



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, October 1, 2015
5:30 PM**

I. CALL TO ORDER / ROLL CALL

Mayor Mike Forster called the meeting to order at 5:31 P.M. The following 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 Assistant Village Manager Mary Swaney, Village Attorney Roget Bryan, Director of Planning Cheryl Cioffari, Village Clerk Kelly Toth, Deputy Village Clerk Kyle McLeod and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Captain Corey Bryan led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

A. Update on Governor's Cabinet Meeting Regarding Florida Keys Area of Critical State Concern – Mayor Mike Forster

This announcement was made at 5:32.

Mayor Mike Forster read the speech he presented to the Governor and Cabinet and spoke about working in unity with Monroe County and other municipalities.

IV. PUBLIC COMMENT

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

V. AGENDA: Request for Deletion / Emergency Additions

Mayor Mike Forster requested Tab 16 be moved to follow the Citizens' Advisory Committee Updates.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

A. Local Planning Agency Update – Chairman Pete Bacheler

This update was provided at 5:42.

Pete Bacheler, Chair of the Local Planning Agency reported the LPA considered two items at its last meeting. The first was regarding an incentive for decommissioning sewer plants by allowing the square footage to be used by the property owner as additional square footage. The LPA voted unanimously for the item. He stated the LPA also discussed revising the required setbacks for accessory structures located along shorelines within the Village. The LPA voted 4-2 against the changes. He stated boat ramps need to be made wider and the LPA thought this was a great idea.

B. Update by Janet Wood –Chair of the Achievable Housing Citizens’ Advisory Committee

This update was provided at 5:47.

Janet Wood, Chair of the Achievable Housing Citizens’ Advisory Committee, stated that the committee did not have a quorum at the last meeting. She stated the committee did not have any identifiable parcels to recommend to Council. She stated the parcels they were previously considering were no longer options.

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: TAB 1**
August 20, 2015 Regular Village Council Meeting
September 9, 2015 Special Call Village Council Meeting- 1st Budget Hearing
September 10, 2015 Special Call Village Council Meeting – FDOT
- B. Approval of Appointments to the Islamorada Youth Council TAB 2**
- C. Resolution Approving a Memorandum of Understanding between Florida Keys Electric Cooperative Association, Inc., and Islamorada, Village of Islands, to Provide Post-Storm Event Staging Areas TAB 3**
- D. Proposed Resolution Approving an Affordable Housing Agreement Between Islamorada, Village of Islands, Florida and Glory of the Atlantic, LLC for Minor Conditional Use MN-15-03 TAB 4**

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

VIII. WASTEWATER MATTERS

- A. Wastewater Update TAB 5**

This item was heard at 6:47 PM.

Wastewater Program Manager Greg Tindle provided a salinity update stating salinity had not exceeded the threshold since mid-July. He stated the highest salinity level in September was 2.8. Mayor Mike Forster inquired about salinity issues due to the extreme high tides that had occurred, and noted that Marathon had saltwater intrusion. Mr. Tindle stated he had confidence in the connection process and ongoing monitoring of the systems to make sure Islamorada would not end up in the same position as Marathon.

Mr. Tindle provided the following report regarding the progress associated with the notice to connect letters:

- Upper Matecumbe Key, 595 properties: 60 either connected or in process
- South Plantation Key, 760 properties: 298 either connected or in process
- Middle Plantation Key, Phase A 442 properties: 258 either connected or in process
- Middle Plantation Key, Phase B 148 properties: 29 either connected or in process

Mr. Tindle provided a brief construction update for Lower Matecumbe Key and stated they were still on track for the substantial completion date of October 31, 2015.

Mayor Mike Forster opened public comment.

Larry Barr asked for clarification on statistics in the wastewater reports provided by WadeTrim and Severn Trent Services. Mr. Tindle stated he would look into the conflict and report back.

Richard Hanson expressed concern regarding construction and traffic on Iroquois Drive in Lower Matecumbe Key.

Vice Mayor Deb Gillis announced that properties that needed DEP permits should begin the permit process in order to be ready to connect to the system in a timely manner.

