



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
Thursday, March 13, 2014  
5:30 PM**

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

Mayor Ted Blackburn called the meeting to order at 5:34 p.m. The following Council members were present on roll call: Mayor Ted Blackburn, Councilman Mike Forster, Councilman Ken Philipson, and Councilman Dave Purdo. Vice Mayor Deb Gillis was absent. Also in attendance were Acting Village Manager Maria Aguilar, Village Attorney Roget Bryan, Village Clerk Synthia Lankford, Monroe County Sheriff's Office Captain Corey Bryan and all other appropriate personnel.

**II. PLEDGE OF ALLEGIANCE**

Henry Rosenthal led the Pledge of Allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

Mayor Ted Blackburn announced the Monroe County Sheriff's Office and the Village of Islamorada, in conjunction with the Islamorada Chamber, Islamorada Foundation, Upper Keys Rotary and Backcountry Cowboys will be sponsoring a clean-up day for Tea Table, Lignumvitae and Indian Key on Saturday, March 22, 2014.

**IV. PUBLIC COMMENT**

No public comment was offered.

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

Mayor Ted Blackburn motioned to move item XV (B) Village Manager position forward. Councilman Ken Philipson seconded. Council voted all in favor. The motion passed 4-0.

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

**B. Village Manager Position**

Mayor Ted Blackburn commended Acting Village Manager Maria Aguilar on the job she has done since taking over the Village Manager's position. Mayor Blackburn recommended Council offer Ms. Aguilar the position of Village Manager.

Councilman Ken Philipson, Councilman Mike Forster and Councilman Dave Purdo concurred with the recommendation.

Councilman Ken Philipson offered to negotiate Ms. Aguilar's contract and recommended continuing to pay Ms. Aguilar at her current salary for a period of ninety days. After ninety day review Council may increase the salary to that of the Village Manager's base salary with a \$5,000.00 signing bonus.

The Village Manager's contract will be brought back the first Council meeting in April.

**VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

None

**VII. VILLAGE MANAGER REPORTS AND UPDATES**

Acting Village Manager Maria Aguilar advised the Islamorada Fire Rescue Department ISO rating has been improved from a four to a two. A one is the highest rated possible. ISO ratings affect homeowner premiums.

**A. CityView Update**

Acting Village Manager Maria Aguilar provided a CityView 2013 update. The educational process continues with the Building and Planning Departments. CityView 2013 upgrade will allow citizens access, via a web portal, to current status of permitting and plan review. Staff increases and overtime have been authorized for implementation. Former Village Planner, Kevin Bond agreed to work with staff to facilitate implementation. The Village is in discussions with outside consulting firm to assist staff in implementation of CityView.

Councilman Mike Forster supported the idea of using a consulting firm in order to get CityView up and running.

Mayor Ted Blackburn announced that the Village received a commitment for approximately \$1.3 million dollars from the Army Corp of Engineers for Wastewater System construction costs reimbursement.

**VIII. CONSENT AGENDA**

**A. Minutes:**

**TAB 1**

September 27, 2013 Special Call Village Council Meeting  
(Village Attorney Interviews and Selection)

October 9, 2013 Village Council Workshop  
(Wastewater Engineering Services)

February 27, 2014 Village Council Workshop  
(Non Residential Development)

February 27, 2014 Regular Village Council Meeting

Councilman Mike Forster made motion to approve the Consent Agenda. Councilman Ken Philipson seconded the motion. Council voted all in favor. The motion passed 4-0.

**IX. WASTEWATER MATTERS**

**A. Wastewater Project Update**

Wastewater Program Manager Greg Tindle updated Council on the final connection letters for Phase I. The deadline to connect is April 24, 2014. Residents who do not comply will face code enforcement. Mr. Tindle reported flow will begin to be sent to the Key Largo Wastewater Treatment District in approximately two months. The Indian Key Channel crossing was tested and passed. The March 12, 2014 meeting with residents of Venetians Shores regarding the sewer connections went well.

