



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
Thursday, April 10, 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, 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, Village Clerk Synthia Lankford, Monroe County Sheriff's Office Captain Corey Bryan and all other appropriate personnel.

**II. PLEDGE OF ALLEGIANCE**

Mary Jane O'Brien led the Pledge of Allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

**A. Maria Chavez, Location Manager for the Sony/Netflix TV Series "Untitled KZK Project #3"**

Maria Chavez advised Sony/Netflix is filming a thirteen episode Netflix series in Islamorada and the Upper Keys. Ms. Chavez thanked Council, staff and community for the warm welcome they have received.

**B. Proclamation Islamorada Guardian Ad Litem Week (Denis M. Hostler)**

Mayor Ted Blackburn presented a Proclamation for Islamorada Guardian Ad Litem Week to Denis M. Hostler, Guardian Ad Litem recruiting, training and development coordinator.

**C. Community Emergency Response Team (CERT) Presentation (Steve Stewart and Jeff Scurlock)**

Steve Stewart and Jeff Scurlock made a presentation for the Community Emergency Response Team and encouraged members of the community to participate in CERT training.

**IV. PUBLIC COMMENT**

Van Cadenhead requested printed Agenda books be available for members of the public and suggested Council meetings are broadcast on all cable and satellite services in Islamorada.

David Carey advised Council there are no wheel chair accessible docks in the Village.

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

None.

**VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

**A. Workforce/Affordable Housing Citizens' Advisory Committee**

Chairman Barry Wray announced the thirty six unit Wet Net Affordable Housing Development celebrated its grand opening earlier this week. The Workforce/Affordable Housing Citizens' Advisory Committee investigated three lots from the Village lot inventory for development by Habitat for Humanity. Chairman Wray requested Council direct staff to bring forward a Resolution for a low income mortgage assistance program.

**VII. VILLAGE MANAGER REPORTS AND UPDATES**

**A. Biological Assessment of the Properties Proposed for Development of Affordable Housing by Habitat for Humanity TAB 1**

Director of Planning Cheryl Cioffari presented the staff report and requested direction from Council.

Vice Mayor Deb Gillis requested clarification on the size of lot 51 Harbor Drive; the lot is 9,750 square feet with 3,900 square feet of disturbed area.

Councilman Dave Purdo advised he is recusing himself from the discussion as he is a homeowner in Plantation Lake Estates, adjacent to lot 51 Harbor Drive.

Councilman Ken Philipson indicated lots donated to the Village should remain in Village ownership.

Councilman Mike Forster suggested locating a more suitable lot for development of affordable housing

Mayor Ted Blackburn stated that a biological assessment should be completed for all properties in the Village inventory to identify lots that could be used for affordable housing.

Mayor Ted Blackburn opened public comment.

Linnea Sheets spoke in opposition of ROGO lots being used for development.

Carl Wright advised lot 51 Harbor Drive is important as a noise buffer from the highway and Founders' Park.

Priscilla Ardreux stated dedicated lots should remain conservation lands.

Phyllis Mitchell examined the hammock at lot 51 Harbor Drive and believes is to be high quality hammock.

Captain Ed Davidson spoke against using dedicated properties for development.

Van Cadenhead stated dedicated lots are for conservation and preservation.

Denise Downing encouraged Council to preserve green space.

Barry Wray advised Habitat for Humanity will likely chose another project to proceed forward and encouraged Council to consider reorganizing a Land Acquisition Committee.

Councilman Ken Philipson commended the Workforce/Affordable Citizens' Advisory Committee for the projects they are involved in.

Mayor Ted Blackburn closed public comment.

Director of Planning Cheryl Cioffari clarified that the direction to staff is to discuss limiting uses for property donated, amending the code to provide criteria when a lot is donated to the Village and develop a clear in-take procedure to specify if the lots would be dedicated to conservation or used for affordable housing.

Vice Mayor Deb Gillis requested a discussion item under Mayor/Council Communications for a mortgage assistance program.

#### **B. CityView Update**

Village Manager Maria Aguilar reported that consultants Calvin Giordano are assisting staff to assess City View. Staff continues to work remotely with the technology consultants to facilitate the review of the Village needs and implementation requirements. A site visit is planned and the consultants' recommendations will be presented at the first Council meeting in May.

