



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

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

**I. CALL TO ORDER / ROLL CALL**

Mayor Mike Forster called the meeting to order at 5:35 P.M. The following Councilmembers 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**

Captain Steve Leopold led the Pledge of Allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

**A. Proclamation: National Night Out**

Mayor Mike Forster presented a proclamation to Monroe County Sheriff's Captain Corey Bryan proclaiming August 4, 2015 as National Night Out to be held at Founders Park from 6:00 PM to 8:00 PM.

**B. Presentation: Pineapple Beautification Award by the Landscape Advisory Committee – Committee Member Sandi Williams (*presented to the Islamorada Foundation for landscaping at Southwinds Park*)**

This presentation began at 5:37 PM.

Landscape Advisory Committee Member Sandi Williams presented the quarterly Pineapple Beautification Award to the Islamorada Foundation for their efforts in beautifying the Southwinds Park. Accepting the award were JC Mikula, Christy Hollman, Steve Leopold and David Osborn.

**C. Presentation by State Lobbyists William Peebles, John Wayne Smith and Dean Cannon**

This presentation began at 5:39 P.M.

State Lobbyists William Peebles, John Wayne Smith and Dean Cannon provided a brief history of their lobbying efforts for the Village; explained why State funding was not provided in some situations; explained the challenges and issues they faced with the Florida Legislature over the past year; and provided their lobbying plans for the next fiscal year.

#### **IV. PUBLIC COMMENT**

Public comment was opened at 5:58 PM.

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

#### **V. AGENDA: Request for Deletion / Emergency Additions**

Village Manager Maria Aguilar requested the addition of a resolution to correct the rolled-back rate that was approved by resolution at the last Special Call Village Council Meeting.

Councilman Chris Sante requested Tab 11 be moved to follow the Achievable Housing Citizen's Advisory Committee update.

Mayor Mike Forster requested Tab 9 be moved to follow the wastewater grinder pump discussion.

#### **VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

##### **A. Local Planning Agency Update – Chair Pete Bacheler**

At 6:00 PM the LPA update was provided.

Committee Chair Pete Bacheler reported the Local Planning Agency met in July to discuss a change to the Village Code pertaining to increasing the size of uses in Village Center from 5,000 square feet to 10,000 square feet. He stated the committee discussed the item for an hour and twenty minutes and agreed, by a vote of five to one, that the size of uses should be increased to 10,000 square feet.

Mr. Bacheler stated the committee also discussed the idea of swapping lots that are donated to the Village through the Building Permit Allocation System (BPAS) process. The committee favored the idea provided that criteria identified by the Planning Department and the Environmental Resources Manager are included in the regulations.

##### **B. Achievable Housing Citizens' Advisory Committee Update- Chair Janet Wood**

At 6:03 the AHCAC update was provided.

Committee Chair Janet Wood thanked Meredith Tracy for her past service on the Achievable Housing Citizens' Advisory Committee ("AHCAC"). Ms. Wood provided an attendance report from the last meeting; thanked various individuals for their contributions and stated committee members would begin attending the Monroe County Board of County Commissioners meetings on a regular basis in the hopes of identifying funding opportunities. Ms. Wood requested, on behalf of the AHCAC, that each Councilmember call three government officials and request funding for affordable housing. She stated the AHCAC's next meeting would be held on August 17, 2015 at 5:00 P.M. and that the committee was planning another countywide workshop.

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

At 6:14 PM the WQCAC update was provided. This item was added to the agenda.