Mayor Ted Blackburn opened public comment.

Stan Margulies thanked both Reynolds and Greg Tindle for the two meetings held to discuss the sewer system in Venetian Shores. Mr. Margulies advised the Department of Health would be holding discussions regarding the death rate in East Islamorada and he would alert Council as to when those meetings would occur.

Councilman Mike Forster suggested the Health Department offer free or shared cost PET scans to the residents of Islamorada.

Mayor Ted Blackburn closed public comment.

**X. ORDINANCES**

**A. Second Reading – Ordinance Amending the Comprehensive Plan Policy 1-3.1.1 Establish a **TAB 2** Building Permit Allocation System (BPAS) by Increasing the Non-Residential Square Footage Allocation**

Village Attorney Roget Bryan read the title of the Ordinance. Director of Planning Cheryl Cioffari presented the staff report recommending that non-residential square footages allocation be increased from 6,692 square feet per year to 15,000 square feet per year. Ms. Cioffari recommended that Council adopt the Ordinance on 2<sup>nd</sup> reading.

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

Councilman Ken Philipson offered a motion to approve. Councilman Dave Purdo seconded the motion. Council voted all in favor. The motion passed 4-0.

**XI. QUASI-JUDICIAL**

None.

**XII. RESOLUTIONS**

**A. Historic Designation for Fortress Investments, Inc. **TAB 3****

Village Attorney Roget Bryan read the title of the Resolution. Director of Planning Cheryl Cioffari presented the staff report recommending approval.

Councilman Ken Philipson recognized former Village Planner Kevin Bond for his work with the Historic Preservation Commission.

Councilman Mike Forster disclosed he has a lease purchase agreement for the lobster at the Rain Barrel.

Mayor Ted Blackburn opened public comment.

Bob Johnson inquired if the designation impairs development rights of usage of the property. Planning Director Cheryl Cioffari responded that construction would require a certificate of appropriateness from the Historic Preservation Commission.

Mayor Ted Blackburn closed public comment

Councilman Dave Purdo offered a motion to approve. Councilman Ken Philipson seconded the motion. Council voted all in favor. The motion passed 4-0.

**B. Proposed Resolution Establishing an Ad Hoc Community Character Task Force TAB 4**

Village Attorney Roget Bryan read the title of the Resolution. Director of Planning Cheryl Cioffari presented the staff report.

Councilman Mike Forster asked if the noise ordinance could be assigned to the Task Force.

Councilman Ken Philipson stated that the task force has a tremendous amount of work to complete in a short period of time and that we should consider forming another task force to address the noise ordinance.

Councilman Mike Forster offered a motion to approve. Councilman Ken Philipson seconded the motion. Council voted all in favor. The motion passed 4-0.

Council made the following appointments to the Ad Hoc Community Character Task Force.

Councilman Dave Purdo appointed Captain Skip Bradeen and George Pensell.

Councilman Mike Forster appointed Corey Abel and Tony Hammon.

Councilman Ken Philipson appointed Myles Milander and George Hertel.

Mayor Ted Blackburn appointed Pete Bacheler and Amy Knowles.

Acting Village Manager Maria Aguilar advised that Vice Mayor Deb Gillis sent her a message documenting that she was appointing Cale Smith and Bob Johnson.

Mayor Ted Blackburn commented it was important for all interested residence to participate in the Task Force meetings and all input would be welcomed. Mayor Ted Blackburn stated Amy Knowles was resigning from the Local Planning Agency to participate on the Community Character Task Force.

**C. Approval of the Residential Building Permit Allocation System Ranking and Awards TAB 5  
Quarter 1, 2014**

Village Attorney Roget Bryan read the title of the Resolution. Planner Shane Laakso presented the staff report recommending approval of the Residential Building Permit Allocation System Rankings and Awards for Quarter 1, 2014.

