



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
Thursday, August 21, 2014  
5:30 PM**

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

Mayor Ted Blackburn called the meeting to order at 5:33 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, Principal Planner Jeff Stuncard and all other appropriate personnel.

**II. PLEDGE OF ALLEGIANCE**

Scott Dudley, Director of Legislative Affairs with the Florida League of Cities led the pledge of allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

- A. Presentation of the Home Rule Hero Award by Scott Dudley, Director of Legislative Affairs, Florida League of Cities to Councilman Ken Philipson

Scott Dudley, Director of Legislative Affairs with the Florida League of Cities (FLC) stated Councilman Ken Philipson was a strong advocate for home rule and had distinguished himself as a fighter for home rule. Mr. Dudley presented Councilman Ken Philipson with the Home Rule Hero Award and thanked Council for supporting Councilman Philipson. Councilman Ken Philipson recognized former Councilman and Mayor Don Achenberg for introducing him to the Florida League of Cities. He thanked the FLC for the award.

**IV. PUBLIC COMMENT**

Mayor Ted Blackburn opened public comment.

Mr. Robbie Majeska Commissioner for the Key Largo Wastewater Treatment District (KLWTD) requested Council double their efforts to resolve the salinity issues and thanked Council for working with KLWTD.

Mayor Ted Blackburn closed public comment.

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

Mayor Ted Blackburn requested that XII (A) be moved ahead of the Wastewater Project update. Councilman Mike Forster requested discussion under the Mayor/Council Communications regarding funding for land acquisition and conservation initiatives. Mayor Blackburn added discussion items pertaining to a 300 foot diving/snorkeling ban and bully netting; Green Turtle Hammock; and the RESTORE Act.

**VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

None.

**VII. VILLAGE MANAGER REPORTS AND UPDATES**

**A. Update Regarding Financing for Connections**

Village Manager Maria Aguilar notified Council of the Tuesday, August 26<sup>th</sup> multiagency staff meeting to discuss the Master Development Plan for the Fills. She stated the meeting would be publicly noticed and invited Council to attend.

Financing assistance for sewer connection costs

Village Manager Maria Aguilar provided an update on financing assistance for sewer connection costs. She stated most municipalities use Community Development Block Grants (CDBG) or State Housing Initiatives Partnership (SHIP) funds to provide grants or low interest loans, but that these were often had low income restrictions.

Ms. Aguilar stated the connection deadline for property owners with grinder pumps was December 31, 2014. Ms. Aguilar suggested that in the event a property owner could not afford the connection costs, the Village could extend the December 31, 2014 deadline, providing the property owner had applied for the CDBG grant; and suggested the Village could offer property owners a payment plan similar to the payment plan the vacuum system property owners received.

Vice Mayor Deb Gillis asked if there was assistance for the property owners that did not qualify for CDBG. Village Manager Maria Aguilar stated that if they didn't qualify for CDBG, then the payment option could be available. Vice Mayor Gillis suggested researching additional funding options for residential and commercial property owners installing vacuum pits.

Councilman Mike Forster requested consensus from Council regarding directing the Villager Manager to research additional funding options for property owners that do not qualify for CDBG. Council expressed consensus.

Mayor Ted Blackburn opened public comment.

Mr. Robbie Majeska stated KLWTD has been going through the same situation for six years and that the citizens have known for this long that they would need to connect. He suggested a separate assessment category for those that do not have the money to connect and that the assessment would pay for the costs associated with connecting.

Mayor Ted Blackburn closed public comment.

**VIII. CONSENT AGENDA**

**A. Minutes:**

July 10, 2014 Regular Village Council Meeting  
July 22, 2014 Village Council Budget Workshop

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.

## **IX. WASTEWATER MATTERS**

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

Wastewater Program Manager Greg Tindle announced the grinder pump easement document was revised in response to citizen input and was being mailed out. Councilman Ken Philipson expressed concern over citizens understanding the differences in the two agreements. Mr. Tindle explained that a cover letter would be included with the new agreement explaining the changes.

Mayor Ted Blackburn asked if the easement was part of the Utility Policy. Village Attorney Roget Bryan stated that it was not and explained that the easements allow for the construction for the grinder pumps. Mr. Bryan stated that without the easement the Village did not have the authority to access private property.

Councilman Ken Philipson inquired as to when a property owner would pay for connection costs and how much the property owner would pay.

Village Attorney Roget Bryan stated the easement document was one part of opting-in to the grinder pump program. He explained that the location work sheet and an onsite location process, which identifies where the property owner wants the grinder pump to be placed, would also be required. Once the location was identified, calculations would be done on that particular property to determine the amount of pipe needed and the costs associated with the connection. Mr. Bryan explained that a notification from Reynolds Water Islamorada, LLC had been sent to property owners explaining the grinder pump program in great detail as well as the deadlines.

Vice Mayor Deb Gillis stated the payment was due by December 31, 2014, but that the paperwork was requested to be submitted by September 30, 2014. Councilman Ken Philipson asked what happens if payment was not made by December 31, 2014.

Wastewater Program Manager Greg Tindle stated that if payment was not made by the December 31 deadline the Village would need to consider other options such as extending the deadline, or financing assistance. He stated that the required grinder pump program documents would need to be submitted by December 31, 2014.

Wade Trim Executive Vice President Tom Brzezinski stated that the Florida Keys Aqueduct Authority would be taking a draft interlocal agreement between FKAA and the Village before their board for consideration. He stated this agreement would allow for cost sharing of the paving to be done in Venetian Shores. Mr. Brzezinski stated this is a savings of about \$240,000 to the Village. He stated once the FKAA board approved the draft, it would be brought before Village Council for consideration.

