



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, May 28, 2015
5:30 PM**

I. CALL TO ORDER / ROLL CALL

Mayor Mike Forster called the meeting to order at 5:33 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, Director of Planning Cheryl Cioffari, Village Clerk Kelly Toth and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

The James Deitz led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

A. Presentation of Phoenix Awards

Chief Terry Abel and Mayor Mike Forster presented Phoenix Awards to the following people for their contributions in saving the life of an individual that had stopped breathing and had no pulse: Monroe County Sheriff's Dispatch Supervisor Terry Devooght, Monroe County Sheriff's Office Deputy Todd Wyatt, Paramedic /Firefighter Jeremy Kimes, Fire Captain/Paramedic Robert Young, Lieutenant/ EMT Glenn Taylor, EMT/ Firefighter Ryan Kidd (absent), Paramedic/ Firefighter Andrew Gamil, Paramedic / Firefighter Ericka Olivares, and Paramedic/ Firefighter Carlos Moreton.

James Dietz, the patient rescued by the aforementioned individuals, provided a brief synopsis of the events that transpired when his breathing ceased and his heart stopped and expressed gratitude to those involved.

Stan Marguiles expressed gratitude for Islamorada's Emergency Medical Services and to the recipients of the Phoenix Award.

B. Proclamation - Lieutenant Ryan Kilgo Day in Islamorada May 28, 2015

Mayor Mike Forster presented Lieutenant Ryan Kilgo with a plaque and proclaimed May 28, 2015 "Ryan Kilgo Day". The Mayor thanked Lieutenant Kilgo for his efforts in assisting Islamorada with establishing a deviation period that reduces the number of openings of the Snake Creek Draw Bridge.

IV. PUBLIC COMMENT

John Cooper expressed concern about the condition of the roads in the Venetian Shores subdivision.

Ken Philipson stated the Florida Legislature would convene for Special Session "A" beginning June 1 through June 20th.

Dave Purdo thanked everyone that attended the Memorial Day Service held at the Islamorada Hurricane Monument.

Ted Blackburn spoke against changing the Regular Village Council Meeting schedule.

Daniel Phair thanked Emergency Medical Services for their efforts.

Judy Starr expressed concern regarding the condition of Venetian Boulevard and the need to improve the road and requested that the repairs be properly addressed.

Janet Wood announced that Pete Bacheler, Rebecca Souza, Ken Philipson and herself had graduated from the Monroe County Citizen's Police Academy and thanked the local law enforcement agencies for their service.

Rebekah Susa, teacher at Coral Shores High School, stated she was having difficulty finding an affordable home to purchase in Islamorada. She spoke of the need for financial assistance after she purchased a home and encouraged the Council to consider a monthly supplement.

Gerry Lear stated that Publix had made a motion to term the addition of a third loading dock a minor deviation and that an appeal had been filed to the Council regarding the issue by individuals that do not believe that it is in fact a minor deviation. He requested that Council assure him that the appeal would be heard by them.

Darrell Pruett encouraged Council to hear the appeal pertaining to the Publix minor deviation and stated he supports the 10,000 square foot limitation on commercial development.

Kathlynn Lear expressed concern regarding the appeal that was filed pertaining to the Publix development and encouraged Council to review the appeal.

Councilman Jim Mooney stated he would hear the appeal and that, in his opinion, any deviation on a major conditional use should be brought before Council for review.

Village Attorney Roget Bryan stated that the minor deviation is tied directly to the Publix litigation and stated he would meet with Council members individually regarding the appeal.

Councilman Dennis Ward stated he had not been informed about the issue.

Jill Zima-Borski expressed concern regarding Village budgeted items and requested Council scrutinize the upcoming 2015/2016 fiscal year budget and to try to reach the rolled back rate.

Stan Marguiles expressed concern regarding the roads in Venetian Shores and the need for repair. He spoke against changing the Council meeting schedule to every three weeks.

Doug Rabe expressed concern regarding the water pooling on the roads in Venetian Shores.

Daniel Phair expressed concern regarding the Publix minor deviation.

Van Cadenhead sang a song while strumming a guitar and dedicated it to the first Village Council.

