



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, April 23, 2015
5:30 PM**

I. CALL TO ORDER / ROLL CALL

Mayor Mike Forster called the meeting to order at 5:34 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 and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Susan Sprunt led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

A. Presentation of Pineapple Beautification Award to Theater of the Sea

Landscape Advisory Committee member, Phyllis Mitchell stated Theater of the Sea had been chosen to receive the award. She explained that Theater of the Sea had requested that Mr. Juan Velizaroff, who had been providing landscaping services to Theater of the Sea since 2002, receive the award on their behalf. Mr. Velizaroff thanked the Landscape Advisory Committee and Council for the award.

B. Proclamation Motorcycle Safety Awareness Month

Mayor Mike Forster presented the proclamation for Motorcycle Safety Awareness month to Mr. Michael Matthews and Ms. Bonnie Matthews. Ms. Matthews thanked Council for the proclamation.

Vice Mayor Deb Gillis announced she was appointing Doug Rabe to the Water Quality Improvement Citizens' Advisory Committee.

Mayor Mike Forster announced the Islamorada Youth Council was recognized in the Florida League of Cities March/April 2015 publication. Mayor Forster thanked former Councilman Ken Philipson, Committee Liaison Anne Onsgard and the Youth Council members.

Mayor Forster thanked Anne Onsgard for her coordination efforts with the recent Relay for Life event held at Founders Park.

IV. PUBLIC COMMENT

Mayor Mike Forster opened public comment.

Mr. Stan Marguiles expressed concern about the condition of Venetian Boulevard.

Mayor Mike Forster closed public comment.

V. AGENDA: Request for Deletion / Emergency Additions

Councilman Chris Sante added a report under section VI. Citizens Advisory Committee Updates regarding the April 20th Achievable Citizens' Advisory Committee meeting.

Vice Mayor Deb Gillis added discussion regarding the frequency of Regular Village Council Meetings to section XIII. Mayor Council Communications.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

A. Local Planning Agency Update

Pete Bacheler, Local Planning Agency (LPA) Chair reported the LPA discussed fair housing and a first time home buyers down payment assistance program and recommended changes to section 22-63(b)(3) of the Village Code. Mr. Bacheler stated the LPA also discussed brewpubs and microbreweries and voted unanimously to make changes to the definitions and zoning districts within the Village Code to allow for these types of businesses to operate within Islamorada.

Mr. Bacheler stated the LPA discussed changes to properties in Highway Commercial zoning districts to allow for outside storage. He reported the LPA is against making changes at this time due to the number of properties that are currently being utilized for outside storage and that the current properties give a negative impression of this type of use. Mr. Bacheler stated the LPA discussed fence heights on vacant commercial property and is in support of allowing fence heights in excess of the current maximum of four feet. He added that the LPA agreed that landscaping requirements should be increased for fenced vacant commercial properties.

B. Annual Review of Citizens' Advisory Committees

Village Clerk Kelly Toth stated the purpose of annual review of committees was to consider the accomplishments during the past year and determine whether or not Village Council wanted to direct any changes be made to the committees.

Councilman Ward stated that he would like for Local Planning Agency (LPA) members to be able to serve on an additional committee. Mayor Mike Forster stated LPA members were currently only allowed to serve on LPA. Vice Mayor Deb Gillis stated that the rule was originally put into place to avoid LPA votes being influenced if several members from the LPA were to serve on the same committee. Council discussion ensued regarding attendance issues, quorum issues and allowing LPA members to serve on an additional committee with the caveat that no more than one LPA member would be permitted to serve on the same committee.

Mayor Mike Forster opened public comment.

Mr. Larry Barr stated that he recalled a former Village Council making the decision to limit LPA members to serving only on LPA due to the LPA's workload and that the Council did not want membership on an additional committee to detract from the LPA's focus.

Mayor Mike Forster closed public comment.

Mayor Mike Forster expressed concern over the lack of meetings by the Historic Preservation Commission (HPC) and suggested that consideration be given to possibly dissolving the commission. Assistant Village Manager Mary Swaney stated that the LPA and HPC were adopted by ordinance and were thus a part of Village Code. Vice Mayor Deb Gillis inquired as to whether or not HPC was required by state law. Councilman Chris Sante spoke in support of allowing the HPC to continue as a committee stating he had recently appointed a new member.

