



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, April 28, 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

John Wayne Smith led the Pledge of Allegiance.

III. PRESENTATIONS AND ANNOUNCEMENTS

A. Proclamation: National Foster Care Month

Vice Mayor Jim Mooney presented the proclamation for National Foster Care Month to Jeremy Wilkerson, Director of Community Development, Wesley House Family Services. Mr. Wilkerson expressed a need for more foster parents and provided the following phone number 305-809-5000.

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

This item was heard at 5:36 PM.

State Lobbyist John Wayne Smith reported on the Keys Stewardship Act, future mobile pedestrian crosswalks in the Keys, and a recent meeting he had with individuals associated with the Morada Way Arts District. He reported the Legacy Act was passed stating it dedicated a minimum of \$200 million dollars annually for the next eighteen years and that the Legacy Act earmarked funding from Amendment One for Everglades related issues.

Councilman Mike Forster thanked Mr. Smith; and thanked Lobbyist Dean Cannon, who was not present at the Council meeting, for his participation in the meetings regarding the mobile crosswalk. Councilman Forster inquired as to whether or not the interlocal agreement that addressed the funding distribution, was still in effect. State Lobbyist John Wayne Smith stated his understanding of the agreement, from the meeting that he participated in last summer, was that the agreement would be in effect until the entire \$200 million dollars had been received. He stated only \$100 million had been received thus far.

Councilman Mike Forster suggested that the Environmental Protection Agency be included when addressing water related issues. He expressed concern that the polluters pay principle was no longer being applied and that environmental protection was needed.

Mayor Deb Gillis stated a meeting was being coordinated by Village staff that would include representatives from the Department of Environmental Protection (DEP), the U.S Army Corp of Engineers (ACOE), and the South Florida Water Management District (SFWMD).

Councilman Sante stated he had met with the Lobbyists and was happy with the progress they had made this year.

C. Presentation of Impact Fee Study- Malcolm Munkittrick

TAB 1

This item was heard at 5:52 PM.

Malcolm Munkittrick presented the findings of the draft Impact Fee Study. He recommended updating impact fees every three to five years; and stated that it had been over ten years since the Village had updated its impact fees. Mr. Munkittrick explained the legalities and methodologies regarding impact fees as well as the eligible costs. Mr. Munkittrick explained the analysis of the current impact fees being assessed by the Village and explained that an option for the Village to consider was implementing a General Government Impact Fee. He explained two methodologies for assessing the General Government impact fee: Cost Recovery methodology and the Incremental Expansion methodology. Councilman Chris Sante stated he had met with Malcolm Munkittrick earlier and that he agreed with the incremental expansion methodology as it allowed for more flexibility. Councilman Mike Forster stated he had not realized that it had been more than ten years since an adjustment had occurred. Councilman Forster stated new development pays for the amenities or the millage would have to be raised; and spoke in support of passing on the costs to new development. Mayor Deb Gillis stated the Council did not have to accept the fees as proposed and provided an example of how the inclusionary zoning fee was decided upon in the past. She stated that she understood TischlerBise was looking for a decision regarding the methodology the Council preferred: Cost Recovery or Incremental Expansion; and that if the incremental expansion methodology was preferred then land acquisition costs would need to be calculated. Mr. Munkittrick stated the Council did not need to rush into a decision but that this process encouraged capital planning and referenced the possibility of a future public works building. He encouraged discussion in the near future regarding whether or not the Council wanted to proceed with a cost recovery approach to recoup on the debt payments for the Village Administration Building; or if the Council desired to begin collecting fees and revenue for another general government facility.

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

Vice Mayor Jim Mooney stated he would like an opportunity to consider the information that had been provided. The majority of Council expressed that they would like more time to review the information. Council directed staff to add a discussion item to the May 12, 2016 Regular Village Council Meeting agenda regarding the impact fee study. Brief Council discussion ensued regarding past efforts to acquire a building for public works. Councilman Mike Forster requested information regarding past discussions regarding a new public works building.

IV. PUBLIC COMMENT

Mayor Deb Gillis opened public comment at 6:37 PM.

