his service to the Village of Islamorada. Captain Corey Bryan thanked Lt. Paul for his service and introduced new Village of Islamorada officers Deputy Tony Conde and Lt. David Carey.

State Representative Holly Raschein thanked the Village Council and Village Manager for their hard work on the Wastewater Project.

**C. Consideration of Florida Department of Health in Monroe County Recommendation for **TAB 1****

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a Community Health Improvement Plan for East Islamorada (the Majority of Plantation Key) Alison Morales and Bill Brookman, Monroe County Health Department, made a presentation for a Health Improvement Plan for East Islamorada and requested Council approve their funding request.

Councilman Mike Forster inquired if the location of the Convalescent Center on Plantation Key was calculated into the statistics presented to Council.

Councilman Ken Philipson expressed concern over the benefit the community would receive by funding the study.

Vice Mayor Gillis requested a more detailed plan be presented to Council.

Bill Brookman indicated the Health Department would schedule a community meeting to assist in developing a work plan for health improvement with obtainable goals and objectives and would return to Council with a report.

Mayor Ted Blackburn opened public comment.

Larry Barr stated the Health Department should locate grant funding to fund the Health Improvement Plan.

Stan Margulies expressed concern the data was not appropriately age adjusted and recommended more research be provided.

#### **IV. PUBLIC COMMENT**

Doug Rabe requested Staff look into the possibility of addressing the stormwater drainage problem in Venetian Shores during installation of the water and sewer lines.

Stan Margulies spoke on behalf of the Venetian Shores Homeowners' Association and requested the stormwater drainage problem and potholes be repaired during paving.

Larry Barr spoke against the Morada Way Arts District request for funding and against expending Village funds for training committee members on the Sunshine Law.

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

Mayor Ted Blackburn recommended the Item XIV. A. Village Manager's Annual Evaluation be heard at a Special Call Village Council Meeting. Council expressed agreement.

Mayor Ted Blackburn offered a motion to hear the Village Manager's Annual Evaluation at a Special Call Village Council Meeting on Wednesday, February 5, 2014 at 3:00 p.m. Councilman Ken Philipson seconded the motion. Council voted in favor. The motion passed 5-0.

#### **VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

##### **A. Near Shore Water Regulation Citizens' Advisory Committee Update**

Chair Bob Mitchell provided the update. The Committee met on January 21, 2014 to discuss the wheel ditch off Lower Matecumbe Key. The Committee is recommending to Council that four signs be erected to advise boaters to maintain idle speed when approaching vessels and a warning sign for a dangerous bend. Mr. Mitchell stated these initial measures to make the area safer for boaters would be evaluated by the Committee.

Councilman Mike Forster expressed his support for measures to make the wheel ditch channel safer.

Mayor Ted Blackburn directed staff to work with the FWC, Monroe County and Lignumvitae Park to evaluate the requirements to proceed with the Committees recommendations.

Mr. Mitchell reported the PumpOut U.S.A. is providing services to approximately one thousand three hundred boats per month and Monroe County has appropriated funds for twenty eight new buoys for the Whale Harbor area. Staff member Susan Sprunt is working on obtaining permits from the Marine Sanctuary and approval from the FWC and Army Corps of Engineers for a prop scar restoration program.

## **VII. VILLAGE MANAGER REPORTS AND UPDATES**

The Village Manager had no further reports or updates for Council.

## **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 2**

January 9, 2014 Village Council Workshop  
(Business Software Implementation)

January 9, 2014 Regular Village Council Meeting

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

## **IX. WASTEWATER MATTERS**

### **A. Wastewater Project Update**

**TAB 3**

Greg Tindle provided the update and advised the project design is complete; the Lower Matecumbe drawings are in final review. Construction is progressing ahead of schedule. A homeowners' pre-construction meeting is scheduled for Venetian Shores on March 12, 2014. Reynolds' Water has been awarded the contract for the installation of water lines in Venetian Shores. Mr. Tindle requested direction from Council on the proposal to move the bike lane from the Bayside to the Ocean side of the Old Highway at a cost of \$64,000.

Councilman Mike Forster stated he does not support moving the bike lane at the cost of \$64,000. Vice Mayor Deb Gillis and Councilman Dave Purdo agreed.

Richard Crow, Construction Manager, Reynolds Water clarified the costs consisted of additional engineering fees in an approximate amount of \$20,000 as well sixty one FDOT spec signs and thirty one pavement markings.

Council directed staff not to proceed with the bike lane relocation.