Councilman Sante expressed concern about the lack of meetings held by the Water Quality Improvement Citizens' Advisory Committee. Committee Liaison Greg Tindle stated that committee had not met recently but that the subcommittee had met. Vice Mayor Deb Gillis requested the subcommittee members be added to the attendance log.

Councilman Jim Mooney stated committees were originally established in the Village because they were needed and that some of them could potentially be obsolete. He spoke in support of fewer meetings and a preference for higher quality meetings citing the amount of time and preparation that goes into conducting a meeting. Councilman Mooney suggested changing some of the committees to ad hoc status. Councilman Chris Sante requested the discussion be added to the next agenda and spoke in support of ad hoc status for some committees.

Council directed staff to: amend the ordinance to allow for LPA committee members to serve on an additional committee; research whether or not HPC was required statutorily; and to provide additional information to Council regarding the status of each committee.

C. Agenda Addition: Report Regarding April 20th Achievable Citizens' Advisory Committee meeting – Councilman Sante

Councilman Chris Sante reported that at the recent Achievable Citizens' Advisory Committee there were attendees from Key Largo to Key West and that he was impressed by the concern expressed by those in attendance. Councilman Sante reported on the various topics that were discussed such as public transportation, tax credits and funding options. Mayor Mike Forster reported he recently visited a Habitat for Humanity home and commented on how nice the home was and spoke in support of building Habitat for Humanity homes in Islamorada.

VII. CONSENT AGENDA

A. Minutes:
April 9, 2015 Regular Village Council Meeting

Vice Mayor Deb Gillis made a motion to approve. Councilman Dennis Ward seconded the motion. Council voted all in favor.

VIII. WASTEWATER MATTERS

A. Wastewater Project Update

Wastewater Program Manager Greg Tindle reported that 58 people had connected to the wastewater system on Middle Plantation Key and an additional 40 were in the process of connecting. He reported that salinity levels had improved over the last twenty-two day period with only three days exceeding the limit. Mr. Tindle stated that as a result of the higher tides additional testing had occurred revealing salinity issues that were now being addressed. He reported that repairs had begun on the private property with salinity issues discussed at the last Village Council meeting.

Councilman Chris Sante asked for a status update on the cycle counters that were to be placed on the individual vacuum pits. Wastewater Program Manager Greg Tindle stated that they had not been placed in the vacuum pits because they are still doing frequent direct testing, but would be used in the future.

Councilman Chris Sante asked for an update on the status of the roads in Venetian Shores. Mr. Tindle explained that the construction workers had finished laying the wastewater pipe in Venetian Shores and that temporary restoration would soon begin. Mr. Wes Self, Design Build Operate Program Manager with Reynolds Islamorada, Inc. stated that roadway prep work would begin in Venetian Shores on April 28, 2015. He stated that he expected roadwork on Venetian Boulevard to be completed by May 20, 2015.

Wastewater Program Manager Greg Tindle stated that if testing went well, he anticipated mailing out connection notices to South Plantation Key property owners the latter part of May. He announced the next educational meetings for property owners on Upper Matecumbe Key and Windley Key regarding wastewater connections would occur on May 5, 2015 at 4:30PM, 5:30PM and 6:30PM at the Founders Park Community Center.

Mayor Mike Forster opened public comment.

Larry Barr explained the monthly wastewater costs incurred by property owners that are charged by the Florida Keys Aqueduct Authority.

Mayor Mike Forster closed public comment.

IX. ORDINANCES

- A.** First Reading- Ordinance Amending Chapter 30 “Land Development Regulations”, Article II Rules of Construction and Definitions”, and Amending Article V “Schedule of District Use and Development Standards,” Division 2 “Zoning Districts” of the Village Code of Ordinances; Providing for the Regulation of Brewpubs and Microbreweries

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

Discussion ensued among Council and the Village Attorney regarding the definitions of brewpub and microbrewery. Village Attorney Roget Bryan explained that the percentages included in the definitions were based upon staff research of a variety of municipal codes.

