



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, April 9, 2015
5:30 PM**

I. CALL TO ORDER / ROLL CALL

Mayor Mike Forster called the meeting to order at 5:31 P.M. The following Council Members were present on roll call: Mayor Mike Forster, Vice Mayor Deb Gillis, 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.

II. PLEDGE OF ALLEGIANCE

Jill Miranda-Baker led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

A. Proclamation for Children's Week –April 12th – April 18th

Councilman Chris Sante presented the proclamation declaring April 12th through the 18th as Children's Week. Department of Juvenile Justice Probation and Community Intervention Supervisor Paul Armstrong and OPS Secretary Specialist Lisa Shawreceived the proclamation and thanked the Council for their support.

Councilman Jim Mooney reported on Florida Keys Day, held in Tallahassee on March 31, 2015, that was attended by Mayor Mike Forster, Vice Mayor Deb Gillis, Councilman Jim Mooney, Village Manager Maria Aguilar, and Village Attorney Roget Bryan. He reported he had met with FDOT and the Attorney General's Office regarding the need for stormwater and canal restoration funding. Councilman Mooney stated that he had expressed concerns to FDOT regarding the pedestrian fatalities in Monroe County and the need for safer roadways, as well as the need for more curbing, delineators and landscaping.

Vice Mayor Deb Gillis reported that they attended eighteen meetings in one day and that they made a special effort to try to obtain additional Mayfield Grant funds. Vice Mayor Gillis and Councilman Mooney stated that they believed the information they provided to these agencies was well received.

Mayor Mike Forster reported on the meeting he attended with the Fish and Wildlife Conservation Commission (FWC) and that there are currently no new laws pertaining to bully netting nor are there any

planned. Mayor Forster stated that they requested FDOT consider, in their fifteen to twenty year plan, a fixed bridge for Snake Creek.

Director of Parks and Recreation and Marine Resources John Sutter announced the Relay for Life event to be held at Founders Park on April 11, 2015 from 12PM to 12AM.

Councilman Chris Sante announced he was removing Jim Clupper from the Historic Preservation Commission and appointing Jorge Cabrera.

IV. PUBLIC COMMENT

Mayor Mike Forster opened public comment.

Cheryl Culberson spoke regarding TAB 5 pertaining to quasi-judicial procedures and recommended Village Council add a time certain on quasi-judicial items when they are continued by the applicant. Ms. Culberson spoke against the name change proposed for the Workforce Affordable Housing Citizens' Advisory Committee.

Doug Rabe requested paving and stormwater improvements for Severino Drive.

Mayor Forster closed public comment.

V. AGENDA: Request for Deletion / Emergency Additions

Vice Mayor Deb Gillis requested to pull TAB 3 from the consent section of the agenda to allow for discussion.

Councilman Dennis Ward added discussion pertaining to the Fire Dept. under the XIV Mayor /Council Communication section of the agenda.

Mayor Mike Forster added an update under the XIV Mayor /Council Communication section of the agenda pertaining to the asphaltting of Overseas Highway on Upper Matecumbe Key.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

VII. VILLAGE MANAGER REPORTS AND UPDATES

A. Report Regarding Community Input from the Fills Workshop and Public Comment Period

Village Manager Maria Aguilar reported that FDOT would begin a previously planned public improvement project at the Fills in 2016. Director of Public Works Lesli Wojtecki stated that as part of that project, FDOT would be resurfacing the roads from Lignum Vitae Key Bridge to Jerome Avenue. Village Manager Maria Aguilar stated staff is hopeful that the improvements to the boat ramp by FWC will be completed by 2016. Ms. Aguilar stated that recommendations and suggested improvements made during the Fills Workshop would not take place during the 2016 project and in fact would occur several years from now.

Discussion ensued among Council and staff regarding the timing of the 2016 project and the landscaping project that would occur before a Fills Master Plan project. Councilman Ward requested that the FDOT landscaping plans be shared with Council.

