



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, June 26, 2014
5:30 PM**

I. CALL TO ORDER / ROLL CALL

Mayor Ted Blackburn called the meeting to order at 5:30PM. 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 and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

State Representative Holly Raschein led the pledge of allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

Councilman Ken Philipson presented a framed Millard Wells day poster to State Representative Holly Raschein.

A. Presentation by Representative Holly Raschein

State Representative Holly Raschein reported on the following funded projects: the Keys Wastewater Plan which the Village is expected to receive seven million dollars, budget increases for grades kindergarten through twelfth grade; Florida Forever land acquisition for environmentally sensitive lands; Florida GI bill; Lobster Mobster bill that increases penalties for harvesting lobsters out of season; Diver Down Buoy Bill; funding for arts and culture grants in which Morada Way will receive state funding; naming the Indian Key bridge after Irvine Eyster and the 18- mile stretch will be designated as a Purple Heart Trail.

Council members thanked Holly Raschein for her efforts and accomplishments.

B. Presentation of Certificates of Appreciation to Youth Council Members

Certificates of Appreciations were presented by Councilman Ken Philipson and Parks and Recreation Director John Sutter to Youth Council members for their service. Councilman Philipson stated this was the first year for the Youth Council and that next year three more members would be added. Youth Council Chair, Lars Vihlen was presented with a certificate. Other members, not in attendance but receiving a certificate were: Brianna Calderwood, Mary Belle Gresh, Tom Lindholm and Kyle Estrada Clarke. Mayor Ted Blackburn stated Lars Vihlen could provide the Youth Council Committee Update at this time.

C. Presentation by Goldstar Teen Adventures (IFP Freedom Swim) –Gary Mace

Gary Mace who serves on the board of directors of Goldstar Teen Adventures and Major Kent Solheim, Executive Director who was attending via telephone presented. Mr. Mace stated that Goldstar Teen Adventures is a non-profit organization that helps the children and families of those that were killed in action serving in the Special Forces of the United States military. The organization brings the children and families together through diving ,sailing, camping, hiking and other outdoor events. The average cost of sending a child to camp is three thousand dollars.

Major Kent Solheim spoke of having been wounded in the line of duty in Iraq in 2007 causing the loss of his right leg and the healing process. He stated his experiences through this process led to the founding of this organization.

Mr. Gary Mace spoke about the 50k Freedom Swim held at Founders Park on Veteran's Day 2013. During this event they raised fifty thousand dollars for the organization. Mr. Mace announced the 100k Freedom Swim would occur this year on November 8, 2014 at Founders Park.

Mr. Gary Mace presented certificates of appreciation and honor coins to Mayor Ted Blackburn, Public Works and Parks and Recreation Director John Sutter and Captain Corey Bryan (who was absent) on behalf of Goldstar Teen Adventures.

Councilman Dave Purdo announced the passing of Johnny Beckman and Shari Horton.

Public Works and Parks and Recreation Director John Sutter announced the quarterly hazardous materials drop off is scheduled for June 27th and 28th at Founders Park from 9:00AM until 12:00PM.

IV. PUBLIC COMMENT

Mr. Buddy Pinder spoke about the different day care providers available in Islamorada in reference to the Cotton property. Ms. Cerise Pinder spoke against the rezoning of the property located at Old Highway and Coral Rd. Ms. Elizabeth Cessy spoke against the rezoning of the property at Old Highway and Coral Rd.

V. AGENDA: Request for Deletion / Emergency Additions

Mayor Ted Blackburn suggested to Council that TAB 6 be pulled. Council members were in agreement with pulling TAB 6, but wanted to hear public comment regarding the proposed ordinance. Vice Mayor Deb Gillis stated the ordinance was written as a swim zone for reasons that were time related.