Daniel Phair asked if there was a methodology in place for finding and reporting of inoperative cesspits in the Village. Councilman Chris Sante stated no, that the Monroe County Health Department does not have a record of the location of the cesspits.

Mayor Mike Forster closed public comment.

IX. ORDINANCES

- A. First Reading: Ordinance Amending Comprehensive Plan Policy 1-2.1.8 “Establish a Gross Floor Area” to Limit the Maximum Gross Floor Area of Any Structure within the Village **TAB 6****

This item was heard at 7:00 PM.

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

Discussion ensued between Councilman Chris Sante and Councilman Jim Mooney regarding the language in the Code and Land Development Regulations in reference to the replacement of a building to its original square footage after a disaster. Village Attorney Roget Bryan provided clarification that there was a separate provision in the Code that directly addressed non-conforming structures. He stated that if the nonconforming use discontinues for a period of more than 365 consecutive days, any subsequent use shall conform to the regulations for the zoning district in which the use is located. Councilman Jim Mooney said that the language of 365 days no longer fits the current building process timeline. Mr. Bryan advised that the Village Code provides for exceptions to the 365 days where governmental actions impede access to the premises.

Vice Mayor Deb Gillis announced that LPA member Tony Hammon asked her to introduce the possibility of a very strict exemption allowing proposed structures over 10,000 square feet to be allowable through a variance.

Mayor Mike Forster opened public comment.

Larry Barr stated that the change in language to the appeal process in Comprehensive Plan Amendment Policy 1-2.4.8 could cause legal issues in the future.

Beth Kaminstein stated that the most important part of the language in this item was the removal of Council's ability to allow for a variance.

Stan Marguiles spoke in favor of a variance procedure.

Daniel Phair stated he was not in favor of a variance procedure.

Pete Bacheler stated that both the ad hoc committee created to review this topic and the LPA made their suggestions based on what was asked of them by the Council. He expressed that it was best for everyone in the community to follow the Code.

Cheryl Culberson stated that the ad hoc committee and LPA put in a lot of time and effort to create the best possible version of this ordinance and urged Council to pass the item as written.

Mayor Mike Forster closed public comment.

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

B. First Reading: Ordinance Amending the Land Development Regulations to Limit the Maximum Nonresidential Floor Area of Nonresidential Structures to 10,000 Square Feet TAB 7

This item was heard at 7:32 PM.

Village Attorney Roget Bryan read the title of the resolution. Director of Planning Cheryl Cioffari 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 Dennis Ward seconded the motion. Council voted all in favor. The motion passed 5-0.

Vice Mayor Deb Gillis asked for clarification on the timeline for when ordinances become effective. Director of Planning Cheryl Cioffari provided specifics regarding the steps involved in the passing of an ordinance and stated that the earliest this ordinance could be effective is mid-April 2016. Vice Mayor Deb Gillis stated she wanted the public to be informed as to how involved the process was.

C. First Reading: Ordinance Amending the Land Development Regulations to Define Legally Established Existing Package Sewer Treatment Facilities as Nonresidential Floor Area TAB 8

This item was heard at 7:38 PM.

Village Attorney Roget Bryan read the title of the resolution. Director of Planning Cheryl Cioffari presented the staff report recommending approval. Ms. Cioffari concluded her presentation with the statement that the earliest the ordinance could be effective would be mid-February 2016.

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.

D. First Reading: Ordinance Amending the Land Development Regulations for Accessory Structures within the Shoreline Setback TAB 9

This item was heard at 7:41 PM.

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

Councilman Dennis Ward asked whether the Local Planning Agency (LPA) had considered sea level rise as it pertained to shoreline setbacks. Discussion ensued between Council and Director of Planning Cheryl Cioffari regarding consideration for sea level rise planning.

Mayor Mike Forster opened public comment.

Cheryl Culberson expressed that the LPA recommended a 20' setback on pools, and also stated that the LPA discussed, in great detail, flood insurance and sea level rise.

