



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
Thursday, March 20, 2014  
5:30 PM**

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

Mayor Ted Blackburn called the meeting to order at 5:37 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 Maria Aguilar, Village Attorney Roget Bryan, Planning Director Cheryl Cioffari, Village Clerk Synthia Lankford, Monroe County Sheriff's Office Captain Corey Bryan and all other appropriate personnel.

**II. PLEDGE OF ALLEGIANCE**

Rhonda Haag led the Pledge of Allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

Vice Mayor Deb Gillis thanked the community for their support.

**A. Monroe County Sustainability and Climate Change Initiatives**

Rhonda Haag presented a power point presentation entitled Monroe County Sustainability Program, Current and Future Initiatives. Ms. Haag offered a partnership between Monroe County and the Village of Islamorada to develop a sustainability and sea level rise program implementation.

Mayor Ted Blackburn recommended Item XIII(A) Sea Level Rise be moved forward in the Agenda.

**XIII. MOTIONS**

**A. Sea Level Rise Planning Options**

**TAB 5**

Planner Shane Laakso presented a power point presentation entitled Village of Islamorada Sea Level Rise Action Plan, A Range of Options. Mr. Laakso requested direction from Council on how they would like to proceed to address sea level rise.

Mayor Ted Blackburn suggested the Planning Department create an outline to move forward with the planning process for Sea Level rise and partnering with Monroe County.

Councilman Mike Forster requested staff also advise on costs and of any grant funding sources.

Councilman Ken Philipson commended the Planning department for their work on climate change and sea level rise. Councilman Philipson would like establish a budget for this particular item and would like to bring it forward during the scheduled strategic planning workshop.

Councilman Dave Purdo expressed support for partnering with Monroe County. Councilman Purdo conceded that no plan for sea level rise would stop a flooding disaster from a major hurricane.

Vice Mayor Deb Gillis agreed the Village of Islamorada should begin the planning process and asked staff to investigate grant funding.

Rhonda Haag advised Council Monroe County is in process of conducting sea level rise modeling and research; it may be cost effective to piggy back onto their studies.

Mayor Ted Blackburn stated Sea Oats Beach is the most flood vulnerable area in Islamorada, during the times of flooding access to the main land for residents of Monroe County is obstructed. Mayor Blackburn suggested partnering with the D.O.T. and Monroe County to address the roadway at Sea Oats Beach.

Staff was given direction to bring back an outline with associated costs to move through the stages of the planning process, explore a partnership with Monroe County to move through the stages of the planning process and seek outside funding sources through grants.

Mayor Ted Blackburn opened public comment.

Larry Barr suggested raising the road at Sea Oats beach, so the water could flow underneath.

Bob Johnson agreed that addressing the road flooding at Sea Oats beach should be the project with the highest priority.

Stan Margulies commended Planner Shane Laakso on his presentation. Mr. Margulies urged Council to support Representative Garcia and Senator's Nelson and Rubio to advocate FEMA to not impose increased rates.

Mayor Blackburn closed public comment.

Director of Public Works John Sutter announced the pool at the Ron Levy Aquatic Center is undergoing repairs. The pool was closed today, March 20, 2014, and will be closed Friday, March 21, 2014. Mr. Sutter was optimistic the pool would reopen on Saturday. There will be a hazardous household waste drop off on Friday and Saturday, March 28 and 29 at the south entrance of Founders' Park.

Chief Terry Abel announced the Annual Fundraiser and Barbeque for the Islamorada Firefighter's Benevolent Association on Sunday, March 23, 2014 at Fire Station #20.

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

Larry Barr thanked Gene Hoffman and Wade trim for addressing the complaints in his neighborhood regarding repaving the roadway.

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

Councilman Mike Forster requested addition of an item under Mayor/Council communication to discuss the Monte Green storage unit development.

Councilman Ken Philipson advised Council HB 985 and SB 718 requiring municipalities to include a specific description of each item to be discussed in a meeting of the governing body. The bill would prohibit municipalities from acting on any matter that was not publicly noticed prior to the meeting, subject to some narrow exceptions

**VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

None.