Committee Chair David Makepeace reported that at the July 9<sup>th</sup> Regular Village Council Meeting, the Council requested the WQICAC discuss and provide suggestions regarding providing assistance to commercial properties with single grinder pump systems. He stated the committee's recommendation was a modified version of the residential grinder pump program. Mr. Makepeace explained the following recommended criteria:

1. To be eligible, a participant must need no more than a simplex grinder pump. Mr. Makepeace stated that there were approximately 30 to 36 potential candidates.
2. Each participant would be treated similarly to the residential grinder pump program in that:
  - a.) The Village would purchase, install and maintain the system.
  - b.) An easement would be required.
  - c.) The participant would pay for the lateral connection and that this could be done over five years with the Village's financial assistance.
  - d.) The participant would pay for the electrical service including installation.
  - e.) The participant would pay for connection to the grinder pump and for retiring their current system.
3. The program would differ from the residential grinder pump program in that the commercial participants would pay for the cost of installing the grinder pump. The cost of installing the grinder pump is estimated at \$6,000 dollars. This cost, like the lateral, could be paid over five years.
4. The grinder pump would be owned and maintained by the Village. The cost of the grinder pump is estimated at \$4,000 dollars. He stated this would increase system integrity. Mr. Makepeace explained that if the \$378 dollar annual utility bill reduction was eliminated for commercial simplex grinder pump program participants, it would save \$7,560 dollars over twenty years which would cover the costs of the grinder pump and most of the maintenance.
5. There would be no need to increase the assessment to pay for this plan.

## VII. CONSENT AGENDA

The consent agenda items were voted on at 6:25 PM.

### A. Minutes:

- July 9, 2015 Regular Village Council Meeting Minutes **TAB 1**
- July 13, 2015 Special Call Village Council Meeting Executive Session, In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010, Case No. 2:10-MJ-02179-CJB-SS
- July 13, 2015 Special Call Village Council Meeting

**B. Resolution to Adopt FY 2014-2015 General Fund and Transportation Fund Budget Amendments **TAB 2****

**C. Resolution Urging the Florida Legislature to Allow Local Control of Smoking Regulations And Urging Citizens to Refrain from Tobacco Use in Village Parks **TAB 3****

**D. Resolution Amending the Schedule of Fees and Deposits for Planning and Development Services Applications **TAB 4****

**E. Resolution Approving an Interlocal Agreement Between the Florida Keys Aqueduct Authority and Islamorada, Village of Islands, to Provide Funding for Asphalt Overlay in Port Antigua **TAB 5****

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.

## **VIII. WASTEWATER MATTERS**

### **A. Wastewater Project Update**

This project update was provided at 6:26 PM.

Wastewater Program Manager Greg Tindle provided a salinity update stating salinity had exceeded the acceptable level on four days in July with the highest day reaching a salinity level of 5.2. Mr. Tindle provided the following report regarding the progress associated with the notice to connect letters:

- Phase A Middle Plantation Key, 439 properties: 162 are connected, 60 are in the process
- Phase B Middle Plantation Key, 166 properties: 12 are connected, 8 are in the process
- Phase A South Plantation Key, 304 properties: 31 are connected, 49 are in the process
- Phase B South Plantation key, 426 properties: 1 is connected, 42 are in the process
- Windley Key, 25 properties: none are connected or are in the process

Mr. Tindle provided a brief construction update for Upper Matecumbe Key and stated final testing was occurring. He stated once he received confirmation the system passed the tests and substantial completion had been obtained, notice to connect letters would be mailed. Mr. Tindle stated he expected this would occur next week. Mr. Tindle reported that Lower Matecumbe Key was still on track for obtaining substantial completion in late October at which point the Village would have substantial completion of the entire wastewater system.

Councilman Chris Sante asked if there were pending repairs from salt water intrusion. Mr. Tindle stated there were two that were pending; and eight repairs had been completed since the July 9, 2015 Regular Village Council Meeting.

Councilman Chris Sante inquired about the right-of-way clean up on Highpoint Road and from Mile Marker 89 south. Wade Trim Construction Administrator Gene Hoffman stated paving restoration of the bike path would begin next week. He stated once the bike path was restored the turf and sod would be replaced on the right-of-way south of Caloosa to Mile Marker 88.

