



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
Tuesday, September 23, 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. Gary Mace led the pledge of allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

**A. Presentation and Update from Green Turtle Island School**

Mr. Carl Haamp presented a video and described the improvements made to the Green Turtle Island School property. He reported that in January 2014 they did the first genome sequencing at sea followed by a second sequencing in April. Mr. Haamp provided additional information about the research activities to be conducted at the school. Mr. Haamp presented a video called "Aliens of the Sea" and reported that the video won a Telly Award. He presented the award to Mayor Ted Blackburn.

**B. Goldstar Adventures Special Event at Founders Park**

Mr. Gary Mace announced that Freedom Celebration 2014 would be held on November 8<sup>th</sup> and 9<sup>th</sup> at Founders Park and provided details of the two-day event.

**IV. PUBLIC COMMENT**

Mayor Ted Blackburn opened public comment.

Mr. Stan Marguiles requested that the Council inform the Venetian Shores Homeowners Association board of agenda items for future meetings that affect the Venetian Shores home owners. He expressed concern over the type of repaving that would occur in Venetian Shores. He thanked Council for moving the Regular Council Meeting date so that it did not interfere with the Jewish holiday.

Mayor Ted Blackburn closed public comment.

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

Councilman Mike Forster requested his discussion item regarding the vacuum pits be addressed during the wastewater update. Mayor Ted Blackburn requested discussion under Mayor Council Communications about Art in Public Places and the Chamber of Commerce Political Candidate Forum. Councilman Ken Philipson requested discussion regarding the Fills.

**VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

**A. Workforce Affordable Housing Advisory Committee**

Committee Chair Barry Wray provided an update on committee activities and progress. He stated the committee is currently looking for property for the placement of affordable housing. He stated that he will meet with IT/Communications Director Stu Bautz regarding better communication and community access to affordable housing programs through the Village's webpage.

**VII. VILLAGE MANAGER REPORTS AND UPDATES**

**A. FY 2013-2014 August Month-end Reports Including Budget vs Actuals**

Village Manager Maria Aguilar presented the 2013-2014 budget vs. actuals report. She stated these are the monthly reports that will be available on the Village's website. Ms. Aguilar explained the different types of reports which include: the Check Register, Cash Receipts report and the Trial Balance budget vs. actual report. Councilman Ken Philipson inquired as to why the 52% communications tax wasn't higher. Finance Director Ian Proverbs stated that this was a result of the State of Florida receiving less revenue due to individuals eliminating their land line service.

**B. CityView Update**

Village Manager Maria Aguilar presented an update on CityView stating staff would not meet the October 1<sup>st</sup> go live date due in part to a large number of public records requests and a key CityView staff member would be out for approximately two months on maternity leave. Ms. Aguilar anticipates going live with CityView in January which would include the web portal.

Councilman Ken Philipson requested to be added to email distribution lists for Village committees because he would like to receive the committee meeting agendas. Councilman Forster suggested that agendas be a part of the notices that are sent out.

**C. Update / Discussion on Follow Up for Affordable Housing Inventory List/Biological Assessment and Analysis of Village Owned Lots**

Environmental Planner Susan Sprunt stated this discussion is a follow up to the previous discussion held at a Regular Village Council Meeting in April. She stated that eight of the ten properties on the Vacant Property Inventory List were not acceptable for affordable housing use as they are environmentally sensitive tropical hardwood hammock. Discussion ensued regarding acquiring land, the costs associated with building affordable housing within Islamorada and updating the current inventory list. Councilman Mike Forster requested a future agenda item to discuss purchasing land outside of Islamorada.

## VIII. CONSENT AGENDA

### A. Minutes:

August 7, 2014 Regular Village Council Budget Workshop  
August 7, 2014 Regular Village Council Meeting  
September 15, 2014 Special Call Village Meeting Executive Session Case No. 4:12-CV-10121  
September 15, 2014 Special Call Village Meeting Executive Session Case No. 3D13-2661  
September 15, 2014 Special Call Village Meeting Executive Session Case No. 07-CA-582-P

### B. Resolution Approving an Interlocal Agreement Between the Florida Keys Aqueduct Authority and Islamorada, Village of Islands, to Provide Funding for Asphalt Overlay in Venetian Shores