Larry Barr requested that TAB 20 pertaining to a change in the Regular Village Council Meeting schedule be moved forward on the agenda.

Amy Knowles expressed agreement with the proposed resolution pertaining to reducing the use of plastic bags within the Village.

V. AGENDA: Request for Deletion / Emergency Additions

Vice Mayor Deb Gillis requested that TAB 23 be moved to section XIV. Village Attorney/ Village Manager Communications.

Councilman Chris Sante requested that TAB 10 pertaining to the FDOT Traffic Signal Maintenance Agreement be pulled from the Consent Agenda for discussion; and that TAB 20 pertaining to the Proposed Change to Council Meeting Schedule be moved to follow the Consent Agenda.

Councilman Dennis Ward requested discussion pertaining to quality of life issues be added to section XIII. Mayor / Council Communications. Councilman Jim Mooney added discussion to this section regarding a charrette.

Mayor Mike Forster announced he was removing Buddy Pinder from the Historic Preservation Commission and appointing Corie Abel.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

A. Achievable Housing Citizens' Advisory Committee Update – Chair Janet Wood

Janet Wood, Chair of the Achievable Housing Citizens' Advisory Committee, reported that Rick Casey provided the committee with a vacant property update stating that there were approximately one hundred properties that range from \$20,000 to \$100,000 dollars and encouraged Council to begin purchasing vacant parcels. She stated the next meeting of the Achievable Housing Citizens' Advisory Committee would occur on June 15, 2015 at 5:00PM.

B. Local Planning Agency Update – Chair Pete Bacheler

Pete Bacheler, Chair of the Local Planning Agency, reported that the Local Planning Agency (LPA) reviewed several items at the last meeting. He stated that the committee addressed the following items: definition of caretaker cottages and the sizing of these cottages; fence heights resulting in modifying the heights to allow for a maximum height of 8 feet; and increasing the number of allowable affordable housing units on industrial zoned properties to fifteen units per acre. Mr. Bacheler stated that the items were voted on and approved unanimously.

C. Water Quality Improvement Citizens' Advisory Committee Update – Chair David Makepeace

David Makepeace, Chair of the Water Quality Improvement Citizens' Advisory Committee, presented the following recommendations related to water quality testing:

1. Test both the water quality and biological factors village wide, excluding the deeper canals

2. Utilize existing protocols where possible
3. Water quality and biological testing for the following canals: Canal 114: Harbor Dr., Canal 118: Azalea St., Canal 120: Sioux St., Canal 145: Columbus Dr., and Canal 152: Venetian / Nautilus Dr.
4. Biological testing of Canal 150: Port Antigua
5. Utilize the data from Canal 132: Plantation Lake Estates which is currently being collected for the canal restoration program.

Mayor Mike Forster stated that he would not move forward until he had seen a breakdown in the costs associated with the proposed project. David Makepeace stated that \$30,000 dollars had been budgeted this fiscal year for canal testing in the wastewater utility fund and recommended that one test be conducted this fiscal year. He reported that the cost for quarterly water quality testing is \$72,004 dollars per year and the cost for biannual biological indicator testing is \$17,410.94 dollars. He stated the committee recommends that four water quality tests be conducted each year and two biological indicator tests be conducted. Mr. Makepeace stated that the number being recommended was the minimum necessary to capture any variations. He stated that the Village would be creating baseline data on two of the worst canals in the Village and alluded to the possibility that this data could aid the Village in obtaining future canal restoration funding. Mr. Makepeace explained that the data being collected for canal restoration and the data collected for water quality was the same, however the analysis would be different.

Councilman Chris Sante suggested that the testing be conducted after the homes on these canals had been connected to the wastewater system. Mr. Makepeace stated that the baseline data was needed prior to the homes being connected for comparative reasons. Councilman Jim Mooney expressed support for water quality testing. Vice Mayor Deb Gillis spoke in support of adding a tabbed item to a future agenda and suggested staff research grant possibilities. Council expressed support for the discussion to occur at the future meeting.