Councilman Jim Mooney recommended staff add in the words “square footage/feet” on page 6 of 12 for consistency.

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

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

X. QUASI-JUDICIAL

XI. RESOLUTIONS

A. Resolution Approving Selection of Surveying and Mapping Services Firms

Village Attorney Roget Bryan read the title of the resolution. Village Manager Maria Aguilar presented the staff report. Ms. Aguilar stated that the item had been postponed from the previous Regular Village Council Meeting due to the receipt of a bid protest letter. Ms. Aguilar stated the RFQ review committee reconvened and considered the arguments in the letter and reviewed the state statutes. The selection committee concluded that the arguments in the letter were not valid and reconfirmed the original selection of the three firms which were: Massey-Richards Surveying & Mapping, LLC, M.G. Vera & Associates, Inc., and Avirom & Associates, Inc. Village Manager Maria Aguilar read the three arguments from the bid protest letter and reported the committee's findings regarding those arguments.

Councilman Dennis Ward expressed concern about a firm not being chosen that provide all of the services. Village Attorney Roget Bryan explained that the entire scope of services listed in the RFQ was not required; and would be on a project specific basis. Councilman Ward asked if there was a need for a respondent to meet all of the requirements. Village Manager Maria Aguilar stated that if a firm had to meet all of the requirements then there would have been a risk of having few respondents. She stated the goal was to select the most qualified firms. Ms. Aguilar explained that the firm opposing the selection had a minimal amount of experience in Monroe County. Councilman Ward asked if there was disciplinary action with the state board against any of the firms that had been ranked. Village Attorney Roget Bryan responded that there was no disciplinary action that would affect the services being performed.

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

Vice Mayor Deb Gillis made a motion to approve. Mayor Mike Forster seconded the motion. Council voted and the motion passed 4-1 with Councilman Dennis Ward opposing.

B. Resolution Approving Selection of TischlerBise, Inc. for Evaluation and Update to Existing Impact Fee Data

Village Attorney Roget Bryan read the title of the resolution. Village Manager Maria Aguilar 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 Chris Sante seconded the motion. Council voted and the motion passed 4-1 with Councilman Dennis Ward opposing.

C. Resolution Approving Settlement Agreement in the Matter of Baird V. Islamorada, Village of Islands, Case No. 14-CA-000709-P, 16th Judicial Circuit

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 Chris Sante made a motion to approve. Vice Mayor Deb Gillis seconded the motion. Council voted and the motion passed 4-1 with Mayor Mike Forster opposing.

XII. MOTIONS

XIII. MAYOR / COUNCIL COMMUNICATIONS

A. Village Manager Evaluation

Each Council member stated that they had met with the Village Manager in person regarding her evaluation. Councilman Chris Sante, Vice Mayor Deb Gillis and Mayor Mike Forster stated that they had turned in the written evaluation. Mayor Forster stated his evaluation was very favorable and that he had provided recommendations on areas of improvement during his oral evaluation with the Village Manager. Vice Mayor Deb Gillis stated she thought the Village Manager was doing a great job and that she had also made suggestions for improvement when she conducted her oral evaluation. Councilman Chris Sante stated that he had given the Village Manager a favorable review and was happy with her performance. He stated that he too offered suggestions regarding areas for improvement.

B. Discussion Regarding Food Trucks – Councilman Sante

Councilman Chris Sante stated that he did not understand why food trucks were prohibited in the Village and spoke in support of allowing food trucks with limitations. Village Attorney Roget Bryan stated that the Village did not have provisions allowing for mobile vending within the Village. Councilman Dennis Ward, Councilman Jim Mooney, Councilman Chris Sante and Vice Mayor Deb Gillis expressed an interest in having the item brought back for discussion on a future agenda. Village Attorney Roget Bryan stated staff would compile a list of regulations applicable to mobile vending and examples from municipalities.

C. Discussion Regarding Regulating the Use of Plastic Bags – Mayor Forster

Mayor Mike Forster stated he would like to support the Monroe County Board of County Commissioners regarding the resolution they approved supporting House Bill 661 and Senate Bill 966. Mayor Forster confirmed with staff that the bill had already gone through the legislature and it died in session. Assistant Village Manager Mary Swaney reported on the Village's participation in the "Got your Bags" program. Council members spoke in support of a resolution discouraging the use of plastic bags.