### **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**

October 10, 2013 Regular Village Council Meeting

October 23, 2013 Special Call Village Council Meeting

November 14, 2013 Regular Village Council Meeting

March 13, 2014 Regular Village Council Meeting

March 20, 2014 Regular Village Council Meeting

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

## **IX. WASTEWATER MATTERS**

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

Wastewater Utility Director Greg Tindle advised the Village has closed on the property for the Upper Matecumbe pump station; the closing for the Lower Matecumbe Key station will occur at the end of the month.

### **B. Discussion Regarding Grinder Pump Program**

Tom Brzezinski presented a power point entitled "Residential Grinder Pump Program Update". The goal of this program is to establish equity between residents connecting to a vacuum sewer and residents connecting to a low pressure system. The Village will furnish, install and maintain a grinder pump station on a single family residential property that was assigned 1 EDU and have not opted out of the Village's waste water program. The resident is responsible for providing an easement; electrical service, installation of the lateral line and making the final connection to the home.

Tom Brzezinski presented Council with estimated costs for residential units from 1 EDU up to 4 EDUs, as well as the possibility of additional connections for structures greater than 4 EDU.

Councilman Mike Forster stated the costs associated with the connecting households to the wastewater system should be equitable for all residents.

Councilman Ken Philipson would support the Village absorbing the costs of grinder pump installation for the 1 – 4 EDU category and noted there is a savings to residents in multi-family residences, as they can split the cost of running the lateral line.

Vice Mayor Deb Gillis supports the 1 – 4 EDU category; and stated larger developments have on-site treatment facility and staff to maintain their systems.

Tom Brzezinski advised Council that a notice to proceed must be issued to the contractor by June 1, 2014 in order to meet construction deadlines.

Vice Mayor Deb Gillis made a motion to accept the 1 – 4 EDU category as part of the Village's expense. Councilman Ken Philipson seconded the motion.

Mayor Ted Blackburn opened public comment.

Larry Barr inquired about the required distance from the house to the connection point

Tom Brzezinski advised the grinder pump should be installed as close to the house as possible to minimize costs of installing the electrical panel and making the connection.

Patty Silver spoke against using grinder pumps.

Councilman Ken Philipson advised life of grinder pump is 5-20 years, if maintained properly.

Robert Silk inquired on the number of EDUS's in 1 – 4 EDU category and the DEP requirements.

Tom Brzezinski replied the Village has the responsibility to operate and maintain the home owner's individual connection point.

Lori Balla, Sand Pebbles resident and Condo Association President shared information regarding the permitting process for residents who have more than one building on their property.

Van Cadenhead urged council to have a maintenance program made up of Village staff to maintain and install pumps.

Stan Margulies suggested Council come back with this issue after further consideration.

Bryan McCormick from 3<sup>rd</sup> Generation Plumbing inquired about the technical aspects of the grinder pump installation.

Mayor Ted Blackburn closed public comment.

Councilman Mike Forster requested Council move forward on including all residential properties in the grinder pump program with the option of eliminating one of the options when the change order comes to Council for approval.

Vice Mayor Deb Gillis withdrew her motion to accept the 1 – 4 EDU category as part of the Village's expense.

Tom Brzezinski stated he could prepare the change order with both the 1 – 4 EDU category and the over 4 EDU category; Village Council would have the option of removing an option at the time the change order is brought forward.

Vice Mayor Deb Gillis inquired about costs for commercial properties.

Mayor Ted Blackburn stated that decision had been made on commercial properties; but would be amiable to reopening the discussion.

Tom Brzezinski clarified the change order for grinder pumps would be brought to Village Council the first meeting in May.

Tom Brzezinski continued his power point presentation and advised the second issue was the installation of service laterals. Mr. Brzezinski recommended the contractor install the service lateral at the time of the grinder pump installation. The homeowner would be billed by the Village for the cost of installation of the service lateral.

Vice Mayor Deb Gillis and Councilman Dave Purdo expressed support for the contractor to install the lateral installation.

Councilman Ken Philipson also supported the lateral installation as long as local contractors are used.