Jill Zima Borski suggested a time certain for public comment. She expressed concern regarding the Village Manager evaluations not having been included as a tabbed item in the agenda. Ms. Zima Borski spoke favorably regarding Village Manager Maria Aguilar's knowledge, skills and abilities and spoke against

spending tax payer money on a new village manager search. She requested that the Council fairly evaluate the manager and not judge her on "touchy feely" stuff, but rather on job performance and expertise. Ms. Zima Borski requested that the Council keep Ms. Aguilar and spoke in support of the Council keeping a qualified, knowledgeable leader rather than looking for a new Village Manager.

Mark Gregg informed the Council about a grant being offered by the Tourist Development Council that he thought could be used to repair and revitalize the fishing pier at Founders Park. Village Manager Maria Aguilar informed the Council that the Village only owned a portion of the pier and that there had been issues with people staying at the pier all night. Mr. Gregg confirmed that the Village only owned a portion of the pier, but that the Village could get title to the remaining portion if they so desired. Councilman Chris Sante requested more information and spoke in support of acquiring the remaining portion of the pier. The majority of Council expressed support for receiving more information regarding the matter and requested future discussion.

Mayor Deb Gillis closed public comment.

V. AGENDA: Request for Deletion / Emergency Additions

Councilman Mike Forster added a discussion item regarding a Sheriff's surplus vehicle under the Mayor/Council Communications portion of the agenda.

Mayor Deb Gillis added a discussion item regarding the Climate Change/Sea Level Rise Roundtable event under the Mayor/Council Communications portion of the agenda.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

A. Local Planning Agency Update – Chair Pete Bacheler

This item was heard at 6:50 PM.

Chair Pete Bacheler stated the Local Planning Agency (LPA) voted 6-0 in favor of the valuation change to the vacation rental license ordinance. He stated the LPA voted 6-0 in favor of the change to the parking ordinance that would require two parking spaces per unit.

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

This item was heard at 6:52 PM.

Chair Janet Wood provided an update to Council regarding available parcels for potential future affordable housing that were located in and outside of the Village. She stated in an effort to encourage developers to build affordable housing, the committee discussed waiving impact fees, as permit fees were already waived. She explained that a majority of the committee voted in favor of keeping the deed restriction in perpetuity. Ms. Wood stated the next Achievable Housing Citizens' Advisory Committee meeting would occur on May 16, 2016 at 5:00 PM in the third floor conference room of the Village Administrative Center. Mayor Deb Gillis stated Monroe County would be holding an Affordable Housing meeting on May 20, 2016 at 9:00 AM in Marathon.

C. Annual Review of Citizens' Advisory Committees– Council

TAB 2

This item was heard at 7:21 PM.

Village Clerk Kelly Toth presented the staff report. Brief Council discussion ensued with Councilman Dennis Ward making a motion to continue with all of the committees as established. Vice Mayor Jim Mooney seconded the motion. Council voted all in favor.

D. Water Quality Improvement Citizens' Advisory Committee (This item was added to the agenda)

This item was heard at 7:05 PM.

Chair David Makepeace stated that at the last committee meeting, committee members discussed the Weiler Engineering Inc. Stormwater report that included thirteen areas of concern throughout Islamorada. He stated the South Florida Water Management District (SFWMD) was currently offering a Cooperative Funding Program of up to \$250,000 per stormwater project that included a matching component. Mr. Makepeace stated the committee recommended pursuing the funding and that applications were due May 20, 2016. He stated the committee discussed and agreed that the project that was closest to shovel-ready was located in Venetian Shores. Mr. Makepeace stated the committee also recommended addressing the road related issues in Venetian Shores when the stormwater projects began.

Village Manager Maria Aguilar stated staff was looking for direction from Council as to whether or not to proceed with the SFWMD funding application. She stated Weiler Engineering would handle the application process for a fee of approximately \$2,000.

Mayor Deb Gillis asked if the Stewardship funds could be used for Stormwater projects. Village Attorney Roget Bryan confirmed that Stewardship funds could be used. Council gave staff direction to move forward with the application process.

