



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, May 22, 2014
5:30 PM**

I. CALL TO ORDER / ROLL CALL

Mayor Ted Blackburn called the meeting to order at 5:32 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, Planning Director Cheryl Cioffari, Monroe County Sheriff's Office Captain Corey Bryan and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Michael Matthews led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

Councilman Dave Purdo welcomed new Village Finance Director Ian Proverbs.

Councilman Ken Philipson announced his involvement with the Florida League of Cities Federal Action Strike Force (FAST) and requested approval from Council to attend a Fly-in to occur in Washington DC in September. Council approved the request.

Vice Mayor Deb Gillis invited everyone to attend the Hurricane Preparation workshop at the Islander Resort on May 27th.

A. Proclamation Motorcycle Awareness Month

Mayor Ted Blackburn presented a proclamation for Motorcycle Safety Awareness Month to Michael Matthews & Bonnie Matthews from Florida ABATE, a statewide organization dedicated to the promotion of motorcycle safety awareness.

B. Proclamation Visiting Nurse Association and Hospice of the Florida Keys

Vice Mayor Deb Gillis presented a proclamation to the Visiting Nurse Association and Hospice of the Florida Keys recognizing the agency for 30 years of service. Accepting the proclamation on behalf of the organization were Kathleen Ryzoc, R.N & Chief Operating Officer and Judy Cooley, CPA.

Councilman Dave Purdo announced the Matecumbe Historical Trust will have a Memorial Day observance on Monday, May 26, 2014 at 9:00 a.m. at the Hurricane Monument.

IV. PUBLIC COMMENT

John Cooper stated yard clippings are being blown into the canals. He suggested warnings be issued by Code Enforcement to preserve the quality of water.

V. AGENDA: Request for Deletion / Emergency Additions

Councilman Ken Philipson requested to move up TAB 8 and TAB 7 to follow TAB 2. Council agreed to the change.

Councilman Mike Forster requested the addition of a discussion item regarding Victor and Chandra West property to occur under the Mayor/Council Communications section of the Agenda.

Councilman Mike Forster requested the addition of a discussion item regarding an email from J.C. Mikula.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

Mayor Blackburn requested that the order of the updates be changed allowing for the Parks & Recreation Citizens Advisory Committee to present their report prior to the Community Character Citizen's Advisory Task Force report. Council agreed.

A. Community Character Citizen's Advisory Task Force

Committee Vice Chair Amy Knowles announced that the Committee had formed a subcommittee to write the Community Character statement encompassing the ideas brought forth during their meetings. The subcommittee members are Tony Hammond, Corie Abel, Bob Johnson, Amy Knowles and Gary Pensel. She recommended Council accept the statement as Islamorada's official definition of community character and include it in the Comprehensive Plan, LDRs and Village Code.

Ms. Knowles advised that the committee had discussed the limitation of commercial square footage to 10,000 sq. ft. and that the committee voted unanimously in favor of this item being placed on the ballot. She requested that language be added exempting schools, churches and public areas.

B. Parks & Recreation Citizens Advisory Committee

Committee Chair Carolyn Wightman announced the addition of water ballet to be offered at the park this summer and that resurfacing of the tennis courts would soon begin. She stated the Committee had been given a presentation by Village Planning staff regarding the extension of a 211 foot dock adjacent to Founders Park beach. Ms. Wightman reported the Committee unanimously supports the Planning staffs decision to deny the application for this dock.

Councilman Mike Forster clarified that this was not the same permit that was previously heard by Council.

VII. VILLAGE MANAGER REPORTS AND UPDATES

None.