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

Councilman Ken Philipson offered a motion to approve. Councilman Dave Purdo seconded the motion. Council voted all in favor. The motion passed 4-0.

Item XVI (A)/TAB 7, Severance and Leave Payout for Edward Koconis, was moved forward in the Agenda.

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

### **A. Severance and Leave Payout for Edward Koconis**

**TAB 7**

Acting Village Manager Maria Aguilar advised that staff provided an estimate of \$107,000.00 in total costs to the Village for Edward Koconis' severance and leave pay out at the February 6, 2014 meeting. This estimate was based on 50% sick leave and 100% annual leave. Paragraph 16.7 of the contract states "Unless otherwise specified in this Agreement, should the Village Manager leave the employ of the Village, the Village manager or his beneficiary, shall be entitled to receive payment of all accrued and unused sick or annual leave calculated at the Village Managers rate of pay in effect upon the date of termination." Ms. Aguilar requested direction from Council regarding Edward Koconis' payout.

Councilman Ken Philipson advised he calculated a payout based them on 20 weeks' severance at \$66,713.41, payout of 50% sick pay and 100% accrued vacation for a total of \$112,161.04.

Councilman Dave Purdo advised he had spoken with former Mayor Michael Reckwerdt and the intent of contract for termination without cause was 20 weeks' severance, 100% of accrued sick time and 100% of accrued vacation.

Mayor Ted Blackburn opened public comment.

Edward Koconis stated that the contract specifies all sick and all accrued vacation. The language is identical to the language in former Manager Gary Word and Bernie LaPira contracts. Their payouts included all sick and vacation leave.

Don Achenberg expressed that if it were the intent of this contract to be one or the other, the word "either" would have been used. He stated there is no ambiguity in this contract and Mr. Koconis should receive 100% of his accrued sick time and vacation leave.

Michael Reckwerdt stated he negotiated Mr. Koconis' contract and the intent was a payout of 100% accrued sick and vacation time if he was terminated without cause.

Bob Johnson encouraged Village Council to honor Mr. Koconis' contract.

Buddy Pinder affirmed that the contract should be honored.

Mayor Ted Blackburn closed public comment

Councilman Ken Philipson expressed his respect for the job Edward Koconis has done, but would like to have Council negotiate the severance payment.

Councilman Dave Purdo recognized Edward Koconis' hard work and thanked the former Mayors Achenberg and Reckwerdt for their input.

Councilman Mike Forster agreed that the intent of the contract, as specified by the former Mayor, should be supported.

Staff was directed to prepare a lump sum payoff to Edward Koconis for 20 weeks' severance, 100% accrued and unused sick leave and 100% accrued and unused annual leave.

Mayor Ted Blackburn opened a discussion on Army Corp of Engineers funding and stated that the Army Corp money had not been in the federal budget for many years. Discussion ensued among Council regarding continuing to partner with Key Largo and Marathon with regard to Army Corp funding.

Mayor Ted Blackburn proposed the Village approach Key Largo and Marathon to enact a policy to agree that going forward the Village receive half of the Army Corp funding that comes through the infrastructure program and Key Largo and Marathon split the remaining fifty percent until the Village is made whole.

### **XIII. MOTIONS**

None.

### **XIV. MAYOR / COUNCIL COMMUNICATIONS**

#### **A. Noise Ordinance (Councilman Ken Philipson)**

**TAB 6**

Councilman Ken Philipson stated the the owner of a property or venue should control the volume where sound originates and recommended voluntary compliance of an 85 decibel limit at the point of origin.

Councilman Mike Forster stated the event coordinators should ensure compliance with noise regulations and end time for events and suggested, during budget season, Council consider hiring another code enforcement officer.

Councilman Dave Purdo supports an 85 decibel limit and increased fines for violations. Councilman Purdo stated the decibel limit should be enforced by law enforcement officers.