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

### **B. Discussion Regarding Financial Assistance for Commercial Properties with Single Grinder Pump Systems**

This discussion item began at 6:31 PM.

Wastewater Program Manager Greg Tindle stated Council had previously approved a \$378 dollar annual wastewater bill reduction for commercial properties not in the grinder pump program and that there were approximately 80 to 85 commercial properties in this program. He stated that at the July 9<sup>th</sup> Regular Village Council Meeting, Council directed staff to identify how many of these commercial properties were small, low flow users that would utilize a simplex grinder pump system. Mr. Tindle reported that there were approximately 30 to 35 of the 80 to 85 commercial properties that would fit this category.

Mr. Tindle informed Council that the full cost of a simplex grinder pump with installation was \$9,475.00 and suggested Council would need to determine how much assistance to provide without raising rates Village-wide. Mr. Tindle explained Council could provide for the full cost or some portion thereof; a rebate could be provided on the assessment; or these property owners could participate in the grinder

pump program as Chairman David Makepeace recommended earlier during the Water Quality Improvement Citizens' Advisory Committee update.

Councilman Dennis Ward stated he was not in favor of providing a grinder pump and a \$378 dollar reduction. Wastewater Program Manager Greg Tindle stated that if the Council chose to do one or the other option, then wastewater rates would not have to be raised. He stated that if Council chose to do both options then funding would come from an increase in wastewater rates. Vice Mayor Deb Gillis and Councilman Ward stated they were not in favor of doing both options.

Councilman Jim Mooney inquired as to what the Key Largo Wastewater Treatment District (KLWTD) was offering commercial property owners in the same situation. Mr. Tindle reported the KLWTD was providing low flow property owners that have a single building on a low pressure line with less than 6 EDUs a reduction on their assessment. He stated these property owners would have to provide receipts for what they had spent and could be reimbursed up to \$15,000 dollars. Mr. Tindle stated that Mr. Makepeace's recommendation would include the low flow property owners in the current grinder pump program which meant Reynolds Water Islamorada would obtain easements, install the grinder pumps and conduct the maintenance. He stated that if these property owners participated in the grinder pump program, they would be responsible for paying for the lateral connection and installation of the grinder pump; and they would not receive the \$378 dollar reduction because the Village would be maintaining the grinder pump. Mr. Tindle stated that maintaining the simplex grinder pump was less expensive than the \$378 dollars, which would result in costs savings.

Mayor Mike Forster inquired about the additional expenses David Makepeace referenced in his update. Wastewater Program Manager Greg Tindle stated the committee was recommending providing the grinder pump which is approximately \$4,000 per property and that there are approximately 30-35 properties and clarified this did not include installation costs.

Councilman Chris Sante suggested the Village provide the grinder pump in lieu of the \$378 dollar utility bill reduction. He suggested the property owner would be responsible for the lateral connection and the installation of the grinder pump; and the Village would be responsible for the maintenance of the grinder pump. Discussion ensued among Council and staff regarding grinder pump installation. Village Attorney Roget Bryan explained that under the current grinder pump program the Village purchases, installs and maintains the grinder pumps due to DEP compliance requirements. Village Attorney Roget Bryan suggested a cleaner way of providing assistance might be to provide an assessment credit rather than purchasing the grinder pump. Discussion ensued regarding providing financial assistance via an assessment credit in the amount of \$4,000 dollars. Ms. Aguilar stated, much like KLWTD, the property owner would have to provide receipts to the Village before a credit would be issued. The majority of Council agreed to providing an assessment credit of \$4,000 dollars and eliminating the \$378 dollar utility bill reduction for those receiving the credit. Council directed staff to prepare the necessary documents for Council consideration.

## **IX. ORDINANCES**

- A.** First Reading: Ordinance Amending Chapter 30 "Land Development Regulations," Article V "Schedule of District Use and Development Standards", Division 2 "Zoning Districts" of the Village Code to Increase the Maximum Size of Permitted and Conditional Uses within the Village Center (VC) Zoning District **TAB 6**

Tab 6 was discussed at 7:26 PM.

