



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, June 12, 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 Maria Aguilar, Village Attorney Roget Bryan, Village Clerk Kelly Toth, Planning Director Cheryl Cioffari, Monroe County Sheriff's Office Captain Corey Bryan and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Don Horton led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

A. Presentation of Longevity Pins

Village Manager, Maria Aguilar presented certificates of appreciation and longevity pins to the following Village employees: Kyle Burkel for 15 years of service, Mary Swaney for ten years of service and Eddy Pena for five years of service.

**B. Presentation by Goldstar Teen Adventures (IFP Swim) –Gary Mace
(This item was rescheduled for the June 26, 2014 Regular Village Council Meeting)**

C. Certificate of Appreciation Acknowledging Don Horton's Service on Local Planning Agency

Councilman Dave Purdo presented Don Horton a certificate of appreciation for his service on the Local Planning Agency.

IV. PUBLIC COMMENT

Dr. Darel Pruett spoke in support of a referendum limiting commercial square footage to 10,000 square feet.

V. AGENDA: Request for Deletion / Emergency Additions

Councilman Mike Forster requested to add the following item under Mayor/Council Communications:
XIV. F. Discussion regarding the Eco Lodge.

Councilman Dave Purdo requested to add the following item under Mayor/Council Communications:
XIV. G. Discussion regarding the property located at 86801 Old Highway.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

A. Community Character Task Force Recommendations

TAB 1

Committee Chair Corie Abel presented the Committee's recommendations. The following recommendations were voted on unanimously:

- 1) Limiting commercial square footage to 10,000 square feet.
- 2) Increasing density to buffers and/or setbacks for intense developments contiguous to residential homes.
- 3) Requiring an eight foot solid wall for nonresidential development between and along parcels that are contiguous to residential uses and residential zoning.
- 4) A super majority vote by Council for site plan approval for development over 10,000 square feet.
- 5) Eliminate drive-thru option except for financial institutions.
- 6) Provide incentives for businesses that come into compliance with the definition of Community Character.
- 7) Council determines the level of service (LOS) for traffic by segments rather than overall County LOS.

The following recommendations were made by the committee, however, did not receive a unanimous vote:

- 8) Punitive measures against building that have been abandoned for one year or more.
- 9) No alcoholic beverages sold within 500 feet of child care facilities, schools and places of worship.
- 10) Carryover of cumulative square footage of use to three or less lots by a super majority vote.

Committee Chair Corie Abel recommended Council adopt the Committee's definition of Community Character and that it be included in the Comprehensive Plan and Code of Ordinances.

Councilman Mike Forster expressed concern over the 10,000 square foot limitation and the unintended consequences it may have upon future construction projects. He spoke in support of the referendum being placed on the ballot. Councilman Foster and Vice Mayor Deb Gillis expressed support for the recommendation pertaining to a super majority vote by Council for site plan approval for developments in excess of 10,000 square feet.

Councilman Ken Philipson requested a workshop to discuss the recommendations made by the Committee.

Vice Mayor Deb Gillis and Councilman Dave Purdo expressed concern over blanket statements and spoke in support of a workshop to discuss the recommendations.

Each member of Council thanked the Committee for doing a great job.

Vice Mayor Deb Gillis acknowledged the definition was well documented and would like it to be available to the public, but was not convinced it should be included in the Comprehensive Plan. Councilman Dave Purdo agreed that the definition of Community Character should be readily available to the public.

Discussion ensued regarding possibly including the definition on the Village's website.

Mayor Ted Blackburn opened public comment.

Mr. Pete Bachler provided clarification on the three lot recommendation. He expressed concern over the portion of the current Land Development Regulations (LDRs) that state non-conforming structures, when destroyed or taken down, are required to meet the new regulations of the LDRs. Mr. Bachler stated he does not wish to see a business owner lose their existing square footage because they have to conform to newer regulations. He spoke in support of a Council workshop to discuss the recommendations and suggested discussion regarding the verbiage of some of the current regulations.