Pete Bacheler stated that he was one of the two dissenting votes on this item when it was brought before the LPA on September 16, 2015.

Mayor Mike Forster closed public comment.

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 opposing.

X. QUASI-JUDICIAL

A. Application for Major Conditional Use (MJ-15-02) by CRP 80001 Overseas LLC TAB 10

This item was heard at 7:54 PM.

Village Attorney Roget Bryan read the quasi-judicial statement. Deputy Village Clerk Kyle McLeod swore in the witnesses. Village Attorney Roget Bryan read the title of the resolution and requested Council disclose any ex-parte communications. Mayor Mike Forster stated he had spoken with Kara Lundgren and Thad Paul. Councilman Chris Sante, Vice Mayor Deb Gillis, Councilman Dennis Ward, and Councilman Jim Mooney each disclosed that they had not had an ex-parte communications.

Patrick Doty, Planner, presented the staff report recommending approval with conditions. Mr. Doty clarified that these conditions included sheet L-1.0 of the application to be updated within ten days to reflect the relocation of the market rate units approved through MD-15-03, and to correct notation number 1 to reflect this space as storage prior to the issuance of any building permit associated with this request.

Councilman Chris Sante inquired about the five market-rate units being placed inside the hotel. Patrick Doty confirmed that they were located within the hotel and that the units would only be utilized if they were being leased out for a period of 28 days or more as market-rate housing, as the applicant did not have a

vacation rental license. Councilman Sante asked if the applicant could later apply for a vacation rental license for those units. Mr. Doty stated they could, pending eligibility.

Mayor Mike Forster invited the applicant to speak and the applicant chose not to make a presentation. Mayor Forster called for public comment for those in favor; there were none. Mayor Forster called for public comment for those opposed; there were 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.

XI. RESOLUTIONS

- A. Resolution Approving Sixth Amendment to Agreement for Professional State Lobbying Consulting Services with William J. Peebles **TAB 11****

This item was heard at 8:03 PM.

Village Attorney Roget Bryan read the title of the resolution. Assistant Village Manager Mary Swaney 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. Mayor Mike Forster seconded the motion. Council voted all in favor. The motion passed 5-0.

- B. Resolution Approving Second Amendment to the Professional State Lobbying Services Agreement with Capitol Insight, LLC. **TAB 12****

This item was heard at 8:05 PM.

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

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

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

- C. Enrollment in Florida Retirement System for Non-Fire Rescue Employees **TAB 13****

This item was heard at 8:07 PM.

Village Attorney Roget Bryan read the title of the resolution. Interim Finance Director Ariana Lawson presented the staff report recommending approval.

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

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

- D. Resolution Amending the Housing Assistance Plan **TAB 14****

This item was heard at 8:09 PM.

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

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

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. Resolution Adopting the Citizen Participation Plan

TAB 15

This item was heard at 8:11 PM.

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

Councilman Chris Sante asked if the Village had granted any awards under the current grant. Interim Finance Director Ariana Lawson stated they had not, that there were 32 applications received, and that the Procurements and Grants Administrator was drafting an RFP for contractors to start the installations.

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.

F. Approval of Resolution Reserving Building Permit Allocation System (BPAS) Affordable Dwelling Unit Allocations for Award to Sunset Villas Affordable Housing Development (The "Development")

TAB 16

Tab 16 was heard at 5:52.

Vice Mayor Deb Gillis announced that she had a conflict of interest with the item and abstained from voting.

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

Mayor Mike Forster asked for clarification regarding a timeline if the item was approved. Director of Planning Cheryl Cioffari stated that if the item was passed, the allocations would be held until September 30, 2016, but that if the applicant failed to be awarded the Low Income Housing Tax Credit then the allocations would expire February 1, 2016.

Councilman Chris Sante stated he knew of other Affordable Housing projects in process. Councilman Sante said he was concerned about reserving future allocations because it would make the permits unavailable for those already submitting plans to the Planning Department.

Councilman Jim Mooney stated that he had concerns about the way this item was presented to Council under short notice without community input. He stated he was not in support of this item.

