



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

**Founders Park Community Center
8700 Overseas Hwy
Islamorada, FL 33036
Thursday, January 28, 2016
5:30 PM**

I. CALL TO ORDER / ROLL CALL

Mayor Deb Gillis called the meeting to order at 5:34 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

Bill Bosely led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

Mayor Deb Gillis announced the Village Council Workshop to take input from the public regarding ideas to make Islamorada better would occur on February 11, 2016 at 5:30 pm in the Founders Park Community Center.

Councilman Mike Forster announced a Celebration of Life service would occur for local restaurant owner Chad Gardner on Monday, February 1, 2016 at 6:00 pm at Coral Shores High school.

Councilman Mike Forster paid his respects to former Islamorada resident Daher El-Koury who had recently passed away.

Vice Mayor Jim Mooney announced he was appointing Isa Upchurch to the Achievable Housing Citizens Advisory Committee.

IV. PUBLIC COMMENT

Mayor Deb Gillis opened public comment.

Frank Derfler announced the Rotary Club would be hosting the Gigantic Nautical Flea Market February 20th – 21st at Founder Park.

Fire Chief Terry Able announced he was running for Big Kahuna, a fund raiser that benefited the Good Health Clinic and invited the public to purchase raffle tickets to support the clinic.

Mayor Deb Gillis closed public comment.

V. AGENDA: Request for Deletion / Emergency Additions

Councilman Dennis Ward added a discussion item regarding a sign in front of Island Christian School.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

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

This item was heard at 5:43 pm.

Committee Chair Janet Wood thanked former staff liaison Thomas Skidmore for his assistance to the Achievable Housing Citizens' Advisory committee. Ms. Wood stated the committee voted unanimously on the definition of a first time home buyer. She read the definition and the proposed guidelines for receiving first time homebuyer financial assistance. Ms. Wood stated the committee was seeking the Council's guidance regarding the proposed guidelines.

Ms. Wood stated the committee had worked on identifying properties that would accommodate affordable housing. She stated Victor West was interested in placing affordable housing units atop his garage on North Plantation Key if he could obtain additional parking in the median. Ms. Wood stated the owner of Craig's Restaurant was interested in adding six affordable housing one-bedroom units to the Craig's location. She stated Cheryl Mead was considering adding two affordable housing units to her property at 89030 Overseas Highway.

Ms. Wood announced there would be a workforce housing roundtable discussion on February 19, 2016 from 9AM to 2PM at the Marathon Government Center located in Marathon, Florida.

Director of Planning Cheryl Cioffari stated the First Time Homebuyers Down Payment Assistance Ordinance would be brought to Council at the February 25th Regular Village Council Meeting.

Councilman Dennis Ward suggested contacting the Monroe County School District to see if they had any interest in partnering with the Village regarding affordable housing.

Discussion ensued among Council and staff regarding where funding for affordable housing came from and existing structures being converted to affordable housing.

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 22, 2015 Special Call Village Council Meeting

TAB 1

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

VIII. WASTEWATER MATTERS

A. Wastewater Update

This item was heard at 5:53 pm.

Wastewater Program Manager Greg Tindle provided a salinity, paving and connection update and stated there had been only one back up since December. Councilman Chris Sante inquired as to whether Mr. Tindle had spoken with the Key Largo Wastewater Treatment District (KLWTD) regarding their efforts to streamline the commercial hookup process. Mr. Tindle reported the KLWTD had implemented an electronic submittal process which had helped streamline the hookup process.

IX. ORDINANCES

A. First Reading: Ordinance Establishing Civil Penalties for the Possession of Cannabis (Marijuana) for Amounts Under 20 Grams TAB 2

This item was heard at 5:56 pm.

Village Attorney Roget Bryan read the title of the ordinance and presented the staff report recommending approval. He explained that if the violator did not pay the fine imposed by the citation, the matter would go before the Special Magistrate for consideration. Mr. Bryan explained that if there was an order by the Special Magistrate affirming the fine it would be recorded with the Monroe County Property Appraiser and could be attached to any real or personal property owned by the violator.

Mayor Deb Gillis opened public comment.

Larry Barr spoke in support of stricter fines for marijuana possession.

Cheryl Culberson spoke in support of the Council approving the ordinance. She stated civil fines could be attached to a credit report.

Mayor Deb Gillis closed public comment.