VII. 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:**
April 23, 2015 Regular Village Council Meeting
- B. Resolution Approving Continuing Service Agreements for Roadway Engineering Services**
- C. Resolution Approving Continuing Service Agreements for Drainage Design Services**
- D. Resolution Approving Continuing Service Agreements for Transportation and Traffic Engineering Services**
- E. Resolution Approving Continuing Service Agreements for Structural Engineering Services**
- F. Resolution Approving Continuing Service Agreements for Environmental Engineering Services**
- G. Resolution Approving Continuing Service Agreements for Architectural Services**
- H. Resolution Approving Continuing Service Agreements for Civil Engineering Services**
- I. Resolution Approving Grant Agreement with the Florida Forest Service for FY 2015 Volunteer Fire Assistance Grant to Purchase Four (4) Digital Portable Radios**
- J. Resolution Approving the Agreement between Islamorada and Florida Department of Transportation (FDOT) for Traffic Signal Maintenance and Compensation**

Village Attorney Roget Bryan read the title of the resolution. Councilman Chris Sante inquired as to whether or not the Village could upgrade to LED lights and whether or not the Village had any input regarding the maintenance of the lights. Director of Public Works Lesli Wojtecki stated the lights at Bessie

Road were LED lights and that the lights at Woods Corner were not LED and suggested that the Woods Corner lights be replaced with LEDs when they burn out. Ms. Wojtecki stated that the Village does not have any authority regarding the timing of the lights and that requests for timing changes must be submitted to FDOT for consideration. She further explained the timing of the light at Bessie Road.

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

Councilman Chris Sante made a motion to approve the Agreement with FDOT for Traffic Signal Maintenance & Compensation. Vice Mayor Deb Gillis seconded the motion. Council voted and the motion passed 5-0.

K. Resolution Approving the Turf and Landscape Joint Participation Agreement with Florida Department of Transportation (FDOT)

Councilman Chris Sante made a motion to approve the Consent Agenda with the exception of TAB 10: FDOT Agreement for Traffic Signal Maintenance & Compensation. Vice Mayor Deb Gillis seconded the motion. Council voted all in favor.

VIII. WASTEWATER MATTERS

A. Wastewater Project Update

Wade Trim's Executive Vice President, Tom Brzezinski, stated the Middle Plantation Key vacuum pump station was operational; the South Plantation Key vacuum pump station is to undergo testing on June 8th and is expected to go online by July 1st; the Upper Matecumbe Key vacuum pump station is scheduled to go online August 1st; and the Lower Matecumbe Key vacuum pump station is scheduled to go online October 31st.

Mr. Brzezinski reported that approximately 50 grinder pumps had been installed and that the contractor was assigning an additional crew to speed up the process.

Wastewater Program Manager Greg Tindle reported that salinity levels had been trending downward since repairing the vacuum pits and laterals discussed at the previous council meeting. He stated that the salinity levels had exceeded the acceptable limits on only two occasions since making the repairs. Mr. Tindle reported that out of the 439 Middle Plantation Key –Phase A properties that needed to connect, 97 had connected and 51 were in the process.

Mayor Mike Forster inquired as to whether or not Mr. Brzezinski and Mr. Tindle thought the Village started with too low of an acceptable salinity level. Tom Brzezinski stated he thought the Village started with a level that was too low because that level was based on a new system; and that there were issues that occurred with Plantation Key.

Councilman Chris Sante asked Mr. Brzezinski how many gallons of effluent were billable versus the gallons being sent to the Key Largo Wastewater Treatment District (KLWTD). Mr. Brzezinski stated that he did not have actual numbers but estimated that approximately 25,000 to 30,000 gallons, on a high flow day, were being sent to KLWTD.

B. Resolution Approving Change Order No. 11 to the Design Build and Operate (DBO) Agreement between Islamorada, Village of Islands, and Reynolds Water Islamorada, LLC, Providing for Revisions to the Design Build Work

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

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

Councilman Chris Sante asked for clarification as to why, in Change Item No. 2, the extension of a low pressure force main along Key Heights Drive was being requested. Wastewater Program Manager Greg Tindle explained that the location of the vacuum pump station was moved from its original location and that the change allowed for the service connection to be provided.

Councilman Chris Sante inquired as to why the roadway in front of the Smuggler's Cove entrance was torn up. Wastewater Program Manager Greg Tindle explained that it was FDOT construction.

