



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
Thursday, November 3, 2016
Immediately Following 5:30 PM Special Call Village Council Meeting**

I. CALL TO ORDER / ROLL CALL

Mayor Deb Gillis called the meeting to order at 6:46 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 Seth Lawless, Village Attorney Roget Bryan, Deputy Village Manager and Director of Finance Maria Bassett, 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. Proclamation Recognizing November 2016 as Adoption Awareness Month

Mayor Deb Gillis presented the proclamation declaring November 2016 as Adoption Awareness Month to Jeremy Wilkerson, Director of Community Development for Wesley House.

IV. PUBLIC COMMENT

Mayor Deb Gillis opened public comment.

The following members of the public addressed the Council: Larry Barr and Van Cadenhead. The comments provided pertained to diminished attendance at the Key Largo Veterans Clinic; the increased costs associated with the Key Largo Wastewater Treatment District; and the status of the Publix development in Islamorada.

Mayor Deb Gillis closed public comment.

V. AGENDA: Request for Deletion / Emergency Additions

Mayor Deb Gillis added Tab 10 under Resolutions to follow Tab 7. Councilman Chris Sante added a discussion item regarding the Beach Road Trip (BRT) Weekend to follow the Consent Agenda. Councilman Mike Forster added discussion item (D.) under XII. Mayor / Council Communications regarding trailer park designations and requested a discussion item regarding this topic be placed on a future agenda. Councilman Chris Sante added discussion item (E.) under XII. Mayor / Council Communications regarding affordable housing and split units on Highway US1.

Vice Mayor Jim Mooney appointed Joe Robinson to the Near Shore Water Regulation Citizens' Advisory Committee.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

- A. Achievable Housing Citizens' Advisory Committee – Chair Janet Wood
(*This update was cancelled prior to the meeting.*)

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 1**
September 8, 2016 Regular Village Council Meeting
September 22, 2016 Regular Village Council Meeting

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

Discussion Item Added to Agenda:

Discussion Regarding Beach Road Trip (BRT) Weekend – Councilman Chris Sante

Councilman Chris Sante stated that the hosts of the BRT weekend event had obtained the necessary temporary use permits from the Village and had met all the requirements set forth in the permits. The Village Attorney explained the procedures for approval of a temporary use permit.

Mayor Deb Gillis opened public comment.

The following members of the public addressed the Council: Ken Philipson, Hans Mullins, Van Cadenhead and Anthony McMillian.

Mayor Deb Gillis closed public comment.

VIII. ORDINANCES

- A. First Reading: Text Amendment to the Land Development Regulations Regarding the Exchange of Lots or Parcels that have been Donated to the Village through BPAS **TAB 2**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS," ARTICLE IV "ADMINISTRATIVE PROCEDURES," DIVISION 11 "BUILDING PERMIT ALLOCATION SYSTEM," SECTION 30-474 "BUILDING PERMIT ALLOCATION" OF THE VILLAGE CODE OF ORDINANCES TO AMEND PROVISIONS RELATED TO THE DEDICATION OF LAND TO THE VILLAGE; ESTABLISHING SECTION 30-478 "EXCHANGE OF VILLAGE OWNED LOTS OR PARCELS RECEIVED THROUGH BPAS LAND DEDICATION" OF THE VILLAGE CODE OF ORDINANCES TO ALLOW FOR THE EXCHANGE OF PARCELS BETWEEN THE VILLAGE AND A PRIVATE PARTY; 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 7:24 PM.

Village Attorney Roget Bryan read the title of the Ordinance and stated this was first reading and a public hearing. Senior Planner Brad Stein presented the staff report recommending approval.

Mayor Deb Gillis opened public comment.

The following members of the public addressed the Council: Cheryl Meads, Sandy Bisceglia, Captain Ed Davidson, Van Cadenhead, Victor West, Linea Sheets, Karl Wright, and Larry Barr. The comments made pertained to: who initiated the change to the ordinance; possibly allowing property owners to purchase the BPAS dedicated lots; the conservation intent of the people that donated parcels through BPAS; and the need for conservation status to be in perpetuity.

Mayor Deb Gillis closed public comment.

