



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, November 6, 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, 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. Hank Brown led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

Mayor Ted Blackburn made the following appointments: Joan Scholz to the Water Quality Improvement Citizens' Advisor Committee and Janet Wood to the Workforce/Affordable Housing Citizens' Advisory Committee.

A. Presentation of Community Hero Awards

Councilman Mike Forster presented Community Hero Awards to Robert Foley, Shelby Reno and Ms. Foley who was accepting for her son Matthew Foley. Councilman Forster provided a brief report of the events that led to the lifesaving actions undertaken by the recipients.

Vice Mayor Deb Gillis presented Mayor Ted Blackburn with a plaque honoring him for his service on the Village Council and as Mayor.

Councilman Dave Purdo and Councilman Ken Philipson thanked those who supported them during the election process.

IV. PUBLIC COMMENT

Mayor Ted Blackburn opened public comment. Mr. John Cooper thanked the outgoing Council for their efforts acknowledging their work on the wastewater project. He suggested the new Council consider appointing Ken Philipson to assist with lobbying efforts.

Mr. Stan Marguiles thanked Councilmembers for their work on the Village Council.

Mayor Ted Blackburn closed public comment.

V. AGENDA: Request for Deletion / Emergency Additions

Vice Mayor Deb Gillis added a discussion item regarding the Fills and a discussion item regarding the 10,000 square foot referendum to section XIV. Mayor/Council Communication.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

VII. VILLAGE MANAGER REPORTS AND UPDATES

VIII. CONSENT AGENDA

A. Minutes:

September 11, 2014 Regular Village Council Meeting Minutes

September 15, 2014 Village Council Workshop – Wastewater Utility Policy

October 3, 2014 Special Call Village Council Meeting Executive Session Case No.3D13-2661

October 8, 2014 Regular Village Council Meeting

B. Approval of Appointment to the Islamorada Youth Council

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

IX. WASTEWATER MATTERS

A. Wastewater Project Update

Wade Trim Executive Vice President Tom Brzezinski provided a salinity update stating improvements have been made and that the levels have dropped since the last report. Mr. Brzezinski reported that they are preparing for people to connect to the system, will be scheduling residential meetings as well as meetings with DEP, commercial customers and package plant owners and the goal is to provide the first connections in January 2015.

Mayor Ted Blackburn opened public comment.

Mr. John Cooper asked if the purpose of the future wastewater meetings was to educate homeowners. Mr. Brzezinski stated that the first round of meetings would be to ensure property owners understand how to get connected; the next meetings would be to educate property owners.

Mr. Larry Barr asked if everybody had to be connected by December 2015. Mayor Blackburn responded that the Village had to be able to connect residents by 2015.

B. A Resolution Approving Change Order No. 10 to the Design Build and Operate (DBO) Agreement Between Reynolds Water Islamorada, LLC and Islamorada, Village of Islands, To Provide for Revisions to the Design Build Work

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

Mayor Ted Blackburn opened public comment.

Mr. Andy Newman thanked Council on behalf of the Islamorada South Condo Association.

Mr. George Proenza thanked Council for their wastewater efforts.

Mayor Ted Blackburn closed public comment.

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

X. ORDINANCES

A. Second Reading – An Ordinance of Islamorada, Village of Islands, Florida, Repealing Resolution No. 06-04-30 and Portions of Ordinance No. 06-13 Pertaining to the Village’s Wastewater Utility Policy and Adopting a New Wastewater Utility Policy for the Village-Wide Centralized Wastewater System

Village Attorney Roget Bryan read the title of the resolution and stated this is second reading. Wastewater Program Manager Greg Tindle presented the staff report recommending approval.

Mayor Ted Blackburn asked if Council had any questions or comments. 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 Dave Purdo seconded the motion. Council voted all in favor. The motion passed 5-0.

B. Second Reading Ordinance Amending the Comprehensive Plan to Amend Transfer of Development Rights (TDRS)

Village Attorney Roget Bryan read the title of the resolution and stated this is second reading. Planning Director Cheryl Cioffari presented the staff report recommending approval.