Mayor Ted Blackburn inquired if Tom Brzezinski had enough direction. He concurred.

## **X. ORDINANCES**

### **A. First Reading –Ordinance Amending the Comprehensive Plan Policy 5-1.2.13:10(D) to Remove Special Approval Allowing a Variance to Extend Docks Beyond the Size Limitations TAB 3**

Village Attorney Roget Bryan read the title of the Ordinance. Principal Planner Jeff Stuncard presented the staff report recommending that Council pass the Ordinance on first reading.

Councilman Mike Forster spoke against removing the administrative variance process from the code; the administrative variance is at the discretion of the Director and Planning and should only come to Village Council if appealed.

Councilman Ken Philipson stated constituents applying for an administrative variance for a long dock should apply at the Village first, before seeking approval from the DEP and Army Corps.

Councilman Dave Purdo stated although he does not like long docks they are a necessity for some property owners.

Vice Mayor Deb Gillis agreed the long docks variance should remain in the Code and would like to see a requirement for two surveys. Vice Mayor Gillis agreed that the administrative variance should only come before Council if appealed.

Director of Planning Cheryl Cioffari advised when a surveyor signs the survey they are certifying the accuracy of the information. Constituents are encouraged to apply with the Village, Army Corps and DEP simultaneously, but the Village cannot require a property owner to do so. Ms. Cioffari confirmed the Director of Planning can approve an administrative variance, and such variance would come to Village Council only as an appeal.

Mayor Ted Blackburn opened public content.

Patty Meroni spoke against an application for a six hundred and twenty nine foot long dock.

Captain Ed Davidson stated the four foot rule was never intended as a standard for minimum water depth, residents can utilize marinas and boat ramps instead of constructing long docks.

Van Cadenhead stated that the marine resources should be protected and Council should disallow the administrative variance.

Don Horton stated that docks create their own biosphere and an application is reviewed by at least fifteen governmental agencies before approval.

Jim Belizzi spoke in support of Mr. Horton's comments and expressed agreement that there should not be a dual survey requirement.

Councilman Mike Forster made a motion to deny the proposed Ordinance; Vice Mayor Deb Gillis seconded the motion. The motion passed 4-1, with Mayor Ted Blackburn voting against.

### **B. First Reading –Land Development Regulation Amendment Regarding Long Dock Variances TAB 4**

Village Attorney Roget Bryan read the title of the Ordinance.

Councilman Mike Forster motioned to deny the proposed Ordinance. Councilman Dave Purdo seconded the motion. Council voted all in favor. The motion passed 5-0

**C. First Reading – Proposed Revisions to Towing Regulations**

**TAB 5**

Village Attorney Roget Bryan read the title of the Ordinance and presented the staff report recommending approval on first reading.

Councilman Ken Philipson expressed concern that towing companies do not accept credit cards and suggested signage on private properties indicating only cash payments are accepted.

Village Attorney Roget Bryan stated the wording is as required by Florida Statutes and he would need to investigate adding the wording to the signage and provide that information at second reading.

Mayor Ted Blackburn opened public comment.

Larry Barr suggested the Ordinance require towing companies to accept credit cards.

Van Cadenhead agreed with the stipulation that credit cards should be accepted.

Jim Belizzi stated the Village cannot regulate rates for towing on private property.

Mayor Ted Blackburn closed public comment.

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

**XI. QUASI-JUDICIAL**

None.

**XII. RESOLUTIONS**

**A. Resolution Approving Amendment #3 to State Revolving Fund Loan Agreement #WW882020 TAB 6**

Village Attorney Roget Bryan read the title of the Resolution. Village Manager Maria Aguilar presented the staff report recommending approval.

Mayor Ted Blackburn opened public comment. No public comment was offered.

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

**B. Resolution Approving Village Manager's Contract**

**TAB 7**

Mayor Ted Blackburn thanked Councilman Ken Philipson for negotiating the Village Manager's contract.

Councilman Ken Philipson acknowledged the cooperation of Village Attorney Roget Bryan and Village Manager Maria Aguilar.

Village Attorney Roget Bryan read the title of the Resolution and presented the staff report recommending approval.

