



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, July 10, 2014
5:30 PM**

I. CALL TO ORDER / ROLL CALL

Mayor Ted Blackburn called the meeting to order at 5:31 PM. 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

Mr. John Fernandez led the pledge of allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

A. Certificate of Appreciation Acknowledging John Fernandez's Service on the Local Planning Agency

Mayor Ted Blackburn acknowledged Mr. John Fernandez's service on the Local Planning Agency and presented him with a certificate of appreciation. Mr. Fernandez thanked Mayor Blackburn for giving him the opportunity to serve.

Councilman Dave Purdo thanked the Rotary for supplying the fireworks for the 4th of July. He also thanked the Miami Hurricanes for bringing a fishing tournament to Islamorada.

Mayor Ted Blackburn spoke about Florida International University (FIU) and Fabian Cousteau's research project. He stated that through their outreach efforts there were 330 million hits on social media. As a result, 330 million people heard about the upper keys.

Captain Corey Bryan stated Tuesday August 5th at 6:00 PM is National Night Out and will be held at Founders Park on the great lawn.

IV. PUBLIC COMMENT

Mr. John Fernandez read portions of an article titled "Fed Up: Anger Rising Across America".

Mr. Ed Davidson spoke about the way development applications are processed. He suggested procedure changes to allow for the public to be informed when a significant development application is submitted. Mr. Davidson suggested that developers not be allowed to pull their application at the last minute.

Mayor Ted Blackburn stated the current process worked in that the public was informed about the development application as evidenced by the emails Council received. Mayor Blackburn stated that he sees the pulling of the application from the agenda as a positive rather than a negative.

Councilman Mike Forster stated he agreed with the Mayor that the process did work.

Mr. Don Horton thanked Council for the process which allowed him and his client to regroup. He stated he appreciates the public's input and that what happened with the postponement was not unique.

Vice Mayor Deb Gillis stated she understands the frustration of the neighbors, but thinks the process worked.

Mr. John Fernandez commented that similar situations have happened at Local Planning Agency meetings. He stated that he thinks this is an issue that should be considered.

Mr. Bruce Horn stated that the area on the Old Road by the former Chilly Willy's is a traffic nightmare and that more development in that area would create more traffic problems.

V. AGENDA: Request for Deletion / Emergency Additions

Councilman Ken Philipson added XIV.C. Priorities of the Planning Department.

Councilman Mike Forster added XIV D. Discussion regarding FDOT Future Planning.

Mayor Ted Blackburn requested TAB 10 Finance Update be moved to follow TAB 3.

(Tabs 4 and 5 were pulled from the Agenda prior to the meeting at the request of the Applicant.)

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

None.

VII. VILLAGE MANAGER REPORTS AND UPDATES

A. CityView Update

Village Manager Maria Aguilar stated the project is still on schedule with the dates reported last month. She said a CityView trainer will be on site the last week of July to train Building and Planning staff on data verification in the new version of CityView. Ms. Aguilar stated that October 1, 2014 continues to be the target date to go online with CityView. She commented that IT Director Stu Bautz has been searching for a vendor to host the website portal for access to building permit information and scheduling inspections.

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:

June 12, 2014 Regular Village Council Meeting

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

IX. WASTEWATER MATTERS

A. Wastewater Project Update

Wastewater Program Manager Greg Tindle provided a construction update regarding the Middle Plantation Key vacuum pump station, South Plantation Key vacuum pump station and Upper Matecumbe Key vacuum pump station. He stated that trenching has begun on South Drive.

Councilman Ken Philipson stated that there were only 20 people in attendance at the grinder pump meeting held the previous night. He stated that those not signed up for the program you will not be eligible after 12/31/2014 and suggested citizens attend the next grinder pump meeting at Island Community Church on July 21, 2014.

Wastewater Program Manager Greg Tindle stated Reynolds Water Islamorada has sent meeting notification postcards to everyone that is eligible for the program. He stated that the citizens are being contacted by direct mail on more than one occasion. Mr. Tindle provided examples of the mailings.

X. ORDINANCES

A. First Reading- Ordinance Amending the Comprehensive Plan to Amend Transfer of Development Rights (TDRS)

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

Councilman Ken Philipson stated TREs should be able to be transferred to any particular lot.

Councilman Mike Forster stated that as it is now there is an equitable transfer and that it is not equitable to transfer development rights if transferred from dry lots to wet lots because of the increase in value. He stated that he does not support dry to wet and wet to dry transfers.

Vice Mayor Deb Gillis stated that if TREs are allowed for a dry to wet lot, then it should also apply to TDRs. She suggested a future discussion item regarding the transfer of dry to dry and wet to wet lots.

Mayor Ted Blackburn opened up public comment; seeing none, public comment was closed.

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

B. First Reading- Ordinance Amending the Land Development Regulations to Amend Transfer of Development Rights

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

Councilman Ken Philipson spoke in support of transferring TDRs from dry to wet lots and suggested a workshop to discuss TDRs.

