



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

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

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

Mayor Deb Gillis called the meeting to order at 5:32 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**

Larry Barr led the Pledge of Allegiance.

**III. PRESENTATIONS AND ANNOUNCEMENTS**

**A. Presentation and Approval of Final Impact Fee Report -Malcolm Munkittrick**

**TAB 1**

This item was heard at 5:34 PM

Village Manager Maria Aguilar introduced Malcolm Munkittrick with TischlerBise and stated Malcom was present to explain the changes suggested in the final Impact Fee report. Ms. Aguilar stated Council would need to consider how best to proceed with changes to the Village's Impact Fees.

Malcolm Munkittrick, Fiscal and Economic Analyst with TischlerBise, stated the biggest changes to the draft were the shift to an incremental expansion approach at the Council's request, and the option to utilize the cost recovery approach was eliminated. He identified other changes to the report which included a land cost component to address land acquisition costs associated with the construction of any future government facilities. Mr. Munkittrick stated that the incremental expansion methodology allowed for the Village to spend the Impact Fees as they deemed appropriate, as long as the fees were used for capacity expansion and capital facilities. Mr. Munkittrick explained that the fees presented were the maximum the Council could adopt and that the Council could adopt lower fees. He stated that if the Council adopted lower fees, that in order to maintain the level of service in Islamorada, additional funds would need to be identified from an alternative source.

Mayor Gillis asked if the Council chose to adopt 50 percent, could the Council raise the Impact Fees to 100 percent in the future. Mr. Munkittrick confirmed that this could be done. He explained that the Impact Fees that are charged should be representative of the level of service the Village was currently delivering.

Mayor Deb Gillis opened public comment.

Van Cadenhead inquired about the population represented in the report. He asked if consideration was given to the fluctuation in population due to peak seasons. Mr. Munkittrick explained how the peak populations were applied in the report.

Don Horton expressed concern regarding the fees associated with a 2,000 square foot single family residence stating the report indicated the Impact Fees would be \$10,086 plus permit fees. Mr. Munkittrick clarified that the maximum fees for a single family residence were \$4,930. Mr. Munkittrick stated the residential Impact Fees were applied on a per unit bases; and non-residential Impact Fees were applied per 1,000 square feet of development.

Mayor Deb Gillis closed public comment.

Village Attorney Roget Bryan briefly explained the legalities associated with adopting Impact Fees.

Councilman Dennis Ward made a motion to approve and adopt the Impact Fee Study. Vice Mayor Jim Mooney seconded the motion. Council voted and the motion passed 5-0.

Discussion ensued among Council regarding the existing Impact Fees; whether to adopt the fees referenced in the study at the current meeting or to discuss the fees at a later date. Following discussion, Council consensus was to move forward with Impact Fees at the full amount supported by the Study. Village Attorney Roget Bryan stated he and the Village Manager were working under the assumption of an October 1<sup>st</sup> effective date and that a 90-day notice period was required. Mr. Bryan stated staff would provide the Council an agenda item in the future which would authorize the new Impact Fee category and fees.

#### **ANNOUNCEMENTS:**

Councilman Mike Forster extended his condolences to David Atkinson's family and friends regarding his recent passing.

Councilman Mike Forster thanked those involved with the University of Miami Sports Hall of Fame Dolphin Tournament that recently occurred at Founders Park.

Councilman Mike Forster stated Captain Hank Brown recently fell and broke his hip and asked for prayers for his recovery.

Mayor Deb Gillis thanked those that participated in the recent boat tours of the Everglades and Florida Bay.

Dennis Ward appointed Richard Baker to the Ad Hoc Village Manager Recommendation Committee.

#### **IV. PUBLIC COMMENT**

Mayor Deb Gillis opened public comment.

Van Cadenhead thanked Councilman Ward for his discussion item pertaining to a process for reviewing future Village Managers. He stated he was sad to see the current Village Manger being replaced and spoke very highly of her.

Ron Cole invited people to attend the Key Largo Fourth of July parade. He referenced an opinion piece found in the Key West Citizen that stated Obama, not Congress, should release 9/11 information. Mr. Cole proceeded to comment about the controversy regarding the 9/11 attacks.

Stephen Davis with the Everglades Foundation, announced an event that would occur titled the Florida Bay Forever Forum which would occur on July 19, 2016 from 3PM to 7PM at the Blue Marlin Ballroom, Islander Resort located at 82100 Overseas Highway, Islamorada.

