



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, November 20, 2014
5:30 PM**

I. CALL TO ORDER / ROLL CALL

Vice Mayor Deb Gillis called the meeting to order at 5:31 p.m. The following Council members were present on roll call: Vice Mayor Deb Gillis and Councilman Mike Forster. 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. Stan Marguiles led the Pledge of Allegiance.

III. SWEARING IN OF NEWLY ELECTED OFFICIALS

Village Clerk Kelly Toth swore into office Councilwoman Deb Gillis, Councilman Dennis Ward, Councilman Jim Mooney, Councilman Chris Sante and Councilman Mike Forster.

IV. ROLL CALL

Vice Mayor Deb Gillis requested a roll call at 5:40 P.M. The following Council members were present on roll call: Vice Mayor Deb Gillis, Councilman Mike Forster, Councilman Jim Mooney, Councilman Chris Sante and Councilman Dennis Ward. 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.

V. ELECTION OF MAYOR AND VICE MAYOR

Vice Mayor Deb Gillis requested a nomination for Mayor. Councilman Chris Sante nominated Councilman Mike Forster. Councilman Jim Mooney seconded the nomination. The Village Council voted all in favor; the motion passed 5-0.

Councilman Mike Forster nominated Councilwoman Deb Gillis for Vice Mayor. Councilman Chris Sante seconded the nomination. The Village Council voted all in favor; the motion passed 5-0.

VI. PRESENTATIONS AND ANNOUNCEMENTS

Vice Mayor Deb Gillis presented Ken Philipson with a plaque recognizing him for his dedication and service on Council and service from March 2010 to November 2014.

Vice Mayor Deb Gillis presented Dave Purdo with a plaque recognizing him for his dedication and service on Council from March 2010 to November 2014.

A. Presentation by Ken Philipson Regarding Florida League of Cities Annual Legislative Conference

Mr. Ken Philipson provided a report regarding the Florida League of Cities (FLC) Legislative Committee process and the recent FLC Legislative Conference he attended. Mr. Philipson provided an overview of the 2015 draft legislative priorities and spoke about the importance of lobbying and the Village's state lobbyist.

B. Presentation by State Lobbyists

Islamorada's State Lobbyist Mr. Bill Peebles, introduced lobbyists John Smith and Dean Cannon. He thanked Ken Philipson, Dave Purdo and Ted Blackburn for their hard work and specifically thanked Ted and Ken for being the face of Islamorada in their lobbying efforts. Mr. Peebles stated that the Village had received 27 million in funding over the last three years and explained that this was 27% of the state funding that had come to Monroe County. He credited State Representative Holly Raschein for her help in their lobbying efforts.

VII. PUBLIC COMMENT

Mayor Mike Forster opened public comment.

Bill Bosely welcomed the Council and thanked the previous Council for their service.

John Fernandez stated that terms longer than two years were not necessary as proven by the elected Council. Mr. Fernandez spoke against the change made to the Charter that allows Council Members to be elected with less than a majority vote. He spoke of the importance of an integration of Council members.

Paul Bates stated he was proud of the 68% voter turnout. He thanked the Council that served and thanked those that ran for Council. He suggested Council create an ethics ordinance for Council and staff and suggested elections where the top five candidates are elected.

Dave Purdo congratulated the new Council and thanked the people he served with, staff and his supporters. He asked Council to make decisions for the good of all of Islamorada and commented about the shortage of available workforce housing.

Beth Kamenstein spoke about the 10,000 square foot referendum item that did not pass and urged Council to give it their attention. Ms. Kamenstein expressed concern over the approved development of a Publix supermarket in Islamorada.

Robbie Majeska, Key Largo Wastewater Treatment District (KLWTD) Commissioner, stated that it says a lot about the community by the number of people that ran for office. Mr. Majeska commented on how expensive the wastewater project is and referenced the Interlocal agreement regarding Army Corps of Engineering funding and an Interlocal agreement regarding the Mayfield Grant funding. He also stated that Islamorada has an agreement with the KLWTD pertaining to Key Largo wastewater treatment plant. Mr. Majeska invited the Council to tour the Key Largo wastewater treatment plant on December 9th. He urged the Council to continue to work together.

Ted Blackburn congratulated the new Council. He spoke in support of Bill Peebles, Dean Cannon and John W. Smith's lobbying efforts.

