



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, September 11, 2014**

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 attending by phone, and Councilman Dave Purdo. Also in attendance were Village Manager Maria Aguilar, Village Attorney Roget Bryan, Village Clerk Kelly Toth, Director of Planning Cheryl Cioffari and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Mr. Clay Crockett led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

A. Proclamation for Constitution Week -September 17th thru September 23rd (Virginia Spear)

Mayor Ted Blackburn presented the proclamation to Ms. Virginia Spear. Ms. Spear provided a brief history of the Daughters of the American Revolution.

B. Update on Demonstration Canal Restoration Project – Village Environmental Planner Susan Sprunt

Village Environmental Planner Susan Sprunt provided an overview of the county-wide Canal Restoration Demonstration project.

AMEC Consultant Ms. Wendy Blondin reported that construction would begin in Islamorada on its first canal demonstration project in October. Of the 16 high priority canal systems, the Treasure Harbor Plantation Key canal was chosen as the first canal project. Ms. Blondin presented a project overview and update.

Vice Mayor Deb Gillis acknowledged the Treasure Harbor home owners and stated they were instrumental in this project being chosen. Mr. Terry Peters President of the Treasure Harbor Home Owners Association thanked the Council for their support.

C. Preliminary Climate Change Impact Study Results – Erin Deady

Senior Planner Shane Laakso and Ms. Erin Deady, Esq. introduced the IslamoradaMatters Project and provided a brief overview and historical data on sea level rise. Mr. Jason Evans, Professor with Stetson University presented sea level rise modeling for Plantation Key, Windley Key, Upper Matecumbe Key, Lower Matecumbe Key and the Sea Oats Beach area. The modeling addressed impacts on public facilities and roadways, stormwater impacts, nuisance flooding. Mr. Evans stated Islamorada contains several of the lowest lying stretches of the US 1 highway within Monroe County. Ms. Erin Deady presented on the impacts of sea level rise to the population of Islamorada.

IV. PUBLIC COMMENT

Mayor Ted Blackburn opened public comment.

Mr. Andy Newman spoke on behalf of the Matecumbe Ocean View Property Owners Association and stated that they want to partner with the Village on the canal restoration project.

Ms. Mia Berry spoke expressed concern over the sign ordinance and its effects on local business owners.

Village Manager Maria Aguilar stated that there had been no citations issued by Code Enforcement officers regarding the sign ordinance and that the officers are working to educate business owners.

V. AGENDA: Request for Deletion / Emergency Additions

Mayor Ted Blackburn requested to move TAB 8, Quasi-Judicial, Application for Major Conditional Use (MJ-14-02) to follow Public Comment.

Move TAB 11 Approval of Appointments to Islamorada Youth Council to follow immediately after TAB 8.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

VII. VILLAGE MANAGER REPORTS AND UPDATES

A. CityView Update

(This item was deferred to the September 23, 2014 Regular Village Council Meeting)

B. Update Discussion on follow up for Affordable Housing Inventory List/Biological Assessment and Analysis of Village Owned Lots

(This item was deferred to the September 23, 2014 Regular Village Council Meeting)

VIII. CONSENT AGENDA

A. Minutes:

July 23, 2014 Budget Workshop
July 23, 2014 Regular Village Council Meeting

B. Resolution Approving Letter of Engagement for Code Compliance Hearing Officer

C. Resolution Approving Mutual Aid Agreement for Fire Protections and Rescue Services

D. Resolution Approving Capital Bank Funding of 2014 Sutphen Pumper Truck

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.

IX. WASTEWATER MATTERS

A. Wastewater Project Update

(This item was deferred to the September 23, 2014 Regular Village Council Meeting)

B. Discussion Regarding Draft Wastewater Utility Policy

(This item was deferred to the September 23, 2014 Regular Village Council Meeting)

Mr. Andy Newman commented about the Wastewater Utility Policy with regard to properties over four EDUs.

C. Resolution Approving Change Order No. 7 to the Design Build and Operate (DBO)

Agreement between Reynolds Water Islamorada, LLC and Islamorada, Village Of Islands, to Provide for Revisions to the Operations Services

(This item was deferred to the September 23, 2014 Regular Village Council Meeting)

X. ORDINANCES

XI. QUASI-JUDICIAL

A. Application for Major Conditional Use (MJ-14-02) by Equity Development Group LLC

Village Attorney Roget Bryan read the quasi-judicial statement and requested that anyone not having been sworn in raise their hand. Village Clerk Kelly Toth swore in the witnesses. Mr. Roget Bryan read the title of the Resolution and requested Council disclose ex-parte communications. Councilman Dave Purdo disclosed he had spoken with Andy Tobin and Mike Anzalone. Mayor Ted Blackburn disclosed he had spoken with Andy Tobin. Councilman Mike Forster disclosed he had received emails from Lori Blair and Daniel Phair and had spoken with Tony Hammon. Councilman Ken Philipson stated he had spoken with Andy Tobin and Mike Anzalone. Vice Mayor Deb Gillis disclosed she had spoken with Mike Anzalone and Tony Hammon.

