



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
Thursday, June 9, 2016  
5:30 PM**

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

Mayor Deb Gillis called the meeting to order at 5:33 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**

**A. Legislative Update- State Representative Holly Raschein**

This item was heard at 5:34 PM.

State Representative Holly Raschein thanked the Council for the teamwork that led to the Florida Keys Stewardship Act being passed. Ms. Raschein reported \$5 million dollars was authorized by the legislature for the Florida Forever land acquisition program and \$5 million dollars was authorized for water related issues. She stated she would be working on workforce affordable housing more comprehensively going forward in addition to other issues facing the Keys.

Mayor Gillis announced that on June 21, 2016 the Village Council and representatives from the US Army Corp of Engineers, Florida Department of Environmental Protection and the South Florida Water Management District would hold a public meeting regarding the Everglades Restoration Program and environmental issues concerning the Florida Bay.

Councilman Dennis Ward asked if Ms. Raschein was working on a tax break or incentives for the production of Bloodline to continue in the Keys. Ms. Raschein explained that incentives for the film industry were one of the items that legislators were unable to get passed during the past legislative session. She stated the economic impact study she read was mind blowing and understands the impact it has on the Keys. Councilman Ward inquired about windstorm rates. Ms. Raschein replied that there were no additional increases this year; however, the Keys were still under the mandatory statute requiring a 10% increase every year until we become actuarially sound.

Ron Cole inquired about the completion of the FIRM study. Ms. Raschein stated that she understood the study would be completed in August.

David Guardino inquired about allocations from the Mayfield Grant. Ms. Raschein clarified that legislators asked for \$20 million and \$5 million was awarded for wastewater, storm water and canal restoration projects and that it was split throughout Monroe County.

Van Cadenhead asked if there was \$22 million left in the Mayfield fund. Ms. Raschein stated that there was \$100 million left still to be allocated that moves into the Stewardship Act funding. She explained that the \$100 million was not funded, it was authorized but never appropriated. Ms. Raschein stated that the Stewardship Act authorized \$20 million a year for ten years for water projects.

**B. Presentation by United Data Technologies – Miguel San Martin & Justin Clary**

**TAB 1**

This item was heard at 5:49 PM.

Village Manager Maria Aguilar stated the Village entered into an agreement with United Data Technologies (UDT) in November of 2015 and briefly explained the services they provide and the purpose for hiring UDT. UDT Account Manager Justin Clary provided a brief summary of the services offered by UDT. UDT Virtual Client Advisor Miguel San Martin briefly explained some of the items found in the risk report such as: unsupported operating systems, anti-spyware not installed, potential disk space issues, operating system in extended support, and house cleaning items such as inactive computers and users not having logged in in more than 30 days. Mr. San Martin stated offsite backup storage was 90% completed and occurring in the cloud as opposed to a private residence. Mayor Deb Gillis asked if there was a potential risk of using the cloud for storage due to the location of the Keys. He stated that there were other ways to access the cloud other than the Village's provider. He stated there was not an issue with access. Mayor Deb Gillis asked if there were a substantial number of computers not being used. Mr. San Martin provided an explanation of the "active directory" and stated that just because there were users in the directory it did not mean a computer existed for that user. He stated the active directory still had a record of the old users that needed to be cleaned up. Mr. San Martin stated the network (infrastructure) was the foundation of everything and stated this was their current focus.

Reynaldo Diaz suggested that the Council prioritized future expenditures by classifying expenses as one of the following: operational, network security or disaster recovery.

**IV. PUBLIC COMMENT**

Mayor Deb Gillis opened public comment at 6:09 PM.

Van Cadenhead read a passage from the Bible found in the Book of Joel. He expressed concern regarding the lack of affordable housing in the Keys and the housing needs of those that were financially less fortunate.