Mr. Tindle advised Council the area north of Bessie Road on the Old Highway is an FDOT roadway, but is not included in FDOT repaving work plan, nor was it included in the change order for paving

restoration for wastewater construction. The cost to the Village to pave the area would be \$122,000; Mr. Tindle requested direction from Council to proceed.

Councilman Ken Philipson stated this issue should have been identified in the previous change order for paving and inquired if this was an omission in engineering.

Council directed staff to identify why this matter was not addressed in previous contracts and bring the item back for further discussion.

Councilman Mike Forster complimented Richard Crow, Construction Manager for Reynolds Water, for his prompt response in addressing the pot-holed section of the Old Highway at mile marker 88 and requested additional watering in the area before and after school to control the dust. Mr. Crow agreed to the watering request.

Mayor Ted Blackburn opened public comment.

Stan Margulies thanked Mayor Blackburn for moving wastewater forward in the Agenda. Mr. Margulies suggested Council negotiate with FDOT to pave the Old Highway from Bessie Road north and requested full overlay of the roads in Venetian Shores.

Mayor Ted Blackburn closed public comment.

## **X. ORDINANCES**

- A. Second 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 4****

Village Attorney Roget Bryan read the title of the Ordinance. Assistant Director of Planning Cheryl Cioffari presented the staff report and advised Council there were no changes made from the First Reading.

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

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

## **XI. QUASI-JUDICIAL**

- A. Administrative Appeal (AA-14-01) by Sammy & Patricia Sparks of a Pre-Application Conference Summary **TAB 5****

Village Attorney Roget Bryan read the Quasi-Judicial statement; Acting Village Clerk Anita Muxo swore in the witnesses. Village Attorney Roget Bryan read the title of the Resolution and requested Council disclose any ex-parte communications. Council disclosed their communications. Senior Planner Jay Berenzweig presented the staff report, recommending denial of the Administrative Appeal.

Mayor Blackburn opened public comment.

Sammy Sparks stated there is sufficient evidence to show a residential unit has always existed on his property and requested Council recognize the residential unit.

Councilman Ken Philipson commended Mr. Sparks for renovations he has completed on other properties in the Village.

Vice Mayor Deb Gillis asked the property's previous owner, Mr. Tom Baker, if any substantiating documents existed as proof the residential unit on the property was rented. Mr. Baker stated the unit was used as employee housing and no formal leases were executed.

Councilman Dave Purdo stated he recollected the property had a residential unit, and Mr. Baker's employees lived on-site.

Councilman Mike Forster stated he remembers a residential unit on the property.

Andrew Tobin stated there is abundant evidence to suggest the property's historical use has been as a mixed use of a commercial business and residence and requested Council approve the Spark's Administrative Appeal.

Mayor Ted Blackburn closed public comment.

Village Attorney Roget Bryan clarified the standards Council must apply to reverse the recommendation of the Planning Department.

Vice Mayor Deb Gillis requested clarification that any application for additional nonresidential square footage would be required to go through the BPAS. Mr. Berenzweig confirmed that BPAS would be required for any additional nonresidential floor area.

Councilman Mike Forster offered a motion to grant the Administrative Appeal AA-14-01. Councilman Ken Philipson seconded the motion. Council voted all in favor. The motion passed 5-0.

The Quasi-Judicial hearing was closed.

## **XII. RESOLUTIONS**

### **A. Specialized Professional Services Agreements with Government Services Group, Inc.                    **TAB 6****     **("GSG") for 2014-2015 Wastewater, Solid Waste and Stormwater Assessment Programs**

Village Attorney Roget Bryan read the title of the resolution. Finance Director Maria Aguilar presented the staff report recommending approval of the Agreement with Government Services Group.

Councilman Ken Philipson expressed concern over the six percent fee for the collection of the stormwater assessment.

Finance Director Maria Aguilar advised Council that the stormwater assessment requires both an initial assessment resolution and a final assessment resolution which contributes to the cost.

Council directed the Village Attorney work with staff to investigate if the stormwater assessment could be handled in one resolution.

Mayor Ted Blackburn opened public comment.

Andrew Tobin inquired if GSG prepared the assessment resolutions as well as the tax roll. Finance Director Maria Aguilar confirmed GSG completed both.

Mayor Ted Blackburn closed public comment.

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

**B. Proposal from Government Services Group (GSG) to Develop and Implement a Web Based Database Application for the Village's Assessment Programs TAB 7**

Village Attorney Roget Bryan read the title of the resolution. Finance Director Maria Aguilar presented the staff report recommending approval of the proposal.