Village Attorney Roget Bryan advised Council that there would be an item on the next agenda formalizing the changes in the schedule.

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

IX. ORDINANCES

A. 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 announced that it was second reading and a public hearing. Director of Planning Cheryl Cioffari presented the staff report recommending approval.

Mayor Mike Forster inquired as to whether Council had any comments or questions; there were none.

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.

B. Second 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 and announced that it was second reading and a public hearing. Planner Patrick Doty, presented the staff report recommending approval.

Mayor Mike Forster inquired as to whether Council had any comments or questions; there were none.

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.

C. First Reading – Ordinance Amending and Renaming Chapter 22 "Fair Housing" of the Village

Code of Ordinances as Chapter 22 “Housing”; Creating Chapter 22, Article 1 “In General” and Article II “Fair Housing” and Establishing Sections 22-12 through 22-60 Therein; Creating Article III “First Time Homebuyer Down Payment Assistance Program” and Establishing Sections 22-61 through 22-70

Village Attorney Roget Bryan read the title of the ordinance and announced that it was first reading. Director of Planning Cheryl Cioffari presented the staff report and explained the following parameters of the ordinance:

1. Eligible properties shall be single-family or multi-family dwelling units; located in the Village; and shall be deed-restricted affordable residential dwelling units with a minimum of five years remaining on the affordable housing deed restriction at the time the loan application is submitted; and the home to be purchased must pass a Housing Quality Standards inspection as published by the US Department of Housing & Urban Development.
2. The loan is a deferred payment loan at zero (0%) percent interest for a maximum loan of \$10,000 dollars. If the applicant occupies the dwelling unit for thirty (30) years, the loan is forgiven; if the applicant sells the unit prior to the end of the thirty (30) years, then the loan is repaid in full.
3. The applicant shall be a resident of Islamorada at time of application submittal. The dwelling unit purchased with Program funding shall be the applicant’s principal residence.

Ms. Cioffari suggested the following Program funding options:

1. Allocate funds from the Affordable Housing Fund; or
2. Utilize money from the General Fund by designating a set amount through the budgetary process.

Ms. Cioffari stated that the Local Planning Agency recommended the following changes that were not incorporated into the proposed ordinance:

1. Remove the requirement that an eligible unit have an existing deed restriction and replace with a requirement that any unit is eligible, provided the owner signs a thirty (30) year deed restriction.
2. Limit fund usage to \$100,000 dollars or 25% of the funds available within the Affordable Housing Fund.

Ms. Cioffari explained the rationale for using “down payment assistance program” terminology and the requirements of FHA backed loans. She requested Council direction on the following items:

1. The length of the term of the loan;
2. Does the Council wish to restrict the loan to deed-restricted dwelling units; and
3. Provide the funding limitations

Councilman Chris Sante offered the following suggestions:

1. Address the following issue: Multi-family dwelling units cannot be owner occupied due to income restrictions.
2. Address how the loan will be repaid if a loan recipient dies.

Councilman Sante stated he supports purchasing non-deed restricted dwelling units and supports the Village deed restricting the units.

Vice Mayor Deb Gillis offered the following suggestions:

1. Allow applicants to purchase market rate dwelling units with the loan monies as opposed to only deed restricted dwelling units.
2. Control the application process thru the use of moderate income restrictions
3. The \$10,000 dollar loan amount should not be related to a deed restriction.
4. The loan repayment plan could be a prorated type system. She suggested that if a loan recipient stays in the home ten years, the loan is forgiven; if they stay in the home for five years and then sell

- the home, the loan recipient would be responsible for paying back \$5,000 dollars; if the loan recipient stays in the home fewer than five years they would be responsible for repaying the entire loan amount.
5. Funding should come from the Affordable Housing Fund with a maximum funding amount of \$100,000 dollars. If the Affordable Housing Fund balance drops below \$400,000 dollars, then the total loan program amount should be 25% of the fund balance.
 6. Award ten (10) loans at \$10,000 each.
 7. The First Time Homebuyers Down Payment Assistance Program should be limited to one year at which time the program would be reviewed.
 8. Implement a mandatory education program for all applicants that would address the home buying process.
 9. Establish a method for selecting and awarding program funds. Vice Mayor Gillis suggested a lottery type system.
 10. Consider hiring an administrator for the program.