**VII. VILLAGE MANAGER REPORTS AND UPDATES**

Village Manager Maria Aguilar advised the Village Administrative Center phone system was being changed to give callers an option to press zero for an operator. The operator duties will primarily be assigned to Deputy Village Clerk Nancy Jacobson. Ms. Aguilar indicated these measures were being enacted to improve customer service alleviate caller frustration.

Ms. Aguilar indicated the I.T. Department is investigating setting up an e-mail address for each of the committees in the Village, so that when an e-mail is sent to the committee address each member of that committee will be copied with the message.

Councilman Ken Philipson reported he had met with Ms. Aguilar and expects to bring back a contract for the Village Manager at the April 10, 2014 regular Village Council meeting.

**VIII. CONSENT AGENDA**

- A. Resolution Approving the Second Renewal of the Turf and Landscape Joint Participation Agreement with the Florida Department of Transportation **TAB 1****

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.

**IX. WASTEWATER MATTERS**

- A. Wastewater Project Update **TAB 2****

Wastewater Utility Director Greg Tindle provided the report. Flow to the Key Largo Wastewater Treatment District will begin in approximately two months. The foundation work has commenced on the Middle Plantation Key vacuum pump station. Work on the final channel bores is expected to be complete this month. Work continues on flushing the force main on the Old Highway.

Councilman Dave Purdo inquired if the spill at the wastewater plant on Plantation Key was cleaned up.

Mr. Tindle advised cleanup operations were complete and an initial alarm has been installed to prevent the accident from reoccurring.

Councilman Ken Philipson inquired if all the required easements have been secured.

Mr. Tindle advised that all the legal work is complete and the contractor, staff and Village Attorney meet regularly to identify easement required and expedite the obtainment of easements.

Councilman Mike Forster requested the monthly reports include the number of easements executed and the number of easements pending.

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

## **X. ORDINANCES**

- A. Second Reading – Amendment to Ordinance Regulating Golf Carts to Provide for Inspections by a Certified Mechanic **TAB 3****

Village Attorney Roget Bryan read the title of the Ordinance. Captain Corey Bryan presented the staff report recommending approval of the Ordinance on second reading.

Councilman Ken Philipson requested an item on the April 10, 2014 agenda to discuss making golf carts legal on the roadways throughout the Village.

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

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.

## **XI. QUASI-JUDICIAL**

- A. Application for Minor Conditional Use (MN-13-05) by Richard C. Webster Estate **TAB 4****

Mayor Ted Blackburn requested individuals wishing to make public comment sign up with the Village Clerk. Village Attorney Roget Bryan read the Quasi-Judicial statement. Village Clerk Synthia Lankford swore in the witnesses. Council disclosed their ex-parte communications. Village Attorney Roget Bryan read the title of the Resolution. Director of Planning Cheryl Cioffari presented the staff report recommending approval of the Minor Conditional use with the conditions as listed in the Resolution.

Councilman Ken Philipson inquired regarding the buildings elevation and if the structure was at risk for flooding.

Vice Mayor Deb Gillis inquired whether the top of the basement was high enough to prevent inundation due to a surge. Gene Hoffman from Wade Trim responded that the finished floor would be at an elevation of nine feet.

Vice Mayor Deb Gillis expressed that we needed to protect our assets and requested the elevation be doubled checked.

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

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

## **XII. RESOLUTIONS**

None.

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

Mayor Ted Blackburn cited a Free Press article that was not accurate regarding the Army Corp of Engineers and the funding distribution between Islamorada, Key Largo and Marathon. Mayor Blackburn announced the Free Press would print a correction.

Councilman Mike Forster brought forth the request from Monte Green to obtain a temporary certificate of occupancy for his rental storage development. The Department of Health has approved his request. Councilman Mike Forster asked Council to give direction to staff to move forward on granting the temporary certificate of occupancy, as long as it is legally sufficient.

Vice Mayor Deb Gillis inquired whether if there was an affordable housing unit on the property.