Mayor Deb Gillis opened public comment.

Larry Barr expressed support for applying for the stormwater funding offered by the South Florida Water Management District. He spoke regarding the other areas of concern throughout the Village as well as the costs associated with the stormwater projects.

Stanley Marguiles spoke in support of the Village pursuing the funding opportunity offered by the South Florida Water Management District.

Mayor Deb Gillis closed public comment.

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 7, 2016 Regular Village Council Meeting

TAB 3

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

VIII. WASTEWATER MATTERS

- A. Wastewater Update**

TAB 4

This item was heard at 7:24 PM.

Wastewater Program Manager Greg Tindle provided a wastewater connection update and stated salinity levels were within the amounts allowable per the agreement with the Key Largo Wastewater Treatment District.

B. Community Development Block Grant (CDBG) Update

Finance Director Ariana Lawson stated that approximately \$720,000 was available for wastewater connection assistance for low to moderate income residents. She stated the Fiscal Year 2016 Housing and Urban Development (HUD) income limits had decreased slightly. Ms. Lawson stated a document containing the new limits was being included with the wastewater connection letters that were being sent to Lower Matecumbe Key residents. She stated 127 applications had been received and of those, 51 were approved, 24 were under review and 52 were either withdrawn by the applicant or were ineligible. Ms. Lawson stated staff was working with the Department of Economic Opportunity (DEO) and that DEO was in the process of extending the grant beyond the October 21, 2016 deadline. She explained the change would not increase the funds but would allow more time for connections. Discussion ensued between Mayor Deb Gillis and Ms. Lawson regarding the amount of funding used to date; invoice submittals from the plumbers; and sufficient funding to provide for all of the approved applications.

Director of Planning Cheryl Cioffari stated one of the requirements of the CDBG was for the Village to have a citizens' advisory task force. She explained that 51 percent of the membership must meet the low to moderate house hold income qualifications and that only one (1) of the four (4) members met the qualification. Ms. Cioffari stated the following household income limits: \$48,100 for one person; \$55,000 for two people; \$61,850 for three people; \$68,700 for four people; \$74,200 for five people; \$79,700 for six people; \$85,200 for seven people; and \$90,700 for eight people. She encouraged anyone who met these requirements and was interested in serving to please contact the Director of Planning or the Village Clerk.

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

IX. ORDINANCES

- A. First Reading: Text Amendment to Policy 1-2.4.7 "Limit Transient Rental Use of Residential Properties" of the Islamorada, Village of Islands, Comprehensive Plan **TAB 5**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-2.4.7 "LIMIT TRANSIENT RENTAL USE OF RESIDENTIAL PROPERTIES" OF THE VILLAGE COMPREHENSIVE PLAN TO REVISE VALUATION CRITERIA FOR TRANSIENT RENTALS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

This item was heard at 7:35 PM.

Village Attorney Roget Bryan read the title of the ordinance and stated this was first reading. 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 and the motion passed 5-0.

- B. First Reading: Text Amendment to Chapter 30 "Land Development Regulations," Article VI "Specific Use Restrictions," Division 6 "Vacation Rentals," Section 30-1295(B)(2) of The Village Code **TAB 6**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS," ARTICLE VI "SPECIFIC USE RESTRICTIONS," DIVISION 6 "VACATION RENTALS," SECTION 30-1295(B)(2) OF THE VILLAGE CODE TO REVISE VALUATION CRITERIA FOR VACATION RENTAL REGISTRATION; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

This item was heard at 7:40 PM

Village Attorney Roget Bryan read the title of the ordinance and stated this was first reading. Director of Planning Cheryl Cioffari presented 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. Councilman Chris Sante seconded the motion. Council voted and the motion passed 5-0.