Councilman Jim Mooney offered the following suggestions:

1. He supports deed restrictions citing that income restrictions make it difficult for the applicant to earn more money once they begin participating in the program.
2. Explore awarding stipends in lieu of a \$10,000 lump sum award.
3. Explore other award amounts. Councilman Mooney suggested that not all applicants would need the full \$10,000 dollars.
4. Allow the applicant to purchase any dwelling unit they desire. Councilman Mooney stated the market would dictate what was affordable.
5. Maintain a minimum fund balance so that the program will continue to flourish.
6. He supports utilizing the lottery system for the selection process.

Council discussion ensued regarding the average cost of a single family home; cash buyers stepping in and purchasing homes before a loan applicant is funded; the costs of dry, vacant lots in the Upper Keys ranging from \$80,000 to \$125,000; and the limited inventory of available homes that are affordable.

Mayor Mike Forster spoke in support of providing funding to Habitat for Humanity to purchase a lot. He expressed concern regarding the Program loan amount having little, if any impact on a \$300,000 home loan.

Mayor Mike Forster opened public comment.

Larry Barr suggested the \$10,000 be allowed for wastewater connections. Vice Mayor Deb Gillis stated Community Development Block Grant (CDBG) funding was available for wastewater connections.

Ken Philipson suggested the program qualifications should be based on basic income, excluding overtime. He stated the average length of time a homeowner keeps a home in Islamorada is 7.5 years and suggested Council consider the ten (10) year program and provided repayment suggestions.

Sally Bauer inquired as to whether or not Islamorada was exempt from paying federal taxes on interest free loans. She stated that she understood the applicant must live in the Village at the time of application as opposed to living outside the Village and urged Council to reconsider this section of the ordinance. Vice Mayor Deb Gillis suggested the Council consider applicants that live within a thirty mile radius of the Village.

Dave Purdo expressed concern regarding the cost of homes and insurances. He suggested the Village purchase property and build affordable housing.

Mayor Mike Forster closed public comment.

Council requested that the Director of Planning bring the ordinance back to Council for consideration at the next meeting in its current form without any changes; and include the suggestions mentioned at the meeting.

D. First Reading – Ordinance Amending Objective 1-2.5 “Industrial Uses (I)” and Policy 1-2.1.4 “Restrict Density and Intensity of Development” of the Comprehensive Plan

Village Attorney Roget Bryan read the title of the ordinance and announced that it was first reading. Planner Thomas Skidmore presented the staff report recommending approval.

Director of Planning Cheryl Cioffari stated that all industrial properties within the Village were developed and explained the parameters for subordinate use.

Mayor Mike Forster opened public comment.

Ken Philipson spoke in support of dormitory housing.

Council and staff discussion ensued regarding the size of subordinate or accessory uses and dormitory housing.

Mayor Mike Forster closed public comment.

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

E. First Reading – Ordinance Amending Chapter 30 “ Land Development Regulations,” Article V “Schedule of District Use and Development Standards,” Division 2 “Zoning Districts,” Section 30-698 “Industrial (I) Zoning District” of the Village Code

Village Attorney Roget Bryan read the title of the ordinance and announced that it was first reading. Planner Thomas Skidmore presented the staff report recommending approval.

Mayor Mike Forster opened public comment; seeing none, public comment was closed. Mayor Mike Forster inquired as to whether the Council had any comments or questions; there were none.

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

X. QUASI-JUDICIAL

A. Petition for Right-of-Way Abandonment by Islamorada Leisure Properties, LLC and James Bernardin (RA 15-01)

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. Village Attorney Roget Bryan read the title of the resolution and requested Council disclose any ex-parte communications. Each Councilmember disclosed that they had not had any ex-parte communications. Planner Thomas Skidmore presented the staff report.

Mayor Mike Forster invited the applicant to speak.

Attorney for the applicant, Nick Mulick stated that the parcel being considered does not provide any access; it is not paved nor is it maintained. He stated that the applicant is not involved in a development application, but rather an application is ready to be submitted.