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: TAB 1

May 8, 2014 Regular Village Council Meeting

May 14, 2014 Town Hall Meeting

B. Resolution Approving Second Amendment to Professional Federal Lobbying Consulting Services Agreement TAB 2

Councilman Ken Philipson announced that the Federal Lobbyist annual cost is \$60,600 and made a motion to approve the Consent Agenda; Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

IX. WASTEWATER MATTERS

A. Wastewater Project Update TAB 3

Wade Trim's Executive Vice President, Tom Brzezinski, stated they had completed Change Order #5; completed the purchase of the Lower Matecumbe Key and Upper Matecumbe Key vacuum pump station properties; held the Venetian Shores Pre-Construction meeting; and are going through final testing of the Key Largo pipeline. Upcoming tasks include an operation and maintenance change order, a change order for collection system revisions, and completing the utility policy.

Richard Crow, Reynolds Water Islamorada, provided an update on the paving schedule.

Councilman Dave Purdo inquired as to when the paving would occur on North and South Drive. Richard Crow stated the paving would occur in early June.

Councilman Ken Philipson requested the start date as well as the paving date for Venetian Shores and expressed concern over the possibility of the streets being torn up for an extended period of time.

Councilman Forster inquired as to how the fluidity test went with Key Largo. Richard Crow responded that it was currently being tested and that the 10 mile section would take some time.

Councilman Ken Philipson inquired about the design elevations for the pump stations for Landscape Committee review.

Planning Director Cheryl Cioffari stated that the Landscape Committee had seen most of the plans and all will utilize native vegetation on the sites.

Mayor Blackburn requested Tom Brzezinski explain what is going to be done regarding the properties with four or more EDUs.

Tom Brzezinski stated that they intend to bring options to Council that look at ways that help some or all of these properties such as offering to purchase grinder pumps at a bulk rate, options for providing operations and maintenance, installing laterals, back charging and other services.

Mayor Ted Blackburn opened public comment.

Larry Barr expressed concern over problems arising regarding high nitrogen levels at the North Plantation Key plant and inadequate flow at the High School and Sea Gulls Condominium.

Mayor Ted Blackburn explained the problems are being addressed as they are being discovered.

Myles Milander commented on dust, temporary overlay and associated problems.

Joe Robinson commented on previous successful drainage solutions that alleviated flooding and voiced concern the new paving would compromise the system that had been put into place.

Tom Brzezinski stated that once the construction was completed, the drains would be uncovered.

Joe Robinson commented on the dusty roads and suggested wetting the dust down before sweeping.

Mayor Ted Blackburn closed public comment.

B. Resolution Approving Change Order No. 5 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

TAB 4

Village Attorney Roget Bryan read the title of the Resolution. Wastewater Program Manager Greg Tindle provided the staff report to Council recommending approval of the Resolution approving Change Order No. 5.

Councilman Mike Forster asked how we would bill for the laterals.

Greg Tindle stated participants in the program would make payment to the Village for the grinder pump service lateral connection by December 31, 2014.

Councilman Mike Forster and Tom Brzezinski stated the price for this program is very competitive.

Councilman Ken Philipson asked specific questions pertaining to Exhibit B regarding opting out of the program and price/cost negotiations.

Greg Tindle responded that participation in the program was optional.

Councilman Mike Forster expressed concern regarding continuity of the project when homeowners opted out of the program.

Greg Tindle stated that grinder pump specifications would be included in the Utility Policy and confirmed that those who opted out would have to go through the permitting process.

Village Manager Maria Aguilar provided possible alternatives for paying for the laterals and that the 1.5 million would be coming from the property owners. She addressed submittal of the change order to DEP for SRF funding.

Village Manager Maria Aguilar spoke about bank fees, service charges by municipalities to recover fees and the agreements associated with accepting credit cards. Discussion ensued regarding credit cards.

Mayor Ted Blackburn opened public comment.

Andy Newman commented on Florida Statute 170.201 and proportional assessments.

Margaret Franks, Ron O'Brian and David Zander expressed discontent over the inequity of the grinder pump program.

Larry Barr commented on lateral connection pipe sizes, the \$5 cost difference per foot and the installation depth.

