



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
Thursday, October 23, 2014  
5:30 PM**

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

Mayor Ted Blackburn called the meeting to order at 5:30 p.m. The following Council members were present on roll call: Mayor Ted Blackburn, Vice Mayor Deb Gillis, Councilman Mike Forster (attending via telephone), Councilman Ken Philipson, 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. Larry Barr led the Pledge of Allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

**A. Proclamation – Art McKee Day**

Mayor Ted Blackburn presented the proclamation to Lisa Mongelia, Director of The History of Diving Museum proclaiming November 2<sup>nd</sup> as Art McKee Day in Islamorada.

**B. Proclamation – Visiting Nurse Association & Hospice of the Florida Keys Home Care and Hospice Month**

Mayor Ted Blackburn presented the proclamation declaring November as Visiting Nurse Association & Hospice of the Florida Keys Home Care and Hospice Month. Accepting the proclamation were Kim Sovia-Crandon, Development Director, Kathleen Rizok, Chief Operating Officer, Rick Freeburg, CEO of Mariners Hospital and VNA Board of Directors, and Judy Cooley, CPA.

**C. Presentation of Certificate for City Government Week**

*(This item was added to the agenda at the beginning of the meeting)*

Councilman Ken Philipson presented certificates for Art Achievement to the following Plantation Key School third grade students: First Place- Lisney Cedillo, Second Place- Lindsey Tsang, and Third Place- Davis McNew.

Councilman Philipson presented Essay Achievement certificates to the following Plantation Key School fifth grade students: First Place-Nathan Hughes, Second Place- Coral Depauw, and Third Place- Kailee Nason.

Councilman Philipson presented the following PKS teachers and principal with Certificates of Appreciation: Ms. Donna Brinkman, Ms. Karen Dougherty, Ms. Nancy Ramsdorf, Ms. Christine Crispino and Ms. Lisa Taylor, Principal

Councilman Dave Purdo announced the dedication ceremony of the Irvine Eyster Bridge that will be held on October 27<sup>th</sup> at 5:30.

Councilman Purdo announced a dedication of life that had occurred on October 23<sup>rd</sup> for Captain Chris King. He thanked Councilman Mike Forster and Michael Reckwerdt for their contributions to the event.

#### **IV. PUBLIC COMMENT**

Mayor Ted Blackburn opened public comment.

Ms. Judy Starr expressed concern over Venetian boulevard being repaved once wastewater construction had been completed.

Mr. Glenn Saiger asked for clarification on the 10,000 square foot referendum; specifically what was included in the limitation. Vice Mayor Deb Gillis stated it did not include public and semi-public uses. Mr. Saiger expressed concern over citizens voting on a referendum where the unintended consequences were unknown. Councilman Mike Forster stated there was ambiguity in the way the referendum was written.

Ms. Judy Starr asked if a referendum could be followed by a clarifying ordinance. Village Attorney Roget Bryan stated that if the referendum is passed, it would be a change to the Village Charter and explained the only way to change the Village Charter was for the change to go before the voters.

Mr. Larry Barr spoke on behalf of Stan Marguiles who was not able to attend. Mr. Barr spoke of the paving needs for Venetian Shores. Mayor Ted Blackburn clarified that wastewater and paving were two different projects. Discussion ensued regarding a study of the roads in the Village and that the conversation should take place at a later date.

Mayor Ted Blackburn closed public comment.

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

Vice Mayor Deb Gillis requested that XII (B) be moved to follow IX(C).

Mayor Ted Blackburn requested X1(A) be moved ahead of IX.

#### **VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

##### **A. Local Planning Agency**

Mr. Pete Bacheler, Local Planning Agency (LPA) Chairman, presented the update. He stated at the last meeting the LPA discussed alcoholic beverage permit distances of 300 feet and 500 feet which resulted in the committee providing ideas to the planning staff on a possible variance procedure. Mr. Bacheler stated the second item discussed was the sign ordinance. He stated the committee made recommendations pertaining to A-frame signs and election signs.

## **VII. VILLAGE MANAGER REPORTS AND UPDATES**

### **A. CityView Update**

Village Manager Maria Aguilar stated an additional permit clerk had been hired and that this person would be dedicated to a parallel use of both versions of CityView to assist in identifying any remaining glitches. Ms. Aguilar reported the web portal was complete.

### **B. Update regarding Community Development Block Grant (CDBG)**

Village Manager Maria Aguilar stated staff had provided additional information to the Department of Economic Opportunity (DEO) which was required for DEO approval of the agreement. She stated once the agreement was approved, staff would move forward with a Request for Proposal for Administrative Services to administer the grant. She stated once the firm was engaged, they would prequalify plumbers for sewer hook ups.