Mayor Ted Blackburn added a committee update from the Near Shore Water Quality Advisory Committee.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

A. Islamorada Youth Council Citizens' Advisory Committee Update (Chair- Lars Vihlen)

(This item was moved up to immediately following the presentation of certificates to the Youth Council)

Youth Council Chair, Lars Vihlen reported on the following: Youth Council recommended expanding the Youth Council by three additional members two of which would come from Coral

Shores High School and one member to be nominated from Island Christian School. He stated the Youth Council recommended Karla Lopez from Island Christian School and A.J. Comforo from Coral Shores High School. Mr. Vihlen requested the Youth Council attend the Florida League of Cities Youth Council Summit on August 16, 2014 in Hollywood, FL. He asked if the Village would fund the trip, provide transportation and uniform shirts for the Youth Council.

B. Near Shore Water Quality Advisory Committee Update (item added to the Agenda)

Near Shore Water Quality Advisory Committee Chair Bob Mitchell reported the committee plans to pass out informational cards regarding no snorkeling and diving within 300 feet of the shoreline. Mr. Mitchell spoke about prop scar restoration and the goal to obtain a permit that would allow them to repair prop scars without having to obtain additional permits per location. He spoke about enforcement of no discharge and that it is going extremely well. He stated Pump Out USA is pumping out 25,000 to 35,000 gallons of sewage a month and that funding is provided by the Boater Improvement program at 25% and the State of Florida at 75% and that there is no cost to the Village for this program.

VII. VILLAGE MANAGER REPORTS AND UPDATES

None.

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.)

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| A. Minutes: | TAB 1 |
| June 3, 2014 Village Council Workshop | |
| June 5, 2014 Village Council Workshop | |
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| B. Resolution Adopting the Statewide Mutual Aid Agreement Between the Florida Division Of Emergency Management and Islamorada, Village of Islands to Provide Mutual Fire Protection and Rescue Services Assistance | TAB 2 |
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| C. Resolution Approving Interlocal Agreement between Monroe County, Florida and Islamorada, Village of Islands for Fiscal Year 2014-2015 Boating Improvement Funds Not to Exceed \$22,500 for the Islamorada Buoy Maintenance Program | TAB 3 |

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

Mayor Ted Blackburn suggested TAB 6 be moved up on the agenda to follow TAB 3 occurring before the Wastewater project update.

IX. WASTEWATER MATTERS

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| A. Wastewater Project Update | TAB 4 |
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| B. Discussion Regarding Grinder Pump Program | |

(The Wastewater Project Update and Discussion Regarding Grinder Pump Program were combined)

Wade Trim's Executive Vice President, Tom Brzezinski reported on the two alternatives for those properties not included in the original grinder pump program: properties with greater than four EDUs and

commercial properties. He commented there are approximately 18 properties with greater than 4 EDUs and approximately 108 commercial properties not in the program.

Mr. Brzezinski suggested two alternatives. The first alternative was to extend Village pricing to the property owner for the grinder pump stations allowing for bulk rate prices. The second alternative, in addition to the bulk rate pricing for the grinder pump station, is to extend the installation pricing to the property owner for installation of the grinder pump station and installation of the service lateral between the grinder pump and property line. Mr. Tom Brzezinski reported on the benefits associated with these alternatives.

Mr. Tom Brzezinski also reported on two operations and maintenance components of the future change order. He stated they are requesting a lump sum annual operations and maintenance cost for the pulp inside the grinder pump station. Mr. Brzezinski suggested extending this price to commercial properties and the properties over 4 EDUs. Mr. Brzezinski suggested that the other component was to offer the pricing the Village receives on time and materials. He reported on the benefits of offering the operations and maintenance component.

Discussion ensued regarding the estimated costs associated with the operations and maintenance component. Vice Mayor Deb Gillis spoke in support of the operations and maintenance components stating that it benefits the property owners and the Village. Council members expressed a preference for providing the operations and maintenance option.

Mayor Ted Blackburn opened public comment.

Ms. Angel Borden asked what the protocol was for notifying property owners of the hidden easements discovered by Layne during their title search.

Mr. Jim Bellizzi asked if the sewer pipe could be placed below the controlling depth of the basin. He spoke of opening up some of the closed canals in Venetian Shores. Mr. Bellizzi asked if the Village would be willing to vacate five feet of right-of-way on either side of Venetian Way as it would benefit the homeowners and the Village.