Vice Mayor Deb Gillis thanked Mr. Blackburn for serving.

David Guardino thanked the outgoing Council for their efforts and hard work. He welcomed the new Council members. He spoke of the increased financial changes to the wastewater project. Mr. Guardino spoke in support of residentially zoned properties remaining zoned as residential and not being changed to commercial.

VIII. AGENDA: Request for Deletion / Emergency Additions

Vice Mayor Deb Gillis added discussion under XVII. Mayor/Council Communications regarding a Council member attending the Florida Keys Wastewater Funding meeting. Mayor Mike Forster added discussion under XVII. Mayor/Council Communications regarding a Councilmember working with the state lobbyists.

Mayor Mike Forster appointed Tony Hammon to the Local Planning Agency.

Vice Mayor Deb Gillis appointed Nancy Hershoff to the Workforce Affordable Housing Committee.

IX. CITIZENS' ADVISORY COMMITTEE UPDATES

X. VILLAGE MANAGER REPORTS AND UPDATES

A. CDBG Update

Village Manager Maria Aguilar informed the new Council members that she has been providing updates on CityView, CDBG and the grinder pump connection loan for the past three to four months.

Ms. Aguilar reported that with regard to the Community Development Block Grant (CDBG), the Village applied to DEO in an effort to offer connection assistance for low to medium income households. She stated staff received the signed grant agreement from DEO and proceeded with issuing an RFP for program administration services. She stated the RFP was published on November 13, 2014 on DemandStar and in the newspaper and that the proposal submission deadline is Dec. 5th. Ms. Aguilar stated a proposal selection committee comprised of Village staff members was created and that staff anticipates bringing a recommendation for program administration services to Council at the December 18, 2014 Regular Village Council Meeting. She explained the first task for the Administrative Services Coordinator will be to create a selection process and prequalification process for the plumbers. These plumbers would be paid through the grant program and would be responsible for connecting the property owners. She stated that staff anticipates sending out the program applications to property owners in February 2015.

B. CityView Update

Ms. Aguilar provided a CityView update and stated Planning, Building, Code Enforcement, Finance and Fire Department staff has been engaged this past week in training exercises to learn the new CityView software. She stated next week staff would begin using the program in a test capacity. Ms. Aguilar stated she expects to start the process to go live the week of December 1st and clarified that this date pertains to the Building Permits and Inspections modules.

Councilman Chris Sante asked how long it would be before the public could access information on the web. Ms. Aguilar stated the week of December 1st they will begin the process to go live and the second week of December the public should be able to access information in CityView such as permit status and permit history. Ms. Aguilar explained that the data conversion had already taken place.

C. Grinder Pump Connection Loan Update

Ms. Aguilar stated that grinder pump connection loan notices went out on November 19th to property owners that are included in the residential grinder pump program. The loan program provides for five year financing for the lateral connection. Ms. Aguilar stated that she listed herself in the letter as the point of contact for any questions pertaining to the financing program. She stated the deadline to opt into the loan program is December 31st, 2014 and that those opting into the loan program will see the first assessment on the November 2015 tax bill.

XI. 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:

October 23, 2014 Regular Village Council Meeting

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

XII. WASTEWATER MATTERS

A. Wastewater Project Update

Wastewater Program Manager Greg Tindle stated the master pump station on North Plantation Key is operating in a test phase and will be permanently placed into service in the next few weeks. Mr. Tindle provided a construction update on the vacuum pump stations and the collection systems.

Councilman Chris Sante asked for an update on the salt water intrusion with regard to the vacuum pits being replaced. Mr. Tindle stated 80 pits have been replaced to date and explained that the salinity levels were not where they need to be yet because replacement of the pits has not been completed nor have they finished testing and correcting the issues within the system. Mr. Tindle stated the salinity levels were trending downward but that they were not where they needed to be. Councilman Sante stated that he had expected to see a dramatic improvement with the replacement of 80 vacuum pits.

Councilman Sante asked when the Middle Plantation Key station would be complete and when could the property owners expect to connect. Mr. Tindle stated the vacuum pump station should be completed in December and that testing would occur following the completion of the construction, followed by public meetings with the property owners. Mr. Tindle stated he expects the connection notices to go out in February.