### **C. Update regarding Wastewater Connection Loan Program**

Village Manager Maria Aguilar stated that at the November 6<sup>th</sup> Regular Village Council meeting staff would present a proposal from Government Services Group (GSG). GSG can provide services related to the loans being repaid through non-ad valorem assessments on the Monroe County tax roll. Ms. Aguilar clarified that at this time the loans were for grinder pump property owners. Ms. Aguilar stated these assessments would be on the November 2015 tax bill.

## **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:**

August 21, 2014 Regular Village Council Meeting  
October 7, 2014 Community Workshop COAST Sea Level Rise

### **B. Request for Authorization to Dispose of Surplus Vehicle - 1999 Ford F-450 Ambulance**

### **C. Request for Authorization to Dispose of Surplus Vehicle – 2003 Nautica Inflatable Boat**

### **D. Request for Authorization to Dispose of Surplus Vehicle – American Lincoln Street Sweeper**

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

## **IX. WASTEWATER MATTERS**

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

Wade Trim Executive Vice President Tom Brzezinski stated vacuum line installation on Lower Matecumbe Key had begun. He provided a construction update for Upper Matecumbe Key; and stated that approximately 75% of the conveyance force main had been installed. Mr. Brzezinski

stated that the South Plantation Key vacuum pump station construction is being expedited with the hopes of having it operational by December 31<sup>st</sup>. Mr. Brzezinski provided a vacuum line update pertaining to Middle Plantation Key and an update on the grinder pump program and salinity issues.

Councilman Dave Purdo asked about the backup that occurred in Plantation Key Colony. Mr. Brzezinski provided an explanation of how a backup could occur in the older vacuum pits. Councilman Purdo clarified that it was the additional flushing that caused the backup. Councilman Purdo spoke in support of replacing the old vacuum pits as quickly as possible.

Councilman Purdo expressed concern over the possibility of having to repave the roads in Plantation Key Colony twice. Councilman Forster stated he understood Councilman Purdo's concern, but was not in favor of changing the work order. Village Manager Maria Aguilar stated that the Village would need to identify new funding sources that were not related to the wastewater project. She spoke of a potential assessment to improve the roads. Vice Mayor Deb Gillis stated that the Village did not have the funds or the time to complete both projects simultaneously.

Councilman Ken Philipson asked if the King Tides had any impact on the salinity issues. Mr. Tom Brzezinski explained that the King Tides would have a more negative impact on the salinity numbers.

Mayor Ted Blackburn opened public comment.

Mr. Larry Barr commented about the number of valves and controllers that were replaced, as indicated in the wastewater monthly project report.

Mr. Brzezinski reported that Severn Trent is doing a good job.

Mayor Ted Blackburn closed public comment.

- B.** A Resolution Approving Change Order No. 8 to the Design Build and Operate (DBO) Agreement between Islamorada, Village of Islands and Reynolds Water Islamorada, LLC, Providing for Revisions to the Design Build Work

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

Mayor Ted Blackburn asked if Council had any questions. There were none.

Mayor Ted Blackburn opened public comment.

Mr. David Guardino spoke in support of purchasing direct from the source to save tax dollars.

Mayor Ted Blackburn closed public comment.

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.

- C.** A Resolution approving Change Order No. 9 to the Design Build and Operate (DBO) Agreement between Islamorada, Village of Islands and Reynolds Water Islamorada, LLC, Providing for Revisions to the Design Build Work

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

Mayor Ted Blackburn asked if Council had any questions. There were none.

Mayor Ted Blackburn opened public comment.

Mr. Larry Barr asked if the 140 vacuum cans listed on page 3 of exhibit A of the Resolution were all under water. Wastewater Program Manager Greg Tindle stated they were not all under water and that those identified as a four were leaking. Vice Mayor Deb Gillis stated that this was a worst-case scenario.

Mayor Blackburn closed public comment.

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.

## **X. ORDINANCES**

### **A. Second Reading – Ordinance Establishing Moratorium on Medical Marijuana Dispensaries And Treatment Centers**

Village Attorney Roget Bryan read the title of the Ordinance and stated this was second reading. Mr. Bryan provided the staff report recommending approval.

Mayor Ted Blackburn asked if Council had any questions. There were none.

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

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

### **B. First Reading – Ordinance Amending Chapter 30 “Land Development Regulations”, Article II “Rules of Construction and Definitions”, and Amending Article VI “Specific Use Restrictions,” Division 10 “Signs” of the Village Code**

Village Attorney Roget Bryan read the title of the Ordinance and stated this was first reading. Planning Director Cheryl Cioffari provided the staff report recommending approval.