- C. Second Reading: Ordinance Amending the Land Development Regulations to Limit the Maximum Nonresidential Floor Area of Nonresidential Structures to 10,000 Square Feet

TAB 7

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS," ARTICLE II "RULES OF CONSTRUCTION AND DEFINITIONS"; SPECIFICALLY AMENDING ARTICLE V "SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS", DIVISION 2 "ZONING DISTRICTS", SECTION 30-692 "VILLAGE CENTER (VC) ZONING DISTRICT", SECTION 30-693 "TOURIST COMMERCIAL (TC) ZONING DISTRICT", SECTION 30-694 "COMMERCIAL FISHING (CF) ZONING DISTRICT", SECTION 30-695 "MARINE USE (MR) ZONING DISTRICT", SECTION 30-696 "HIGHWAY COMMERCIAL (HC) ZONING DISTRICT", SECTION 30-697 "NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT", SECTION 30-698 "INDUSTRIAL (I) ZONING DISTRICT", SECTION 30-701 "PUBLIC AND SEMI-PUBLIC SERVICES (PS) ZONING DISTRICT", SECTION 30-702 "RECREATION (R) ZONING DISTRICT" AND SECTION 30-703 "MARICULTURE (M) ZONING DISTRICT" OF THE VILLAGE CODE OF ORDINANCES TO LIMIT THE MAXIMUM PERMITTED GROSS FLOOR AREA OF ANY NONRESIDENTIAL STRUCTURE WITHIN THE VILLAGE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

This item was heard at 7:41 PM

Village Attorney Roget Bryan read the title of the ordinance and stated this was first reading. 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. Vice Mayor Jim Mooney seconded the motion. Council voted and the motion passed 5-0.

X. QUASI-JUDICIAL

XI. RESOLUTIONS

A. Resolution to Approve 401(A) Qualified Retirement Plan Adoption Agreement

TAB 8

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE VILLAGE'S 401(A) QUALIFIED RETIREMENT PLAN ADOPTION AGREEMENT TO REFLECT COMPLIANCE WITH THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 AND OTHER LEGISLATIVE AND REGULATORY CHANGES; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:44 PM.

Village Attorney Roget Bryan read the title of the resolution. Village Manager Maria Aguilar 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 Dennis Ward seconded the motion. Council voted and the motion passed 5-0.

XII. MOTIONS

XIII. MAYOR / COUNCIL COMMUNICATIONS

A. Village Manager Evaluation

This item was heard at 7:46 PM

Councilman Dennis Ward expressed concern regarding the manner in which the evaluations were conducted. He expressed concern about potential agreements being discussed with the Village Manager prior to being discussed with Council.

Village Manager Maria Aguilar stated that if the Council wished to pursue hiring another Village Manager, she would be willing to assume her previous position with the Village as Finance Director and Deputy Village Manager if mutually agreeable terms could be met. She stated alternatively, she would be willing to accept termination without cause pursuant to the terms of her contract.

Council discussion ensued regarding rumors of possible Village Manager candidates; and possible positions to which the Village Manager could step back. Councilman Mike Forster explained his conversation with the Village Manager regarding her review and the possibility of a one-year contract as the Deputy Village Manager/ Finance Director. Village Manager Maria Aguilar explained the reason for the discussion regarding the need for a contract stating that if she resumed her previous position, she would need protection that the new Village Manager would not terminate her when she no longer had a contract with the Village. Mayor Deb

Gillis stated when she reviewed the Village Manager she suggested Ms. Aguilar receive her twenty weeks of severance and the Village rehire her as the Director of Finance. Vice Mayor Jim Mooney stated he felt that he had scored her fairly based on the length of time served in the position. Village Attorney Roget Bryan explained the provisions of the prior Village Manager Ed Koconis' contract and that he believed there was a mechanism to achieve the Village Manager resuming her prior duties as Deputy Village Manager/ Finance Director. Councilman Dennis Ward expressed concern regarding Ms. Aguilar's expertise being needed as the Village headed into budget season. Councilman Chris Sante stated he had given the Village Manager a good rating and would support whatever Ms. Aguilar decided to do.

Village Attorney Roget Bryan clarified the direction of the Council was to move forward with exploring amending the contract to allow for Ms. Aguilar to resume her prior position and that Vice Mayor Jim Mooney would serve as the liaison for the Council and work with the Village Attorney to negotiate the terms with Ms. Aguilar.