Councilman Chris Sante explained the reason for the ordinance was to reduce the backlog these types of violations created in the court system. Village Attorney Roget Bryan clarified that the violation would still be a criminal offense.

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

B. Second 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 3

This item was heard at 6:02 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.

Cheryl Culberson, Local Planning Agency Member, encouraged the Council to approve the ordinance.

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

X. QUASI-JUDICIAL

XI. RESOLUTIONS

- A. Specialized Professional Services Agreements with Government Services Group, Inc. TAB 4**
("GSG") for 2016-2017 Wastewater, Stormwater and Solid Waste Assessment Programs

This item was heard at 6:06 pm.

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

Village Manager Maria Aguilar explained why the services of Government Services Group were still needed. She stated that at some point in the future she wanted to bring the process in house.

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

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

- B. Resolution Approving Second Renewal of an Engagement with Mauldin & Jenkins, LLC TAB 5**
for Professional Auditing Services for the Fiscal Year Ending September 30, 2015

This item was heard at 6:11 pm.

Village Attorney Roget Bryan read the title of the resolution. Ariana Lawson, Finance Director, read 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 Chris Sante seconded the motion. Council voted all in favor. The motion passed 5-0.

- C. Resolution Approving an Agreement with Florida Technical Consultants, LLC (FTC) for TAB 6**
GIS Services

This item was heard at 6:13 pm.

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

Councilman Chris Sante noted that the work that will come from this Agreement affects the lot swaps and asked when the ordinance to address lot swaps would come before Council for approval. Ms. Cioffari stated she expected to bring the item to Council for approval late summer of 2016. Discussion ensued among Council and staff regarding the amount of hammock left on small parcels; when the item would be delivered to DEO; the length of time staff had been working on updating the habitat maps; and completion of the grant deliverables being due June 2016.

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

Councilman Chris Sante made a motion to approve. Councilman Dennis Ward seconded the motion.

Council voted all in favor. The motion passed 5-0.

D. Resolution Approving an Agreement with the Trust for Public Lands (TPL) for GIS Services TAB 7

This item was heard at 6:24 pm.

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

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

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

XII. MOTIONS

XIII. MAYOR / COUNCIL COMMUNICATIONS

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

This item was heard at 6:26 pm.

Vice Mayor Jim Mooney spoke against the perpetuity requirement for affordable housing citing property owners earned a right to the value in their home and suggested limiting the requirement to a specific number of years. He explained he would be in favor of perpetuity if it was applied to a large developer that was receiving tax credits for the project. Vice Mayor Mooney stated that he thought the reason the Village still had 36 BPAS units of affordable housing was due to a lack of incentive to build affordable housing. Vice Mayor Mooney asked for Council support to move the topic to the Achievable Housing Committee for further discussion.

Council discussion ensued regarding the utilization of infill lots; the City of Key West removing their perpetuity requirement and the problems that caused regarding the availability of affordable housing; and the problems associated with income level limitations.

The Council expressed support for review and discussion by the Achievable Housing Committee. Councilman Mike Forster suggested the committee consider other resort towns that are also affected by affordable housing issues.

**B. Island Christian School Sign – Councilman Dennis Ward
(This discussion item was added to the agenda)**

This item was heard at 6:49 pm.

Councilman Dennis Ward stated the Island Christian School would like to have an electronic messaging sign in front of the school; but that they could not because of local regulations. Councilman Mike Forster suggested Island Christian School apply for the permit to erect a sign. Councilman Forster explained that if Island Christian School was denied a permit the item would come before Council to be decided. Village Attorney Roget Bryan stated he understood that the general consensus of the Council was that the idea of a sign at that location is doable.

C. Explanation of the Action List – Mayor Deb Gillis

(This discussion item was added to the agenda)

This item was heard at 6:53 pm.

Mayor Deb Gillis asked staff how items were added to the Action List and how they were removed. Assistant to the Village Manager Mary Swaney explained that items were added to the list when it was the consensus of the Council to move forward with an action and if they were items that would take a significant amount of time. Ms. Swaney stated items were removed when the item had been completed or when Council requested the item be removed. She explained that the list provided Council with a progress update regarding the various items.

XIV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Discussion Regarding Assessed Values of Vacation Rentals

This item was heard at 6:54 pm.