Mayor Deb Gillis closed public comment.

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

**VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

**A. Ad Hoc Village Manager Recommendation Committee – Chair Pete Bacheler**

This item was heard at 6:00 PM.

Chair Pete Bacheler stated the Ad Hoc Village Manger Recommendation Committee agreed to six meetings to accomplish their tasks. He stated that there were currently 29 applications for the position of Village Manager. Mr. Bacheler asked the Council for direction regarding the number of applicants the Council wanted the Committee to provide to them. Council discussion ensued with Vice Mayor Mooney suggesting eight candidates; Mayor Deb Gillis suggesting five candidates; and Councilman Chris Sante and Councilman Dennis Ward expressed agreement with Vice Mayor Mooney. Direction was given to the Committee Chair to provide eight applicants to the Council for consideration.

**VII. CONSENT AGENDA**

(All items on the Consent Agenda are considered routine by the Village Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event, the item will be moved to the Main Agenda.)

- A. Minutes TAB 2**  
May 25, 2016 Special Call Village Council Meeting

- B. Resolution Approving Continuing Service Agreements for General Support Services for the TAB 3**  
Building Services and Code Enforcement Departments

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING NON-EXCLUSIVE CONTINUING SERVICE AGREEMENTS FOR GENERAL SUPPORT SERVICES FOR THE BUILDING SERVICES AND CODE ENFORCEMENT DEPARTMENTS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE NON-EXCLUSIVE AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE**

- C. Resolution Approving Continuing Service Agreements for General Support Services for the TAB 4**  
Planning and Development Services Department

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING NON-EXCLUSIVE CONTINUING SERVICE AGREEMENTS FOR GENERAL SUPPORT SERVICES FOR THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE NON-EXCLUSIVE AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE**

- D. Amended Resolution Approving RFQ-16-01 Evaluation Committee Recommendations and TAB 5**  
Authorizing Negotiation and Execution of Non-Exclusive Continuing Services Agreements

For Professional Contractor Services

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AMENDING RESOLUTION NO. 16-05-21 TO REVISE THE RECOMMENDATIONS OF THE RFQ-16-01 EVALUATION COMMITTEE FOR PROFESSIONAL GENERAL CONTRACTOR SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE**

- E. Resolution Approving an Interlocal Agreement between Monroe County, Florida and Islamorada Village of Islands for Fiscal Year 2016-2017 Boating Improvement Funds Not to Exceed \$18,000 For the Islamorada Buoy Maintenance Program **TAB 6**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY, FLORIDA AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE REIMBURSEMENT FUNDING FROM BOATING IMPROVEMENT FUNDS DURING FISCAL YEAR 2016-2017; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE**

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 6:05 PM.

Wastewater Program Manager Greg Tindle reported salinity levels were within compliance; a final change order to the Design, Build, & Operate contract with Reynolds Water Islamorada would be before the Council for consideration at the July 21, 2016 Regular Village Council Meeting; and provided the following connection status report:

- North Plantation Key – 99% connected or in the process of connecting
- Middle Planation Key- 74% connected or in the process of connecting
- South Plantation Key/Windley Key- 73% connected or in the process of connecting
- Upper Matecumbe Key- 51% connected or in the process of connecting
- Lower Matecumbe Key- 51% connected or in the process of connecting
- Village Wide: 72% connected or in the process of connecting

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

**IX. ORDINANCES**

- A. First Reading: Ordinance Amending the Comprehensive Plan to Amend Transfer of Development Rights (TDRS)

**TAB 7**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-3.1.3 “INSTITUTE A PROGRAM FOR TRANSFER OF DEVELOPMENT RIGHTS (TDRS)” OF THE VILLAGE COMPREHENSIVE PLAN TO AMEND THE REQUIREMENTS FOR APPROVED SENDER AND RECEIVER SITES; AMENDING OBJECTIVE 5-1.1: PROTECT COASTAL RESOURCES, WETLANDS, ESTUARIES, LIVING MARINE RESOURCES AND WILDLIFE HABITATS OF THE VILLAGE COMPREHENSIVE PLAN TO CORRECT A**

**SCRIVENER'S ERROR; 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 6:08 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.