Mayor Mike Forster opened public comment to those in favor.

Ken Philipson spoke in support of the abandonment.

Jim Bernardin stated that the property serves no public purpose; it is essentially a road to nowhere and that if someone drove into this right of way, they would have to turn around because there is no other exit.

Mayor Mike Forster opened public comment to those opposed.

Van Cadenhead expressed concern regarding the Village giving away the property and suggested the applicant compensate the Village for the property.

Councilman Chris Sante stated that he was in agreement with Van Cadenhead regarding the property having monetary value. Councilman Sante stated that he did not think the Village could sell the right-of-way, based on legal advice from the Village's previous legal counsel. Councilman Jim Mooney stated that the parcel is 30 feet wide and was not buildable by itself. Councilman Mooney stated the Village would earn additional tax revenue by abandoning the parcel. Director of Planning Cheryl Cioffari suggested modifying the planning application fees to a more substantial amount. Village Attorney Roget Bryan urged Council to consider whether or not the parcel in question served any public purpose. Mr. Bryan stated that he did not think selling a right-of-way was permissible.

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

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

XI. RESOLUTIONS

A. Proposed Resolution Amendment to Provide for Regular Village Council Meetings Every Three Weeks

Village Attorney Roget Bryan read the title of the resolution. Village Manager Maria Aguilar presented the staff report. Village Council discussion ensued regarding increased staff productivity, changes in other governmental agency summer meeting schedules, beginning the meetings at 3:00PM, and special call meetings as needed.

Mayor Mike Forster opened public comment.

The following citizens spoke against changing the meeting schedule: Dave Purdo, Van Cadenhead, Larry Barr, Ted Blackburn and Ken Philipson.

Mayor Mike Forster closed public comment.

Councilman Jim Mooney stated he thought staff would have more time to serve the citizens of the Village if there were fewer meetings. Councilman Chris Sante stated that he did not think there was an issue with the

public's needs not being met if the schedule was changed, and elaborated on the amount of time the Council spends emailing and speaking with the public regarding their concerns.

Councilman Dennis Ward made a motion to defeat the proposed meeting schedule change whereby denying the resolution before them. Mayor Mike Forster seconded the motion. Council voted with the following councilmembers opposing the motion: Vice Mayor Deb Gillis, Councilman Chris Sante, and Councilman Jim Mooney. The motion failed 3-2.

Councilman Jim Mooney asked Village Manager Maria Aguilar if having the meeting a few weeks later was beneficial to staff. Ms. Aguilar stated that it definitely helped and it allowed staff additional time to prepare agenda items that the Council had requested for the next meeting. Mayor Mike Forster clarified that it had been more than three weeks since the last Village Council Meeting due to schedule conflicts. Councilman Chris Sante suggested changing the meeting schedule for a trial period. Vice Mayor Deb Gillis stated that the schedule could be easily changed. Village Attorney Roget Bryan stated that the change to the schedule is made by resolution. Council discussion ensued regarding a trial period.

Mayor Mike Forster opened public comment.

Larry Barr inquired as to how much lead time is needed for a public notice. Mayor Mike Forster responded stating 72 hours was needed.

Dave Purdo spoke against changing the meeting schedule.

Stan Marguiles stated the he thought it made sense to change the meeting schedule for a trial period.

Ken Philipson stated that he concurred with Stan Marguiles regarding a trial period.

Van Cadenhead spoke against changing the meeting schedule.

Daniel Phair stated he thought a mockery was occurring regarding having a meeting about a meeting.

Mayor Mike Forster closed public comment.

Councilman Chris Sante made a motion to change the meeting schedule to every three weeks for the next four months. Mayor Mike Forster seconded the motion. Council voted. The motion passed 4-1 with Councilman Dennis Ward opposing.

B. Resolution Supporting the Initiatives of Local Governments in Florida to Reduce the Use of Plastic Bags

Village Attorney Roget Bryan read the title of the resolution. Assistant Village Manager and Public Information Officer Mary Swaney presented the staff report recommending approval.

Mayor Mike Forster inquired as to whether the Council had any comments or questions; there were none. 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.