Councilman Sante expressed concern for the property owners that have delayed their construction because they are waiting to connect to the sewer system.

Mayor Mike Forster opened public comment.

Robbie Majeska, KLWTD Commissioner, stated that KLWTD is working with Islamorada on the salinity issue and has not billed Islamorada for the salinity levels.

Dave Purdo questioned the charges for salt water intrusion this month. Mr. Tindle stated that KLWTD has not billed the Village for salt water intrusion, the levels were trending downward and there have been no backups.

Mr. Larry Barr inquired about the wastewater tab for this agenda. Mr. Tindle explained that the tab would be included on the December 4th agenda. Vice Mayor Deb Gillis explained that because the November meeting was moved to an earlier date, the tab would not be ready until the next meeting.

XIII. ORDINANCES

XIV. QUASI-JUDICIAL

A. Request for Re-plat of a Portion of MacDonald's Plat at 84745 Old Highway

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. Vice Mayor Deb Gillis disclosed that she had spoken with the owners and Pete Bachelor. Mayor Mike Forster disclosed that he had spoken with the owners. Councilman Dennis Ward and Councilman Jim Mooney disclosed they had spoken with Pete Bachelor. Councilman Chris Sante did not have any ex-parte communications. Councilman Sante did state that he had spoken with the owners during his last term on Council.

Senior Planner Shane Laakso presented the staff report recommending approval with conditions.

Mayor Mike Forster asked if Council had any questions; there were none.

Mayor Forster invited the applicant to speak.

Mr. Pete Bachelor stated that he and the owners were there to answer any questions the Council may have.

Vice Mayor Deb Gillis asked if number four of attachment C (the Wade Trim email) was still applicable. Senior Planner Shane Laakso stated that it was still applicable. Planning Director Cheryl Cioffari explained that the grinder pump program applies to existing developed properties and that the comment is still applicable because this a single parcel that is being redeveloped. Vice Mayor Deb Gillis asked for confirmation that they would not be included in the grinder pump program. Village Attorney Roget Bryan stated that Vice Mayor Gillis was correct.

Councilman Chris Sante stated that the way he understood this was that if he owned a parcel with four or more homes then he would have to pay for his own grinder pump system. Village Attorney Roget Bryan stated that was correct. Mr. Bryan explained that the change order that was approved for the grinder pump program applies to properties that have development applications in process. Mr. Bryan clarified that this property was a re-platting.

Councilman Sante stated the applicant would be dividing this property into individual parcels in which case this paragraph would not apply because he would have five individually owned parcels.

Planning Director Cheryl Cioffari explained that the easement that provides access to the parcels is an easement; and that the wastewater connection point would be at property line along Old Highway and that

they would not come onto the property to develop the system. Councilman Sante asked how this situation was different than the individually owned properties on Thompsonville Rd. Councilman Sante stated that the way this is written, that if these properties were individually owned then the Village has a responsibility to provide them with grinder pumps. He stated that if one owner owned all five properties, then they should pay for the grinder pump system.

Mayor Mike Forster stated that right now, it is one owner and that we do not know at this point whether he is going to sell the property

Vice Mayor Deb Gillis asked if an owner, with a vacant lot that desired to build a single family home that required a grinder pump, would be part of the grinder pump program. Village Attorney Roget Bryan stated that they would have been required to opt into the program and because they did not opt in, they are not part of the program.

Village Attorney Roget Bryan stated that, per his conversations with Wastewater Program Manager Greg Tindle and based on comments from the Wade Trim engineering consultant; there is an internal gravity sewer system that is being contemplated for this plat that will eventually connect to a grinder pump. Mr. Bryan stated that per the wastewater utility policy the village will not deal with any alternative systems.

Councilman Chris Sante expressed concern over the deadline to opt into the grinder pump program and stated that it should be offered to property owners that build in the future. Village Attorney Roget Bryan explained that a person that comes forward in the future may not be automatically excluded. He explained that you cannot include a vacant parcel that presently does not have the ability to connect to the system and stated the grinder pump would not be utilized. Mr. Bryan stated that it is not out of the realm of possibility that they could be included in the program at a future date, but that they are not existing right now and they have not opted into the program.