Councilman Ken Philipson spoke in support of increasing hotel units particularly on Windley Key. He asked Ms. Cioffari to define flood prone parcels. Ms. Cioffari stated that these were parcels within the AE and VE flood zone. She explained that the existing TDR ordinance prohibits the placement of a TDR in the portion of any parcel that is designated a VE flood zone.

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.

XI. QUASI-JUDICIAL

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 that Council disclose ex-parte communications.

Councilman Ken Philipson, Councilman Mike Forster and Vice Mayor Deb Gillis disclosed that they had spoken with Don Horton. Mayor Ted Blackburn and Councilman Dave Purdo did not have any ex-parte communications to disclose.

A. Variance Application (AV-15-01) By Island Construction Management, LLC

Principal Planner Jeff Stuncard presented the staff report.

Mayor Ted Blackburn asked if Council had any comments or questions.

Councilman Dave Purdo spoke in support of approving the application in favor of the applicant.

Vice Mayor Deb Gillis spoke about the parking at Whale Harbor and stated that the applicant added parking, but had lost parking due to FDOT construction. She spoke in support of the project moving forward.

Councilman Ken Philipson spoke in support of the variance application being approved.

Councilman Mike Forster suggested that there are probably many businesses whose parking does not conform to current requirements.

Council discussed parking issues and historical designations. Vice Mayor Deb Gillis suggested reevaluating the parking within the Village. She stated that she thinks the requirements are too high.

Mayor Blackburn stated the next tab on the agenda pertaining to this development was in compliance. He spoke in support of the item moving forward.

Mayor Blackburn asked if the applicant would like to speak.

Mr. Don Horton Agent for the Applicant, Paul Slattery Architect with Slattery and Associates and Ireno Bello presented the site plan. Mr. Horton stated that had they placed the building exactly where it was located before, they would have lost all of the parking that existed on the highway resulting in a net decrease in parking. He stated they moved the building and added 27 parking spaces. Mr. Horton reviewed the landscaping, parking and stated the site was compliant with fire department access.

Mayor Ted Blackburn opened public comment for those in favor.

Mr. Buddy Pinder spoke in support of the project stating it was a landmark and thanked Council.

Mayor Ted Blackburn opened public comment for those opposed; 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.

B. Application for Major Conditional Use (MJ-14-03) by Interstate Commerce of Florida, LLC

Mr. Bryan read the title of the Resolution and requested that Council disclose ex-parte communications. Councilman Ken Philipson, Councilman Mike Forster and Vice Mayor Deb Gillis disclosed that they had spoken with Don Horton. Councilman Dave Purdo disclosed he had spoken with Don Horton, Howard Brody and the architect. Mayor Ted Blackburn did not have any ex-parte communications to disclose.

Principal Planner Jeff Stuncard presented the staff report recommending approval with conditions.

Councilman Dave Purdo asked for clarification pertaining to the bike path compliance requirements. Mr. Stuncard explained that the conditions imposed are standard conditions designed to improve that section of the bike path. He stated that the FDOT road improvements that are underway in that area make it less

applicable than for other developments. Mr. Stuncard provided examples of different type of improvements and stated that improvements probably would not be necessary.

Mayor Ted Blackburn invited the applicant to speak.

Mr. Don Horton Agent for the Applicant stated that with regard to the bike path improvements, they had already contacted FDOT and DEP and were told was there wasn't much the property owner could do. Mr. Horton volunteered internal stop signage on the two exits that would state "stop, bike path ahead, share the road" and indicated FDOT was satisfied with his suggestion. He stated FDOT is rebuilding the curb cuts.

Councilman Mike Foster asked if the applicant was agreeing to all of the conditions. Mr. Horton confirmed that the applicant was in agreement with the conditions.

Vice Mayor Gillis asked if the Class G buffer would interfere with the view from the restaurant. Principal Planner Jeff Stuncard stated that he believes the buffer requirements will not interfere the view. Vice Mayor Gillis suggested instead of erecting signs, to perhaps place them on the ground if it did not impose a safety issue. She spoke in support of fewer signs in the Village. Mr. Horton stated it was not a requirement to erect the signs, just a suggestion. Councilman Mike Forster agreed and spoke against sign pollution.

Mr. Don Horton spoke about the lighthouse that was removed. He stated the lighthouse would be very close to its previous location and would be visible from the highway.