Mr. Andy Newman stated that the policy to fund grinder pumps is inequitable. Mr. Newman asked about the telemetry with regards to the operations and maintenance and whether or not it would be included. Mr. Tom Brzezinski, Executive Vice President of Wade Trim stated the telemetry would be included.

Mr. Tom Brzezinski recapped Village Council direction given.

X. ORDINANCES

A. First Reading- Ordinance Amending the Village Code to Adopt Standards for Streets And Roadways within the Village of Islamorada TAB 5

Village Attorney Roget Bryan read the title of the Ordinance and presented the staff report. Mr. Bryan provided clarification that this ordinance pertains to roads within the Village's inventory.

Discussion ensued regarding private roads.

Mayor Ted Blackburn opened public comment.

Mr. Jim Bellizzi spoke about Monroe County's code.

Mr. Brad Dougherty expressed concern that the proposed code was not specific enough regarding new roads.

Vice Mayor Deb Gillis requested staff to verify with Monroe County's code to ensure the Village has the most up to date version of the code reflected in the ordinance.

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.

B. First Reading- Ordinance Amending Section 66-2 "Operation of Vessels in Restricted Areas" of the Village Code to Create a Vessel Exclusion Zone/Swim Area Generally Located North of Port Antigua Beach and White Marlin Beach on Lower Matecumbe Key **TAB 6**

Village Attorney Roget Bryan read the title of the ordinance and presented the staff report. He clarified that the ordinance being presented creates a swim area and does not require approval by a state agency. It is being presented as such for this reason. Mr. Bryan commented further that other options such as a no motor zone require approval by FWC. He stated that anything other than a swim zone was not fully within the authority and control of the Council.

Village Attorney Roget Bryan stated that if Council chose to create an ordinance other than the one being presented, such as a no motor zone/manually propelled vessel zone, it would have to go through a review process by FWC.

Councilman Dave Purdo stated that if the boundary is placed at 300 feet that it would be located in the sea grass and expressed concern that FWC would not approve the ordinance. He spoke against the current proposed ordinance as it is too restrictive and spoke in support of a more restrictive noise ordinance.

Vice Mayor Deb Gills stated she does not support the swim zone or any zone, but does support better enforcement. She stated that in her opinion this is an issue of bad behavior and moving the line just moves the behavior.

Councilman Mike Forster stated the Village is a water-based economy and spoke in support of better enforcement.

Discussion ensued regarding enforcement.

Mayor Ted Blackburn opened public comment.

Mr. Larry Zettwoch stated he expected FWC would be involved with this and does not support a vessel exclusion area. Mr. Zettwoch stated he is in favor of a revised ordinance.

Mr. Bob Carpenter stated he is against the ordinance if it is a vessel ordinance or no propulsion ordinance. He stated that he believes this ordinance just moves the problems further away from shore. He spoke in support of enforcement and signage.

Mr. Brad Dougherty stated that he reviewed monthly accident reports published on the web from FWC for 2013 and 2014 and that there were no accidents in that area during this time. He stated he called Monroe County Sheriff's Department Captain Corey Bryan regarding whether there were any boating accidents, injuries or public safety issues on file for that area to which Capt. Bryan said no. Mr. Dougherty stated he is against the ordinance and is in favor of educating the public to influence better behavior.

Ms. Hermine Zavar stated that enforcement is a problem because when law enforcement leaves after having addressed the noise issue with the boater, the offender turns the music back up. She stated she does not like the ordinance, as it is not what was proposed at the Town Hall meeting.

Mr. Matt Bellinger spoke in support of better enforcement.

Mr. Jim Bellizzi recommended that the zone not go as far out as 300 feet and allow non-motorized vessels.

Village Attorney Roget Bryan clarified what was discussed at the Town Hall meeting as being a vessel exclusion zone that requires formal approval by the State of Florida.

Ms. Dennie Zettwoch stated that those individuals that showed up for the Town Hall meeting were expecting the Village to draft a no motor zone ordinance.

Councilman Mike Forster stated this ordinance is a first reading which allows for changes to occur. He stated that there are many individuals that don't want anything done.