Tom Brzezinski provided clarification on the pricing and explained the purpose for the installation of the laterals beyond the minimum depth.

Discussion ensued regarding effectively communicating the program to property owners. Councilman Mike Forster suggested a direct mailing. Myles Milander suggested including a notice in the property owners water bill.

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.

X. ORDINANCES

A. Second Reading – Proposed Revisions to Towing Regulations

TAB 5

Village Attorney Roget Bryan read the title of the ordinance and presented the staff report recommending approval on second reading.

Councilman Ken Philipson provided clarification on item 5 of page 9 of the ordinance.

Village Attorney Roget Bryan confirmed the effective date of the Ordinance to be immediately upon adoption.

Mayor Ted Blackburn opened public comment; no public comment was offered.

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. First Reading – Ordinance Amending Comprehensive Plan Policy 9-3.1.1

TAB 6

Village Attorney Roget Bryan read the title of the ordinance. Planning Director Chery Cioffari presented the staff report and recommended approval.

Mayor Ted Blackburn opened public comment.

Larry Barr asked for clarification relating to the funding source and whether the contract was a DBO or DBOF.

Mayor Ted Blackburn and Village Manager Maria Aguilar stated the funding source is SRF and that it is a DBO agreement and was formerly the DBOF.

Mayor Ted Blackburn closed public comment.

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.

XI. QUASI-JUDICIAL

(Tab 8 and Tab 7 were heard following Tab 2)

A. Application for Alcoholic Beverage Use Permits (AB-14-01) by Rain Barrel of the Keys, LLC, and 1223,LLC

TAB 7

Village Attorney Roget Bryan read the title of the resolution and requested that anyone not having been sworn in raise their hand. Council disclosed ex-parte communication. Planner Shane Laakso presented the staff report and recommended approval.

Council Mike Forster disclosed a possible conflict of interest and his intent to abstain from voting. Councilman Forster filed a memorandum with the Village Clerk's Office.

Vice Mayor Deb Gillis and Councilman Dave Purdo stated that they believed that a permit existed on this property years ago.

Councilman Mike Forster clarified that he is not seeking the permit that it is a tenant.

Mayor Ted Blackburn opened public comment.

Dawn Cooper stated she and her husband are opposed to the alcohol permit request. She expressed concern over the current issue of access to her property on Gimpy Gulch being made even more difficult.

Mayor Ted Blackburn closed public comment.

Councilman Ken Philipson offered a motion to approve. Vice Mayor Deb Gillis seconded the motion. Mayor Ted Blackburn called for the vote. Council voted all in favor, with Councilman Mike Forster abstaining from the vote. The motion passed 4-0.

B. Abandonment of Old Highway Right-of-Way in Stratton's Subdivision

TAB 8

Mayor Ted Blackburn requested witnesses sign up with the Village Clerk. Village Attorney Roget Bryan read the Quasi-Judicial statement. Village Clerk Kelly Toth swore in the witnesses. The Village Attorney read the title of the resolution. Council disclosed ex-parte communications. Planning Director Cheryl Cioffari presented the staff report.

Councilman Ken Philipson disclosed his parcel was abandoned.

Vice Mayor Deb Gillis stated there are about 76 lots affected by this and five physical structures that sit in the right-of-way. She suggested a bike path and off-street parking as potential future use and offered suggestions for compromise.

Councilman Mike Forster stated he would need to know the cost associated with a bike path.

Mayor Ted Blackburn called for presenters.

Glenn Saiger expressed a concern regarding lack of parking if Council does not abandon this property.

Mike Clempel stated he was asked by his employer, The Sandal Factory, to represent them. He expressed that it didn't make sense to keep the property based on what may or may not occur in the future.

Neil Rolnick, Real Estate Attorney, General Partner of Islamorada Associates and owner of lots 13 & 14 stated he has an interest in developing his property. He stated there are environmentally sensitive trees in the right-of-way that he cannot remove and that Council could not remove them either. He stated he is paying taxes based on a legal description which included property that is considered to be a right-of-way. He expressed his strong support for the abandonment of the right-of-way.