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

B. Discussion Regarding Sheriff's Surplus Vehicle (This item was added to the agenda).

This item was heard at 8:21 PM.

Councilman Mike Forster inquired if the Council would be willing to use a surplus stationary vehicle to encourage traffic to slow down, much like the City of Layton had done. He stated the Village would have to maintain the insurance coverage and maintenance of the vehicle. Councilman Forster stated the vehicle could be moved to different places throughout the Village where needed. He asked Council permission to allow Monroe County Sheriff's Captain Corey Bryan to pursue obtaining the surplus vehicle for the Village to use for this endeavor. The majority of Council expressed support for this idea.

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

C. Climate Change/Sea Level Rise Roundtable Announcement (This item was added to the agenda).

This item was heard at 8:24 PM.

Mayor Deb Gillis announced Congressman Carlos Curbello and Monroe County were hosting a Climate Change and Sea Level Rise Roundtable Discussion that would occur on May 4, 2016 at 2:00 PM at the Murray Nelson Government Center in Key Largo. She stated a designated "lead" from each municipality was needed and asked the Councilmembers if they had an interest in being the lead. Mayor Gillis stated she would be the lead.

XIV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Discussion Regarding Cheeca Request for Bus Stop and Bus Stops Generally in the Village

This item was heard at 8:26 PM.

Village Manager Maria Aguilar explained to Council that the Cheeca Lodge would like to have a bus stop for their employees, however the Village did not have a code that addressed bus stops. She provided a brief history of past bus stop issues in the Village. She suggested uniformity in the design of the bus stops if the Council decided to move forward with allowing bus stops. Council and staff discussion ensued regarding bus stop designs; no advertising on the bus stops; the Community Character Task Force that was created several years ago that discussed designs for bus stops; and the possibility of grants. The majority of Council expressed support for a uniform design and no advertising at the bus stops.

Mayor Deb Gillis opened public comment.

Larry Barr expressed concern regarding the FDOT's current landscaping project that could interfere with the bus stops picking up and unloading passengers.

Mayor Deb Gillis closed public comment.

B. Discussion Regarding CityView Bluebeam Software

This item was heard at 8:35 PM.

Village Manager Maria Aguilar explained digital plans submission was possible by utilizing CityView Bluebeam Software which would cost approximately \$55,000 and stated Collier County was beginning to use the software. Susan McLaughlin, Assistant to the Village Manager for Community Development, stated Cherokee Georgia was using Bluebeam software and was 100 percent digital. Ms. Aguilar stated staff might visit Collier County or Cherokee to discuss what it took to implement the software and to get the buy-in of the public. She explained that the plans were converted to PDF and that architects could convert the file to PDF and submit the plans electronically. Council and staff discussion ensued regarding what would be required of the public to submit plans; creating a list of questions to ask the other entities that use the software; one member of Council being involved in the process; and a 30-day free trial for Bluebeam. The Council expressed interest in moving forward with the software with Councilman Chris Sante serving as the Council liaison to staff. Councilman Mike Forster requested additional written information regarding the software.


C. Snake Creek Bridge Update

This item was heard at 8:46 PM

Councilman Mike Forster read a letter from Monroe County Sheriff's Captain Corey Bryan regarding vessels abusing the Snake Creek Drawbridge opening. Councilman Forster read that approximately 17 vessels had requested the bridge open in March; and approximately 12 in April and that the reports were sent to the Coast Guard in Miami for processing. In the letter Captain Bryan explained that one vessel, appearing to be a repeat offender, was unable to lower his outriggers due to a disability, which was a justified bridge opening. Captain Bryan's letter explained the difficulty marine patrol officers had with enforcement and that the Coast Guard was supportive of the Village and understood the issues that were being created.

XV. ADJOURNMENT

Councilman Dennis Ward made a motion to adjourn. Councilman Chris Sante seconded the motion. The meeting adjourned at 8:50 PM.



Kelly S. Toth
Village Clerk

Approved by the Village Council this 9th day of June, 2016.