Councilman Dennis Ward requested Local Planning Agency (LPA) Chairman Pete Bacheler briefly explain why the LPA voted against the proposed TDR ordinance. Mr. Bacheler explained that during that particular LPA meeting he had to recuse himself from the discussion due to a conflict of interest. He stated he was speaking this evening as a private individual acknowledging that he owns a management company that specializes in coordinating items through the Planning and Zoning departments and Code Compliance. Mr. Bacheler explained an issue his client had regarding the ability to build on his Category 1 parcel. He explained that his client had the opportunity to purchase TDRs from a Category 1 property and transfer them to his Category 1 parcel, however, the code currently did not allow this process. Mr. Bacheler stated that this prevented his client from using his land. He stated that the sender site was zoned conservation.

Council discussion ensued with staff and Mr. Bacheler regarding: transfers into Category 1 parcels and the idea of discouraging development in Class 1 habitat in an effort to preserve these areas; the difficulty of building on a Class 1 parcel when going through the BPAS process; the administrative relief process; the limited amount of hardwood hammock parcels in the Village; and the ability to build on a Class 1 parcel if three-quarters of the property is preserved and deciding this on a case by case basis. Mr. Bacheler stated his client is only permitted to use ten percent of his four-acre property located on "Millionaires Row". Director of Planning Cheryl Cioffari explained the portions of a property that were required to remain in a conservation easement and the clearing calculations for the different property types. Discussion ensued among Council and staff regarding a property owner's investment-backed expectation which included a brief history of Monroe County's ROGO requirements prior to the Village's incorporation; the BPAS process and that 50-60 individuals were currently in the BPAS awaiting permits; and that there were more than 30 administrative relief permits currently available. Vice Mayor Jim Mooney stated the original purpose of the TDR ordinance was to preserve property; to hopefully avoid the 2023 dilemma in which the Village runs out of building permits; and to allow people who need it to purchase the extra green space (from a sender site) to build on their land. Vice Mayor Mooney expressed concern for the situation the Village would face in 2023 and in support of a mechanism that would allow transferring from a Category 1 parcel to another Category 1 parcel. Village Attorney Roget Bryan clarified that the policy question before the Council was whether or not there should be an alternative mechanism through the transfer of a development rights that would allow for the development of a Class 1 habitat rather than go through the BPAS process. Mr. Bryan stated the second item for Council consideration under the proposed ordinance was the reestablishment of density on a sender site. Councilman Chris Sante spoke in support of transferring rights from a Class 1 habitat to another Class 1 habitat as long as the sender site was stripped of all future development rights. Councilman Mike Forster expressed agreement with Councilman Sante. Director of Planning Cheryl Cioffari requested the Council table the item and allow her to potentially bring the ordinance back for consideration at the August 11, 2016 Regular Village Council Meeting to allow her time to develop a process for transferring density from a Class 1 habitat to another Class 1 habitat. She stated the Department of Economic Opportunity (DEO) would request data and analysis to support this type of change. Discussion ensued among Council and Ms. Cioffari regarding transferring from a sender site and landscaping requirements. Ms. Cioffari asked if the transfer was strictly for land area purposes and proceeded to discuss the differences with Council. Councilman Chris Sante stated that if a Class 1 sender site transferred its development rights, then it would be stripped of all future rights to develop and would be zoned conservation. Director of Planning Cheryl Cioffari clarified the Council's direction which was to allow for the transfer of development rights from a Class 1 habitat to another Class 1 habitat; to strip development rights from the sender site and require restoration to the sender site to reestablish native

landscaping so that when the structure is removed from the property it is not overtaken by exotics. Ms. Cioffari referenced a policy that required one canopy tree and two shrubs per 100 square feet.

Ms. Cioffari asked if it was the Council's desire to allow property owners to reestablish density on a category two or category three sender site. She explained the current code and that consideration was being given to allowing market rate development rights to be transferred off of a parcel and then permitting the reestablishment of development rights for affordable housing on that parcel. Ms. Cioffari stated that she thought there was support in the Comprehensive Plan for reestablishing affordable housing development rights as opposed to market rate development rights. Ms. Cioffari stated the question for Council consideration was whether or not the Council desired to allow the reestablishment of affordable or market rate development rights on a sender site. Councilman Sante expressed support for allowing affordable development rights to be reestablished on a sender site. Councilman Mike Forster spoke against allowing any redevelopment on a sender site. Vice Mayor Jim Mooney expressed support for reestablishing deed restricted affordable housing on top of existing commercial buildings. Ms. Cioffari stated that if it was the will of the Council she would table the item for a date uncertain, but would attempt to have the item ready for the August 11<sup>th</sup> Regular Village Council Meeting. She stated the item would be re-advertised. Council expressed agreement to table the item.