Mr. Alfonso Fernandez Fraga referenced a portion of Florida law that states a vessel exclusion zone can be created by Council if it is established as a public bathing beach. He stated that he didn't think the Council had the right to keep people out of this area as it is state owned.

Mr. Allen Pope stated that it saddens him that a few people might punish the majority. He stated that he is for better enforcement and does not think more laws need to be written.

Ms. Angel Borden stated that everyone that bought in this area bought knowing that the beach area was a recreation area. Ms. Borden spoke in favor of enforcement and stated the water and beaches in this area belong to everybody.

Ms. Claire Johnson spoke against any changes being done. She stated that it is really busy about 30 days out of the year and the remaining 300 plus days are wonderful. She pointed out that approximately 50% of the home owners are second home owners and are not here during this time of the year so it isn't fair to them that the conversation takes place at this time.

Mr. Fred Fietel spoke in support of enforcement and an ordinance for no motorized vessels.

Dr. Ken Wagner spoke against the ordinance that was created. He spoke in favor of good enforcement if it could be done; however, as it exists now, boaters return to the same behavior after law enforcement leaves. Dr. Wagner stated that if an ordinance needs to be created, he does not support a swim area only.

Mr. David Webb stated that he does not want Council to make any changes and spoke in support of enforcement. He stated he does not think other residents of the community should be denied easy access to this area.

Mr. Andy Spaulding stated that he was not sure that Council needed to be involved with this issue. He suggested the home owners handle the issue internally. He stated that the loud music has offended him and that it needs to be addressed internally. He stated he is in favor of no change.

Mr. Martin Moe stated that 300 days out of the year it is a wonderful place to be. He stated that during the busier days there are so many boats that he is concerned an accident will occur. He suggested the issue be addressed before an accident happens and suggested the installation of five mooring balls with limits of five boats to a ball.

Mr. Joe Weiner stated he does not want a change. He said that boaters don't recognize the police boat as law enforcement. Mr. Weiner suggested officers use kayaks and go through the middle of the boaters and address the issues.

Ms. Linda Schmidt spoke for no change and stated she does not agree with any vessel restrictions.

Mayor Ted Blackburn closed public comment.

Vice Mayor Deb Gillis requested an analysis from the Sheriff's Department indicating the budget needed to substantially provide more coverage to this area on the weekends and during peak season. Vice Mayor Gillis suggested increasing the idle zone buoys and markers and revisiting the nuisance ordinance.

Lieutenant David Carey with the Monroe County Sheriff's Department stated the Pathfinder boat used by law enforcement was unmarked to observe the issues that are occurring. Lt. Carey stated that overtime had been budgeted; there are two officers on the water Saturday and Sunday for 8-hour staggered shifts and for all the major holidays. There is an officer on land and Port Antigua hires off-duty officers.

Vice Mayor Deb Gillis asked what the law enforcement plans were for the fourth of July.

Lt. David Carey responded there will be an additional officer in an unmarked vessel patrolling the area between the 80 mile marker and White Marlin Beach and an additional land officer in this area. He stated that there will be three additional officers on duty and a supervisor and that they will be utilizing the Coast Guard and FWC.

Vice Mayor Deb Gillis made a motion to not approve the ordinance. Councilman Ken Philipson seconded the motion.

Councilman Mike Forster asked for clarification on the current motion. He asked if the intent was to have staff revise the current ordinance.

Vice Mayor Deb Gillis stated the intent was to deny the ordinance.

Councilman Mike Forster suggested the budget be increased to allow for more water-based enforcement.

Mayor Ted Blackburn spoke in support of enforcement and possibly strengthening the nuisance ordinance.

Village Attorney Roget Bryan clarified that there was a motion on the floor to deny the ordinance.

Village Clerk Kelly Toth called the role and the motion to not approve the ordinance passed with a 5-0 vote.

XI. QUASI-JUDICIAL

None.