Councilman Dave Purdo inquired about a car allowance for the Village Manager.

Councilman Ken Philipson advised Ms. Aguilar would take the standard IRS mileage reimbursement and a signing bonus after a ninety day positive review in lieu of a car allowance.

Mayor Blackburn opened public comment.

Jim Belizzi expressed his support for Village Manager Maria Aguilar and congratulated her on the new position.

Mayor Ted Blackburn closed public comment.

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

### **XIII. MOTIONS**

None.

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

#### **A. Discussion Regarding Allowing Golf Carts on Village Roadways**

Councilman Ken Philipson spoke in support of legalizing the use of golf carts on all Village roadways.

Councilman Purdo stated there are too many safety concerns for use of golf carts on the Old Highway.

Mayor Ted Blackburn advised neighborhoods could meet a criteria to approve use of golf carts, but all due diligence would be required as it was in Port Antigua.

Mayor Blackburn opened public comment.

Larry Barr spoke against the item.

Mayor Ted Blackburn closed public comment.

#### **B. Discussion Regarding an Ordinance Prohibiting Possession and Sale of Synthetic Drugs (Councilman Ken Philipson)**

Councilman Ken Philipson opened the discussion on synthetic drugs and recommended a five hundred dollar penalty per packet for dispensing synthetic drugs in the Village.

Captain Corey Bryan stated last year a special operations unit checked every store in Islamorada and no synthetic drugs were found. Captain Bryan advised as new synthetic chemical compounds are created ongoing legislation must address their narcotic qualities.

Councilman Mike Forster suggested looking at another municipality or the Florida League of Cities for an ordinance.

Vice Mayor Deb Gillis questioned if there was already a drug ordinance on the books in Islamorada or whether the Village relying on state statutes.

Captain Corey Bryan stated that it was state statute.

Village Attorney Roget Bryan stated he will compile the information that Councilman Philipson has acquired from the League and bring the information back to Council.

Mayor Ted Blackburn opened public comment

Larry Barr stated manufacturers change the composition of synthetic drugs which changes whether they are illegal.

Mayor Ted Blackburn closed public comment.

#### C. Discussion Regarding U.S. 1 Toll

Mayor Ted Blackburn advised Monroe County does not currently support an initiative for a U.S. 1 toll.

Mayor Ted Blackburn inquired regarding the direction given to staff to make recommendations on code enforcement.

Village Attorney Roget Bryan advised there had been some internal discussions on the process. The Village Manager and Village Attorney need the opportunity to identify issues and bring back the information to Council.

Mayor Ted Blackburn would like to see more proactive code enforcement.

Councilman Ken Philipson motioned to extend the meeting 30 minutes. Village Manager Maria Aguilar expressed concern that directing code officers begin to increase citations might give the impression the Village is trying to generate revenue.

Village Attorney Roget Bryan stated there are a number of ways to achieve compliance and it is important to educate the public about Village ordinances.

Vice Mayor Deb Gillis requested that staff do the research and bring the information back to Council in a reasonable time frame.

Mayor Ted Blackburn opened public comment.

Jim Belizzi stated that the Village must enforce code equally amongst the population and recommended forming an appeals board.

Mayor Ted Blackburn closed public comment

**D. Discussion Regarding Snake Creek Drawbridge**

Councilman Mike Forster stated the bridge opens too often snarling traffic in Islamorada. Councilman Forster would like to see the municipality regulate the schedule of opening the Snake Creek bridge and have enforcement of vessels not taking outriggers down to pass under the bridge.

Mayor Ted Blackburn advised at this time the Coast Guard decides the schedule on which the bridge opens and suggested contacting our Congressman to assist resolving the problem.

Councilman Mike Forster asked Captain Corey Bryan if FDOT had a camera on the bridge. Captain Bryan affirmed the data from that camera would illustrate the traffic problem.

Captain Corey Bryan stated the bridge tender is responsible to ensure vessels are dropping their outriggers, document any vessels that do not comply and cite the captains for the violation

Councilman Ken Philipson stated that he emailed the head of the FDOT regarding the bridge issue and plans a meeting next week.

Councilman Forster would like to bring closure this issue and determine if the Village can regulate the bridge opening schedule.