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

Councilman Jim Mooney clarified that the item under discussion was regarding the size of use; not the total square footage of the structure. Discussion ensued among Council and staff regarding the limitations on the size of uses and possibly eliminating the limitations. Director of Planning Cheryl Cioffari offered the following options: modifying the language so that there is no distinction between uses and the size would be controlled by parking and floor area ratio (FAR); modifying the language to require any use over 5,000 square feet would require a major conditional use; or modify the maximum size of use to 10,000 square feet with the control mechanisms being FAR, use and parking.

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

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

- B. Second Reading: Ordinance Amending Chapter 30 “Land Development Regulations,” Article III “Decision Making and Administrative Bodies,” Division 3 “Local Planning Agency” of the Village Code **TAB 7****

Tab 7 was heard at 7:47 PM.

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

Mayor Mike Forster opened public comment; seeing none, public comment was closed. Mayor Forster asked if there was Council discussion; there was none.

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

## **X. QUASI-JUDICIAL**

## **XI. RESOLUTIONS**

- A. Resolution Approving First Amendment to Contract for Local Police Services Between the Monroe County Sheriff’s Office, Monroe County BOCC and Islamorada, Village of Islands, for Fiscal Year 2015-2016 (Year Two) **TAB 8****

Tab 8 was heard at 7:48 PM.

Village Attorney Roget Bryan read the title of the resolution. Village Manager Maria Aguilar presented the staff report.

Mayor Mike Forster opened public comment; seeing none, public comment was closed. Mayor Forster asked if there was Council discussion; there was none.

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

- B. A Resolution Ratifying a Proposed Collective Bargaining Agreement Between the Village and IAFF 4374 **TAB 9****

Tab 9 was heard at 7:17 PM.

Village Attorney Roget Bryan read the title of the resolution. Village Manager Maria Aguilar presented the staff report recommending approval.

Councilman Chris Sante stated he thought the firefighters were making a mistake by entering into the agreement.

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

Councilman Dennis Ward made a motion to approve with a revision to Article 33 correcting the term of the agreement. Mayor Mike Forster seconded the motion. Council voted and the motion passed 4 – 1 with Councilman Chris Sante voting in opposition.

**C. Resolution Approving Continuing Service Agreements for Surveying and Mapping Services      **TAB 10****

Tab 10 was heard at 7:50 PM.

Village Attorney Roget Bryan read the title of the resolution. Village Manager Maria Aguilar presented the staff report recommending approval.

Mayor Mike Forster asked if there was Council discussion; there was 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 and the motion passed 4-1 with Councilman Dennis Ward voting in opposition.

**D. Added Agenda item: Resolution Rescinding Resolution 15-07-63 and Establishing the Current Year Rolled-Back-Rate.**

Tab 10 was heard at 7:52 PM.

Village Attorney Roget Bryan read the title of the resolution. Village Manager Maria Aguilar presented the staff report explaining the correct rolled-back rate was 2.388 and recommended approval of the resolution.

Mayor Mike Forster asked if there was Council discussion; there was none. 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. The motion passed 5-0.

**XII. MOTIONS**

**XIII. MAYOR / COUNCIL COMMUNICATIONS**

**A. Discussion Regarding Right-of-Way Parking- Councilman Chris Sante**

This discussion item began at 7:54 PM.

Councilman Chris Sante stated he had received complaints regarding the rights-of-way being used by businesses and by individuals for additional parking and expressed concern that it was getting out of hand. Mayor Mike Forster stated the issue was problematic because the Village, in general, has inadequate parking. Director of Planning Cheryl Cioffari stated Section 30-819 of the Village code allows for certain types of breakaway vegetation to be planted in Village owned right-of-way. She stated staff

had discussed the possibility of designating certain areas throughout the Village as offsite parking and would be bringing this item before Council for discussion in the future.