Mayor Ted Blackburn stated there is a need for a permit fee to be established. Councilman Ken Philipson suggested a \$50 permit fee. Council agreed to \$50. Discussion ensued regarding an annual fee and prorating the fee. Council agreed to an initial permit fee that could be prorated if a permit applicant had fewer than six months before the beginning of the fiscal year, in which case their fee would be \$25. Council agreed to a yearly renewal fee.

Vice Mayor Deb Gillis spoke against the need for a stabilizing bar on A-frame signs. Council agreed to remove this requirement.

Vice Mayor Deb Gillis discussed the specific materials for A-frame signs that allow for changeable faces on the A-frame signs.

Council began discussion regarding advertising signs on vehicles. Councilman Ken Philipson stated that vehicle wraps should not be restricted to the 12 square feet limitation. Vice Mayor Deb Gillis and Councilman Purdo agreed. Planning Director Cheryl Cioffari stated the intent was not to regulate someone that wanted to wrap their vehicle. She explained the problem arises when someone hangs a temporary sign such as a sheet, wood sign or banner from their vehicle. Ms. Cioffari stated this section is not meant to include those signs that are permanently affixed to a vehicle.

Vice Mayor Deb Gillis began discussion relating to flags. Planning Director Cheryl Cioffari explained that Council could not control the content of a sign and provided examples.

Vice Mayor Deb Gillis expressed a desire to require that verbal approval for the posting of election signs on private property be included. Councilman Ken Philipson and Councilman Dave Purdo agreed. Mayor Ted Blackburn spoke in support of keeping the 30 day requirement for election signs.

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

## **XI. QUASI-JUDICIAL**

### **A. Application for Administrative Relief (AR 14-02) for Brian and Anne Haber**

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. Bryan read the title of the Resolution and requested Council disclose ex-parte communications. Mayor Ted Blackburn disclosed that he had spoken with Anne Haber. The remaining Council members did not have ex-parte communications.

Planning Director Cheryl Cioffari presented the staff report.

Vice Mayor Deb Gillis asked why the applicant's property had not moved up in ranking. Planning Director Cheryl Cioffari explained that BPAS gives negative ten points to properties within sea turtle nesting areas.

Mayor Ted Blackburn asked if Council had any questions. There were none.

Mayor Blackburn asked if anyone wanted to speak for or against the item. No one spoke for or against the item.

Councilman Dave Purdo made a motion to approve administrative relief in the form of one BPAS allocation award. Councilman Mike Forster seconded the motion. Council voted all in favor. The motion passed 5-0.

Village Attorney Roget Bryan stated the quasi-judicial portion of the meeting was concluded.

## **XII. RESOLUTIONS**

### **A. Resolution Updating Nonresidential Square Footage Available in BPAS**

Village Attorney Roget Bryan read the title of the Resolution. Senior Planner Shane Laakso provided the staff report recommending approval.

Mayor Ted Blackburn asked if Council had any questions. There were none.

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

- B.** A Resolution Approving an Interlocal Agreement between the City of Marathon, Key Largo Wastewater Treatment District and Islamorada Village of Islands, for the Purpose of Providing a Fair and Equitable Distribution of Future Florida Keys Water Quality Improvement Program Funding

Village Attorney Roget Bryan read the title of the Resolution. Village Manager Maria Aguilar provided the staff report recommending approval.

Vice Mayor Deb Gillis commented about the importance of working together.

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.

### **XIII. MOTIONS**

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

- A.** Discussion regarding Procedure for Deferral of Quasi-Judicial Agenda Items (Mayor Blackburn)

Mayor Ted Blackburn began discussion pertaining to quasi-judicial items. He expressed concern over applicants requesting that the quasi item be pulled from the agenda at the Council meeting. Village Manger Maria Aguilar explained the current process requires that the applicant request from the Director of Planning that the item be pulled. She stated that this request must occur no later than five business days prior to the meeting. Ms. Aguilar stated that if this did not occur, then the item would come before Council and Council would decide whether or not the item was heard. Discussion ensued regarding changing the current ordinance to reflect items would be heard at the meeting unless pulled five business days prior.

Councilman Dave Purdo expressed concern over an emergency situation may occur that is out of the applicant's control. Village Attorney Roget Bryan explained that the Village's Code of Ordinances currently provides for this type of situation by allowing Council to make the decision at the meeting. Planning Director Cheryl Cioffari and Village Attorney Roget Bryan provided staff input regarding the consequences of amending the ordinance in such a way as to remove Council's ability to make the decision at the meeting.

Councilman Mike Forster spoke in support of keeping the ordinance as it was currently written and of having a future conversation regarding cost recovery for quasi items that are pulled.