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

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

**C. Resolution to Amend the Village FY 2013-2014 Budget to Add One Full-Time Position in the Finance and Administration Budget and Increase Expenditures by \$52,220 TAB 8**

Village Attorney Roget Bryan read the title of the resolution. Finance Director Maria Aguilar presented the staff report recommending approval of the budget amendment to add a position in the finance and administration department.

Mayor Ted Blackburn opened public comment.

Larry Barr spoke in support of adding a position specializing in grant procurement and believes it is money well spent.

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

**XIII. MOTIONS**

No motions were made.

**XIV. MAYOR / COUNCIL COMMUNICATIONS**

**A. Village Manager's Annual Evaluation**

The Village Manager's evaluation was postponed to Special Call Village Council Meeting on February 5, 2014 at 3:00 p.m.

**B. Discussion Regarding Amending the Alcoholic Beverage Permit Regulations TAB 9**

Councilman Ken Philipson recommended Council enact an Ordinance that would prohibit new beer, wine and liquor licenses near schools and churches, and that a distance requirement is determined.

Councilman Mike Forster agreed and suggested staff investigate the County's requirements. Councilman Forster stated existing alcoholic beverage applications should not be affected by any changes enacted by Council.

Village Attorney Roget Bryan advised Council that the surrounding municipalities each have different distance requirements, varying from 300-1500 feet, restricting the sales of alcoholic beverages near schools and churches.

Mayor Ted Blackburn opened public comment.

Andrew Tobin requested confirmation that any applications under process would not be affected by any changes to the Village's Alcoholic Beverage Regulations.

Larry Barr inquired if the Publix development would be affected by changes in the regulations.

Council directed staff to analyze the existing locations of Alcoholic Beverage licenses and bring back recommendations.

Councilman Dave Purdo requested a TAB on the February 13, 2014 Agenda for Amendments to the Village Charter.

Councilman Ken Philipson stated the Village should implement a cost recovery system for any construction over 10,001 square feet.

Vice Mayor Deb Gillis believes cost recovery should be required on projects that require the services of outside consultants.

Council directed Staff to bring back options for cost recovery.

Councilman Ken Philipson recommended Council institute fines for sales of synthetic drugs.

Mayor Ted Blackburn opened public comment.

Andrew Tobin suggested the Village negotiate an hourly rate for change orders related to the wastewater contract.

At 8:15 p.m. Mayor Ted Blackburn excused himself from the Council meeting; Vice Mayor Deb Gillis chaired the remainder of the Council meeting.

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

Village Attorney Roget Bryan requested, pursuant to Chapter 286, Florida Statutes, an executive session in the following cases:

Lori Blair, Beth Kamenstein, Dan Phair, Bay Hammock Owners Association, Inc. and KIPPS, Inc  
vs.

Islamorada, Village of Islands and Equity Development Group, LLC

Case No: 14 CA 20 P – Pending in Circuit Court of the 16<sup>th</sup> Judicial Circuit in and for Monroe County; and

Christopher Calderwood, Beth Kamenstein and Dan Phair

vs.

Islamorada, Village of Islands and Equity Development Group, LLC

Case No: 14 CA 24 P – Pending in Circuit Court of the 16<sup>th</sup> Judicial Circuit in and for Monroe County.

### **A. Discussion and Direction Regarding Parking Meters for Anne's Beach**

Director of Public Works John Sutter opened discussion on the installation of parking meters at the north and south parking lots at Anne's Beach. Mr. Sutter advised approximate costs for installation of the system would be \$12,000 - \$20,000. Mr. Sutter

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asked Council for direction to go forward with developing a proposal for the installation of parking meters.

Councilman Dave Purdo stated he does not support the installation of parking meters at Anne's Beach.

Councilman Mike Forster believes a reasonable fee for parking is appropriate, and the revenue generated could be used to maintain the Anne's Beach facilities.

Mayor Ted Blackburn opened public comment.

Larry Barr spoke in support of installation of parking meters and stated most beach towns have a charge to park.

Joyce Reiner spoke against parking meters and believes an attendant is a better option.


Mayor Ted Blackburn closed public comment.

Vice Mayor Deb Gillis recommended no parking meter fees be collected Monday through Thursday, the timespan when local residents are most likely to visit Anne's Beach.

Council directed Staff to bring back a proposal for parking meters with anticipated costs and revenues.

#### **XVI. ADJOURNMENT**

Councilman Dave Purdo made a motion to adjourn. Councilman Mike Forster seconded the motion. The meeting adjourned at 8:39 p.m.

  
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Synthia Lankford  
Village Clerk

Approved by the Village Council this 13<sup>th</sup> day of February, 2014.