Glenn Saiger stated a specific property size exists in their purchase agreements and that he was in favor of the abandonment.

Planning Director Cheryl Cioffari stated there was a discrepancy with certain deeds based on the legal description.

Councilman Dave Purdo spoke on the difficulty of obtaining a clean title. Vice Mayor Deb Gillis suggested the Village create a letter to help clear the title.

Village Attorney Roget Bryan stated that he and staff looked at several of the properties and had not seen any that were being assessed for the right-of-way.

Councilman Ken Philipson urged the Council to pass the resolution as written.

Planning Director Cheryl Cioffari stated that if approved the properties affected would gain an extra 1800 square feet and would be taxed accordingly.

Planning Director Cheryl Cioffari clarified that the resolution reserves the right for an easement for public utilities.

Councilman Mike Forster offered a motion to approve. Councilman Dave Purdo seconded the motion. Mayor Ted Blackburn called for the vote; Council voted and the motion passed 4-1 with Mayor Blackburn dissenting.

XII. RESOLUTIONS

None.

XIII. MOTIONS

A. Annual Appointment to Citizens' Advisory Committees, the Historic Preservation Commission and the Local Planning Agency

TAB 9

Assistant to the Village Manager Mary Swaney provided a staff report pertaining to appointments.

Council discussed there being one vacancy on the Local Planning Agency (LPA) instead of two because Amy Knowles had stepped down in order to serve on another committee but wishes to return to her position with the LPA. One vacancy exists due to John Fernandez's expressed intent to step down.

Vice Mayor Deb Gillis provided clarification that Amy Knowles still had to be voted back into the position on the LPA.

Council discussed four other individuals that may be interested in serving: Pete Bacheler, David Gross, Craig Belcher and Myles Milander.

Pete Bacheler was suggested as a candidate by Councilman Mike Forster, Mayor Ted Blackburn, Vice Mayor Deb Gillis and Councilman Ken Philipson. Councilman Dave Purdo suggested Craig Belcher. Councilman Ken Philipson suggested David Gross as a candidate for the LPA.

Councilman Mike Forster suggested public outreach to recruit more candidates.

Councilman Ken Philipson emphasized that individuals coming on and off the LPA shortchanges the LPA because of the loss of continuity. He encouraged people to think carefully before leaving the LPA for a short-term committee. He suggested that candidates that leave to serve on other committees not be allowed back until a year has passed or they are voted on again.

Councilman Ken Philipson stated that he does not support the automatic reentry of candidates onto a committee. Mayor Ted Blackburn, Vice Mayor Deb Gillis and Councilman Mike Forster agreed.

Mary Swaney stated that a super majority was required to reappoint Richard Baker, Cheryl Culberson and John Fernandez.

Council agreed that John Fernandez would be reappointed until he can be replaced.

Councilman Ken Philipson made a motion to appoint Richard Baker, Cheryl Culberson and John Fernandez, to the LPA. Councilman Mike Forster seconded the motion. Mayor Ted Blackburn called for the vote. The Council voted all in favor. The motion passed 5-0.

Councilman Ken Philipson stated there was an additional vacancy on the Water Quality Improvement Committee.

Councilman Mike Forster made a public service announcement pertaining to a celebration of life service at the Islamorada Moose Lodge for Henry Paurowski.

Mayor Ted Blackburn asked if everyone was in favor of the current appointments.

Vice Mayor Deb Gillis made a motion to approve the candidates as they were listed in the Council agenda. Councilman Ken Philipson seconded the motion.

Mayor Ted Blackburn called for the vote. All Council Members voted in favor. The motion passed 5-0.

XIV. MAYOR / COUNCIL COMMUNICATIONS

A. Discussion Regarding Speed Limits on the Old Highway

Councilman Ken Philipson spoke in support of lowering the speed limits from 30 to 25 mph.