Mr. Bob Johnson explained the difference between the Committee's recommendation regarding limitation on commercial square footage and the petition being circulated is that the recommendation provides certain protections for existing businesses. He spoke in support of a referendum pertaining to the limitation of commercial square footage and encouraged Council to work with the petitioners to develop the appropriate verbiage for the referendum item.

Pastor Tony Hammon spoke in support of the recommendation for no alcoholic beverages being sold near schools and suggested the boundaries be the same as the Drug Free Zone currently in place.

Mr. Chris Sante stated that with free enterprise, businesses will find a creative way to get around the regulations and suggested Council develop regulations that work for the business owner as well the Village as a whole.

Mr. Sante inquired when Phase I of the Fills on Windley Key occurred. Mayor Ted Blackburn explained staff developed a temporary plan for the Fills and that there was not a Phase I.

Mayor Ted Blackburn closed public comment.

Discussion ensued regarding the topics Council would like to include for discussion at the workshop.

VII. VILLAGE MANAGER REPORTS AND UPDATES

Village Manager Maria Aguilar provided an update on the status of CityView. She reported that the arrangement with Calvin, Giordano and Associates was terminated because their initial draft analysis did not provide the information needed. Ms. Aguilar reported significant progress has been made with the building and inspections modules; look up tables have been completed and the scope document is being finalized for handoff to CityView staff. Over the next three to four weeks CityView staff will ensure the software is configured to the scope document. Upon completion, staff will be trained to validate the software from an operational standpoint. The IT department is preparing a web portal for public access to schedule inspections and determine permit status. It is anticipated the web portal will be completed in October.

Village Manager Maria Aguilar stated that due to ongoing maintenance needs and implementing sequel based software she will consider hiring a Software Applications Specialist for the next budget year.

Ms. Aguilar provided an update on Mesquite Filming Productions filming requests acknowledging the differences between the ongoing project and previous one day projects that had occurred in the Village. She reported on the request for late night filming at Founders Park baseball field. Ms. Aguilar requested input from Council regarding filming late at night and at other locations throughout the Village. She acknowledged the benefits the filming company brings to the community.

Councilman Mike Forster stated he is aware of only one complaint that had been mitigated and spoke in support of the filming project. He suggested the decisions be left up to the Village Manager due to the ongoing nature of the project. Vice Mayor Deb Gillis and Councilman Dave Purdo expressed their agreement.

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**
May 22, 2014 Regular Village Council Meeting
- B. Resolution Approving the Temporary Easement Between State of Florida Department Of Transportation and Islamorada, Village of Islands **TAB 3**
- C. Resolution Approving Traffic Signal Maintenance Agreement with FDOT **TAB 4**

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

IX. WASTEWATER MATTERS

A. Wastewater Project Update

Wade Trim's Executive Vice President, Tom Brzezinski stated pumping to Key Largo is expected to begin next week; that section of pipeline is substantially complete and will be considered functional after it has operated successfully for 30 days, laboratory results indicating the quality of the wastewater have been provided to Key Largo; salinity is being monitored to stay in compliance with the interlocal agreement and they are currently working on the operation and maintenance portion of the grinder pump program. He stated letters will start going out to residents to sign up for the grinder pump program in 10 to 14 days.

Mr. Tom Brzezinski reported on the progress that has been made for the Middle Plantation Key vacuum pump station, South Plantation Key vacuum pump station and the Upper Matecumbe Key vacuum pump station.

Discussion ensued regarding funding assistance for wastewater hookups. Councilman Ken Philipson encouraged the public to make their needs known if they require financial assistance to pay for hook ups.

Village Manager Maria Aguilar stated a program existed to assist deed restricted affordable housing properties. The program provides for financial assistance up to \$3,000 for costs associated with wastewater connection.

Mayor Ted Blackburn opened public comment.

Mr. Larry Barr asked if information pertaining to connection costs would be available to future property buyers when purchasing a property that opted out of the sewer connection program.