Director of Planning Cheryl Cioffari explained the current eligibility requirements for vacation rentals. She stated that the vacation rentals that were not categorized as “existing” vacation rentals were categorized as “new” vacation rentals. She stated vacation rentals categorized as “new” must have an assessed value of at least 600% of the median annual income, if they are located in the mixed use and residential high FLUM categories. She stated in the past the ordinance had been modified to allow that number to remain using the 2007 tax data which was the data used when the ordinance was first adopted. Ms. Cioffari stated an analysis for next years’ data shows that 55 units would not qualify because their units would fall below the required assessed value. She stated that next year these units would have to assess at a minimum of \$422,400 dollars. Ms. Cioffari stated the amendment in the Code had allowed the Village to use the 2007 tax data until September 30, 2016. Ms. Cioffari explained that beginning October 1, 2016 staff would be required to use 2014 tax data. She explained that a mechanism that created the vacation rental program intended to maintain some affordable housing units. Ms. Cioffari explained that the ordinance had been modified twice but that a modification now could result in the vacation rental ordinance being struck in its entirety. Discussion ensued among Council and staff regarding the State of Florida and vacation rental regulations; the possibility of an ordinance losing its pre-existing status with the State of Florida; and whether or not the Council wanted staff to take no action; or to explore the matter further.

The majority of Council expressed agreement that staff should take no action to amend the ordinance; and expressed a desire to keep previously qualified vacation rentals.

B. Discussion Regarding Noticing Requirements for Development Permits

TAB 8

This item was heard at 7:09 pm.

Director of Planning Cheryl Cioffari stated that at the last Local Planning Agency (LPA) meeting the committee members discussed increasing the noticing requirements for development applications and explained what drove the discussion. She provided examples of the different noticing requirements for various development applications.

Cheryl Culberson, LPA member, explained, that at times, people impacted by a development would not see the posted sign due to the location of the posting. She spoke in support of the Village doing more than the minimum required by State Statute. Ms. Culberson recommended posting the notice on the Village website. She requested the Council permit the Local Planning Agency to discuss noticing

requirements and provide recommendations to the Council. Council expressed agreement for allowing the LPA to discuss and make recommendations.

C. Report Regarding Status of Implementation of Trainnovations Planning Process Recommendations

TAB 9

This item was heard at 7:59 pm.

Village Manager Maria Aguilar provided an update regarding Trainnovation's recommendations. Ms. Aguilar stated the CityView Building and Code Enforcement modules had been successfully implemented; she explained that she had designated Susan McLaughlin as the Assistant to the Village Manager for Community Development Services to identify the job responsibilities of each individual in Building, Code and Planning and then to translate that information to CityView thereby facilitating better communication between the departments. Ms. Aguilar explained Planner Thomas Skidmore's position had been reclassified to include acceptance of Building permits which would bridge the gap for customers applying for a permits that required review by Planning. She provided an update regarding the progress of current major land developments in Islamorada and stated the CityView Planning module was delayed due to loss of staffing by Harris Corporation and was now scheduled for implementation in April 2016.

Discussion ensued among the Village Council and staff regarding when the recommendations would be completed; the need for checklists; the planning departments need to fill two vacant planner positions; time management; and staff involvement when addressing illegal development. Director of Planning, Cheryl Cioffari, provided several examples regarding steps that had been taken to improve processes in the Planning and Building departments. Councilman Chris Sante expressed concern regarding multiple planners reviewing an application. Ms. Cioffari stated the goal was to have one planner take the application through the entire process. Village Manager Maria Aguilar stated she had drafted an RFQ that would solicit firms to provide support to development services to address current staffing needs and due to two staff members that would soon be out on leave.

D. Follow Up on Proposed Emergency Fire Rescue Services and Facilities Surtax

This item was moved up on the agenda and was heard at 7:16 pm.

Village Manager Maria Aguilar summarized the discussion by the Monroe County Board of County Commissioners regarding the proposed surtax. She stated the intent of the one percent surtax was to provide funding of Fire Rescue services throughout the County. Ms. Aguilar explained that some of the financial burden that was placed on property owners via property taxes would be shifted to the general population, including visitors. She provided a brief explanation as to how this would affect the Village's budget. Ms. Aguilar explained that any excess funds may not be allowed to be used for social services and that this was a point of discussion for the BOCC. Ms. Aguilar stated that the BOCC directed the County Attorney to prepare a list of questions to be answered by the Attorney General.