Frank Derfler stated that on Tuesday, June 7, 2016, forty-seven organizations gave money to the 2016 graduating class that totaled approximately \$326,000 from within the community. Mr. Derfler stated that \$87,000 of the money to Coral Shores Seniors came from the Upper Keys Rotary Club ("Rotary"). Mr. Derfler stated the Rotary gave an additional: \$44,000 to returning students; \$40,000 to Take Stock in Children and the Key Largo Rotary Club gave an additional \$40,000. Mr. Derfler stated that the total amount given to graduating seniors, including money from Take Stock in Children and the Bright Futures programs, was about \$2.3 million dollars.

Robert Moser, President of the Lower Matecumbe Beach Property Owners Association (LMBPOA), inquired as to the status of the streets in their subdivision. Village Attorney Roget Bryan stated he was scheduled to talk with the associations attorney, Nick Mulick, next week.

Mayor Deb Gillis closed public comment.

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

Councilman Mike Forster added two discussions items to the XII. Mayor/Council Communications section of the agenda regarding: a resolution pertaining to the issues in the Florida Bay; and landscaping throughout the Village.

Councilman Dennis Ward stated he would like a discussion on the next agenda regarding the process for evaluating a Village Manager and stated this was a process that should occur in public.

**VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

**A. Nearshore Water Regulation Citizens' Advisory Committee – Chair Bob Mitchell**

This item was heard at 6:18 PM.

Bob Mitchell was not present. Director of Parks and Recreation and Marine Resources John Sutter provided the update. Mr. Sutter stated the committee reviewed the new anchoring legislation for live-aboards that pertained to Broward and Miami Dade County. He stated the committee discussed the issues in the Florida Bay and the effectiveness of the pump out program and how well it was going. He stated that since the wastewater system and the pump out program had been functioning the bacteria levels had dropped significantly and were almost zero. Mr. Sutter stated that since the two programs went into effect he had not had a bacteria warning or caution for the Founders Park Beach. Mr. Sutter stated the last bacteria report he received was about a week ago. He stated that 35 parts per 100 is in the good range and that Founders Park Beach was only four parts per 100 and that Fort Zachary was two parts per 100. Mr. Sutter stated we were definitely seeing evidence of clean water. Mr. Sutter stated the committee discussed the Florida Go Fishing chip and that the information provided to this organization was very thorough so that Islamorada's portion of the chip would be very complete.

Councilman Dennis Ward inquired about the buoys located next to Founders Park Beach. Village Attorney Roget Bryan stated the appeal was still pending in circuit court and that we were not on the judge's calendar as of yet.

**B. Achievable Housing Citizens' Advisory Committee – Nancy Hershoff**

This item was heard at 6:23 PM.

Achievable Housing Citizens' Advisory Committee member Nancy Hershoff reported the committee discussed the transfer of development rights (TDRs) ordinance and suggested that when TDRs are transferred a payment should be made to the achievable housing fund. Discussion ensued among Council and staff regarding the in perpetuity requirement and creating density; the number of affordable housing units built in the last five years; and current affordable housing projects.

Mayor Deb Gillis opened public comment.

Van Cadenhead stated the TDR ordinance had been misused in the past and suggested square footage linked to a TDR should be limited.

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 28, 2016 Regular Village Council Meeting  
May 12, 2016 Regular Village Council Meeting

**TAB 2**

This item was heard at 6:37 PM.

Councilman Chris Sante made a motion to approve. Councilman Mike Forster seconded the motion. Council voted all in favor.

### **VIII. WASTEWATER MATTERS**

- A. Wastewater Update

**TAB 3**

This item was heard at 6:38 PM.

Wastewater Program Manager Greg Tindle reported on salinity levels continuing to be in compliance; completion of the construction on Woods Avenue vacuum system resulting in the vacuum pressure more than doubling; the continuance of the grinder pump program; and a connection /in progress update.

Councilman Chris Sante suggested the Village allow property owners more time to connect due to the minimal supply of plumbers in the Keys. He requested that the Village abstain from sending code violation notices due to the issue of supply and demand. Council discussion ensued regarding the current process with the majority of Council expressing that they did not wish to make a change.

Mayor Deb Gillis opened public comment.