Planning Director of Cheryl Cioffari presented the staff report. Kittleson & Associates, Inc. Transportation Analyst Ms. Benazir Portal. spoke presented the traffic impact report.

Mr. Bernard Danzansky representing Equity Development Group, LLC spoke on behalf of the applicant. Mr. Tim Malony introduced himself as District Manager for Publix and spoke of the contributions Publix makes to the public and their impact on the community. Ms. Bridget O'Connor introduced herself as Real Estate Manager for Publix Supermarkets and spoke about the convenience of a Publix location in Islamorada.

Mr. Bernard Danzansky presented the site plans and a brief historical look at the project stating that this is their fifth submittal. He commented that the project had been in the works for twelve years.

Mr. Harry Delashmit introduced himself as a Biologist with Biosurveys, Inc. and presented the vegetation study and landscaping plans. He stated there will be 100% density using native vegetation which exceeds the code requirements of 70%.

Mr. George Galan introduced himself as Traffic Engineer with Crossroads Engineering Data and presented the traffic study and the proposed improvements to include: two bus bays on US1 facilitating public transportation, widening of Russell St. to twenty-four feet and a reduction in driveways on US 1.

Mr. Andy Tobin Attorney for the applicant asked for the PowerPoint slides presented by Bernard Danzansky be moved into evidence. Mr. Tobin requested the prior Resolution 13-12-9 be moved into evidence as well as the staff report and Council packet. He stated that as a result of the last approval Publix spent \$4.8 million dollars to purchase the property and that the purchase was one of the conditions from the last hearing. Mr. Tobin spoke about the definition of floor area and stated that the FAR had gone down from .25 to .18 as a result of the increase in gross acreage.

Mayor Ted Blackburn opened public comment.

Attorney Tucker Gibbs stated he was representing the following entities and individuals: Keep Islamorada Prosperous Peaceful and Safe (KIPPS), the Bay Hammocks Homeowners Association, Lori and Meg Blair, Jerry Lear, Dan Phair, Kenneth and Wanita Russell Knudsen, Richard and Mary Russell, and Beth Kamenstein. Mr. Gibbs requested to move into evidence the Village files associated with the last approval for this property, and the other grocery store approval which is known as the Winn Dixie site. He stated his clients objected to the Major Conditional Use Application for two basic reasons: the proposal was not consistent with the applicable provisions of the Villages Comprehensive Plan and the proposal was not compliant with the Village Land Development Regulations. Mr. Gibbs reported additional concerns with the proposed application and requested the Village Council reject the application.

Mr. Mark Alvarez identified himself as a Planner and presented, on behalf of KIPPS, his consistency and compatibility analysis of the Major Conditional Use Application. He stated the intensity was not in compliance with the Land Development Regulations (LDRs) and the intensity was not consistent with the Village's Comprehensive Plan.

Ms. Beth Kamenstein expressed her opinion about the unique characteristics of Islamorada. Ms. Kamenstein stated the building was too large for the site and spoke about the intensity of the proposed development.

Mr. Daniel Phair spoke against the proposed development.

Ms. Nancy Phair spoke against the proposed development stating it was too large for what was already established.

Attorney Patty Silver speaking on behalf of her client, Ann Wittwer, stated this development would deprive her client of the quiet peaceful enjoyment of her property. Ms. Silver expressed concern over the early morning deliveries. Ms. Silver requested the Major Conditional Use Application be denied.

Mr. Ken Knudsen spoke against the proposed development and expressed concern over potential traffic issues.

Mr. Clay Crockett stated he was not necessarily opposed to the development. He expressed concerns over the property north of the proposed location identified as Alternate Key 1495387. He stated that the Plantation Key School bus loads and unloads children at this location. He requested assurance that all safety precautions would be taken during the construction phase of this development.

Mr. Tony Hammon Sr. Pastor Island Christian School commended Publix on their response to the safety concerns he had expressed as it related to Russell St. He stated the community had legitimate concerns

that needed to be addressed. Mr. Hammon requested that the Council strongly consider the safety of the children when they make their decision.

Mr. Bob Johnson commented on Council's opportunity to "do the right thing" and commented that this development spurred a petition that led to a referendum item.

Mr. Darrell Pruett spoke against the proposed development.

Mr. David Makepeace spoke against the proposed development.

Mr. Mike Anzalone spoke against the proposed development.

Ms. Janet Wood spoke against the proposed development stating it was too large for the proposed area.

Mayor Ted Blackburn closed public comment.

At 9:58 p.m. Vice Mayor Deb Gillis made a motion to extend the meeting for one hour. Councilman Mike Forster seconded the motion.