Mayor Deb Gillis opened public comment.

Mark Gregg spoke against allowing the development on Class 1 properties. He spoke in support of preserving high-quality habitat and stated reasons for preserving Class 1 habitat. He spoke in support of reestablishing development rights for affordable housing.

Van Cadenhead spoke against allowing the development of Class 1 habitat. He spoke against the reestablishment of development rights on a sender site stating it "was like having your cake and eating it too."

Brad Dougherty stated that he had read different declarations and covenants that included provisions that allowed for the restoration of development rights based on the Council or Director of Planning. He spoke in support of staff's efforts to enforce the codes established by the various Councils.

Mayor Deb Gillis closed public comment.

**B. First Reading: Ordinance Amending the Land Development Regulations to Amend Transfer of Development Rights (TDRS) TAB 8**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS," ARTICLE IV "ADMINISTRATIVE PROCEDURES," DIVISION 12 "TRANSFER OF DEVELOPMENT RIGHTS," OF THE VILLAGE CODE OF ORDINANCES TO AMEND THE REQUIREMENTS FOR APPROVED SENDER AND RECEIVER SITES; 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**

(Council expressed agreement for tabling Tab 8 after discussion of Tab 7 occurred and was subsequently tabled.)

**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 Amendment (FLRZ 14-03) Application for Property Located at Approximately MM 87.4 Old Highway

**TAB 9**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY NATIVE RENTAL PROPERTIES, LLC TO AMEND THE *FUTURE LAND USE MAP* FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR FOUR (4) PARCELS LOCATED AT APPROXIMATELY MILE MARKER 87.4 OLD HIGHWAY AS LEGALLY DESCRIBED IN EXHIBIT “A”; ESTABLISHING POLICY 1-2.11.1 *PLANTATION KEY MIXED USE 1 (PKMUI)* 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 7:25 PM.

Village Attorney Roget Bryan read the title of the ordinance and requested the Council disclose ex-parte communications. Councilman Chris Sante and Councilman Mike Forster each disclosed that they had spoken with Brett Ekblom and Don Horton. Mayor Deb Gillis and Vice Mayor Jim Mooney each disclosed that they had spoken with Don Horton. Councilman Dennis Ward stated that he had not had ex-parte communications. Director of Planning Cheryl Cioffari presented the staff report recommending denial of the ordinance.

Mayor Deb Gillis invited the applicant to speak.

Don Horton, Agent for the Applicant, stated the Council had approved the ordinance on first reading and hoped the Council would approve it on second reading. He stated there was an 81-unit condominium across the street as well as a vacation rental unit and conservation land. Mr. Horton stated the Objections, Recommendations and Comments (ORC) report provided to his client and staff by the Department of Economic Opportunity (DEO) after first reading opened up the discussion for increasing the floor area ratio (FAR), as it was extremely low. Mr. Horton asked that the Council approve the ordinance with the modification to lessen the FAR and stay within the current code with the ability to increase on this piece of property if the FAR was ever increased by the Council.

Councilman Dennis Ward asked if the property had been filled without a building permit. Mr. Horton stated he did not have any knowledge of this action.

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 Dennis Ward expressed concern regarding approving the ordinance when the subject property was in violation for not having obtained a building permit. Councilman Mike Forster stated he thought the proposed density for the project was lower than it could be because the owner was building storage units on the parcel and stated he supported the project. Councilman Chris Sante recalled all of the trash being removed from the parcel when it was initially purchased and stated his support for the project. Director of Planning Cheryl Cioffari confirmed that fill had been placed on the property and stated that adding fill changes the elevation of a property which could benefit the property owner; and that by adding fill it could potentially affect stormwater runoff. She explained the process for addressing stormwater requirements. Village Attorney Roget Bryan stated the applicant was going to be required to obtain an after-the-fact permit and that he had not heard anything to suggest that the applicant would not obtain the permit. Don Horton,

Agent for the Applicant, stated that he had just spoken with the owner, Brett Ekblom, and the owner stated he would obtain the after-the-fact permit for the fill and comply with the stormwater requirements.

Councilman Chris Sante made a motion to approve. Councilman Mike Forster seconded the motion. Council voted and the motion passed 4-1 with Councilman Dennis Ward voting in opposition.