Van Cadenhead expressed concern regarding charging property owners for wastewater via their water bill when they had not yet connected to the wastewater system. Council discussion ensued regarding billing.

Mayor Deb Gillis closed public comment.

- B. Resolution Approving an Amendment to Work Authorization No. 1 between Wade Trim, Inc. and Islamorada, Village of Islands for General Engineering Services Related to the Village's Design-Build-Operate Central Wastewater Project

**TAB 4**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FIRST AMENDMENT TO WORK AUTHORIZATION NO. 1 BETWEEN WADE TRIM, INC. AND THE VILLAGE FOR GENERAL ENGINEERING SERVICES RELATED TO THE VILLAGE'S CENTRAL WASTEWATER PROJECT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT TO WORK AUTHORIZATION NO. 1; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

This item was heard at 6:55 PM.

Village Attorney Roget Bryan read the title of the resolution. Wastewater Program Manager Greg Tindle 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.

## IX. ORDINANCES

- A. Second Reading: Land Development Regulations Text Amendment for Required Minimum Number of Parking Spaces for Multifamily Dwelling Units TAB 5

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS,” DIVISION 7 “OFF-STREET PARKING, LOADING AND DRIVEWAY STANDARDS” OF THE VILLAGE CODE OF ORDINANCES TO AMEND THE MINIMUM NUMBER OF REQUIRED PARKING SPACES FOR MULTIFAMILY UNITS AND TO AMEND THE REQUIRED SETBACKS FOR PARKING SPACES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE 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 7:00 PM.

Village Attorney Roget Bryan read the title of the ordinance and stated this was second reading and a public hearing. Director of Planning Cheryl Cioffari presented the staff report recommending approval.

Councilman Chris Sante stated he wanted the ordinance to remain at two parking spaces per deed restricted affordable housing unit instead of the proposed 1.5. Councilman Dennis Ward expressed support for Councilman Sante’s request. Discussion ensued between Councilman Sante and Director of Planning Cheryl Cioffari regarding the parking requirements for drive-thru restaurants. Ms. Cioffari initiated discussion regarding the side and rear yard setback requirements. The majority of Council expressed agreement for striking the words ‘side’ and ‘rear’ from the setback requirements.

Mayor Deb Gillis opened public comment.

Don Horton spoke in support of the ordinance and stated he hoped the Council revisited the parking regulations for restaurants in the future.

David Guardino stated that perhaps the back property line should be given consideration regarding the setback requirements.

Mayor Deb Gillis closed public comment.

Councilman Chris Sante made a motion to approve with the change to the deed restricted affordable housing parking requirements to require two parking spaces and to the setback requirements to allow reduction of setbacks. Councilman Dennis Ward seconded the motion. Council voted and 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. Second Reading: Future Land Use Map and Site Specific Text Amendment (FLRZ 16-01) **TAB 6**  
Application for Property Located at 100 Sapodilla Drive, Approximately MM 74.8

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY VICTOR BALLESTAS OF INTEGRA INVESTMENTS, LLC TO AMEND THE VILLAGE'S *FUTURE LAND USE MAP* FROM RESIDENTIAL CONSERVATION (RC) TO RESIDENTIAL LOW (RL) FOR PROPERTY LOCATED AT 100 SAPODILLA DRIVE, AT APPROXIMATELY MILE MARKER 74.8, WITH REAL ESTATE NUMBERS 00394440-000000 AND 00394430-000000, AS LEGALLY DESCRIBED IN EXHIBIT "A"; ESTABLISHING COMPREHENSIVE PLAN POLICY 1-2.11.5 "LOWER MATECUMBE KEY RESIDENTIAL LOW AREA 1 (LMKRL1)"; 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 7:15 PM.

Village Attorney Roget Bryan requested the Council disclose ex-parte communications. Councilman Chris Sante and Councilman Dennis Ward each stated that they had had no ex-parte communications. Councilman Mike Forster disclosed that he had spoken with Victor Ballestas and Dereck Rodberg. Mayor Deb Gillis disclosed that she had spoken with Don Horton, Victor Ballestas and the property owner. Vice Mayor Jim Mooney stated he had spoken with Victor Ballestas the first time the item was heard and had spoken with no one since then. Director of Planning Cheryl Cioffari presented the staff report recommending approval.

