



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
Thursday, January 14, 2016  
5:30 PM**

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

Mayor Deb Gillis called the meeting to order at 5:30 P.M. The following Councilmembers were present on roll call: Mayor Deb Gillis, Vice Mayor Jim Mooney, Councilman Mike Forster, 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**

Tom Grady led the Pledge of Allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

Councilman Chris Sante announced FACE of Islamorada (Food, Art, Culture, and Entertainment), which is a collaborative effort to promote cultural events held throughout the Village, would take place January 15<sup>th</sup> through 24<sup>th</sup>.

Mayor Deb Gillis added a Take Stock in Children Proclamation to the agenda.

Councilman Dennis Ward presented the proclamation declaring January 2016 as Take Stock in Children (TSIC) month. Chuck Licis, TSIC Program Coordinator, along with several local mentors, accepted the proclamation.

**A. Proclamation: Children's Week**

Mayor Deb Gillis presented the proclamation declaring January 24<sup>th</sup> through 29<sup>th</sup> as Children's Week. Accepting the proclamation were Lisa Shaw and Paul Armstrong with the Department of Juvenile Justice.

**B. Presentation: Employee Longevity Pins**

Village Manager Maria Aguilar presented longevity pins to the following Village employees:

- Maria Bagiotti, Parks & Recreation Manager, 15 years
- Anne Onsgard, Parks & Recreation Coordinator, 10 years

- Anselmo Mendoza, Public Works, 5 years
- Chris Staton, Firefighter/Paramedic, 10 years (in absentia)
- Sandy Skeel, Administrative Assistant Wastewater Department, 10 years (in absentia)

**C. Presentation: National Flood Program Community Rating System – Maria Aguilar**

Village Manager Maria Aguilar presented the Federal Emergency Management Agency (FEMA) plaque to Building Official Gerry Albertson and Building Services Coordinator/Certified Flood Plain Administrator Toste Muniz. Ms. Aguilar stated the National Flood Insurance Program’s Community Ratings System was a voluntary program that encouraged community flood plain management that exceeded the minimum national flood insurance program requirements. She stated that as a result of participation in this program, flood insurance rates were adjusted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the community ratings system. Ms. Aguilar stated that through the efforts of Village staff, specifically Gerry Albertson and Toste Muniz, the Village received a community classification ranking of seven, with the lowest ranking being a ten. She explained this ranking resulted in an approximate savings of \$160 dollars on individual flood insurance policies; and a total savings of \$500,000 dollars community-wide. She stated annual recertification was required.

**D. Introduction: Monroe County Sheriff’s Sergeant Yunier Galvez – Captain Corey Bryan**

Captain Corey Bryan introduced new Islamorada Sergeant Yunier Galvez.

**IV. PUBLIC COMMENT**

Mayor Deb Gillis opened public comment.

Van Cadenhead sang to the Council and public.

Larry Barr spoke in support of pedestrian overpasses in Islamorada and Key Largo.

Mayor Deb Gillis closed public comment.

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

**VI. CITIZENS’ ADVISORY COMMITTEE UPDATES**

Local Planning Agency (LPA) Chair Pete Bacheler reported the LPA had discussed a change to the zoning and Future Land Use Map (FLUM) for the 40+ acre Parmalee property located at approximately mile marker 74.5 bayside. He stated the property owner desired to change the zoning and FLUM to allow for TDRs; and that the LPA voted against the proposed change with 4-1 votes on both items.

**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**  
December 3, 2015 Regular Village Council Meeting

**TAB 1**

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

## **VIII. WASTEWATER MATTERS**

### **A. Wastewater Update**

This item was heard at 6:00 pm.

Wastewater Program Manager Greg Tindle reported wastewater billing issues had occurred. He stated some of the issues had been corrected and others would be back billed with the payments being spread out so as not to cause a hardship. He stated Notice to Connect letters had been mailed out village-wide with the exception of those participating in the Grinder Pump Program on Upper Matecumbe Key and Lower Matecumbe Key. Mr. Tindle stated Grinder Pump Connection letters for Upper Matecumbe Key would be mailed out next week; and Lower Matecumbe Key letters would be mailed out in phases over the next six weeks. Mr. Tindle provided an update on wastewater connections and scheduled paving.