Councilman Ken Philipson spoke in support of maintaining the historical significance of this building.

Mr. Howard Brody stated that it was their intention to keep the tower.

Mayor Ted Blackburn opened public comment for those in favor.

Mr. Skip Bradeen expressed concern over how long it has taken for the project to be approved. He expressed concern for the people that have been out of work.

Planning Director Cheryl Cioffari reported that the application was submitted on August 11, 2014.

Mayor Ted Blackburn opened public comment for those opposed; seeing none public comment was closed.

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

XII. RESOLUTIONS

A. Specialized Professional Services Agreements with Government Services Group, Inc. ("GSG") for 2015-2016 Wastewater, Solid Waste and Stormwater Assessment Programs

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

Mayor Blackburn asked if Council had any questions or comments.

Councilman Ken Philipson stated that it has been a pleasure working with Government Services Group.

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

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.

B. Specialized Professional Services Agreements with Government Services Group, Inc. (“GSG”) for Implementation of the Lateral Lines Assessment Program for FY 2015-2016

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

Mayor Blackburn asked if Council had any questions or comments.

Village Manager Maria Aguilar stated GSG is close to having the notice ready to go out to the affected property owners by November 17th.

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.

XIII. MOTIONS

XIV. MAYOR / COUNCIL COMMUNICATIONS

A. Proposed Change to Vacation Rental Ordinance (Councilman Philipson)

Councilman Ken Philipson asked if there is a way the Village could require those renting their homes from 28 days or more apply with the Village in an effort to ensure the vacation rental ordinance is being followed. Vice Mayor Deb Gillis questioned the legality and commented that a change may invalidate the adopted ordinance. Councilman Mike Forster suggested following Sanibel Island’ example of code enforcement officers renting the vacation rental online for seven days and completing a contract to provide documentation to pursue in a code compliance hearing.

Mayor Blackburn opened public comment.

Mr. Larry Barr suggested Council loosen the restrictions for obtaining a vacation rental license.

Mayor Blackburn closed public comment.

B. Green Turtle Island School and Management of Green Turtle Hammock (Mayor Blackburn)

Mayor Blackburn provided a brief historical report of the Green Turtle Hammock property. He acknowledged the agreement the Village has with the Florida Community Trust (FCT) that made it possible for the Village to acquire the property and commented that the agreement with FCT is very specific. He also acknowledged the operating agreement the Village has with the Green Turtle Island School. He spoke of the need for all parties to work together.

C. Discussion added by Vice Mayor Deb Gillis pertaining to the Fills

Vice Mayor Deb Gillis stated that she would like a short history provided to the new Council at the November 20th Regular Village Council meeting regarding the meetings and discussions that have

occurred regarding the Fills. Vice Mayor Gillis stated DEP has requested a resolution from the Village showing support for DEP's plans for the boat ramp and dock. She suggested this be added to the December 4th agenda.

Mayor Ted Blackburn complimented Public Works Director Lesli Wojtecki and Parks & Recreation Director John Sutter on their efforts to move this project forward.

D. Discussion added by Vice Mayor Deb Gillis pertaining to the 10,000 square foot referendum

Vice Mayor Deb Gillis acknowledged the number of voters that voted for or against the referendum item and suggested staff provide information to the new Council regarding the procedure to move forward. Councilman Mike Forster stated he would like to see this as an agenda item and suggested the Community Character Task Force's recommendations be provided.

Councilman Mike Forster told the Council members it has been a pleasure serving with all of them.

Village Attorney Roget Bryan stated that it has been a pleasure and a privilege to work with Mayor Ted Blackburn, Councilman Ken Philipson and Councilman Dave Purdo.

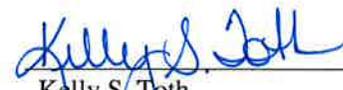
Councilman Dave Purdo requested that Council protect the local businesses. He thanked everyone and stated: it has been a pleasure.

Mayor Ted Blackburn thanked staff and Council.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

XVI. ADJOURNMENT

Councilman Dave Purdo made a motion to adjourn. Councilman Ken Philipson seconded the motion. The meeting adjourned at 7:56 P.M.



Kelly S. Toth
Village Clerk

Approved by the Village Council this 4th day of December, 2014.