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

D. Agenda Addition: Discussion Regarding Frequency of Regular Village Council Meetings – Vice Mayor Gillis

Vice Mayor Deb Gillis spoke in support of changing the current Regular Village Council meeting schedule from every second and fourth Thursday to every three weeks. She stated it would allow staff more time to prepare for Council meetings and more time to work on non-agenda related items. Mayor Mike Forster stated that he was in agreement with Vice Mayor Gillis's proposition with the understanding that the Council could resume the current schedule if the need arose. Mayor Forster stated that he believed the proposed schedule would allow for more agenda preparation time which would result in a fuller agenda. Councilman Jim Mooney stated that there is a lot less to do than the first time he served on Council. He stated that there was not a lot of large commercial development occurring and that Village business, as a whole, was running more efficiently from the top down. Councilman Mooney stated that he did not see it as a lack of work; but rather a situation where Council input was not needed. Councilman Mooney and Councilman Chris Sante spoke in support of the three week proposition.

Village Attorney Roget Bryan stated that the meetings had been set by resolution and that staff would need to amend the current resolution. Vice Mayor Deb Gillis clarified the direction for meetings to occur every three weeks on Thursday. Councilman Jim Mooney stated that this change would improve the quality of the level of service people receive. He clarified that when staff is preparing for a meeting, they are not addressing building and development related items.

Mayor Mike Forster opened public comment.

Larry Barr stated that he was in agreement with Councilman Jim Mooney in that things have slowed down in the Village. He stated that stormwater would need to be addressed in the future.

Mayor Mike Forster closed public comment.

XIV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Preliminary FY 2013/2014 Audit Results

Village Manager Maria Aguilar explained that per the adopted budget on page 8 of TAB 9, there was a projected use of General Fund fund balance in the amount of \$824,310 dollars. She stated that there was an addition to fund balance of approximately \$100,000 dollars.

Ms. Aguilar explained the addition to the Transportation Fund balance was due to the paving loan that was obtained and that there were funds left over that were being used this fiscal year.

Ms. Aguilar explained that there was an addition to the Solid Waste Fund balance in the amount of \$44,000 dollars which brings the total committed fund balance to \$134,155 dollars.

Village Manager Maria Aguilar explained the Affordable Housing committed fund balance of \$366,288 dollars represents the in-lieu of fees / impact fees for affordable housing. She explained that the assigned fund balance of \$200,000 dollars represents rent revenue that is received from the Wet Net properties. Ms. Aguilar stated that \$125,000 of the assigned fund balance would be used for the Community Development Block Grant and that this fund would be used for the First Time Homebuyers Down Payment Assistance Program.

Ms. Aguilar explained that there was an addition to the Capital Project Fund balance of \$892,678 dollars. She stated that in the future a lot of the discretionary use sales tax that is currently in this fund would be allocated to wastewater to pay down debt.

Ms. Aguilar stated that there is no balance carried in the Debt Service Fund and that monies are transferred into that fund as needed to pay debt service.

Village Manager Maria Aguilar explained that \$318,000 dollars was transferred from the Capital Project Fund into the Marina Enterprise Fund, but that only \$78,900 dollars was needed. She attributed this to the revenues generated as a result of the increased occupancy at the marina.

Ms. Aguilar stated the Wastewater Funds were split out between North Plantation Key and Remaining Service Areas. She explained that there was an increase to the net position in the Stormwater Enterprise Fund of \$42,858 dollars and this was the first year the assessment was increased.

Councilman Chris Sante inquired as to whether or not there was a replacement fund for equipment. Village Manager Maria Aguilar explained that there was not a replacement fund and that funding for equipment would be drawn from the unassigned fund balance.

B. March 2015 YTD Trial Balance Budget vs. Actual

Mayor Mike Forster commented that the vacation rental permit fees were low. Village Manager Maria Aguilar explained that vacation rental annual renewals occur in September resulting in the revenue being received later in the year.