C. Resolution Approving Agreement with 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 inquired as to whether the Council had any comments or questions; there were none. 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 5-0.

D. Resolution Extending Zoning in Progress- Development of Structures Greater Than 10,000 SF

Village Attorney Roget Bryan read the title of the resolution. Director of Planning Cheryl Cioffari presented the staff report recommending approval.

Mayor Mike Forster inquired as to why an extension was needed. Director of Planning Cheryl Cioffari explained additional time was needed due to the multiple items currently being processed by the Planning Department and that if the item was to go to referendum, then the extension would be needed.

Village Attorney Roget Bryan stated the extension would be needed if the Council desired to amend the Comprehensive Plan and Land Development Regulations regarding the limitation.

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

Councilman Jim Mooney made a motion to approve. Mayor Mike Forster seconded the motion. Council voted and the motion passed 5-0.

E. Resolution Approving the License and Services Agreement with Tyler Technologies, Inc., to Purchase and Provide Incode Software, Including Implementation, Training, Configuration, Testing, Maintenance and Support Services

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.

Councilman Chris Sante made a motion to approve. Mayor Mike Forster seconded the motion. Council voted all in favor and the motion passed 5-0.

F. Resolution Approving an Agreement with Florida Atlantic University for an Aligning and Integrating Process and Production Improvement Project

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.

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

XII. MOTIONS

A. Consideration of Citizens' Advisory Committees

Village Manager Maria Aguilar presented the staff report providing a summary of the committee's activities.

Councilman Chris Sante recommended creating a Marina Advisory Committee and suggested the committee consider items such as a retail store at the marina. Village Manager Maria Aguilar stated that she believed a retail store would be allowable as long as the area being utilized was treated as an enterprise fund.

Director of Parks and Recreation and Marine Resources, John Sutter, stated that revenue was increasing at the marina and occupancy rates were very high. He suggested that the Parks & Recreation Committee include marina items on their agenda when the need arose. Mr. Sutter explained that there were elevation and flood insurance issues that had to be considered if the Village chose to build a structure at the marina.

Vice Mayor Deb Gillis made a motion to retain all of the committees. Councilman Dennis Ward seconded the motion. Council voted and the motion passed 5-0.

B. Annual Appointments to Citizens' Advisory Committees, The Historic Preservation Commission and the Local Planning Agency

Councilman Chris Sante made a motion to reappoint Pete Bachelor and Amy Knowles to the Local Planning Agency. Vice Mayor Deb Gillis seconded the motion. Council voted and the motion passed 5-0.

Vice Mayor Deb Gillis made a motion to reappoint Richard Baker and Cheryl Culberson to the Local Planning Agency. Councilman Jim Mooney seconded the motion. Council voted and the motion passed 5-0.

Each councilmember stated that they were reappointing all of their appointed committee members.

XIII. MAYOR / COUNCIL COMMUNICATIONS

The following discussion items were added to the agenda at the beginning of the meeting:

A. Discussion Regarding Quality of Life – Councilman Dennis Ward

Councilman Dennis Ward began discussion regarding noise complaints and spoke in support of the Council considering implementing a noise ordinance within the Village. Councilman Ward also expressed concern regarding drivers speeding on the Old Highway. Discussion ensued among Council regarding stop signs on the Old Highway and elephant humps. Director of Public Works Lesli Wojtecki reported that the Public Works Department had installed two four-way stops on Lower Matecumbe Key and that a traffic study was not needed to erect stop signs. Ms. Wojtecki stated that a traffic study would be needed if the Council desired to change the speed limit. Councilman Chris Sante suggested increasing law enforcement in that area if there was an issue with speeding.

Council requested a future discussion item with a tab regarding speed/elephant humps and stop signs.

At 10:55 PM Vice Mayor Deb Gillis made a motion to extend the meeting for fifteen minutes. Councilman Chris Sante seconded the motion. Council voted all in favor.

B. Discussion Regarding Clear Direction to Staff – Councilman Jim Mooney

Councilman Jim Mooney suggested a charrette in the near future to determine future direction for the Village and to invite the public to brainstorm with the Council. Mayor Mike Forster suggested including a facilitator. Council directed staff to move forward with arranging a charrette.