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

Executive Vice President of Wade Trim Tom Brzezinski presented an update on construction, paving and salinity issues. Mr. Brzezinski reported that an evaluation of the vacuum pits in North Plantation Key (NPK) had been completed and that the pits had been categorized from best to worst, a Category 1 being the best and a Category 4 being the worst. He stated that there were approximately 480 vacuum pits in NPK of which 57 were a Category 4 and 79 were a Category 3. Mr. Brzezinski clarified that 13 of the Category 4 pits had already been replaced. He stated the cost associated with removing and replacing a vacuum pit is approximately \$7,800 and the cost of the actual vacuum pit is approximately \$3,600 for a total of \$11,400. Mr. Brzezinski spoke in support of replacing the Category 3 and 4 vacuum pits. Discussion ensued regarding the resources that currently exist and of potential funding sources. Councilman Ken Philipson suggested the Finance Department return to Council with a funding solution for replacing the Category 3 and 4 vacuum pits. Village Manager Maria Aguilar stated the Department of Environmental Protection (DEP) has confirmed the equipment purchase would qualify for reimbursement through the State Revolving Fund (SRF). Discussion ensued regarding how quickly vacuum pit replacement would occur. Mr. Tom Brzezinski stated three pits a day could be replaced if three crews are mobilized. Council expressed agreement with replacing the Category 3 and 4 vacuum pits. Mr. Tom Brzezinski stated that staff would return to Council at the October 8<sup>th</sup> Regular Village Council meeting with Change Order 9 to initiate the replacement process.

Village Manager Maria Aguilar stated staff would present, at a future Regular Council Meeting, a funding option for property owners that are having grinder pumps installed and are connecting their laterals. Discussion ensued regarding determining who would need financing first and when the financing would be needed. Village Manager Maria Aguilar stated that one possible financing option would include a property specific, non-ad valorem assessment on the Monroe County tax roll that would reflect a yearly cost for a five year period at 5% interest. Ms. Aguilar stated a lien would be applied if a tax roll assessment was not paid.

Ms. Aguilar stated she anticipates the Community Development Block Grant program to be in place in approximately one to two months. Director of Planning Cheryl Cioffari stated staff will be sending letters to individuals that have applied through Monroe County.

Mayor Ted Blackburn opened public comment.

Mr. Larry Barr spoke in support of replacing Category 3 and Category 4 vacuum pits.

Mr. Chris Sante spoke in support of replacing the Category 4 vacuum pits, but stretching out the replacement of the Category 3 vacuum pits over a lengthy period of time.

Mayor Ted Blackburn closed public comment.

Councilman Ken Philipson asked why signed easements were going to the Weiss Serota Law Firm. Village Attorney Roget Bryan explained Weiss Serota is coordinating the easement acquisition process and will be returning the signed easements to the Village.

Councilman Ken Philipson introduced Pedro Ruiz, Project Manager for Severn Trent and commended him on the monthly report he submitted. Mr. Ruiz, at Councilman Philipson's request, explained the backup that occurred on Labor Day in Plantation Key Colony was the result of a home having a large number of occupants.

**B. 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**

Village Attorney Roget Bryan read the title of the Resolution. Wastewater Program Manager Greg Tindle presented the staff report recommending approval.

Mayor Ted Blackburn asked if Council had any questions or comments; none were offered.

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. The Council voted all in favor. The motion passed 5-0.

## **X. ORDINANCES**

**A. Ordinance Establishing Moratorium on Medical Marijuana Dispensaries and Treatment Centers**

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

Councilman Ken Philipson asked if the \$500 maximum penalty could be increased. Village Attorney Roget Bryan explained the fees were outlined in the Village's current schedule of penalties; however, additional fines could be imposed by the Special Magistrate.

Vice Mayor Deb Gillis explained that this moratorium is a temporary suspension and that it could be extended an additional 90 days.

Mayor Ted Blackburn opened public comment.

Mr. Larry Barr expressed concern over the effective date of the moratorium occurring too soon.

Mayor Ted Blackburn closed public comment.

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

**B. Second Reading-Ordinance Amending the Land Development Regulations to Amend Transfer of Development Rights (TDRS)**

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

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

Councilman Ken Philipson spoke in support of transferring development rights for commercial properties from wet lots to dry lots and dry lots to wet lots. Mayor Ted Blackburn stated he disagreed. Councilman Mike Forster spoke in support of wet to dry and dry to wet. Director of Planning Cheryl Cioffari explained that this type of transfer would require a Comprehensive Plan Amendment.