Councilman Chris Sante asked for an update on salinity levels. Wastewater Program Manager Greg Tindle reported the salinity levels had been below two parts per thousand since October.

Mayor Deb Gillis opened public comment.

Larry Barr inquired as to when a written wastewater report would be provided, or if the monthly report had been discontinued. Mr. Tindle stated that since substantial completion had been reached, there was not as much to report. Wade Trim Executive Vice President Tom Brzezinski recommended an operational report as opposed to a construction report. Discussion ensued regarding the content of the new report and who would provide the report.

Van Cadenhead commented regarding only half of the connections having occurred; and expressed concern regarding the San Pedro Church being listed as a commercial property and the cost for them to connect.

Andy Tobin, Key Largo Wastewater Treatment District Commissioner, stated it was a slow process getting property owners to connect and spoke in support of being patient with property owners who needed to connect. He stated there were only two categories: residential and commercial.

Mayor Deb Gillis closed public comment.

### **B. A Resolution approving Work Authorization No. 1 between Wade Trim, Inc. and Islamorada, Village of Islands to Provide General Engineering Services Related to the Village's Design – Build- Operate Central Wastewater Project** **TAB 2**

This item was heard at 6:10 pm.

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

Councilman Chris Sante expressed concern regarding the average monthly cost of \$50,000 and the overall cost of nine months' worth of services. Wastewater Program Manager Greg Tindle explained the types of expenditures that would occur. Council discussion ensued regarding the cost of the contract.

Mayor Deb Gillis opened public comment.

Van Cadenhead expressed concern regarding the \$436,300 cost; and the two month extension clause in the contract that did not require Council approval. He asked what the billable hourly rate was because he could not locate the rate in the work authorization.

Councilman Mike Forster asked if the work authorization could be amended to provide for council approval if an extension was necessary. Village Attorney Roget Bryan explained this was a Work Authorization with a not to exceed amount and any extension over \$25,000 would require Village Council approval. Mr. Bryan also clarified that the hourly rates are in the Agreement.

Councilman Mike Forster made a motion to approve. Vice Mayor Jim Mooney seconded the motion. Council voted and the motion passed 4-1, with Councilman Chris Sante voting in opposition.

## **IX. ORDINANCES**

### **A. Second Reading: Land Development Regulations Text Amendment for Driveway Separation Requirements TAB 3**

This item was heard at 6:23 pm.

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

Mayor Deb Gillis opened public comment. Seeing none; public comment was closed.

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

## **X. QUASI-JUDICIAL**

Village Attorney Roget Bryan read the quasi-judicial statement and requested that anyone not having been sworn in raise their hand. Village Clerk Kelly Toth swore in the witnesses.

### **A. Administrative Appeal (AA-16-02) by Three Horses, LLC of a Building Permit Application Denial TAB 4**

This item was heard at 6:25 pm.

Village Attorney Roget Bryan read the title of the resolution and asked the Council to disclose any ex-parte communications. Mayor Deb Gillis, Councilman Chris Sante, Councilman Mike Forster and Councilman Dennis Ward disclosed that they had had no ex-parte communications. Vice Mayor Jim Mooney disclosed he had spoken with Tom Grady. Village Planner Patrick Doty presented the staff report recommending denial of the administrative appeal.

Mayor Deb Gillis invited the applicant to speak.

Tom Grady provided a brief history regarding his purchase of the property where the sign was located. He stated the permit was denied for two reasons: (1) there was no sign on the property and (2) FDOT had not updated its website. Mr. Grady stated technically there was no physical sign on the property. He stated the Village entered into a Settlement Agreement with National Advertising. Mr. Grady stated the settlement

agreement required the tenant, National Advertising, to remove the sign which had been damaged by a storm. Mr. Grady explained that the agreement stated that neither party waived their substantive rights regarding the replacement of the billboard; and that the agreement stated "specifically respondents shall not be deemed to have abandoned the billboard". Mr. Grady stated physically the sign was not there; but that legally, pursuant to the Settlement Agreement, it was there.

Mr. Grady stated the second argument the Planning Department made was that FDOT had made a mistake because it had failed to list on the FDOT website that the subject sign was a conforming sign. He read paragraph six and eight of the Settlement Agreement which required FDOT to amend their database and rescind their notice of violation. He stated that he had just received the information seven days ago and had not been able to speak with a FDOT representative. He requested the Council consider the "evidence" and that they recognize, as FDOT had done, that this was a conforming sign.