Vice Mayor Deb Gillis expressed concern with regard to leaving a corridor of empty lots if TDRs were permitted on dry to wet lots. Vice Mayor Gillis agreed that if commercial property owners were not

using the TDRs as the regulation is currently written, then the regulation should be reviewed. She stated the TDR regulation was put into place to avoid vacant lots along the corridor. Vice Mayor Gillis and Mayor Ted Blackburn spoke in support of a workshop to address TDRs.

Mayor Ted Blackburn opened public comment.

Mr. Larry Barr spoke in support of a workshop to clarify TDRs and suggested tabling the proposed ordinance.

Mayor Ted Blackburn closed public comment.

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.

XI. QUASI-JUDICIAL

(TAB 4 and TAB 5 were pulled from the agenda by the Applicant prior to the meeting.)

- A. First Reading - Future Land Use Map Amendment (FLRZ-14-01) Application for Property Located at Approximately Mile Marker 86.7
- B. First Reading - Zoning Map Amendment (FLRZ-14-01) Application for Property Located at Approximately Mile Marker 86.7

XII. RESOLUTIONS

- A. Resolution Requesting the Florida Department of Transportation Erect Suitable Markers Designating the Indian Key Irving Eyster R. Bridge

Village Attorney Roget Bryan read the title of the resolution. Assistant to the Village Manager Mary Swaney presented the staff report recommending approval.

Councilman Purdo thanked the Council, State Representative Holly Raschein and Senator Dwight Bullard for their efforts in the designation of this bridge.

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

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

- B. Preliminary Rate Resolution for FY 14-15 Solid Waste Assessment

Village Attorney Roget Bryan read the title of the resolution. Finance Director Ian Proverbs presented the staff report recommending approval.

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

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

- C. Resolution Approving Grant Agreement with the Florida Department of Health, Bureau of Emergency Medical Services for 2014 EMS Matching Grant to Purchase a Chest Compression System and LifePak

Village Attorney Roget Bryan read the title of the resolution. Assistant Chief Jason Lyman 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. Councilman Mike Forster seconded the motion. Council voted all in favor. The motion passed 5-0.

XIII. MOTIONS

None.

XIV. MAYOR / COUNCIL COMMUNICATIONS

A. 90-Day Oral Evaluation of Village Manager

Councilman Mike Forster stated the Village Manager has done a good job and appreciates her communication skills and proactive emails to constituents. Councilman Ken Philipson seconded Councilman Forster's sentiments and added that the Village Manager has taken Code Enforcement under her direct management which no other village manager has ever done. Councilman Dave Purdo stated Ms. Aguilar has done a superb job. Vice Mayor Deb Gillis commended Ms. Aguilar on filling open positions quickly and stated her communication with staff and Council is great.

Village Attorney Roget Bryan clarified that Council provided a positive oral evaluation.

B. Youth Council - Additional Members, Conference, and Shirts

Councilman Ken Philipson requested funding of \$971.10 for the Youth Council to attend an event with the Florida League of Cities. Parks & Recreation Director John Sutter stated that all five members plan to attend and spoke in support of the Youth Council attending the event.

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

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

C. Planning Department Priorities

Councilman Ken Philipson spoke in support of prioritizing the projects that Council has requested of the Planning Department. Councilman Mike Forster agreed. Vice Mayor Gillis suggested that Planning Director Cheryl Cioffari provide Council with guidance on these projects due to the length of time some projects require. Councilman Mike Forster suggested staff provide a list to Council at the next meeting. Planning Director Cheryl Cioffari stated the Planning Department has Village Council directed initiatives, staff initiatives and applicant driven initiatives. Ms. Cioffari stated the Planning Department wanted to balance these initiatives fairly and would like Council's guidance on Council priorities and then staff could provide realistic time frames for completion.

D. Florida Department of Transportation

Councilman Mike Forster requested the Village Council reach out to other municipalities in Monroe County regarding setting up a meeting with the secretary of FDOT and State Representative Holly Raschein to discuss the future plans for US 1, such as widening and beautification. Discussion ensued

regarding the future intentions of the Florida Department of Transportation and the potential widening of US 1. Council spoke in support of a roundtable discussion with FDOT. Councilman Mike Forster suggested staff draft a letter to determine the interest of other local municipalities and State Representative Holly Raschein.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Finance Update

Village Manager Maria Aguilar stated staff had hoped the FY 12/13 CAFR and audit report would be ready to present to Council and that the June 30 submittal deadline had been shortened from September 30. She stated staff had missed the June 30th deadline but were hopeful the report would be submitted in late July or mid-August. Ms. Aguilar provided the following reasons for the delay: abrupt change in Village Manager and Finance Director, the time it took to form an audit committee to select new auditors, the Request for Proposal process to obtain new auditors, additional time required to working with new auditors, the need to obtain an actuarial analysis for six years analyzing post-employment benefits liability related to health insurance coverage for retirees and the possible need to restate prior year wastewater financials due to direction from the new auditors to change the manner in which wastewater funds are reported. Ms. Aguilar presented preliminary numbers for FY ending September 30, 2013.