Village Manager Maria Aguilar stated staff did not recommend the Village lease the Fills property from FDOT; but rather that the Council request FDOT designate the area as a wayside park. Vice Mayor Deb

Gillis asked if funding for the wayside park would include building a bathroom. Director of Public Works Lesli Wojtecki stated that a bathroom might be a possibility. Vice Mayor Deb Gillis and Mayor Forster spoke in support of leasing the Fills from FDOT and suggested the possibility of obtaining Tourist Development Council funds to assist with the improvements. Village Manager Maria Aguilar stated the Village could install bathrooms at the Fills for significantly less than it would cost to lease the Fills. She stated if the Village leased the Fills the Village would incur significant costs for improvements such as rip rap. Discussion ensued among Council regarding erosion of the shoreline and expenses associated with maintenance of the Fills. At the request of Councilman Dennis Ward, Council agreed to have the topic brought back for discussion at a future Regular Village Council Meeting.

VIII. CONSENT AGENDA

A. Minutes:

March 26, 2015 Special Call Village Council Meeting Executive Session, Edward M. Baird,
Case No. 2014-CA-000709-P

March 26, 2015 Regular Village Council Meeting

Councilman Chris Sante made a motion to approve the Consent Agenda, excluding TAB 3. Councilman Dennis Ward seconded the motion. Council voted all in favor. The motion passed 5-0.

B. Resolution Approving an Amendment to the Interlocal Grant Award Agreement Between Monroe County and Islamorada, Village of Islands, for Beach and Park Recreational Facilities Cleaning and Trash Removal Services

Vice Mayor Deb Gillis suggested amending the agreement to provide for an increase to the annual reimbursement amount. She asked if additional expenses could be included in order to receive additional funding from TDC and suggested additional staffing for beach cleanup and portable toilets as examples. Ms. Wojtecki stated that at this time, the Village was not spending the \$90,000 that is in the current agreement. Mayor Forster and Vice Mayor Deb Gillis spoke in support of seeking additional reimbursement. Village Manager Maria Aguilar stated staff would research the possible increase to the agreement. Mayor Forster asked if the Council agreed to the changes. Council expressed their agreement.

Mayor 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.

IX. WASTEWATER MATTERS

A. Wastewater Project Update

Wastewater Program Manager Greg Tindle stated that 25 homes had connected to the wastewater system in Middle Plantation Key and that 37 additional homes were in the process of connecting. Mr. Tindle reported that salinity testing had occurred during the high tides resulting in the identification of two problem areas within the system. Mr. Tindle also reported that a saltwater intrusion had been discovered on a private property and that repairs would begin on Monday.

Councilman Dennis Ward requested an update on the salinity issues pertaining to the Tavernier Creek property. Village Manager Maria Aguilar reported a permit had been issued and work would begin on Monday.

Councilman Chris Sante expressed concern about the trenches being filled in Venetian Shores and the inspection process. Wade Trim Construction Manager Gene Hoffman stated that all backfilling is tested, verified and documented.

Mayor Mike Forster opened public comment.

Stan Marguiles expressed concern regarding the paving on Venetian Boulevard.

Mayor Mike Forster closed public comment.

X. ORDINANCES

A. Second Reading - Proposed Ordinance Establishing Chapter 30 “Land Development Regulations,” Article IV “Administrative Procedures,” Division 6 “Permit and Development Approval Cost Recovery,” Sections 30-331 through 341 of the Village Code of Ordinances

Village Attorney Roget Bryan read the title of the ordinance and stated that it was second reading and a public hearing. Director of Planning Cheryl Cioffari presented the staff report.

Councilman Chris Sante asked if the numbers reflected for mailing costs were examples. Director of Planning Cheryl Cioffari stated that the numbers were examples and that staff would provide a future resolution to Council containing the actual costs.

Councilman Chris Sante made a motion to approve. Councilman Dennis Ward seconded the motion. Council voted all in favor. The motion passed 5-0.