Council discussion ensued, with input from the applicant, staff and those opposing the development, resulting in the following imposed conditions in addition to the conditions in the proposed resolution:

1. The quantities of vegetation as shown on L-1 is required and cannot be reduced. Species shall only be substituted with the prior approval of the Village Biologist.
2. Pursuant to Code Section 30-215(d)(20)(n), the Applicant shall be responsible for installing improvements, at their expense, to the Florida Keys Overseas Heritage Trail multi-use path directly in front of the Property including installation of standard "Share the Road" or "Bike Route" signage, pavement markings, striping, colored asphalt and widening to a minimum standard width where sufficient right-of-way and clearance exists. All improvements shall be completed prior to issuance of any certificate of occupancy associated with the Request.
3. The Applicant shall obtain all FDOT permits necessary to construct the required Overseas Highway improvements, which include (a) the modification of existing curb cuts to provide one point of ingress and egress to the site and the closure of the access point to the Fish Bowl property; (b) a dedicated southbound one way right turn deceleration lane providing access to the site entrance; and (c) new northbound and southbound bus stop pull outs, as depicted on the site plan. A Letter of Intent from FDOT shall be required prior to issuance of any building permit. All improvements shall be completed by the Applicant at its sole expense. All improvements shall be accepted by FDOT prior to the issuance of a certificate of occupancy.
4. Prior to issuance of a Building Permit, the Applicant shall submit a fully-executed and effective Declaration of Restrictive Covenants or similar legal instrument combining Parcels AK #s 1109754, 1110183, 1110159, 1110141, 1110175 and 1110167 for the purposes of development, which shall be reviewed and approved as to form by the Village Attorney.
5. Pursuant to Section 166.033, Florida Statutes, all applicable state and federal permits must be obtained before commencement of the development. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a federal or state agency or otherwise undertakes actions that result in a violation of state or federal law.

6. The widening and repaving of Russell Street between Overseas Highway and east of Knowles Street to provide for:

- a. A twenty-four (24) foot paved surface within the existing thirty (30) foot right-of-way of Russell Street between Overseas Highway and east of Knowles along the entire site frontage; and
- b. A forty (40) foot curb return radii in the northwest and southwest quadrants for right-turn movements to allow trucks to enter and depart Russell Street.

The roadway improvements to Russell Street shall be completed during the first phase of construction.

7. The eight (8) foot wall between the properties designated within the R1 zoning district and the Request along the northeast and northwest property lines shall be constructed and completed during the first phase of construction.

8. The 10 foot wide Class A bufferyard between the properties designated within PS zoning district and the Request along the along southwest property line (Russell Street) shall be constructed and completed during the first phase of construction of the Request.

9. A swing gate shall be installed on the Property access way directly adjacent to Russell Street in a location approved at the discretion of the Director of Planning.

10. The Applicant has proffered to prohibit nonresidential floor area on the Parcel identified with Real Estate Number 00094940-000000.

11. The Applicant has proffered to prohibit the application for a 5COP alcoholic beverage permit on the Property.

12. The Applicant has proffered to make a Fifty Thousand Dollar (\$50,000.00) contribution to the Village's affordable housing fund to be paid prior to issuance of any building permit associated with the Request.

At 10:54 PM Ken Philipson made a motion to extend the meeting for an hour. Vice Mayor Deb Gillis seconded the motion.

Councilman Mike Forster made a motion to approve with the additional twelve imposed conditions. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

XII. RESOLUTIONS

A. Resolution Approving the Market Rate Residential Building Permit Allocation System Ranking and Awards for Quarter 3 of 2014

Village Attorney Roget Bryan read the title of the Resolution. Senior 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 Mike Forster seconded the motion. The Council voted all in favor. The motion passed 5-0.

B. Resolution Approving Contract Renewal for Local Police Services Between the Monroe County Sheriff's Office, Monroe County and Islamorada, Village of Islands, for Fiscal Year 2014-2019

Village Attorney Roget Bryan read the title of the Resolution. Village Manger Maria Aguilar 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 Dave Purdo seconded the motion. Council voted all in favor. The motion passed 5-0.

XIII. MOTIONS

A. Approval of Appointments to the Islamorada Youth Council

Director of Parks and Recreation and Public Works presented the staff report recommending approval of the appointments.

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.

XIV. MAYOR / COUNCIL COMMUNICATIONS

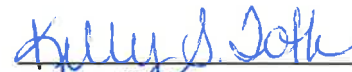
A. Discussion Regarding Additional Parking in the Art District – Mayor Blackburn
(This item was deferred to the September 23, 2014 Regular Village Council Meeting)

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Update Regarding Code Compliance Activities
(This item was deferred to the September 23, 2014 Regular Village Council Meeting)

XVI. ADJOURNMENT

Councilman Dave Purdo made a motion to adjourn. Councilman Mike Forster seconded the motion. The meeting adjourned at 11:27 PM.



Kelly S. Toth
Village Clerk

Approved by the Village Council this 6th day of November, 2014.