Council and staff discussion ensued regarding the proposed change to the ordinance being requested by a member of the public many years ago; the lot traded to the Village for a BPAS lot would be required to be of equal or greater value; the value being determined by the Monroe County Tax Collector's Assessment; the ability to change the conservation status of a parcel; the reason most of the lots were donated were for BPAS points so that the donor would advance on the BPAS Ranking List; and once a lot had been swapped for a BPAS lot it would be deemed conservation land in perpetuity.

Councilman Dennis Ward and Councilman Chris Sante made a motion to table the item. Vice Mayor Jim Mooney seconded the motion. Council expressed agreement to tabling the item.

B. First Reading: Proposed Text Amendment to Comprehensive Plan Policy 9-1.3.1

TAB 3

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 9-1.3.1 "UPDATE AND ADOPT A FIVE- YEAR SCHEDULE OF CAPITAL IMPROVEMENTS ANNUALLY" OF THE COMPREHENSIVE PLAN BY UPDATING THE VILLAGE CAPITAL IMPROVEMENTS PROGRAM; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

This item was heard at 8:28 PM.

Village Attorney Roget Bryan read the title of the ordinance and stated this was first reading and a public hearing. Senior Planner Brad Stein 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. Second Reading: Ordinance Establishing Regulations for Release of Balloons and Sky Lanterns within the Village

TAB 4

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 18 "NUISANCES" OF THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE I "IN GENERAL" TO ESTABLISH SECTION 18-30 ENTITLED "BALLOONS AND SKY LANTERNS" TO REGULATE THE POSSESSION, DISPLAY AND RELEASE OF BALLOONS AND SKY LANTERNS WITHIN THE VILLAGE; PROVIDING FOR SEVERABILITY;

PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:30 PM.

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

Mayor Deb Gillis opened public comment.

Larry Barr addressed the Council suggesting sky lanterns be removed from the proposed ordinance.

Mayor Deb Gillis closed public comment.

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

IX. 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. Application for Alcoholic Beverage Use Permit (AB-16-02) by Anglers Cafe

TAB 5

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY 90515 OLD HIGHWAY LLC FOR A 2COP ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW PACKAGE SALES AND ON-PREMISES CONSUMPTION OF BEER AND WINE ON PROPERTY LOCATED WITHIN THE VILLAGE COMMERCIAL (VC) ZONING DISTRICT AT 90515 OLD HIGHWAY ON PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:36 PM.

Village Attorney Roget Bryan read the title of the resolution and asked that the Council disclose any ex-parte communications. Councilman Chris Sante, Mayor Deb Gillis and Vice Mayor Jim Mooney each stated that they had had no ex-parte communications. Councilman Mike Forster stated he had spoken with Isa Burdick. Councilman Dennis Ward acknowledged the emails that were forwarded to him by the Village Clerk. Senior Planner Karl Bursa presented the staff report recommending approval.

Mayor Deb Gillis invited the applicant to speak; the applicant chose not to speak.

Mayor Deb Gillis opened public comment to those in favor; there were none.

Mayor Deb Gillis opened public comment to those opposed; there were none.

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

B. Application for Alcoholic Beverage Use Permit (AB-16-01) By Angler House Marina

TAB 6

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ANGLER HOUSE MARINA FOR AN 11C LODGES AND OTHER CLUB ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW ON-PREMISES CONSUMPTION OF BEER, WINE, AND LIQUOR ON PROPERTY LOCATED WITHIN THE MARINE USE (MR) ZONING DISTRICT AT 80500 OVERSEAS HIGHWAY ON UPPER MATECUMBE KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:42 PM.

Village Attorney Roget Bryan read the title of the resolution and asked that the Council disclose any ex-parte communications. Councilman Chris Sante, Councilman Dennis Ward, Vice Mayor Jim Mooney and Mayor Deb Gillis disclosed that they had received email regarding the item from Village staff. Councilman Mike Forster disclosed he had spoken with Victor Ballestas and Ray Kooser. Councilman Forster stated he was a paying member of the Angler House Marina, but that this did not cause a conflict. Senior Planner Karl Bursa presented the staff report recommending approval.

Mayor Deb Gillis invited the applicant to speak. Victor Ballestas stated events would occur at the private marina and that the marina would abide by the Village's noise ordinance.