B. Second Reading- Ordinance Amending Chapter 30 “Land Development Regulations,” Article IV “Administrative Procedures,” Division 3 ‘Quasi-judicial Procedures,’ of the Village Code

Village Attorney Roget Bryan read the title of the ordinance and stated that it was second reading and a public hearing. Director of Planning Cheryl Cioffari presented the staff report.

Director of Planning Cheryl Cioffari addressed the suggestion made by Cheryl Culberson during public comment relating to establishing a date/time certain for applications that are granted a continuance. Ms. Cioffari stated that on occasion, applicants need a few months to coordinate changes with their designers and spoke in support of a six month maximum.

Vice Mayor Deb Gillis and Councilman Chris Sante spoke in support of a six month maximum for continuances. Mayor Mike Forster expressed concern over potentially delaying applicants that were in the queue that had not requested a continuance. Councilman Jim Mooney expressed concern over staff time being wasted as a result of lengthy continuances. Council expressed agreement in amending the ordinance to reflect that an applicant has a maximum of 180 days, from the date a motion for a continuance was granted, to bring the application back to Council for consideration.

Director of Planning Cheryl Cioffari stated she would bring the ordinance back to Council, with changes, at the May 14, 2015 Regular Village Council Meeting.

Mayor Mike Forster opened public comment.

Cheryl Culberson spoke in support of the 180 day maximum.

Mayor Mike Forster closed public comment.

XI. QUASI-JUDICIAL

Village Attorney Roget Bryan recommended that TAB 6 be moved to the Quasi-Judicial section of the agenda.

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.

A. Status of 81954 Overseas Highway (Formerly Islamorada Boat Center) and Related Development Approval

Village Attorney Roget Bryan read the title of the resolution and requested Council disclose any ex-parte communications. Councilman Chris Sante stated that he had not had any ex-parte communications, but had served on the Council that originally heard the item. Vice Mayor Deb Gillis stated that she had not had any ex-parte communications. Mayor Mike Forster stated he had spoken with the tenants of the building and with Russell Yagel. Councilman Dennis Ward stated he had not had any ex-parte communications. Councilman Jim Mooney stated that he had not had any ex-parte communications, but had served on the Council that originally heard the item. Director of Planning Cheryl Cioffari presented the staff report.

Mayor Mike Forster invited the applicant, Brian Lesko to speak. Mr. Lesko stated that their goal as the property owners was to bring the property into compliance and that he no longer operates the business on the property. He stated that the second option reflected in the agenda and presented by the Director of Planning would allow for the continuance of the boat sales operation or open retail sales space and requested that the Council not limit this type of use. Mr. Lesko stated that they would like to bring the property into compliance, work on the fines and move forward with the Development Order.

Mayor Mike Forster opened public comment to those in favor.

Dave Purdo spoke in support of approving the resolution.

Mayor Mike Forster opened public comment to those opposed; there were none opposed.

Mayor Mike Forster closed public comment.

Mayor Forster stated that he was in support of moving forward with the Development Order but requested that there be a time-certain provision. Ms. Cioffari suggested a time certain of July 19, 2015 and offered that it was in the property owner's best in interest to come in much sooner than the proposed deadline. Mr. Brian Lesko stated that they wanted to move forward as quickly as possible. Village Council expressed agreement with option number two from the staff report.

Director of Planning Cheryl Cioffari read the following conditions into the record:

1. The Applicant shall be limited to one access from the Property; that access being the existing permitted access on US1.
2. Stacking of boats or the performance of hull maintenance, painting or repair work on the Property is prohibited.
3. The Applicant shall apply for Major Conditional Use Approval no later than July 9, 2015.
4. The Applicant shall submit an application into the Nonresidential Building Permit Allocation System (BPAS) for an office no later than October 31, 2015.