Mr. Tom Brzezinski provided an update on the salinity issues and the affected vacuum pits. Mayor Ted Blackburn opened public comment.

Mr. Larry Barr spoke about an email from Wendy Sorrell regarding candy cane replacement. He expressed concern over the salinity issues.

Wastewater Program Manager Greg Tindle stated that the candy canes are only removed if a new vacuum pit is installed.

Mr. Stan Marguiles expressed concern about potential stormwater issues once the repaving of Venetian Boulevard occurs.

Village Manager Maria Aguilar stated the Village was in the process of establishing an agreement with Weiler Engineering to conduct an analysis of the areas in the Village with the worst stormwater issues.

Mr. Dave Guardino suggested more forecasting to address potential wastewater issues.

Mayor Ted Blackburn closed public comment.

**X. ORDINANCES**

None.

**XI. QUASI-JUDICIAL**

None.

**XII. RESOLUTIONS**

A. Resolution Placing the Proposed Charter Amendment on the Ballot for the Nov. 4<sup>th</sup> Election

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

Vice Mayor Deb Gillis stated she would have liked to have seen some exemptions included in the language of the amendment.

Councilman Dave Purdo spoke in support of the amendment going to the voters. He spoke against the charter amendment as it was written.

Councilman Ken Philipson stated he would have reduced the square footage to 5,000, excluding Village Center and would have included some exclusions.

Mayor Ted Blackburn opened public comment.

Mr. Pete Bacheler expressed concern over the way the amendment was written and provided examples of potential issues that could arise.

Mr. Dan Phair expressed concern over potential FEMA rulings that would prevent building.

Mr. Dave Guardino asked if current approved properties would be exempted from new legislation. Mayor Ted Blackburn stated that it was his understanding that they would be exempt.

Ms. Amy Knowles reiterated that the Community Task Force voted in favor of allowing the voters to decide.

Mayor Ted Blackburn closed public comment.

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

- B. Consideration of a Development Agreement Pursuant to Chapter 163, Florida Statutes, Between the Village and ETC XII LLC

Village Attorney Roget Bryan read the title of the Resolution and 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. Vice Mayor Deb Gillis seconded the motion. The Council voted all in favor. The motion passed 5-0.

### **XIII. MOTIONS**

None.

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

- A. Councilman Mike Forster stated Nick Kimball had resigned from the Affordable Housing Committee and appointed Jenn Weiden Ramassini to the Affordable Housing Committee.
- B. Councilman Mike Forster suggested \$25,000 to \$30,000 be added to the FY 2014-2015 budget for acquiring conservation property. Vice Mayor Deb Gillis said she would support it. Councilman Ken Philipson stated he could support it or argue against it. Staff was giving direction to add it to the budget.
- C. Mayor Ted Blackburn began discussion of the possibility of yearly regulation regarding the 300 foot limitation on snorkeling and diving that currently only occurs during lobster mini-season. He addressed the pros and cons. Mayor Blackburn stated that Village Council could not make a judgment on this as it had to go before the Nearshore Water Regulation Citizens' Advisory Committee for their review. Mayor Blackburn stated that simultaneously a bully netting ban should be considered within these limitations. Vice Mayor Deb Gillis suggested specific time limitation on bully netting and stated that it had to be addressed on the state level by FWC. Vice Mayor Gillis spoke against the 300 foot limitation on snorkeling and diving for citizens. Discussion ensued.

Mayor Ted Blackburn opened public comment

Mr. Larry Barr spoke against the limitations.

John Sutter stated he would be the liaison to the Nearshore Water Regulation Citizens' Advisory Committee and would make sure it was added to the agenda. He spoke in favor of obtaining consensus from the stakeholders.

Mayor Ted Blackburn closed public comment.

- D. Mayor Ted Blackburn suggested requesting a quarterly report from the Green Turtle Hammock School regarding their activities. Mike Forster agreed. Village Manger Maria Aguilar stated that it had already been coordinated for the second Regular Village Council Meeting in September.
- E. Mayor Ted Blackburn began discussion on the RESTORE Act Committee and stated they were meeting on September 26, 2014 and suggested one of the Council members attends. Councilman Mike Forster stated he would like the opportunity to be involved with the RESTORE Act Committee. Vice Mayor Deb Gillis stated it made perfect sense for Councilman Forster to be involved with the

committee as he was already involved with the canal restoration project. Council consensus was to approve Councilman Forster as the Village representative on the County RESTORE Act Committee.

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

**A. Discussion Regarding Regulations to Address Medical Marijuana**

Village Attorney Roget Bryan reported on current legislation pertaining to medical marijuana. Council expressed that it may be appropriate to consider a moratorium and directed staff to prepare an ordinance.

**B. Update on Regulations Pertaining to Possession and Sale of Synthetic Drugs**

Village Attorney Roget Bryan conveyed information regarding the regulations and civil fines associated with synthetic drugs. Discussion ensued regarding the manner in which Monroe County was addressing this issue. Council directed the Village Attorney to discuss the topic with the Monroe County Attorney.

**XVI. ADJOURNMENT**

Councilman Dave Purdo made a motion to adjourn. Councilman Mike Forster seconded the motion. The meeting adjourned at 7:56 PM

  
Kelly S. Toth  
Village Clerk

Approved by the Village Council this 23rd day of October, 2014.