Councilman Mike Forster asked that it be put on a future agenda to provide an explanation of the process and allow for public input. Mayor Ted Blackburn agreed.

Councilman Ken Philipson directed the Village Manager to include the topic on a future agenda.

B. Discussion Regarding the Referendum to Limit Allowable Commercial Square Footage to 10,000 Square Feet

Mayor Ted Blackburn stated the Community Character Committee would be presenting recommendations that would be helpful and suggested the Council wait until these recommendations were made.

Mayor Ted Blackburn opened public comment.

Lori Blair referenced the 10,000 square foot limit being in the comprehensive plan and read section 1-2.1.8. She recalled a similar situation with the 35 foot height limit and a past referendum that was overwhelmingly passed. She stated the same needs to happen with the 10,000 square foot limit. She said the majority of people she had spoken with did not want to see more 20,000-30,000 square foot buildings.

Councilman Ken Philipson stated he was in favor of a 10,000 square foot limitation.

Councilman Mike Forster suggested not providing unity of title except in a 4-1 vote. He stated the majority of people wanted a Publix.

C. Interlocal Agreement Among Islamorada, Marathon and KLWTD for Future FWWQIP Distributions

Village Attorney Roget Bryan was directed to come back to Council with information on forming an interlocal agreement (ILA).

Vice Mayor Deb Gillis stated that Islamorada had given up money in the past with the promise the Village would be “made whole” with future funding. She stated she understood the importance of working together and spoke in support of moving forward with the agreement.

Councilman Ken Philipson agreed with Vice Mayor Deb Gillis and stated he thought the ILA would help.

Councilman Mike Forster agreed with Vice Mayor Deb Gillis and Mayor Ted Blackburn. He referenced his joint participation with other County entities regarding canal restoration and the importance of working together for funding.

Mayor Ted Blackburn opened up public comment.

Myles Milander spoke in support of an interlocal agreement.

D. Vic and Chandra West property

Councilman Mike Forster stated Vic and Chandra West would like to swap a lot that they own for one deeded to the Village under ROGO. Councilman Forster stated that Environmental Planner Susan Sprunt looked at the properties and didn't see any issues. He stated Vic and Chandra West were willing to mitigate. He requested Cheryl Cioffari explain the process to Council.

Planning Director Cheryl Cioffari stated the two ways to go about a text amendment: apply for a text amendment and pay an application fee or bring the subject before Council and Council can give direction to change the regulations. Ms Cioffari stated that this particular situation has not come up before.

Ms. Cioffari stated that the Department of Economic Opportunity would require a text amendment to provide a mechanism for the transfer of lots. The basic criteria the Planning Department was considering: the lot has to be equally or more environmentally sensitive, same zoning district, similar TDRs and shoreline to shoreline. Any development would be subject to clearing limitations and replacement requirements. She stated that with development applications, there was no guarantee of approval.

Councilman Forster stated he was bringing this topic up on the West's behalf to see how Council felt about it. He stated he had no financial interest in this lot transfer.

Council Dave Purdo and Councilman Ken Philipson spoke in support.

Ms. Cioffari stated the Planning Dept. would bring a text amendment forward as quickly as possible.

E. Email from J.C. Mikula, Islamorada Foundation, Regarding Future Electrical Service Between Hurricane Monument & Green Turtle

Councilman Mike Forster read an email from J.C. Mikula pertaining to possible future use of the landscaped area between Hurricane Monument and the Green Turtle. The email requested Council discuss the Village trenching to install conduit for future electrical installation before the roads were paved with new asphalt or consider it a project for The Islamorada Foundation.

Councilman Mike Forster stated grant funding was questionable at this time.

Councilman Mike Forster reported that J.C. Mikula and Richard Crow met to discuss this possibility and that Richard Crow offered to do the trenching and lay the conduit, at no cost to the Village, stipulating that it must be for the Village or non-profit. Mr. Crow said it would cost him \$5,000.