Brian Lesko asked if the conditions were met, would the property be considered in compliance. Director of Planning Cheryl Cioffari stated the property would be in compliance once the conditions were fully executed. Mr. Lesko stated that the code compliance fines associated with the property would not be stayed until the approval had been granted and a new structure was completed. Ms. Cioffari stated that was correct. Mr. Lesko expressed concern for the continuing fines and that it could take a year to complete the required changes. Village Attorney Roget Bryan stated that the fines that continued to accumulate were pursuant to an order issued by the Special Magistrate. Mr. Bryan proffered that an earlier compliance date could be considered based on the development application, but that it would have to be decided by the Special Magistrate. Councilman Chris Sante asked if the Council had the right to mitigate the fines. Village Attorney Roget Bryan stated that once the case has been heard by the Special Magistrate, a reduction in fines could be considered at that time and that further mitigation could be brought before Council. Mayor Mike Forster stated that the code compliance item would go back before the Special Magistrate once it was in compliance. Director of Planning Cheryl Cioffari suggested that, during the next meeting with the Special Magistrate, that staff and the applicant present the forward progress the applicant made since the April 9, 2015 quasi-judicial hearing.

Councilman Chris Sante made a motion to approve with option number two and the conditions that were read into the record. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The motion passed 5-0.

Village Attorney Roget Bryan closed the quasi-judicial portion of the meeting.

XII. RESOLUTIONS

B. Resolution Approving Selection of Surveying and Mapping Services Firms

Village Manager Maria Aguilar requested that the item be tabled until the next meeting because a bid protest had been filed and staff needed to determine whether or not the challenge was valid. She requested that the item be moved to the April 23, 2015 agenda.

Mayor Mike Forster opened public comment.

Eddie Martinez stated that he protested the selection and expressed concern regarding the services requested in the Request for Qualifications (RFQ), active licenses in Monroe County held by respondents, local preference section of the RFQ and the qualifications of the respondents.

Village Attorney Roget Bryan stated the RFQ committee would review the protest and that the item would most likely be brought back to Council at the April 23, 2015 Regular Village Council Meeting.

Council agreed to table the item.

C. Proposed Resolution Amending Name of Workforce Affordable Housing Citizens' Advisory Committee

Village Attorney Roget Bryan read the title of the resolution. Planner Thomas Skidmore presented the staff report recommending approval.

Vice Mayor Deb Gillis asked if the name were changed would the Village would be excluded from certain types of funding in the future. Village Manager Maria Aguilar stated that staff could not guarantee that the name change would not hinder the Village's ability to obtain funding because grant application requirements are specific to the individual grant. Councilman Jim Mooney expressed that he did not think it would be problematic to apply for a grant with the new name as long as the purpose of the committee

remained the same. Village Attorney Roget Bryan clarified that the item before them pertained to just the name of the committee and not their function. Councilman Dennis Ward spoke of the stigma attached to the current name.

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

Councilman Dennis Ward made a motion to approve. Councilman Jim Mooney seconded the motion. Council voted and the motion passed 4-1. Councilman Chris Sante voted in opposition.

D. Resolution Approving an Engagement Letter with Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A. for Litigation Services

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

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

Councilman Dennis Ward 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. Discussion Regarding the Fire Department – added by Councilman Ward

Councilman Dennis Ward began discussion regarding the Fire Department and staff turnover. He stated he heard that employees were leaving for reasons associated with health insurance and that approximately ten employees would be resigning from the department. Councilman Ward asked if there was any truth to these statements.

Chief Terry Able stated that the department was losing about four employees. He stated there was a variety of reasons firefighters were leaving such as healthcare and that some of them live in Miami and would be closer to home.