Discussion ensued regarding changing the notification requirement from five business days to seven business days. Mayor Blackburn spoke in support of changing the procedure for granting requests to pull an item at a meeting. Vice Mayor Deb Gillis stated that applicants need to understand that the

Council is changing the procedure. Council agreed to changing the procedure and only amending the ordinance's notification requirements from five working days to seven working days.

Planning Director Cheryl Cioffari stated that the language would be added to quasi-judicial applications and would notify applicants that were currently in the queue.

Councilman Dave Purdo began discussion regarding Whale Harbor and the parking requirements for the proposed construction. He asked if a natural disaster occurred in Islamorada, would other businesses have to go through this type of process. He spoke in support of changing the Code to be more favorable for allowing businesses to rebuild. Planning Director Cheryl Cioffari stated Whale Harbor is continuing to move forward with their conditional use and variance request. She stated staff has discussed the current problems with parking and limited space within the Village and suggested a study be conducted to reduce the required number of parking spaces. Mayor Ted Blackburn suggested potentially allowing the applicant to purchase parking places in lieu of having to provide the parking. He stated that these funds could be used by the Village to purchase parking. Vice Mayor Deb Gillis clarified that if a business was destroyed, and put back exactly as it was, in the same foot print, then the business would not be required to meet the new parking requirements. Vice Mayor Deb Gillis stated that she believed the Villages current parking requirements were very high. Mayor Ted Blackburn suggested the item be placed on a future agenda under Mayor / Council communication.

Mayor Ted Blackburn asked if Council had any further communications.

Councilman Ken Philipson commended Shane Laakso on his efforts with the COAST Sea Level Rise project.

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

### **A. Discussion Regarding Costs Associated with Moving the Bike Path and Providing Parking in Art District**

Village Manager Maria Aguilar provided an update on moving the bike path in the Art District. She stated FDEP approved the potential move. She stated that FDOT would require the Village to fund certain changes because the project had already begun. Ms. Aguilar stated that the engineering costs would be approximately \$27,000 and the construction costs for moving the bike path would be an estimated \$46,000 for a total of \$73,000. She reported that a temporary construction easement had been granted and that a future easement would be required for the remaining area. Ms. Aguilar stated that authorization is needed to move forward and that the Village would need to express its commitment to bear the costs associated with moving the bike path. She explained that there would be future costs for the construction of the parking area. Ms. Aguilar stated that Public Works Director Lesli Wojtecki had suggested a temporary parking solution that would utilize gravel or pea rock instead of asphalt, until such a time as funding for paving could be budgeted.

Mayor Ted Blackburn asked how many parking spaces would be possible. Ms. Wojtecki stated just under 20 parking spaces. She clarified that the \$73,000 previously mentioned would cover the costs associated with moving the bike trail and that staff did not yet have a cost to construct the new parking spaces.

Ms. Wojtecki suggested eliminating the three cut throughs as it would allow for a total of nine angled spaces. Council agreed and directed staff to move forward with the \$73,000 associated with moving the bike trail.

Mr. Dave Boerner, Board President of the Morada Way Art District stated that the need for additional parking was a very important issue in this area. Mr. Boerner suggested converting existing swales into additional parking. He encouraged Council to continue looking at options to increase parking in the Art District.

**B. Update on Purchase or Lease of the Fills**

Village Manager Maria Aguilar provided an update from the last FDOT inter-agency meeting. She stated the suggestion was made that Islamorada consider leasing or purchasing the Fills and that to begin this process the Village would need to submit a formal request document to FDOT with a minimal survey sketch with a cost of approximately \$3,000. She stated this would take approximately six weeks for FDOT to determine whether or not they want to pursue a lease purchase option. Following that step, if FDOT decides to move forward, the Village would need to submit a formal survey of the Fills at a cost of approximately \$25,000.

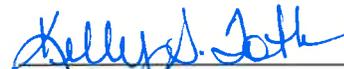
Vice Mayor Deb Gillis inquired as to whether the Village would be financially responsible for the maintenance of the property if they moved forward with leasing or purchasing the Fills. Public Works Director Lesli Wojtecki explained that the Village would in fact be responsible for the maintenance and repairs to this area.

Discussion ensued regarding charging for parking and boat ramp use. Ms. Wojtecki explained that the revenues earned from charging for the boat ramp would be required to be used to maintain the boat ramp.

Council directed staff to obtain more information regarding the plans for the north side of the Fills and to bring this discussion item back when the new Council was seated.

**XVI. ADJOURNMENT**

Councilman Mike Forster made a motion to adjourn. Councilman Dave Purdo seconded the motion. The meeting adjourned at 9:11 PM.

  
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Kelly S. Toth  
Village Clerk

Approved by the Village Council this 20<sup>th</sup> day of November, 2014.