Mayor Deb Gillis opened public comment to those in favor; and to those opposed.

Van Candenhead, said he was not in favor nor opposed and stated Islamorada needed affordable housing more than it did a billboard and suggested the property be used for affordable housing.

Village Attorney Roget Bryan reiterated the portions of the contract that required FDOT to amend their database; but stated there was no evidence that this had been done.

Director of Planning Cheryl Cioffari stated the settlement agreement was a result of a code enforcement action. She stated that no proof had been provided by the applicant proving it was a conforming sign by FDOT. She provided an explanation of the permit approval process.

Mr. Grady stated that he did his due diligence prior to purchasing the property, but that he had not met with Village staff. Discussion ensued regarding whether the sign was in FDOT's database; the requirements of the settlement agreement; the appearance that the requirements were not met; and the fact the sign was prohibited by Village Code.

Mr. Grady requested the Council add a condition to the appeal that would be granted if FDOT updated its database confirming it was a conforming sign. Councilman Dennis Ward suggested tabling the item to allow the applicant time to speak with FDOT and to allow more time for research. Village Attorney Roget Bryan stated that if the Council felt the appeal was incomplete the item could be referred back to staff for further review.

Councilman Dennis Ward made a motion to table the item without a date certain. Councilman Mike Forster seconded the motion. Council voted and the motion passed 4-1 with Mayor Deb Gillis voting in opposition.

**B. Application for Administrative Relief (AR 16-01) for Mark Cockerham**

**TAB 5**

This item was heard at 7:03 pm.

Village Attorney Roget Bryan read the title of the resolution and requested Council disclose any ex-parte communications. Each Council Member stated that they had had no ex-parte communications. Director of Planning Cheryl Cioffari presented the staff report.

Mayor Deb Gillis invited the applicant to speak. The applicant did not speak. Mayor Deb Gillis opened public comment to those in favor; there were none. Mayor Deb Gillis opened public comment to those opposed; there were none.

Councilman Mike Forster made a motion to approve an allocation award to provide remedial action to provide for administrative relief in the form of one BPAS allocation award. Councilman Chris Sante seconded the motion. Council voted all in favor and the motion passed 5-0.

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

## **XI. RESOLUTIONS**

- A. Resolution – Approval of the Residential Building Permit Allocation System Ranking and Awards for Quarter 4 of 2015** **TAB 6**

This item was heard at 7:09 pm.

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

Mayor Deb Gillis opened public comment; seeing none, public comment was closed.

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

- B. Resolution Considering a Reduction of Lien in the Code Compliance Case of Jeffrey Finger, Case No. 11-211-GM** **TAB 7**

This item was heard at 7:11 pm.

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

Mayor Deb Gillis invited the applicant to speak.

Attorney Andy Tobin provided a document to Council pertaining to a section of the Constitution that addressed excessive fines. He stated it was not equitable, fair or constitutional to impose a fine of \$87,000 for failure to hook up an alarm. He requested the Council impose a fine that had some relationship to the gravity of not hooking up the alarm.

Councilman Chris Sante explained the applicant had received written notice of the violation and fine and chose to ignore the warnings.

Village Attorney Roget Bryan stated Mr. Finger took steps to register the alarm when he discovered a lien had been placed against his property during the closing process for the sale of the home. Mr. Bryan addressed the subject of excessive fines as was referenced earlier in the constitution. He explained how the Special Magistrate came to the decision of reducing the fine by 25 percent. Mr. Bryan clarified that the violation was for failure to “register the alarm” with the Village; not a failure to hook up the alarm.

Mayor Deb Gillis opened public comment.

Van Cadenhead urged the Council to use common sense and compassion in rendering their decision.

Mayor Deb Gillis closed public comment.

Councilman Mike Forster stated he was willing to reduce the fine to a total of 50 percent of the original amount owed. Councilman Dennis Ward and Councilman Chris Sante stated that they agreed with Councilman Forster.

Councilman Jim Mooney stated he thought the fine was excessive and that he was considering a much lower fine.

Andy Tobin emphasized the difference in his client's violation with a violation where a safety issue existed and stated no harm or foul had occurred.