Mayor Deb Gillis invited the applicant to speak.

Charles Siemon, Attorney for the applicant, requested the Council's support and stated he was available to answer any questions the Council might have.

Mayor Deb Gillis invited those in favor of the item to speak; there were none.

Mayor Deb Gillis invited those against the item to speak.

Van Cadenhead spoke against thirty buildings being constructed and the possibility that construction would cause the eagle to leave.

Mayor Gillis summarized an email received pertaining to the DEO ORC report being followed. Director of Planning Cheryl Cioffari stated staff received confirmation from DEO that all of their technical comments had been addressed. Village Attorney Roget Bryan stated the email was part of the record.

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

- B. Second Reading: Zoning Map amendment (FLRZ 16-01) Application for Property Located **TAB 7**  
At 100 Sapodilla Drive, Approximately MM 74.8

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY VICTOR BALLESTAS OF INTEGRA INVESTMENTS, LLC TO AMEND THE *OFFICIAL ZONING MAP* FROM NATIVE**

**RESIDENTIAL (NR) TO RESIDENTIAL ESTATE (RE) FOR PROPERTY LOCATED AT 100 SAPODILLA DRIVE, AT APPROXIMATELY MILE MARKER 74.8, WITH REAL ESTATE NUMBERS 00394440-000000 AND 00394430-000000, AS LEGALLY DESCRIBED IN EXHIBIT "A"; 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 7:27 PM.

Village Attorney Roget Bryan requested the Council disclose ex-parte communications. Councilman Chris Sante and Councilman Dennis Ward each stated that they had had no ex-parte communications. Councilman Mike Forster disclosed that he had spoken with Victor Ballestas and Dereck Rodberg. Mayor Deb Gillis disclosed that she had spoken with Don Horton, Victor Ballestas and the property owner. Vice Mayor Jim Mooney stated he had spoken with Victor Ballestas the first time the item was heard and had spoken with no one since then. Director of Planning Cheryl Cioffari presented the staff report recommending approval.

Mayor Deb Gillis invited the applicant to speak. The applicant reserved his right to speak

Mayor Deb Gillis invited those in favor of the item to speak; there were none.  
Mayor Deb Gillis invited those against the item to speak.

Van Cadenhead expressed displeasure with the scale of the proposed development and expressed concern for the eagle.

Mayor Deb Gillis explained that the request before them was to allow or deny the use of TDRs for the construction of the buildings. She stated that even if the property owner did not use TDRs he would still be allowed to construct the same number of units.

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

**C. Administrative Appeal (AA-16-02) by Three Horses, LLC of a Building Permit Application Denial TAB 8**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. AA-16-02 FILED BY THREE HORSES, LLC, RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES FOR PROPERTY LOCATED WITHIN ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AT BLOCK 4, LOT 13, PLANTATION BEACH SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF MONROE COUNTY, WITH PARCEL NUMBER 00413360-000000; AND PROVIDING FOR AN EFFECTIVE DATE**

This item was heard at 7:36 PM.

Village Attorney Roget Bryan read the title of the resolution and requested the Council disclose any ex-parte communications. Councilman Mike Forster and Mayor Deb Gillis each disclosed that they had no ex-parte communications. Councilman Chris Sante disclosed that he had spoken with Tom Grady. Councilman Dennis Ward stated that he may have received an email from Tom Grady. Vice Mayor Jim Mooney disclosed that he had spoken with Tom Grady.

The applicant, Tom Grady, requested the Council postpone the item for a maximum of 180 days to allow him time to come back with a proposal for an entirely different sign. Village Attorney Roget Bryan stated that staff supported Mr. Grady's request for a continuance.