Councilman Mike Forster recommended contacting the Chamber of Commerce and asking them to communicate to their members to voluntarily comply with an 85 decibel limit at the point of origin.

Village Attorney Roget Bryan suggested the Village develop an education plan in conjunction with the Chamber to determine if voluntary compliance will achieve the desired result.

Item IV (C), Village's Code Compliance Activity was moved forward in the Agenda

#### **C. Village's Code Compliance Activity (Mayor Ted Blackburn)**

Mayor Ted Blackburn requested Village Attorney, Roget Bryan come back with recommendations for strengthening code enforcement

Village Attorney Roget Bryan stated he and Acting Village Manager Maria Aguilar have been very proactive in analysis of Code Enforcement and will bring back recommendations to Council.

#### **D. U. S. Highway #1 Toll Task Force (Mayor Ted Blackburn)**

Mayor Ted Blackburn recommended the Village form a task force made up of the Chamber and citizens that can make recommendations on tolling U.S. 1 coming into the Keys.

Councilman Ken Philipson suggested that this item be put on the speaker agenda for Strategic Planning Session.

Mayor Ted Blackburn opened public comment.

Martin Moe stated he is a member of the Sanctuary Advisory Council, and the Council has been discussing the concept of a toll booth at the entrance of the Florida Keys National Marine Sanctuary.

Councilman Dave Purdo suggested forming a group comprised of members from the County, Islamorada, Marathon and Key West to achieve the goal of a U.S. Highway #1 Toll.

Councilman Mike Forster suggested holding a Summit in Marathon to discuss the U.S. Highway #1 Toll.

Mayor Ted Blackburn closed public comment.

Staff was directed to bring the U.S. Highway #1 Toll back for discussion at the second meeting in April.

**E. White Marlin Beach in Port Antigua (Mayor Ted Blackburn)**

Mayor Ted Blackburn indicated he was uncertain of where the Village stood in the process to alleviate the issues for the residents of White Marlin beach.

Councilman Ken Philipson stated that the federal, state and local municipalities involved make it very difficult to do anything about the issues occurring at White Marlin beach.

Village Attorney Roget Bryan indicated there are no clear solutions to resolve the issues. Mr. Bryan will bring back a formal report with information and possible outcomes at either the next meeting or a meeting in April.

Mayor Ted Blackburn expressed concern that it appears that nothing is being done.

Captain Corey Bryant stated that the Sheriff's office will increase coverage for Spring break and Memorial Day at White Marlin Beach.

Mayor Ted Blackburn opened public comment

Martin Moe explained that residents of Lower Matecumbe are looking to Village Council to resolve the problems at the White Marlin beach. The residents of Lower Matecumbe respectfully request that the Village Council extend to us the courtesy to working with the State of Florida to resolve problems before summer arrives.

Mayor Ted Blackburn closed public comment.

Staff was directed to bring back a formal report and recommendations as soon as possible.

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

**B. Village Attorney 90-day Review**

Village Attorney Roget Bryan advised that per his contract an initial 90 day review of his performance was to take place during the first meeting of March.

Councilman Ken Philipson stated Village Attorney Roget Bryan was doing an outstanding job and recommended that the financial incentives be enacted at this time.

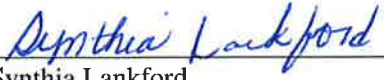
Councilman Dave Purdo thanked Village Attorney Roget Bryan for the time he has spent with him and he concurs with honoring everything we have offered.

Councilman Mike Forster requested Village Attorney Roget Bryan bring that back for discussion Paragraph 16.7 of the Village Attorney's employment agreement.

Mayor Ted Blackburn commended Village Attorney Roget Bryan for his work during the first ninety days of his tenure.

#### **ADJOURNMENT**

Councilman Dave Purdo made a motion to adjourn. Councilman Mike Forster seconded the motion. The meeting adjourned at 8:18 p.m.

  
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Synthia Lankford  
Village Clerk

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