Mayor Ted Blackburn spoke about forming the audit committee to select new auditors and the Village's decision to change auditing firms. He stated the new auditing firm found nothing materially incorrect. He spoke in favor of the process and stated that the process takes time.

Finance Director Ian Proverbs presented the preliminary numbers of the general fund. He stated revenues have exceeded the budget and that the expenses were under budget. Mr. Proverbs provided some detail of expenses of various departments. He stated the unassigned general fund balance is healthy and is at approximately 37.3%.

Councilman Ken Philipson congratulated staff on the 37% fund balance overall.

Mayor Ted Blackburn stated the Fire Department increased its ISO (Insurance Service Office) rating from a four to a two, which is the highest rating the Village would be able to achieve. Mayor Blackburn stated the Village revenues were better than had been anticipated.

Councilman Dave Purdo referenced prior year budget cuts and thanked staff for monitoring their budgets.

Finance Director Ian Proverbs noted that there were transfers from the Transportation Fund d to the Wastewater Fund to pay for paving costs not covered by the state and explained that Transportation Fund funds are restricted to transportation activities such as paving.

Mr. Proverbs reported that the Solid Waste Fund balance increased.

Finance Director Ian Proverbs reported on the Affordable Housing Fund balance and how these funds can be used.

Vice Mayor Deb Gillis inquired about the general legal services risk management portion of the Affordable Housing fund and asked what this particular expense was for. Village Manager Maria Aguilar stated she believed this was for payment to the risk management consultant regarding a contract the consultant reviewed for the Wet-Net property lease.

Village Manager Maria Aguilar stated that the Village had utilized Affordable Housing Fund funds for one sewer subsidy. Discussion ensued regarding assistance for deed restricted affordable housing subsidies.

Vice Mayor Deb Gillis stated that the \$200,000 payment for the Wet-Net lease is recorded in the Affordable Housing Fund.

Village Manager Maria Aguilar provided an update on the Enterprise Funds and explained the accounting practices for these funds are more like that of a business rather than a government. Ms. Aguilar explained the transfers and expenses reflected in the Marina Enterprise Fund. She explained the purpose of the two wastewater funds is to account for activity specifically related to North Plantation Key (NPK) separately from activity related to the Remaining Service Area (RSA). Ms. Aguilar stated that payments were made out of the NPK fund to Reynolds Water Islamorada for projects related to Fontaine Drive and South Coconut Palm Boulevard. She stated that the 3.5 million reflected as RSA Assessment payoff is a result of prepayments that had been received due to the 2013 assessment Council passed. Ms. Aguilar pointed out that the Village borrowed \$22 million from SRF and that the line item for Architects and Engineers came in under budget by approximately \$300,000. She stated that the Village had received money from the Army Corp. of Engineers and the Mayfield Grant as reflected under Revenues.

Village Manager Maria Aguilar reported on the Stormwater Enterprise Fund and asked for direction from Council with regard to the stormwater assessment. She suggested Council begin considering the assessment for fiscal year 2014-2015. Ms. Aguilar stated the current assessment is \$16 per Equivalent Stormwater Unit (ESU) and that Council could raise that amount to \$62 per ESU without the Village having to conduct a direct mailing notification.

Councilman Ken Philipson asked if money could be transferred from the General Fund to the Stormwater Fund. Village Manager Maria Aguilar stated that if money was needed for a stormwater related project it could be paid out of the General Fund. Ms. Aguilar stated that if Council wanted to increase the balance of the Stormwater Fund, Council might consider using the General Fund unassigned fund balance to keep ad valorem taxes lower and then raise the stormwater assessment. Discussion ensued regarding stormwater related projects, funding and assessing property owners equitably. Vice Mayor Deb Gillis opened discussion regarding increasing the assessment to \$32. Council spoke in support of increasing the assessment to \$32.

Director of Parks & Recreation and Public Works John Sutter stated that the Village has engaged a stormwater engineer to determine the chronic stormwater problems within the Village. Mr. Sutter stated that the engineer submitted a proposal for a feasibility study that would address the construction options, engineering options, and cost options for the top 10-15 stormwater problem areas.

Village Manager Maria Aguilar led a discussion regarding the proposed budget calendar. Ms. Aguilar stated that July 24 is the deadline for the Finance Department to provide the tentative millage rate and the date and time of the budget hearings to the Monroe County Property Appraiser so as to be reflected in the TRIM notices.


Mayor Ted Blackburn opened public comment.

Mr. Larry Barr stated stormwater would be the Village's next major disaster related to costs. He spoke in support of increasing the stormwater funds and stated he believes it will be a tremendous cost to the Village in the future.

Mayor Blackburn closed public comment.

XVI. ADJOURNMENT

Councilman Dave Purdo made a motion to adjourn. Councilman Ken Philipson seconded the motion. The meeting adjourned at 8:01 PM.


Kelly S. Toth
Village Clerk

Approved by the Village Council this 21st day of August, 2014.