Councilman Chris Sante made a motion to allow up to a 180-day continuance. Vice Mayor Jim Mooney seconded the motion. Council voted and the motion passed 5-0.

## **XI. RESOLUTIONS**

- A. Resolution Waiving Competitive Bidding for the Purchase and Installation of New HVAC Units for Fire Station 20 TAB 9**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS, AND AIR 15, INC. FOR HEATING VENTILATION AND AIR CONDITIONING (HVAC) SERVICES; APPROVING THE WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE VAILLGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE**

This item was heard at 7:41 PM.

Village Attorney Roget Bryan read the title of the resolution. Fire Chief Terry Abel 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.

- B. Resolution Approving Ranking and Selection of Qualified Contractors for Modernized Passenger Elevator Installation and Maintenance for the Fire Department TAB 10**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FINAL RANKING AND RECOMMENDATIONS OF THE RFP 16-10 REVIEW COMMITTEE FOR MODERNIZED PASSENGER ELEVATOR INSTALLATION AND MAINTENANCE SERVICES; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE AN AGREEMENT FOR THE REQUESTED SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE**

This item was heard at 7:43 PM.

Village Attorney Roget Bryan read the title of the resolution. Fire Chief Terry Abel 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.

- C. Resolution Approval of the Residential Building Permit Allocation System Ranking and Awards for Quarter 2 of 2016 TAB 11**



**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND AWARDED RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 2 OF 2016; AND PROVIDING FOR AN EFFECTIVE DATE**

This item was heard at 7:48.

Village Attorney Roget Bryan read the title of the resolution. Director of Planning 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 Chris Sante seconded the motion. Council voted and the motion passed 5-0.

**D. Proposed Resolution Establishing an Ad Hoc Village Manager Recommendation Committee**

**TAB 12**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE AD HOC VILLAGE MANAGER RECOMMENDATION COMMITTEE; PROVIDING FOR THE TERM AND COMPOSITION OF THE COMMITTEE; PROVIDING FOR MEETINGS AND DISQUALIFICATION OF MEMBERS; PROVIDING FOR GOALS AND OBJECTIVES; PROVIDING FOR DUTIES AND RESPONSIBILITIES; PROVIDING FOR STAFF PARTICIPATION; PROVIDING FOR DISSOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE**

This item was heard at 7:49 PM.

Village Attorney Roget Bryan read the title of the resolution. Assistant to the Village Manager and Public Information Office Mary Swaney presented the staff report.

Mayor Deb Gillis opened public comment.

Van Cadenhead stated he was interested in the ten committee member names.

Mayor Deb Gillis closed public comment.

Councilman Chris Sante made a motion to approve. Councilman Mike Forster seconded the motion. Council voted and the motion passed 5-0.

Council made the following Ad Hoc Village Manager Committee member appointments:

Councilman Chris Sante appointed Dave Boerner and John Fernandez.

Councilman Mike Forster appointed Scott Black and Rick Freeburg.

Mayor Deb Gillis appointed Pete Bachelor and Judy Hull.

Councilman Dennis Ward appointed Steve Kurtz and Brad Dougherty.

Vice Mayor Jim Mooney appointed Don Horton and Henry Rosenthal.

Mayor Deb Gillis asked if the Council had an interest in enlisting the services of the Range Rider Program services provided by the ICMA. Discussion ensued among Council and staff regarding the program and the services they provide and the Village's past experience using the Range Rider program. The majority of Council expressed that they did not want to use the Range Rider services.

Mayor Deb Gillis opened public comment.

Van Cadenhead stated: “Professionals built the Titanic; amateurs built Noah’s Ark’. He spoke against utilizing the Range Riders.

Henry Rosenthal stated he would prefer the review be conducted by the committee without the use of the Range Riders.

Mayor Deb Gillis closed public comment.

## **XII. MOTIONS**

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

### **A. Discussion Regarding Landscaping in the Rights-of-Way – Councilman Sante**

**TAB 13**

This item was heard at 8:07 PM.