- B. Second Reading: Zoning Map Amendment (FLRZ 14-03) Application for Property Located At Approximately MM 87.4 Old Highway** **TAB 10**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY NATIVE RENTAL PROPERTIES, LLC TO AMEND THE OFFICIAL ZONING MAP FROM RESIDENTIAL SINGLE FAMILY (R1) TO HIGHWAY COMMERCIAL (HC) FOR FOUR (4) PARCELS LOCATED AT APPROXIMATELY MILE MARKER 87.4 OLD HIGHWAY 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 7:44 PM.

Village Attorney Roget Bryan read the title of the ordinance and requested the Council disclose ex-parte communications. Councilman Chris Sante and Councilman Mike Forster each disclosed that they had spoken with Brett Ekblom and Don Horton. Mayor Deb Gillis and Vice Mayor Jim Mooney each disclosed that they had spoken with Don Horton. Councilman Dennis Ward stated that he had not had ex-parte communications. Director of Planning Cheryl Cioffari presented the staff report recommending approval of the ordinance.

Mayor Deb Gillis invited the applicant to speak.

Don Horton, Agent for the Applicant, stated he was available if the Council had questions.

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 Chris Sante made a motion to approve. Councilman Mike Forster seconded the motion. Council voted and the motion passed 4-1 with Councilman Dennis Ward voting in opposition.

Mayor Deb Gillis stated the quasi-judicial portion of the agenda was concluded.

## **XI. RESOLUTIONS**

- A. Resolution in Support of Expediting Everglades Restoration Projects that Increase Water Storage in the Everglades Agricultural Area** **TAB 11**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, IN SUPPORT OF EXPEDITING EVERGLADES RESTORATION PROJECTS THAT INCREASE WATER STORAGE IN THE EVERGLADES AGRICULTURAL AREA TO STOP DAMAGING DISCHARGES TO THE COASTAL ESTUARIES AND RESTORING CLEAN FRESHWATER DELIVERY NECESSARY TO PROTECT THE ECOLOGICAL HEALTH OF THE FLORIDA BAY, A CRITICAL PART OF THE EVERGLADES ECOSYSTEM; PROVIDING FOR TRANSMITTAL; PROVIDING FOR AN EFFECTIVE DATE**

This item was heard at 7:47 PM.



Village Attorney Roget Bryan read the title of the resolution.

Mayor Deb Gillis opened public comment.

Elizabeth Jolin thanked the Council for taking the lead on Everglades Restoration in Monroe County and suggested the Council use their influence to encourage Monroe County to adopt a similar resolution.

Larry Barr spoke in support of the stronger wording found in the resolution. He suggested the Council consider suggestions made at a previous meeting in addition to the resolution.

Van Cadenhead thanked the Council for the creation of the resolution and stated the seriousness of the issue. Mr. Cadenhead stated he hoped the South Florida Water “(Mis)Management” District realized that the economy of Monroe County was based on the health of the water that surrounded the Florida Keys.

Sandy Moret thanked the Council for their leadership position.

Stephen Davis, Everglades Foundation, thanked the Council for creating the resolution emphasizing the projects that would benefit the Florida Bay and the Greater Everglades ecosystem. He commented on similar issues occurring in South Florida.

Mayor Deb Gillis closed public comment.

Councilman Mike Forster spoke in support of the strong language found in the resolution. He commented regarding other cities that were affected by the Florida Bay issue; he stated the seriousness of the issue and that a proactive approach was needed rather than a reactive approach. Councilman Forster requested that the Village Clerk send a copy of the resolution to Village of Palmetto Bay Councilman Tim Shafer.

Councilman Ward commented regarding the green waters of Martin County and their request for an emergency declaration by the Governor.

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

- B. Resolution Approving an Agreement with AMEC Forster Wheeler Environment & Infrastructure, Inc. for Professional Services and Expenditure of \$47,000 for Canal Restoration Project Purposes**

**TAB 12**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN AGREEMENT WITH AMEC FOSTER WHEELER ENVIRONMENT & INFRASTRUCTURE, INC. FOR PROFESSIONAL SERVICES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING VILLAGE OFFICIALS TO EXECUTE THE AGREEMENT; APPROVING A BUDGET AMENDMENT; PROVIDING FOR A WAIVER OF PURCHASING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE**

This item was heard at 8:01 PM.