Mayor Ted Blackburn expressed his appreciation.

Councilman Mike Forster thanked Richard Crow.

Councilman Dave Purdo asked Director of Parks and Public Works John Sutter for an update on the one - foot hole in front of the Post Office.

John Sutter responded that the hole had not been filled and was in an active construction project. The delay was due to two different subcontractors performing different types of work in that particular area. He stated he could not fill the hole because the Village was not allowed to do maintenance on FDOT roads.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Update Regarding an Ordinance Prohibiting Possession and Sale of Synthetic Drugs

Village Attorney Roget Bryan presented the staff report. He explained state legislation had a prohibitive list of illegal compounds/drugs that continually evolve and that chemists need only to alter one ingredient to make the drug not subject to the adopted legislation. State legislation is trying to keep pace with the ever changing situation.

Captain Corey Bryan supported the Village Attorney's report. He stated the difficulty is determining which ingredient is a narcotic. Captain Bryan stated there hasn't been a problem in Islamorada with these types of narcotics and that individuals can be charged under Florida State Statute.

Councilman Ken Philipson expressed his support for enacting stronger fines than those imposed by the state.

Council directed Village Attorney Roget Bryan to look at other municipalities with similar laws.

At 9:52 p.m. Councilman Ken Philipson moved for a 30 minute extension. Vice Mayor Deb Gillis seconded.

B. Results of Town Hall Meeting Held May 14, 2014

Village Manager Maria Aguilar stated that as a result of the Town Hall meeting the Village Attorney was given direction to draft an ordinance which would include a 300 foot no motor zone, to be enforced year-round with no sunset date.

Mayor Ted Blackburn stated he would like to see a sunset provision.

Vice Mayor Deb Gillis emphasized that the ordinance be written the way it was requested at the Town Hall meeting.

Captain Corey Bryan reported that he was asked by Bob Mitchell if this type of legislation is legal and whether it would be approved by the FWC and other agencies. Mayor Ted Blackburn responded that it was legal according to the information they received from Tallahassee.

Village Attorney Roget Bryan stated they would transmit a draft of the ordinance to create a swim area and 300 foot no vessel zone to the FWC prior to presenting the legislation to the Village Council.

C. Update Regarding Activities on the Fills and FDOT Response

Director of Parks and Public Works John Sutter reported that the FDOT contractor I.C.A. had recently installed new signage including no parking on the right-of-way and delineators. He stated FDOT is planning to restore some of the damaged shore line, referencing ten spots on both sides and they plan to put in Jersey concrete barriers and additional signage. Mr. Sutter emphasized this would not have any impact on the Indian Key boat ramp.

Mr. Sutter stated that the Village's wastewater construction contractor is beginning mobilization of equipment and supplies on the fills, installed a silt fence and would be erecting signage advising the area was off limits to public use.

Vice Mayor Deb Gillis requested that the Chamber of Commerce be contacted to allow for citizen input. Mr. Sutter stated citizens were welcome to contact FDOT, as FDOT has control over the project, and reported that FDOT is currently actively implementing their short term plan.

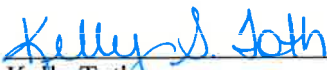
Mayor Ted Blackburn agreed with Vice Mayor Deb Gillis regarding obtaining input from citizens on the long term plan.

Councilman Mike Forster stated he would like to have a Town Hall meeting to include the presence of an FDOT representative.

Mayor Ted Blackburn and Councilman Ken Philipson thanked Islamorada Chamber of Commerce Director Judy Hull for attending the Village Council Meeting.

XVI. ADJOURNMENT

Councilman Dave Purdo offered a motion to adjourn; Councilman Mike Forster seconded the motion. The meeting adjourned at 10:12 p.m.



Kelly Toth
Village Clerk

Approved by the Village Council this 12th day of June, 2014.