Councilman Chris Sante asked that what the Village Attorney was saying was that in the future if someone needed a grinder pump then the Village would do everything in their power to see that they receive the same benefits the current program participants are receiving. Village Attorney Roget Bryan replied that that would be a policy decision for the Council to make at that time.

Vice Mayor Deb Gillis stated this parcel originally had 15 units but would only be using five and asked what happens with the remaining ten units. Pete Bacheler, Agent for the owner, explained that this was a two-step process: first is the plat amendment followed by a zoning change. Mr. Bacheler stated that if zoning is approved they would then decide what would be done with the extra credits.

Councilman Mike Forster asked if the applicant agreed to the conditions. Mr. Bacheler stated that the owner agrees to the conditions.

Mayor Mike Forster opened public comment for those in favor. There was none. Mayor Forster opened public comment for those against. There was none.

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

XV. RESOLUTIONS

A. Resolution Approving FEMA FY 2014 Assistance to Firefighters Grant

Village Attorney Roget Bryan read the title of the resolution. Assistant Chief Jason Lyman presented the staff report recommending approval.

Mr. Lyman stated that the department recently received information from FEMA that they interpret to mean the Village qualifies for a 5% match based on how Islamorada is categorized. Mr. Lyman stated they will seek further confirmation on their interpretation. Vice Mayor Deb Gillis confirmed that this would mean the Village's responsibility would be \$20,000 instead of \$100,000.

Vice Mayor Gillis stated that even a 25% match to receive \$300,000 would be worthwhile. Councilman Sante confirmed that the resolution was based on the worst case scenario of a 25% match.

Councilman Chris Sante stated he would like to see expenses like this budgeted for in the future instead of taking them out of the general fund.

Mayor Mike Forster opened public comment; seeing none, public comment was closed.

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

B. Resolution to Adopt FY 2013 – 2014 Re-appropriation Budget Amendment

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

Village Manager Maria Aguilar explained that the budget is essentially a law and any deviations from the budget are required to be reported to Council. She stated that per Florida Statutes a municipality has 60 days after the end of the fiscal year to come back to Council with revisions to the budget so that it better reflects actual activity.

Councilman Dennis Ward confirmed that the budget ended September 30th and that these were issues that were projected but did not come about. Village Manager Maria Aguilar concurred.

Mayor Mike Forster opened public comment; seeing none, public comment was closed.

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

C. Resolution Accepting and Adopting the November 4, 2014 Election Results

Village Attorney Roget Bryan read the title of the resolution. Village Clerk Kelly Toth presented the staff report recommending approval.

Mayor Mike Forster opened public comment; seeing none, public comment was closed.

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

D. BPAS Allocation Distribution for 2015

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

Councilman Chris Sante inquired about the purpose of allocating units with land dedications and allocating units without land dedications. Planning Director Cheryl Cioffari explained that by splitting it up it encourages people to dedicate land. She stated that they were not seeing these types of applications because she did not think it was economically advantageous to apply this way. She said that if Council did not want land dedication then the Code could be amended. Ms. Cioffari stated that the benefit that comes from this is balancing the limited number of allocations and accepting donated lots to the Village for conservation or affordable housing. She stated the last dedication was in 2007. She explained that if there are no applications for an allocation with land dedication, those allocations are used for applications without land dedication.

Councilman Jim Mooney asked how much nonresidential square footage was rolled over from the previous year. Senior Planner Shane Laakso stated 11,065 square feet. Councilman Jim Mooney suggested this may indicate that there is too much square footage being allowed.

Planning Director Cheryl Cioffari provided a brief review of the last two ordinances that were adopted by Council amending the Comprehensive Plan and the Village's Code of Ordinances to increase the nonresidential square footage allocations from 6,692 square feet per year to 15,000 square feet.

Mayor Mike Forster opened public comment; seeing none, public comment was closed.

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

XVI. MOTIONS

XVII. MAYOR / COUNCIL COMMUNICATIONS

A. Discussion Regarding Buildings 10,000 sq. ft. and Greater –Vice Mayor Deb Gillis

Vice Mayor Deb Gillis suggested giving staff direction to provide Council with information pertaining to the 10,000 square foot maximum with one of the following options: a moratorium, changing regulations or a zoning in progress. Council discussion ensued and Council agreed upon a Zoning in Progress and using the Community Character Task Force's recommendations as a guide. Village Attorney Roget Bryan stated staff would recommend not less than a 180 day Zoning in Progress period with the option to extend.