B. Update Regarding Asphaltting on US Highway 1 –added by Mayor Forster

Mayor Mike Forster reported that Council Members receive many inquiries regarding the asphaltting project on US Highway 1. Mayor Forster reported he spoke to Jackson Taylor with FDOT regarding the project and that Mr. Jackson informed him that work on US1 would now begin at 9PM and no more than a mile at a time would be closed down and that if they needed to close down more than a mile, work would begin at 11PM. He stated FDOT anticipates completing the project within a month.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Discussion Regarding Recommendations for FDOT District Six Planning Listening Session

Village Manager Maria Aguilar stated that she and Director of Public Works Lesli Wojtecki would be attending the FDOT District Six Planning Listening Session on April 28, 2015 and asked if Council if there were any priorities that they wanted staff to present at the session.

Mayor Mike Forster stated he would like improvements to the portion of US Highway 1 in front of Sea Oats Beach and cited flooding as an issue. He also expressed concern over excessive signage. Mayor Forster suggested the use of low lying plants and/or shrubs in lieu of signs to prevent people from parking in specific areas.

Councilman Jim Mooney suggested FDOT make improvements pertaining to pedestrian and cyclist safety. He suggested overpasses, pedestrian safe zones and speed bumps to slow traffic down. Councilman Mooney expressed concern that not enough was being done to keep residents and tourist safe.

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

B. Discussion Regarding Temporary Storage Units and Code Enforcement

Village Manager Maria Aguilar provided a brief history of the regulations and issues pertaining to the use of temporary storage units. Ms. Aguilar asked if it was Council's desire to have another amnesty type period which would allow existing temporary storage unit owners to register the unit and ensure that they meet current regulations. She stated that if Council did not want an amnesty period, Code Enforcement would begin addressing the illegal storage units.

Mayor Forster spoke against allowing temporary storage units on residential properties. Discussion ensued among Council and staff regarding shipping containers, the various types of temporary storage units currently found on residential properties and the difference between temporary units and permanent units. Councilman Sante spoke in support of enforcing the current code and providing notification to owners stating the requirement to come into compliance. At the request of Councilman Dennis Ward, Council agreed to have the topic brought back for discussion at a future Regular Village Council Meeting.

C. Discussion Regarding Maximum Square Footage of Permitted Uses within the Village Center Zoning District

Director of Planning Cheryl Cioffari stated the current code allows for a maximum of 5,000 square feet of office, retail, service or restaurant use in Village Center. Mayor Mike Forster stated that if a building was 10,000 square feet in Village Center it could be separated by a wall allowing for 5,000 square feet on either side and that the use restrictions would apply to each of the 5,000 square feet. Director of Planning Cheryl Cioffari stated a much larger building could include multiple allowable uses. Ms. Cioffari stated the boundaries of Village Center.

Ms. Cioffari explained the other types of uses within the Village. She stated that Highway/Commercial zoned property does not have a limit on the size of use, but rather is regulated by the size of the property and the floor to area ratio. Ms. Cioffari stated that Industrial zoned areas are regulated by a maximum of 3,000 square feet for low to medium intensity uses. Ms. Cioffari stated staff is in the process of amending the code for industrial zoning.

Councilman Chris Sante spoke against limiting the types of use within Village Center. Director of Planning Cheryl Cioffari pointed out other zoned areas within the Village that are limited in size to the type of use. She suggested Council allow her to investigate different types of zoning and other alternative uses within Village Center. Council expressed agreement with Ms. Cioffari's request.

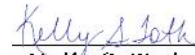
Mayor Mike Forster opened public comment; seeing none, public comment was closed.

D. Discussion Regarding the Maximum Size of a Caretaker's Cottage

Director of Planning Cheryl Cioffari requested direction from Council regarding amending the current code for caretaker cottages. She explained that current regulations provide for a maximum of 1,200 square feet. Ms. Cioffari recommended amending the square footage to a maximum of 1,500 square feet so that the square footage would be consistent with the affordable housing definition and provided additional rationale for the change. Council directed staff to make the change.

XVI. ADJOURNMENT

Councilman Chris Sante made a motion to adjourn. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor. The meeting adjourned at 8:06 PM.



Kelly S. Toth
Village Clerk

Approved by the Village Council this 23rd day of April, 2015.