Village Attorney Roget Bryan read the title of the resolution. Environmental Resources Manager Susan Sprunt presented the staff report recommending approval.

Councilman Chris Sante expressed concern regarding the \$47,000 contract cost and the absence of a breakdown of the fees. Environmental Resources Manager Susan Sprunt explained that the \$47,000 was for the engineering, designs, permitting and coordination in order to begin the permitting process, of which

three permits were required. She stated the equipment and installation associated costs were closer to \$75,000. Village Attorney Roget Bryan explained the contractual breakdown of the \$47,000 and clarified the \$75,000 for equipment and installation was being provided via the private side of the public/ private partnership. Mr. Bryan stated that funding from the Restore Act and the Florida Keys Stewardship Act could be applied to such canal restoration projects when made available. Ms. Sprunt explained all of the different types of surveys that were required in order to obtain the required permits. Councilman Mike Forster spoke in support of canal restoration and public/private partnerships and spoke regarding his attendance at the Canal Restoration meetings and the improvement in water quality since the construction of the wastewater system.

Mayor Deb Gillis opened public comment.

Larry Barr spoke in support of canal restoration projects and asked what the cost was for the Treasure Harbor canal restoration project. He expressed concern regarding the \$47,000 contract costs. Ms. Sprunt stated the entire project cost was about \$93,000. She explained that the Treasure Harbor canal restoration project was a combined project that utilized different restoration methodologies.

Van Cadenhead spoke in support of the project but against the associated costs.

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

## **XII. MOTIONS**

This item was heard at 8:18 PM.

Village Manager Maria Aguilar stated Monroe County indicated they were going to terminate their Traffic Signal Maintenance Agreement with the Florida Department of Transportation (FDOT) due to the maintenance costs not being fully covered by FDOT and the difficulty in obtaining vendors to provide the maintenance. She requested authorization from the Council to terminate the Village's Traffic Signal Maintenance Agreement with the FDOT. Ms. Aguilar stated a two-year notification was required and that notification had to be provided today.

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

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

### **A. Discussion Regarding Creating a Process for Village Manager Evaluations - Councilman Ward**

This item was heard at 8:21 PM.

Councilman Dennis Ward initiated discussion regarding the process for evaluating future Village Managers. He stated that he wanted a process that provided a deadline to submit evaluations; required a discussion to occur at a public meeting if there was a lack of confidence in the Village Manager; and to allow for proper notification of Village Manager evaluations to provide the public the opportunity for input. Councilman Mike Forster suggested staff reach out the Florida League of Cities for reference material. Village Attorney Roget Bryan suggested the Council consider the type of language they would like to use regarding evaluations for the next Village Manager contract. The majority of Council expressed agreement with pursuing Councilman Forster's idea regarding researching the evaluation processes of other municipalities.

Mayor Deb Gillis opened public comment.

Van Cadenhead stated he had not heard the reasons for asking the Village Manager to step down from her position. He asked why the Council had asked her to step down and referenced the fact that one

Councilmember gave her an excellent review, while two others went down on their original evaluation scores by forty points each.

Mayor Deb Gillis closed public comment.

**B. Discussion Regarding Film Tax Credits – Mayor Gillis**

This item was heard at 8:30.

Mayor Deb Gillis stated film tax credits were not approved by the Legislature. She stated she had spoken with Rita Troxel, Film Liaison with the Florida Keys & Key West Film Commission, and was informed by Ms. Troxel that Monroe County was going to waive parking and location fees associated with filming to encourage filming in the Florida Keys. Mayor Gillis stated Ms. Troxel inquired as to whether the Village would be willing to waive location fees. Village Manager Maria Aguilar stated the Village received \$5,500 and \$9,000 the first two filming seasons, for location fees from the Bloodline filming crew. Mayor Gillis asked if the Council would be willing to waive the location fees. Council expressed agreement for waiving the location fees. Councilman Mike Forster suggested speaking with the Florida Department Transportation (FDOT) to seek permission for the Bloodline crew to stage vehicles in the empty lot located across the US 1 highway from Postcard Inn. Village Attorney Roget Bryan stated he would be willing to contact FDOT.

Mayor Deb Gillis opened public comment.

Brad Dougherty asked if anyone looked at the financial statements of the filming companies prior to waiving fees.