Mayor Mike Forster opened public comment.

Pete Bachelor spoke in agreement with limiting the zoning in progress to 180 days with the option to extend.

Dave Purdo suggested Council exercise caution in handling this because the referendum was voted down.

Mayor Mike Forster closed public comment.

Planning Director Cheryl Cioffari confirmed that this would be addressed so as to not affect redevelopment of existing structures. Mayor Mike Forster stated that he understood this to mean the Village would not process applications for anything over 10,000 square feet.

Councilman Sante confirmed that staff would provide an outline for Council to consider. Planning Director Cheryl Cioffari stated staff would first provide Council with a resolution for a Zoning in Progress to allow staff time to prepare the options for Council consideration.

B. Discussion Regarding Brew Pubs and Microbreweries – Councilman Forster

Mayor Mike Forster began discussion regarding the 3,000 square foot limitation in areas zoned industrial. He asked for an explanation and discussion regarding this limitation. Mayor Forster stated an owner in this area is looking to expand in the future. Council discussion ensued regarding changing the Code to allow for expansion. Councilman Sante stated he would be agreeable to changing the Code.

Vice Mayor Deb Gillis suggested staff provides Council with information pertaining to the types of uses in areas zoned industrial because there may be particular uses for which the current limitation should be maintained. Councilman Jim Mooney confirmed that Council was only discussing the size of the use and not new construction.

Village Attorney Roget Bryan stated this is a growing industry many municipalities are facing and that it would be prudent for Council to consider the regulations now. Mr. Bryan stated that staff would bring back information to Council taking into consideration the existing current uses.

Mayor Mike Forster began discussion regarding the Village allowing brew pubs in Village Center. Planning Director Cheryl Cioffari stated that she had had conversations with members of the public and that there are people that would like to have brew pubs in areas other than those zoned industrial. Ms. Cioffari asked if it was the direction of the Council to consider other areas and limiting the square footage of brewing.

Mayor Mike Forster opened public comment.

Pete Bachelor spoke about the need for ample parking spaces and how one small change may affect other areas.

Mayor Mike Forster closed public comment.

Planning Director Cheryl Cioffari stated staff would obtain additional information and provide for Council consideration at a future meeting.

C. Lobbyist (discussion item added to agenda)

Mayor Mike Forster began discussion regarding one of the Council members working directly with the lobbyists. Vice Mayor Deb Gillis stated that this does require time in Tallahassee and Washington D.C. Following discussion, Vice Mayor Deb Gillis and Councilman Dennis Ward stated that they would share the responsibility.

D. Florida Keys Wastewater Funding meeting

Vice Mayor Deb Gillis began discussion regarding Council presence at the wastewater funding meeting to be held on December 9th at 3 P.M. at the Murray Nelson Building in Key Largo. Councilman Dennis Ward and Mayor Mike Forster stated they would be attending.

XVIII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Information for New Council Members Regarding the Fills

Village Manger Maria Aguilar stated that the information provided regarding interagency meetings that have occurred pertaining to the Fills is in anticipation of Council making future decisions pertaining to improvements to the Fills. Ms. Aguilar stated staff would provide Council with a resolution in December expressing Council support to move forward with the project to improve the boat ramp and dock. Ms. Aguilar explained that the prior Council was considering options related to leasing the Fills from FDOT to allow for more control of the area, but chose to defer the item to the new Council.

Councilman Dennis Ward stated his biggest concern was the remaining area of the Fills.


Vice Mayor Deb Gillis clarified that the DEP project for the boat ramp and dock does not include the bathrooms.

Mayor Mike Forster stated that FDOT was open to considering a longer lease and that FDOT stated that any capital improvements made by Islamorada to this area would be covered by FEMA if destroyed by a storm.

Discussion ensued regarding parking, public input and cost recovery related to the Fills. Council consensus was to give direction to prepare a resolution in support of the boat ramp project.

XIX. ADJOURNMENT

Councilman Chris Sante made a motion to adjourn. Mayor Mike Forster seconded the motion. The meeting adjourned at 8:15 P.M.



Kelly S. Toth
Village Clerk

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