Councilman Chris Sante made a motion to reduce the fine to fifty percent of the original \$115,625 dollars. Councilman Mike Forster seconded the motion. Council voted and the motion passed 4-1 with Councilman Jim Mooney voting in opposition.

## **XII. MOTIONS**

### **XIII. MAYOR / COUNCIL COMMUNICATIONS**

#### **A. Discussion Regarding Parking Meters- Councilman Ward**

This item was discussed at 7:40 pm.

Councilman Dennis Ward stated the Council had discussed the possibility of parking meters at a prior meeting and expressed concern regarding the cost effectiveness of parking meters and associated enforcement issues.

Councilman Chris Sante stated in his research he discovered that with sixty percent usage of the meters they would pay for themselves. He suggested limiting the use of meters to specific locations. He stated the City of Key West received a tremendous amount of revenue from their parking meters. He stated he was interested in establishing parking in specific areas along highway US 1.

Discussion ensued among Council and staff regarding different enforcement options; the timing of a pilot program in relation to the anticipated completion date of FDOT's repaving project; parking at the Morada Way Arts District; the durability of parking meters when exposed to salt air; and whether or not to discuss the issue at a future meeting when more information could be provided for consideration.

Mayor Deb Gillis opened public comment.

Larry Barr spoke in support of parking meters.

Van Cadenhead spoke against the excessive amounts of tourism the Village was experiencing and against parking meters.

Mayor Deb Gillis closed public comment.

Councilman Chris Sante stated he would like to receive basic information regarding different types of parking meters.

Mayor Mike Forster suggested using the land across from Post Card Inn as a municipal parking lot that would include parking meters; and buses that provide shuttle service to downtown Islamorada. He spoke against stop lights and crosswalks at this location if this was to be implemented.

Council decided to postpone staff researching additional information until FDOT had completed their current roadway project.

**B. Discussion Regarding Workforce/Affordable Housing Regulations with Regard to Reducing the Perpetuity Restriction to 15 or 20 Years – Vice Mayor Mooney**

At the request of Vice Mayor Mooney, this item was deferred to the January 28<sup>th</sup> Regular Village Council Meeting.

**C. Discussion Regarding FDOT Initiatives – Councilman Forster**

This item was heard at 7:58 pm.

Councilman Mike Forster stated he had spoken with State Representative Holly Raschein regarding the need for more productive communications with the Florida Department of Transportation (FDOT). Councilman Forster asked if the Council would support State Representative Holly Raschein speaking with FDOT, on behalf of the Village, to encourage FDOT to erect overhead crosswalks. He suggested constructing elevated crosswalks at Coral Shores High School and in front of Founders Park; and possibly downtown Islamorada if land could be identified. Councilman Forster referred to the current safety issues for pedestrians and the slow flow of traffic during events. Councilman Chris Sante stated he was in support of the crosswalks at Coral Shores and Founders Park. Vice Mayor Mooney and Mayor Deb Gillis spoke in support of the idea.

Mayor Deb Gillis opened public comment.

Van Cadenhead spoke against FDOT's current landscaping project.

Mayor Deb Gillis closed public comment.

**D. Update Regarding Trip to Washington DC (this item was added by Mayor Deb Gillis)**

This item was heard at 8:08 pm.

Mayor Deb Gillis provided a brief update of her recent trip to Washington DC to seek future funding. She stated The Army Corp of Engineers had \$55 million dollars to spend on various projects across the United States. Mayor Gillis stated in past years the Florida Keys had received \$2 million dollars and felt confident the Keys would receive funding again.

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

**A. Florida Keys Day February 17, 2016**

This item was heard at 8:10 pm.

Village Manager Maria Aguilar provided a brief description of Florida Keys Day and asked which Council members wished to attend. Mayor Deb Gillis, Vice Mayor Jim Mooney and Councilman Mike Forster stated they planned to attend.

**B. Direction Regarding DEO Technical Assistance Grant**

**TAB 8**


This item was heard at 8:13 pm.



Council spoke in support of the Department of Economic Opportunity (DEO) Technical Assistance Grant and directed staff to bring the item back for Council approval.

**XV. ADJOURNMENT**

Councilman Dennis Ward made a motion to adjourn. Councilman Chris Sante seconded the motion. The meeting adjourned at 8:13 pm.

  
Kelly S. Toth  
Village Clerk

Approved by the Village Council this 25<sup>th</sup> day of February, 2016.