XII. RESOLUTIONS

- A. Resolution Approving the Purchase of a 2014 Sutphen Pumper Fire Truck for the Village Fire Department**

TAB 7

Village Attorney Roget Bryan read the title of the Resolution. Fire Chief Terry Abel presented the staff report recommending approval.

Mayor Ted Blackburn opened public comment. Seeing none, public comment was closed.

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

B. Resolution Approving the Affordable Residential Building Permit Allocation System Ranking and Awards for Quarter 2 of 2014 **TAB 8**

Village Attorney Roget Bryan read the title of the resolution. Planner Shane Laakso presented the staff report recommending approval.

Mayor Ted Blackburn opened public comment. Seeing none, public comment was closed.

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

C. Resolution Approving the Market Rate Residential Building Permit Allocation System Ranking and Awards for Quarter 2 of 2014 **TAB 9**

Village Attorney Roget Bryan read the title of the resolution. Planner Shane Laakso presented the staff report recommending approval.

Mayor Ted Blackburn opened public comment. Seeing none, public comment was closed.

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

XIII. MOTIONS

A. Local Planning Agency Appointments **TAB 10**

Assistant to the Village Manager, Mary Swaney presented the staff report.

Councilman Dave Purdo announced he was appointing Mr. Allen Wood.

Vice Mayor Deb Gillis made a motion to nominate Ms. Amy Knowles. Councilman Mike Forster seconded the motion. Council voted all in favor. The motion passed 5-0.

Vice Mayor Deb Gillis made a motion to nominate Mr. Pete Bacheler. Councilman Mike Forster seconded the motion. Council voted all in favor. The motion passed 5-0.

Councilman Mike Forster requested future discussion on the possibility of making the Local Planning Agency a board with powers.

Councilman Ken Philipson requested that in the future applications be submitted by those interested in serving on the Local Planning Agency.

B. Discussion and Direction Regarding the 1998 Pierce Pumper Truck

Fire Chief Terry Able requested Council declare the Pierce pumper surplus and requested permission to dispose of the vehicle via the bidding process.

Mayor Ted Blackburn opened public comment. Seeing none, public comment was closed.

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

C. Request to Reschedule the Following Regular Village Council Meetings:

- September 11, 2014 to September 10, 2014
- October 9, 2014 to October 8, 2014

Councilman Ken Philipson stated the September 11, 2014 meeting did not need to change as he would attend the meeting via telephone. Councilman Philipson requested the October 9th meeting be rescheduled to October 8th as he would be out of town for the Florida League of Cities conference.

Mayor Ted Blackburn opened public comment. Seeing none, public comment was closed.

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

XIV. MAYOR / COUNCIL COMMUNICATIONS

None.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Sea Oats Beach Project – Identify Needs and Priorities

TAB 11

Environmental Planner Susan Sprunt presented the report and requested permission from Council to look more extensively into Sea Oats Beach needs and coordinate with other agencies with the intention of bringing back to Council goals and objectives for this area.

Mr. Mike Murphy asked how far the Village would go with this project. Mayor Ted Blackburn stated the Village was looking to partner on this project.

Ms. Angel Borden expressed concern over the area located around mile marker 74.5 that it would be cited as a turtle area whereby restricting access to the public. She spoke of the number of turtles increasing over past years.

Ms. Susan Sprunt stated they were investigating to determine the options for that area. She stated Save a Turtle has been monitoring the Sea Oats Beach and White Marlin area since the early 1980's. The organization reports on the types of turtles and the successful nests that occur each year.

Mr. Jim Bellizzi asked if this was a staff--driven initiative. Vice Mayor Deb Gillis responded that this was a result of Council discussions regarding sea level rise. Councilman Mike Forster stated the initiative began in 2006.

Mayor Ted Blackburn spoke in support of Susan's efforts and stated the Council is looking forward to her future report.

Councilman Ken Philipson announced the press release for e-news and e-alerts.

XVI. ADJOURNMENT

Councilman Dave Purdo made a motion to adjourn. Councilman Mike Forster seconded the motion. The meeting adjourned at 9:53 PM.

Kelly S. Toth
Village Clerk

Approved by the Village Council this 7th day of August, 2014.