Wastewater Program Manager Greg Tindle clarified the choice to opt out was only available to vacant lots. Mr. Tindle stated he would research ways of making this information more accessible to the public.

Mayor Ted Blackburn closed public comment.

- B. Resolution Approving Change Order No. 6 to the Design, Build, and Operate (DBO) Agreement between Reynolds Water Islamorada, LLC and Islamorada, Village of Islands, Providing for Revisions to the Design Build Work** **TAB 5**

Village Attorney Roget Bryan read the title of the Resolution. Wastewater Program Manager Greg Tindle presented the staff report recommending approval of the Resolution approving Change Order No. 6.

Councilman Ken Philipson requested an example of an unbuildable lot.

Wastewater Program Manager Greg Tindle stated a conservation lot is an example.

Mayor Ted 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.

X. ORDINANCES

- A. Second Reading – Ordinance Amending Chapter 30 Land Development Regulations** **TAB 6**

Village Attorney Roget Bryan read the title of the ordinance. Planning Director Cheryl Cioffari presented the staff report recommending approval on second reading.

Mayor Ted 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.

XI. QUASI-JUDICIAL

None.

XII. RESOLUTIONS

None.

XIII. MOTIONS

- A. Request to Move the July 24, 2014 RVCM to July 23, 2014**

Village Attorney Roget Bryan requested that the Council meeting scheduled for July 24, 2014 be rescheduled to July 23, 2014 as it coincides with the Florida Municipal Attorneys Conference.

Councilman Ken Philipson made a motion to approve. Councilman Mike Forster seconded the motion. The motion passed 5-0.

MAYOR / COUNCIL COMMUNICATIONS

- A. Discussion Regarding the Completion of Phase 1 & Discussion Regarding a Workshop for Phase Two Concerning the Fill & Boat Ramp**

Councilman Mike Forster requested that communications flow through the Village Manager regarding projects. He stated that this was not the case for Phase 1 of the Fills as the Village Manager was not fully informed of all the details pertaining to this project.

Councilman Forster requested a workshop for future work done on the Fills and stated he was in support of regulating the Fills.

Vice Mayor Deb Gillis requested a workshop that would include the Chamber of Commerce and FDOT.

Village Manager Maria Aguilar stated she initiated contact with Patty Ivey to get a better understanding of the history and FDOT's expectations. Ms. Aguilar explained how FDOT is limited each year as to the amount of funding they can allocate to a city. She clarified that even though it is an FDOT right-of-way it is seen as an asset of the community. Village Manager Maria Aguilar stated that she believed it was the Village's responsibility to manage the area and to make sure that FDOT is in agreement with what the Village proposes for the area.

B. Discussion Regarding the Flag Pole at Founders Park Entrance

Vice Mayor Deb Gillis spoke about the flag pole being replaced and stated she discovered it had been taken down because it was in need of repair.

Village Manager Maria Aguilar stated the repair and or replacement should be done by a licensed contractor and that a new pole and installation could cost up to \$10,000.

Council agreed that the flag pole should be replaced.

C. Discussion Regarding the Reduction of Speed Limit on Old Highway

Vice Mayor Deb Gillis, Councilman Dave Purdo and Councilman Mike Forster spoke in support of lowering the speed limit to 25 mph. Both Council members expressed concern over enforcement.

Village Attorney Roget Bryan clarified staff direction.

D. Discussion Regarding the Snake Creek Draw Bridge Schedule

Mayor Ted Blackburn stated Village Manager Maria Aguilar was communicating with Gene Stratton with the Coast Guard Bridge Operations Section regarding the temporary need for modification to the schedule and that Mr. Stratton had requested the Village provide justification to deviate from the current two closings per hour. Mayor Blackburn stated the Village responded with current traffic patterns being affected by FDOT construction until January and the ongoing wastewater construction. Mayor Ted Blackburn stated that FDOT Representative, Gus Pego was in the process of conducting a traffic analysis.