Ms. Aguilar explained that the trial balance and budget vs. actual numbers were preliminary and were reported through March 31, 2015. She explained that most departments are at fifty percent of their budget. She stated that she is projecting a use of General Fund fund balance in the amount of \$582,780 dollars. Ms. Aguilar stated two transactions were not reflected that had occurred in April: \$133,000 dollars was received from the Monroe County Sheriff's Office and \$60,000 dollars was received for code enforcement mitigation fines.

Ms. Aguilar explained that with regard to the remaining funds, many of the entries are made at year end; that the CDBG Sewer Assistance Fund had been added and reflects the \$125,000 dollar transfer from the Affordable Housing Fund; and that regarding Long-Term Debt activity, the Village debt was \$74,791,376 dollars and that \$60 million dollars of this was attributed to the wastewater project.

C. Discussion Regarding Temporary Storage Containers and Code Enforcement

Village Manager Maria Aguilar stated that in 2005 an amnesty period was extended to property owners with temporary storage units, providing that the property owners registered the units annually with the Village. She explained that those that were not included in the amnesty period were of a temporary nature and were required to follow the Village code regarding permitting requirements. Ms. Aguilar stated that there are several temporary storage units within the Village that are not permitted. She inquired as to whether or not it was Council's desire to consider another amnesty period.

Vice Mayor Deb Gillis and Mayor Mike Forster spoke in support of an amnesty period and to be followed up with code enforcement Mayor Forster spoke against allowing the situation to continue unaddressed. Councilman Chris Sante spoke in support of education and compliance with the Village code. Village Manager Maria Aguilar clarified that the word amnesty refers to not citing the owner for having an illegal unit. Discussion ensued regarding temporary storage units, code requirements and permanent storage structures.

Mayor Mike Forster opened public comment.

Larry Barr stated that the ordinance had existed for quite a while and had been ignored which resulted in the problem getting worse.

Mayor Mike Forster closed public comment.

D. Update Regarding Community Development Block Grant Connection Assistance Program

Village Manager Maria Aguilar explained that there was \$825,000 dollars available for assistance with wastewater connections and that \$125,000 dollars of this amount was coming from Village funds. She stated that the funds could be used for wastewater connections from the home to a vacuum pit or grinder pump and that the grant will be open until October 20, 2016. Ms. Aguilar stated that Government Services

Group (GSG) is administering the grant and provided the following contact information: Deanna Lloyd, 305-294-1000. She reported that 38 applications had been submitted, which had been reviewed by GSG and that approval was pending initial release of funds by the Department of Economic Opportunity (DEO). She stated the release of funds is contingent upon DEO's environmental review. Ms. Aguilar provided a brief explanation of the process beginning with the plumber's estimate and concluding with grant reimbursement. Councilman Dennis Ward questioned the maximum amount of money that could be paid for a connection and how long the process would take. Village Manager Maria Aguilar stated that the full amount of the connection is funded by the grant and the timing is uncertain as there are only two plumbers currently registered to do the connections under the grant. Ms. Aguilar stated the income qualifications could be found on the application posted on the Village website.

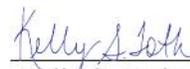
Village Manager Maria Aguilar reported that a requirement of the grant was the establishment of a five-member CDBG Task force which would increase public awareness and make recommendations to Council. Assistant Village Manager Mary Swaney stated the task force had been established and that one of the members on the task force was the staff liaison to the Achievable Housing Citizens' Advisory Committee and members of the committee. Ms. Aguilar provided the requirements of serving on the task force and stated they would meet as often as necessary and would sunset upon administrative close-out of the grant.

Vice Mayor Deb Gillis suggested that staff consider how remaining CDBG funds could be utilized in the event there were grant funds left over. Mayor Forster requested a news release regarding applying for CDBG assistance.

Village Attorney Roget Bryan reminded the Village Council that all elected officials were required to undergo four hours of ethics training during the calendar year. He stated that there were three tentative training opportunities occurring and provided tentative dates and locations.

XV. ADJOURNMENT

Councilman Chris Sante made a motion to adjourn. Councilman Dennis Ward seconded the motion. The meeting adjourned at 8:10 PM.



Kelly S. Toth
Village Clerk

Approved by the Village Council this 28th day of May, 2015.