XIV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Discussion Regarding 10,000 Square Foot Referendum

Councilman Dennis Ward stated that he thought the purpose of the referendum was so that the Village Council could not make exceptions or changes and spoke in support of the referendum.

Mayor Mike Forster suggested the possibility of staff addressing the issue without a referendum but in a more restrictive capacity. Councilman Jim Mooney stated that if it were addressed by any other measure other than a referendum, the next Council could easily make changes. Councilman Jim Mooney spoke in support of a referendum stating the item was defeated by such a narrow margin on the 2014 ballot.

Vice Mayor Deb Gillis asked the following questions: how long it would take staff to provide Council with the wording for the referendum? How long would it take to coordinate a special election? And will the special election occur when the majority of the residents are in town? Mr. Bryan stated staff would prepare a referendum question as quickly as possible.

Village Attorney Roget Bryan stated Council was discussing the mechanism for adopting the regulations. He explained that the referendum was the mechanism for obtaining electorate input on the proposed change and that to change the Village Charter it required the mechanism of a referendum. Mr. Bryan suggested another avenue for gaining citizen input would be to change the Comprehensive Plan and Land Development Regulations. He stated this would provide at least three opportunities to gain input from the public. Vice Mayor Deb Gillis stated that if the Council chose the referendum option and the referendum item passed, the Comprehensive Plan and Land Development Regulations (LDR) would also have to be changed. Discussion ensued among Council and the Village Attorney regarding: changing the LDRs and Comprehensive Plan now with more restrictive language and following up the changes with a referendum on the November 2016 ballot; placing the item on referendum prior to changing the LDRs and Comprehensive Plan; and continuing a zoning in progress until the referendum occurs.

Mayor Mike Forster opened public comment.

At 10:07 pm, Vice Mayor Deb Gillis made a motion to extend the meeting for one hour. Councilman Chris Sante seconded the motion. Council voted all in favor.

Amy Knowles read section 1-2.1.8 of the Comprehensive Plan pertaining to establishing gross floor area and suggested the Council eliminate the following verbiage "...and unless otherwise approved by the Village Council."

Sally Bauer stated the History of Diving Museum was 10,000 square feet. She spoke in support of building affordable housing and dormitories on top of the museum. She suggested Council create ways to encourage business owners to build affordable housing on top of their businesses.

Daniel Phair spoke in support of the 10,000 square foot limitation on commercial buildings.

Beth Kaminstein stated the goal of the limitation was to protect the small town environment and quality of life that the Village currently enjoys.

Van Cadenhead encouraged Council to set the 10,000 square foot limitation “in stone”.

Darrell Pruett stated there was confusion with the last referendum regarding what types of structures were excluded from the limitation and the ability to rebuild in the event of a natural disaster. Mr. Pruett suggested Council move the 10,000 square foot limitation forward in such a way that it would “tie the hands” of future Councilmembers in order to maintain the environment and quality of life that currently exists.

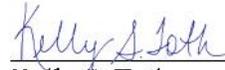
Mayor Mike Forster closed public comment.

Mayor Mike Forster stated that he made a promise to move the item forward because he did not believe the language was accurate in the first referendum and spoke in support of the 10,000 square foot limitation. Discussion ensued among Council regarding the confusion surrounding the verbiage of the last referendum and clarifying the verbiage in the Comprehensive Plan and Land Development Regulations. Director of Planning Cheryl Cioffari explained that hotel units and apartments were not counted as floor area and that floor area is specific to commercial or non-residential development. She stated that houses and hotel units were considered density by dwelling unit. Ms. Cioffari requested direction from Council regarding: what they would like exempted from the limitation such as private schools, museums, churches; and input regarding the definition of semi-public use.

Council directed staff to bring the item back for discussion with a tab to include all the items requiring Council direction.

XV. ADJOURNMENT

Vice Mayor Deb Gillis made a motion to adjourn. Councilman Chris Sante seconded the motion. Council voted all in favor. The meeting adjourned at 11:00 PM.



Kelly S. Toth
Village Clerk

Approved by the Village Council this 18th day of June, 2015.