Captain Corey Bryan spoke about educating boaters to lower their out riggers.

E. Discussion Regarding Future Construction of Council Chambers

Councilman Ken Philipson asked if money could be budgeted for an analysis of a future council chamber.

Discussion ensued regarding the current chamber having to be set up and broken down before and after each meeting due to its dual purpose nature.

Councilman Mike Forster spoke in favor of asking staff to explore alternatives to come up with a more dedicated council chamber and one that could be used for other purposes.

Mayor Ted Blackburn suggested hiring a dedicated staff member responsible for the breakdown and assembly of the chamber.

F. Discussion Regarding the Eco Lodge

Councilman Mike Forster asked if Council would be willing to look at the Eco Lodge project again.

Councilman Dave Purdo, Councilman Ken Philipson and Vice Mayor Deb Gillis were willing to hear a short presentation of the Eco Lodge.

Planning Director Cheryl Cioffari recommended the developer file for an amendment to the comprehensive plan and land development regulations. She suggested the developer come in for a pre-application conference. Council consensus was for the developer to begin by contacting Ms. Cioffari.

G. Discussion Regarding the Property Located at 86801 Old Highway

Councilman Dave Purdo asked for clarification on the use of the property located at 86801 Old Highway.

Planning Director Cheryl Cioffari stated she had met with the owners prior to their purchase of the property and explained to them that it was zoned residential single family, but had been used as commercial dating back to 1988. She explained the regulations pertaining to non-conforming use, BPAS and how they were applicable to this property. Following the owners purchase of the property, Ms. Cioffari again explained their options: (1) apply for BPAS, (2) apply for pre-application with the understanding that the decision made by the Planning Director could be appealed to Council. Planning Director Cheryl Cioffari stated that in her research there is not a residential unit associated with the structure at 86801 Old Highway.

Village Attorney Roget Bryan stated the new owners have not been into the Planning Department since purchasing the property. He reiterated that staff met with the owners prior to their purchase of the property and explained the unique circumstances as well as what could be done with the property. Mr. Bryan stated that a determination cannot be made regarding the property until the owners come in and apply for a pre-application.

Councilman Mike Forster and Mayor Ted Blackburn encouraged the owners to follow the established process.

Village Attorney Roget Bryan confirmed that in order for any change of use to happen, the owners have to come in and apply. He stated that the non-conformity that existed significantly predates the Village and that since the Village incorporated it has been a non-conforming commercial use.

Councilman Dave Purdo asked who made that determination.

Planning Director Cheryl Cioffari explained that under Monroe County's code at the time it was possible to have a commercial use through a conditional use while it was zoned a residential subdivision.

XVI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Crossing Light at Coral Shores High School

Village Manager Maria Aguilar reported that the Youth Council requested the on-demand crossing light at US1 and Woods Avenue be made operational. She stated that Gus Pego, with FDOT gave his verbal approval to Councilman Ken Philipson. Ms. Aguilar stated the Village's Traffic Signal Maintenance Agreement with FDOT states that any changes to the traffic light have to be in writing from FDOT. Ms. Aguilar requested Council advise as to whether or not it was the wish of the Council to have the on-demand feature at this intersection.

Councilman Philipson stated he is looking for this to occur from 3:30pm to 5:00pm when a crossing guard is not on site.

Vice Mayor Deb Gillis expressed concern that traffic backups could occur.


Councilman Dave Purdo spoke in favor of a crossing light due to school activities taking place late in the day when a crossing guard was not present.

Captain Corey Bryan spoke about the issues surrounding the crosswalk in Key Largo at the 100 mile marker. He stated the button for the crosswalk would have to be fixed, as it is not operational and expressed concern about potential traffic problems.

Council provided direction to staff to make this topic as a future agenda item with supporting documentation.

XVII. ADJOURNMENT

Councilman Ken Philipson offered a motion to adjourn; Councilman Dave Purdo seconded the motion. The meeting adjourned at 9:06 p.m.



Kelly Toth
Village Clerk

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