**B. Discussion Regarding Affordable Housing / First Time Homebuyers Down Payment Assistance Program – Councilman Chris Sante TAB 11**

Tab 11 was discussed at 6:07 PM.

Councilman Chris Sante stated he had reviewed some of his past mortgage loan programs to identify those programs with the best paybacks and had narrowed it down to the eight ideas provided in Tab 11. Councilman Sante briefly explained the eight ideas and requested that the Achievable Housing Citizens' Advisory Committee be directed to review and discuss the ideas. Council discussion ensued regarding the applicant working in the Village as opposed to the suggested Monroe County; and the difficulty associated with controlling where a person works. Council agreed to allow the AHCAC to discuss the ideas. Vice Mayor Deb Gillis requested the committee compare the ideas to those that were previously submitted.

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

Vice Mayor Deb Gillis announced DOT was conducting a traffic survey to consider a potential crosswalk in Islamorada. Mayor Mike Forster stated State Representative Holly Raschein's office informed him that FDOT stated that if, after the completion of the study, they determined a crosswalk was needed they would meet with the Village and Ms. Raschein to discuss the situation.

**XIV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**

**A. Fills Master Plan Update TAB 12**

Tab 12 was discussed at 8:09 PM.

Director of Public Works Lesli Wojtecki presented the update summarizing the contents of Tab 12. Ms. Wojtecki explained FDOT would begin a resurfacing project in March 2016 which included shoreline stabilization and the addition of delineated parking areas on Tea Table Relief, Lignumvitae Key Fill and Indian Key Fill. Council discussion ensued. Council expressed concern regarding the uncertainty of FDOT's future intentions for the Fills; the absence of a conceptual drawing for the entire project; and expressed a desire to be included in the planning process. Council directed staff to invite an FDOT representative to a future Council Meeting to provide Council with an update.

**B. Discussion Regarding Speed Control Measures and Speed Calming Devices for Village Roadways TAB 13**

Tab 13 was discussed at 8:46 PM.

Director of Public Works Lesli Wojtecki presented the update summarizing the contents of Tab 13.

Councilman Chris Sante inquired as to whether or not speed devices could be installed on public roads. Village Attorney Roget Bryan stated that speed devices could be installed on public roads in certain circumstances. Discussion ensued regarding the effectiveness of stop signs and the possibility of providing additional law enforcement in problem areas.

**C. Briefing on Conference Call with State Representative Holly Raschein Regarding Environmental Stewardship Bill**




This item was discussed at 8:54 PM.

Village Manager Maria Aguilar announced that the meeting to be held by State Representative Holly Raschein's office on August 5, 2015 was to discuss the Environmental Stewardship Bill and to receive input from local municipalities regarding their priorities and concerns.

Ms. Aguilar stated staff recently participated in a conference call with the Village's lobbyists and State Representative Holly Raschein regarding Environmental Stewardship. She stated the impression of Monroe County Administrator Roman Gastesi was that the Village's priority was canal restoration. Ms. Aguilar recommended the Village consider land acquisition as its priority and based her recommendation on a conference call she participated in with Director of Planning Cheryl Cioffari, Environmental Resources Manager Susan Sprunt and Rebecca Jetton, DEO Community Program Manager for Areas of Critical State Concern. She stated the Village needs to purchase property on which owners will not be able to build. Ms. Aguilar suggested that, at the August 5<sup>th</sup> meeting, the Village stress its primary concern is land acquisition and stated substantial funding was needed for these acquisitions. Mayor Forster agreed that canal restoration was not the priority and that land acquisition should be the priority.

**XV. ADJOURNMENT**

Councilman Chris Sante made a motion to adjourn. Mayor Mike Forster seconded the motion. The meeting adjourned at 9:02 PM.



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Kelly S. Toth  
Village Clerk

Approved by the Village Council this 10<sup>th</sup> day of September, 2015.