Council discussed the possible issues of having too many Affordable Housing building applications all at once, and also the effects of Affordable Housing on the Village's tax base. Director of Planning Cheryl Cioffari provided suggestions to accommodate the requests, such as amending the Comprehensive Plan to address the number of allocations awarded per year.

Mayor Mike Forster invited the applicant to speak.

Joel Reed of RC3WORLD, Inc. provided a brief history of projects Gorman & Company, Inc. had completed in Monroe County. He explained the process of submitting applications to the Florida Housing Finance Corporation and why the item came before Council under the short timeline. Mr. Reed stated the deadline to submit a financing application for the current financing cycle was October 15, 2015. He stated that Monroe County had over 200 Rate-of-Growth Ordinance (ROGO) allocations available, and said it may be possible to create an Inter-Local Agreement to obtain some of those allocations for the Village under this proposed project.

Councilman Chris Sante stated that other applicants for BPAS allocations had to go through the Building permit and Planning review processes before their items were heard by Council, without the option of asking for their allocations to be reserved ahead of time. Mr. Reed stated that they too will have to go through those official processes. Councilman Chris Sante said he would agree to approve this item if the County would be able to provide additional ROGO allocations.

Mayor Mike Forster said that there was no way to pass this item under the conditions proposed by Councilman Sante due to the deadline of the financing application and schedule of Council meetings. Mr. Reed stated he was willing to approach the County to provide additional allocations, and that his proposed project's allocations could be reserved until March 1, 2016 when the award for financing would be issued.

Councilman Dennis Ward said he would like community input on the project.

Village Attorney Roget Bryan stated that the item being voted on was for the reservation of the units, and that the drawings provided to Council only served as a conceptual, preliminary site plan. He stated a formal submission would have to be provided to staff to be reviewed, and would be subject to the requirements of the Village Code, including a formal application for the units from BPAS.

Mayor Mike Forster requested that Village staff contact Monroe County for the purposes of transferring additional ROGO allocations. Councilman Jim Mooney asked how often the applications for the State financing were offered and expressed concern about the lack of notice. Mr. Reed stated the grant applications were offered approximately once a year. Mr. Reed stated he was willing to work with Monroe County to obtain additional ROGO allocations.

Mayor Mike Forster opened public comment.

Janet Wood stated that the Achievable Housing Citizens' Advisory Committee would like to review the project at their next meeting.

Larry Barr spoke in favor of the item, and expressed that the staff report for the item stated that if the agent did not receive the required funding then the reservation of allocations would expire.

Cheryl Culberson spoke in support of the project. She stated it would not require any funding from the Village and that Council should take the opportunity to provide Affordable Housing to keep its workforce locally in the community.

Kara Lundgren spoke in support of the item. She suggested the Council pass the item to allow time to explore the option without missing the deadline for the grant application.

Mayor Mike Forster closed public comment.

Councilman Chris Sante asked Village Attorney Roget Bryan if there was a way to pass the item under the caveat of Monroe County and the Village entering into an Inter-local Agreement for additional ROGO allocations. Mr. Bryan stated that the applicant had offered an intermediary expiration date of March 1, 2016, as the change to the resolution. He stated that the resolution was meant to grant the award of the future allocations and that the route of approaching the County about transferring units of Affordable Housing to the Village could still remain an option as part of the solution. Mr. Bryan advised that the Village had had no contact with Monroe County in regard to the possibility; and that he was hesitant to have the resolution reflect that condition. Discussion continued regarding options of approaching the County, and the lack of time for community input.

Mayor Mike Forster made a motion to approve with the amended expiration date change of March 1, 2016. The motion was not seconded and thus failed.

XII. MOTIONS

XIII. MAYOR / COUNCIL COMMUNICATIONS

XIV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

XV. ADJOURNMENT

Councilman Chris Sante made a motion to adjourn. Mayor Mike Forster seconded the motion. The meeting adjourned at 8:12 PM.



Kyle McLeod
Deputy Village Clerk

Approved by the Village Council this 22nd day of October, 2015.