Kevin Maddox, Monroe County Senior Director of Strategic Planning, provided a brief overview of the statute that authorizes the surtax. He explained the statute required any amount generated by the surtax to be used to reduce the ad-valorem assessments by a like amount. Mr. Maddox explained the distribution formula provided by state statute is based on the last five years of spending. Mr. Maddox stated all the municipalities and districts within a county would have to participate. He explained the revenues from the surtax would be distributed to Monroe County which would in turn distribute the funds based on the formula. Mr. Maddox stated that one penny generated approximately \$34 million dollars countywide. He stated that based on 2014 data, county wide spending on Emergency Fire Rescue Services was approximately \$29 million dollars.

Village Manager Maria Aguilar explained that approximately 45% of the Village's ad valorem taxes go to Fire Rescue services. She stated that her public comments at the BOCC meeting were to assert that any overages should be distributed to the municipalities.

Mr. Maddox stated that visitors pay approximately 60% of the sales tax and that they utilize the Fire Rescue services. He explained that currently, property owners pay 100% of these services and in theory, by implementing the surtax they would pay for 40 % of these services. He stated the surtax would be required to be put before the voters in a countywide general election.

Councilman Chris Sante expressed concern regarding a future agreement with Monroe County and the Village's ability to collect the revenue that was due to them. Mr. Maddox state the distribution formula was set in stone and that one of the questions for the Attorney General was whether or not the county could have Interlocal agreements.

Village Attorney Roget Bryan explained the funds had to be used for Fire Rescue services which included capital improvement items such as fire trucks, ambulances and fire equipment. Discussion ensued among Council and staff regarding types of expenditures that would be included; future budgeting of capital improvement items for Fire Rescue; how the capital items were currently budgeted; creating a capital project replacement fund; and how the excess surtax funds would be used.

Councilman Mike Forster suggested that if this moved forward he would like to see all county participants meet for a roundtable discussion.

Mayor Deb Gillis opened public comment.

Larry Barr stated that when you start a revenue stream the County never wants to give it up. He suggested the Village add a toll road. He expressed concern for local renters and the additional cost to them.

Mayor Deb Gillis closed public comment.

E. Discussion Regarding FDOT Property at MM 82.5

This item was heard at 7:41 pm.

Village Manager Maria Aguilar explained the current use of the property located at approximately 82.5 bayside, which was being leased by Monroe County from FDOT and currently houses the caboose owned by the Islamorada Chamber of Commerce. Councilman Dennis Ward asked if it was the Islamorada Foundations' desire to have the caboose moved from the property so that a park could be created in its place. Ms. Aguilar stated she had not heard directly from the Islamorada Foundation, but had heard from others that that was their wish. Councilman Mike Forster suggested the Council consider requesting ownership of the property at no cost to the Village.


Joe Roth, Islamorada Chamber of Commerce President, provided a brief history of the Chamber's interest in moving the caboose closer to the Chamber of Commerce building. Mr. Roth stated the reason the Chamber has considered moving the caboose was so that it would be closer to the Chamber of Commerce building making it easier to maintain and oversee. Mr. Roth stated that if the caboose could be moved and it would be beneficial to the Village, in conjunction with the requirements of the grant that was used to purchase the Plantation Hammock Preserve (PHP), then the Chamber of Commerce would be in favor of the move. He stated that if this scenario did not work out, then the Chamber's intent would be to leave the caboose where it was maintaining their lease until such a time that the Chamber had the ability to move it to a different location. Village Manager Maria Aguilar provided information regarding a pertinent portion

of the Management Plan that was a requirement of the grant used to purchase the PHP property and explained that an educational facility would be an appropriate addition to the property.

Councilman Mike Förster spoke in support of the Caboose being moved to the PHP property. Village Manager Maria Aguilar stated she had been informed the Chamber was going to research costs for moving the Caboose, inclusive of engineering services, at the Chamber's expense. Joe Roth, Islamorada Chamber of Commerce President, stated some research had been done and that it was their intent to pay the costs to move and maintain the Caboose. Discussion ensued regarding the location and visibility from Highway US 1 and the possibility of needing the location for an elevated pedestrian walkway. The majority of Council expressed agreement to move forward with the Chamber conducting further research and presenting their proposal to Council at a future date.

XV. ADJOURNMENT

Councilman Dennis Ward made a motion to adjourn. Mayor Deb Gillis seconded the motion. The meeting adjourned at 8:44 pm.


Kelly S. Toth
Village Clerk

Approved by the Village Council this 25th day of February, 2016.