Mayor Ted Blackburn opened public comment.

Larry Barr suggested looking into restricting the bridge opening window, especially at 5:00 p.m.

Mayor Ted Blackburn closed public comment.

Vice Mayor Deb Gillis stated that WAHCAC requested staff work on a Mortgage Assistance Program like the City of Marathon's program. Council gave direction for staff to move forward with a Mortgage Assistance Program.

Councilman Mike Forster wished Stu Bautz a happy birthday.

Councilman Dave Purdo congratulated John Sutter on being elected to the Indiana Hall of Fame.

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

**A. Report on White Marlin Beach**

Village Attorney Roget Bryan advised that while in Tallahassee he met with representatives from FWC regarding the issues occurring on White Marlin Beach and had subsequent follow up discussions with Major Moore, the head of the Boating Waterway Section. The complaints have been of an on-going nature of noise, the number of boats, the manner the boats have been docking, and the behavior of

boaters. FWC has not encountered another situation with the unique variables of White Marlin Beach. Mr. Bryan advised the beachfront in the affected area is privately owned and creation of a public bathing area would require some type of shoreline access to the public. With a swim area, some type of vessel exclusion zone would be required. There are categories within a vessel exclusion zone that identify no motorized vessels, manually propelled vessels only and no combustible engine zone. There is nothing in Florida statutes that ideally fits the White Marlin Beach area and there is no precedent that FWC has been able to identify for a swim area not accessible from a shoreline.

Councilman Ken Philipson made a motion to extend the meeting for thirty minutes.

Mr. Bryan continued his report to Council and advised a no anchoring or no mooring zone was not allowed by Florida law and regulations. Mr. Bryan suggested looking for input from the residents regarding creation of a swim area at a requisite distance from the mean high water line, with no boats allowed in that area.

Councilman Mike Forster stated that a swim area had once existed at the White Marlin beach area.

Village Attorney Roget Bryan advised that although an informal swim area had existed historically, the Village was now looking at enacting legislation to establish a swim area and the subsequently enforcing it. Currently the Sheriff's office enforces state statute in the White Marlin beach area. After enacting a municipal ordinance to create legislation the Village would issue citations for a municipal ordinance violation. The Village would be required to have a mechanism in place to prosecute individuals that refuse to pay the citation. The States Attorneys' attorney does not prosecute municipal ordinance violations.

Councilman Ken Philipson recommended a Town Hall Meeting with the Lower Matecumbe Key property owners.

Mayor Ted Blackburn stated Council had significant public input on this matter and Council needed to make a determination on the issue.

Vice Mayor Deb Gillis expressed concern that the citizens in the affected area are not aware of all the consequences of establishing a swim area and would support a Town Hall Meeting for input from the public.

Councilman Mike Forster agreed to a Town Hall Meeting with the Lower Matecumbe Key property owners.

Mayor Ted Blackburn opened public comment.

Jim Belizzi advised the County has a swim zone on Veradaro beach that allows non-motorized vehicles and stated the Village cannot enact legislation forbidding public access to the mean high water mark unless that property is owned by abutting property owner.

Van Cadenhead stated regulations already exist for enforcement of individuals' creating a public nuisance.

Mayor Ted Blackburn closed public comment.

Staff was directed to schedule a Town Hall meeting with the Lower Matecumbe Key homeowners' associations.

**B. Update on Abandonment of Stratton's Subdivision Right of Way**

Director of Planning Cheryl Cioffari provided an update on the process of abandoning the Stratton's subdivision right of way; the item will be brought back to Council the second meeting in May.

Councilman Mike Forster made a motion to extend the meeting for ten minutes.  
Mayor Ted Blackburn opened public comment.

Jim Belizzi requested staff look into abandoning a portion of the right of way in Venetian Shores.

Mayor Ted Blackburn closed public comment.

**XVI. ADJOURNMENT**

Councilman Mike Forster made a motion to adjourn. Councilman Dave Purdo seconded the motion. The meeting adjourned at 10:59 p.m.

  
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Synthia Lankford  
Village Clerk

Approved by the Village Council this 24<sup>th</sup> day of April, 2014.