Mayor Deb Gillis stated the Legislature reviewed financial statements prior to their decision to not renew the film tax credits, but that the Village had not reviewed their financial statements.

John Sutter, Director of Parks and Recreation and Marine Resources, stated the Bloodline Crew was very easy to work with and that he looked forward to working with them again.

Mayor Deb Gillis closed public comment.

**C. Discussion Regarding Affordable Housing Partnership with Habitat for Humanity – Councilman Forster**

This item was heard at 8:40 PM.

Councilman Mike Forster read the following Letter of Intent into the record from Habitat for Humanity Executive Director Jack Niedbalski:

*This letter will serve as a starting point requesting the Village of Islamorada consider the purchase of three lots on Plantation key (ID#1513431, 1513440, 1513458) to be used for the construction of at least three affordable housing single or multi-family units in partnership with Habitat for Humanity of the Upper Keys (HFHUK). According to the Village Director of Planning, Cheryl Cioffari, all 3 lots are zoned HC and are eligible lots for the development of affordable housing. Based on the mitigation survey which we request the Village Staff to perform as part of our partnership, then we will be able to determine how much of the land be cleared which will determine of Habitat can build one or two single family, 3 bedroom homes or possibly two- 3 bedroom duplexes on each lot.*

*Based on the estimated cost of approximately \$90,000 for each lot, HFHUK agrees to share in funding part of the purchase at \$20,000 for each lot and the Village pay \$70,000. Should the price per lot cost more, Habitat agrees to split the difference with the Village up to \$100,000 final cost for each lot. (Village \$75,000, HFHUK \$25,000 per lot).*

*The Village would retain ownership of these lots and would lease to HFHUK with a \$1 dollar, 99-year deed restricted lease to ensure these units would remain under the affordable housing guidelines set forth in Monroe County.*

*As customary with any affordable housing project that Habitat does, we ask all permit fees be waived. Habitat will be responsible for all aspects of: family selection/qualifying & financing construction costs. Thank you for your consideration.*

Councilman Mike Forster spoke in support of moving forward with the request. He asked if the Council would be willing to partner with Habitat for Humanity of the Upper Keys regarding this project. Council discussion ensued regarding the location of the lots; and the need for workforce housing; notification to the neighbors. Council expressed agreement to move forward with the request to determine what portion of the lots were buildable. Director of Planning Cheryl Cioffari stated that Mr. Niedbalski needed the habitat analysis and that she would request this of the Environmental Resources Manager. She stated she would not do a mitigation plan at this point in time, as the mitigation plan was based on the site plan.

**D. Discussion Regarding the Status of the Village’s Disaster Preparedness – Councilman Sante**

This item was heard at 8:48 PM.

Councilman Chris Sante requested the Village Manager provide an update to the Council regarding the Village’s disaster preparedness. Village Manager Maria Aguilar stated the Village had a contract with Early Alert when she started as Manager because both she and the Fire Chief were new to their roles in this regard. She stated the contract provided incident management services. She stated that she discussed the services with the Fire Chief and they opted not to renew the agreement due to the number of backup resources that were available to the Village such as: debris management contractors; insurance claims assistance through the Florida Municipal Insurance Trust; and contracted services through Adjusters International who provide services that assist with insurance and FEMA claims as well as incident management services. Ms. Aguilar stated that the Village can request incident management services from the state, via Monroe County, should their services be needed during an emergency. Ms. Aguilar stated that should the Village ever decide to contract for Emergency Management Services, the Village would have to go through a bid process that meets the federal guidelines; or risk not being reimbursed by FEMA. Village Attorney Roget Bryan stated the debris management contracts were current and would be put out for bid next year. Ms. Aguilar stated in addition to the services previously mentioned, staff completed incident command training.

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

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

**A. Discussion Regarding FY 2016-2017 Budget Preparation Calendar**

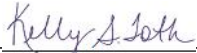
**TAB 13**

This item was heard at 8:57 PM.

Village Manager Maria Aguilar presented the two budget preparation calendar options to Council and pointed out the differences in the two. Village Council expressed agreement to use the Option 2 budget preparation calendar.

**XV. ADJOURNMENT**

Councilman Chris Sante made a motion to adjourn. Vice Mayor Jim Mooney seconded the motion. The meeting adjourned at 9:00 PM.

  
\_\_\_\_\_  
Kelly S. Toth  
Village Clerk

Approved by the Village Council this 11<sup>th</sup> day of August, 2016.