Councilman Chris Sante expressed concern regarding the FDOT plantings that the Village would eventually have to maintain. He also expressed concern regarding the vegetation that grows in the rights-of-way (ROW) throughout the Village as well as vegetation that has been planted in the ROW. He asked if the Council would agree to directing staff to create a specific right-of-way ordinance or a guideline and stated that the Code was not very clear as information was contained in various locations throughout the Code. Village Attorney Roget Bryan provided a brief explanation of the relevant portions of the Code and stated some of the items could be addressed by Code Enforcement. He clarified that Councilman Sante was requesting an ordinance that addressed ROWs that would be codified in its own section of the Code. Council expressed agreement for the request.

### **B. Discussion Regarding Village Landscaping – added by Councilman Forster**

This item was heard at 8:17 PM.

Councilman Mike Forster expressed concern regarding all of the vegetation being planted by the Florida Department of Transportation (FDOT) throughout the Village and the future maintenance of the plantings. Village Manager Maria Aguilar stated that FDOT maintained the vegetation for the first two years. She stated that if the Village did not maintain them after the first two years, that they would not be maintained to Village standards. Discussion ensued regarding maintenance agreements, the project closing date, landscaping costs going up due to the type of maintenance that would be needed and FDOT’s maintenance standards.

Mayor Deb Gillis opened public comment.

Van Cadenhead suggested maintenance ROW access be available which was equal in size to a pick-up truck to allow for easy access by the Village maintenance crew.

Robert Moser, Lower Matecumbe Beach Property Owners Association (LMBPOA) President, stated he spoke with Christine Crespo with FDOT regarding planting at the entrance of their subdivision. He stated they would need an FDOT permit and that FDOT did not enter into maintenance agreements with associations. Mr. Moser stated that Ms. Crespo suggested LMBPOA piggyback on the Village’s landscaping permit with include planned drawings for review and approval. Mr. Moser stated the maintenance agreement would be with the Village and the Village would have one with FDOT, but that he was sure how that worked. He stated the association would need help with the initial watering, but that the association would pay for the plants and the plantings if they were not donated. Mr. Moser stated that the Village’s assistance was needed for the permitting process otherwise they would not be allowed to plant. Village Manager Maria Aguilar clarified that the plantings would be in the FDOT right-of-way along Sunset

and Iroquois Drive. She stated staff would contact FDOT to find out what permission was required and go from there. Mr. Moser expressed concern for the garbage that collected along the right-of-way that came from the highway.

Mayor Deb Gillis closed public comment.

**C. Discussion Regarding the Lake Okeechobee Resolution – added by Councilman Forster**

This item was heard at 8:35 PM.

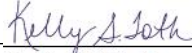
Councilman Mike Forster stated that the Monroe County Board of County Commissioners (BOCC) would consider its resolution addressing the environmental issues of the Florida Bay at the next meeting to occur in July. He expressed a desire to have a stronger resolution adopted by the Village. Councilman Forster stated that he had the Village Clerk email the BOCC draft to all Council Members. He stated that in the draft that was handed out to Council at the beginning of the meeting, water storage south of Lake Okeechobee was included near the front of the resolution as opposed to the back of the resolution as provided in the BOCC draft. Councilman Forster asked the Council to consider the resolution that was handed out, to show it to their constituents and to consider being the lead on this issue. Councilman Dennis Ward expressed agreement with Councilman Forster and stated the BOCC's draft resolution was convoluted. Village Attorney Roget Bryan asked if the Council wanted the resolution to be placed on the June 30, 2016 Regular Village Council Meeting Agenda. Council expressed agreement to have the resolution brought before them at the June 30<sup>th</sup> meeting.

Director of Planning, Cheryl Cioffari introduced new Senior Planner Brad Stein.

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

**XV. ADJOURNMENT**

Councilman Chris Sante made a motion to adjourn. Vice Mayor Jim Mooney seconded the motion. The meeting adjourned at 8:46 PM.

  
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Kelly S. Toth  
Village Clerk

Approved by the Village Council this 21<sup>st</sup> day of July, 2016.