Councilman Mike Forster replied affirmatively, but it was not included in the requested temporary certificate of occupancy.

Councilman Ken Philipson and Councilman Dave Purdo voiced their agreement that the temporary certificate of occupancy should be granted.

Village Attorney Roget Bryan advised the Village is restricted by the language that was approved in the conditional use resolution and affordable housing agreement. Mr. Bryan stated understanding of the direction of Council and will work with staff to determine the appropriate action to issue a temporary certificate of occupancy.

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

### **A. Charter Amendment Language**

**TAB 6**

Village Attorney, Roget Bryan advised on the process of amending the Village Charter. The three proposed charter amendments were; change of term of office for council members from two to four years, while providing for staggered terms; revise the language to provide election of the mayor by the electorate; to eliminate seats and the references to seats while still maintaining an election at large process. The next regular election for the Village is November 4, 2014. A special election could be called in advance of November 2014 for a referendum on the proposed charter amendments at the approximate cost of \$24,000.00.

Councilman Mike Forster stated he does not support taking any of the charter amendments to referendum.

Councilman Ken Philipson advised he would not support a special election on the proposed charter amendments.

Vice Mayor Deb Gillis stated that a referendum for staggered four year terms was defeated by the voters and 2007 and does not believe the charter amendments should go forward.

Councilman Dave Purdo spoke in support of taking the proposed charter amendment to referendum.

Mayor Ted Blackburn opened public comment.

Larry Barr opined that he would support a charter amendment for staggered terms, but none of the others.

Bob Johnson spoke against the proposed charter amendments and advised the community has already voted down four year terms.

Mayor Ted Blackburn closed public comment.

Vice Mayor Deb Gillis made a motion to not bring any of these charter amendment items forward for either the August or November elections. Councilman Forster seconded the motion. Vice Mayor Gillis, Councilman Forster, Councilman Philipson and Mayor Blackburn voted in favor of the motion. Councilman Purdo opposed the motion. The motion passed 4-1.

#### B. Proposed Revisions to Towing Ordinance

**TAB 7**

Village Attorney Roget Bryan explained the towing ordinance currently adopted in the Village. Mr. Bryan requested direction from Council on the revisions to the ordinance.

Councilman Mike Forster stated he spoke to two wrecker services, one currently licensed to operate in the Village and the other not licensed in the Village. Both services have verbally agreed to changes in maximum charges as follows: the base rate will remain the same, there will be no charge for the inside/outside storage fee for the first six hours, administrative and notification fees will stay the same, mileage will remain the same, there will be no per hour charge beginning upon arrival on site and the afterhours gate fee will be reduced to \$50. Councilman Forster recommended a drop fee of fifty percent of the base rate be included in the ordinance. Councilman Forster inquired if there was a system to advise of a car being towed in the Village and of the minimum signage notifying the public of their rights and what they can be charged.

Vice Mayor Deb Gillis inquired if there have been any problems with the public being charged a higher rate for a higher class of wrecker required for the tow.

Village Attorney Roget Bryan clarified the ordinance regulates that the rates are tied to the lowest class of wrecker required to tow the vehicle. Mr. Bryan advised the notice requirement in the statutes provides both verbiage and actual size of the sign and what information needs to be contained upon; local governments may inspect the signs to confirm they are in compliance.

Mayor Ted Blackburn opened public comment.

Larry Barr stated that his car had been towed and he was not notified of the location of the vehicle. Mr. Barr advised the towing companies accept cash only as payment.

Councilman Mike Forster advised the towing companies were concerned with consumers cancelling credit card payments through chargebacks.


Mayor Ted Blackburn closed public comment.

Council directed staff to bring back an amended towing ordinance, incorporating Councilman Forster's recommendation.

Councilman Ken Philipson directed staff to add an agenda item to the next meeting regarding synthetic drugs.

**XVI. ADJOURNMENT**

Councilman Dave Purdo made a motion to adjourn. Councilman Ken Philipson seconded the motion. The meeting adjourned at 8:06 p.m.

  
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Synthia Lankford  
Village Clerk

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