Councilman Mike Forster stated he wants this Ordinance to move forward. He requested future discussion on this topic.

Council directed staff to research the transfer of TDRS from wet to dry and dry to wet lots.

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**

**XII. RESOLUTIONS**

**XIII. MOTIONS**

**A. Approval of 2014 Environmental Sustainability Plan**

Assistant Village Manager and Public Information Officer Mary Swaney presented the staff report.

Mayor Ted Blackburn suggested incorporating the recommendations that are derived from the Sea Level Rise study into the Sustainability Plan.

Councilman Ken Philipson recommended adding Southwinds Park to the locations under consideration for electric car charging stations.

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. Council voted all in favor. The motion passed 5-0.

**XIV. MAYOR / COUNCIL COMMUNICATIONS**

**A. Discussion Regarding Additional Parking in the Art District**

Mayor Ted Blackburn stated that there was a potential to extend commercial parking within the Art District. Public Works Director Lesli Wojtecki reported that she had spoken with FDOT to see if the Village could coordinate moving the bike trail as part of their construction project to begin in a few years.

She stated that it is not possible for FDOT to include the changes within the current project plan because FDOT was ready now to go out for bid. She spoke of a potential separate agreement with FDOT if the Village could secure funding for this project.

Mayor Ted Blackburn suggested utilizing Lobbyist Bill Peebles once a proposal had been created.

Council spoke in support of additional parking in this area.

Village Manager Maria Aguilar confirmed Council's direction is to communicate with FDOT to see if it is possible to move the bike trail toward Overseas Highway acknowledging the Village would incur the cost of the project and a Joint Project Agreement would be required.

**B.** Discussion Regarding Replacement of Vacuum Pits in North Plantation Key  
(This topic was addressed during the Wastewater Matters portion of the agenda)

**C.** Discussion regarding Art in Public Places

Mayor Ted Blackburn stated that a local artist was willing to donate his services to create a sculpture to be displayed in the Village. He stated funding would be needed for the art supplies. Director of Planning Cheryl Cioffari spoke about Key West's Art Board and a possible impact/inclusionary fee associated with new development.

Councilman Mike Forster and Councilman Ken Philipson spoke in support of Art in Public Places. Director of Planning Cheryl Cioffari stated she would return to Council with more information on the program.

**D.** Discussion Regarding the Chamber of Commerce Political Candidate Forum

Mayor Ted Blackburn stated the debate would occur at the Founders Park Community Center on October 22 and that the event could be televised. He stated the Chamber offered to pay for the costs associated with televising the event. Councilman Mike Forster suggested waiving the costs because it provides a service to the community. Vice Mayor Deb Gillis and Councilman Ken Philipson spoke in support of a televised debate.

**E.** Councilman Ken Philipson requested a future discussion item regarding the Fills on the October 23<sup>rd</sup> agenda.

Councilman Dave Purdo, on behalf of the Irvin Eyster family, thanked those involved with the naming of the Irvin Eyster Bridge and announced a dedication ceremony to be held on October 27, 2014.

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

**A.** Discussion Regarding Amending the Camping Ordinance

Village Manager Maria Aguilar stated Public Works Director Lesli Wojtecki was researching the camping prohibition ordinance to provide the Sheriff's Office regulations for enforcement in the area of the Fills. Ms. Aguilar asked if Council was in favor of staff moving forward with this effort. Discussion ensued. Monroe County Sheriff's Captain Corey Bryan stated the current camping ordinance prohibits camping from 11PM to 6AM.

Mayor Ted Blackburn opened public comment.

Mr. Chris Sante expressed support for the camping ordinance, but understands a need for shade structures.

Councilman Mike Forster explained that people are tying up shade structures from mangroves to mangroves resulting in degradation of the property.

Mayor Ted Blackburn closed public comment.

Vice Mayor Deb Gillis announced the next FDOT meeting will occur on November 6<sup>th</sup>.

**XVI. ADJOURNMENT**

Councilman Dave Purdo made a motion to adjourn. Councilman Mike Forster seconded the motion. The meeting adjourned at 8:24 PM.

  
Kelly S. Toth  
Village Clerk

Approved by the Village Council this 8<sup>th</sup> day of October, 2014.