Mayor Deb Gillis opened public comment to those in favor; there were none.

Mayor Deb Gillis opened public comment to those opposed. Peter Boyce, Mary Saffell and Van Cadenhead spoke in opposition regarding the changes the marina was undergoing and the noise generated from the marina.

Council discussion ensued with Mr. Ballestas regarding the lighting and the number of boats at the marina.

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

X. RESOLUTIONS

A. Resolution Approving UDT Expenditures

TAB 7

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE PROJECT AGREEMENT BETWEEN UNITED DATA TECHNOLOGIES, INC., AND ISLAMORADA, VILLAGE OF ISLANDS TO PERFORM A PENETRATION TEST; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 9:03 PM.

Village Attorney Roget Bryan read the title of the resolution. Deputy Village Manager and Director of Finance 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. Vice Mayor Jim Mooney seconded the motion. Council voted and the motion passed 5-0.

Agenda Addition:

B. Resolution Waving the Competitive Bid Process and Approving the Purchase of a Pre-Owned Breathing Air Supply Trailer Package

Tab 10

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE PURCHASE OF A USED BREATHING AIR SYSTEM TRAILER FROM BREATHING AIR CONCEPTS, A DIVISION OF QUIESCENCE CORPORATION, FOR THE VILLAGE FIRE RESCUE DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE

NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR A WAIVER OF PURCHASING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 9:06 PM.

Village Attorney Roget Bryan read the title of the resolution. Fire Chief Terry Abel presented the staff report recommending approval and confirmed that the purchase price included delivery.

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.

XI. MOTIONS

A. Direction Regarding Use of Florida Keys Stewardship Act Funds

TAB 8

This item was heard at 9:10 PM.

Deputy Village Manager and Director of Finance Maria Aguilar presented the staff report pertaining to the Florida Keys Stewardship Act Funds (FKSAF) of which the Village has \$875,000 available for water quality related projects. Ms. Aguilar requested Council direction as to the priority expenditures for this funding source. She stated staff recommended use of the funds for wastewater related costs. Ms. Aguilar stated staff estimated that approximately \$250,000 of wastewater related expenses could be submitted to the FKSAF for reimbursement. Ms. Aguilar stated that staff was also recommending \$600,000 be applied to the Key Largo Water Treatment District Plant capacity upgrades. Ms. Aguilar explained the costs found on page seven of the report that had been incurred in fiscal year 2015-2016 as well as the cost that would be incurred in 2016-2017. She stated only costs incurred after July 1, 2016 were eligible for reimbursement. Council and staff discussion ensued.

Mayor Deb Gillis opened public comment.

Van Cadenhead addressed the Council regarding the State Revolving Fund Loan and the lack of representation on the Key Largo Wastewater Treatment District Board.

Mayor Deb Gillis closed public comment.

Mayor Deb Gillis made a motion to use the Florida Keys Stewardship Act Funds for wastewater related items, including the replacement of the North Plantation Key vacuum pits and the Key Largo Water Treatment District expenses. Councilman Mike Forster seconded the motion. Council voted and the motion passed 5-0.

XII. MAYOR / COUNCIL COMMUNICATIONS

A. Discussion Regarding Allocation of Funds to Purchase Property for Habitat for Humanity of the Upper Keys – Councilman Forster

This item was heard at 9:27 PM.

Councilman Mike Forster requested Council agreement to approve the use of Affordable Housing Funds in the amount of \$270,000 for the purchase of the three lots, that would provide four homes, for Habitat for Humanity of the Upper Keys. Discussion ensued among Council and staff regarding the preliminary site plan, clearing 30 percent of the three lots, and Habitat for Humanity only building three-bedroom, two-bath homes.

Mayor Deb Gillis opened public comment.

Van Cadenhead addressed the Council regarding the use of the funds for three-bedroom, two-bath homes.

Jack Niedbalski, Executive Director of Habitat for Humanity of the Upper Keys, explained that the cost of construction was minimal to add a second bedroom to a home and that there was a need for three-bedroom, two-bath homes. He stated Habitat for Humanity (“Habitat”) was a Christian based organization that was trying to help a segment of the population, those that were family oriented. Mr. Niedbalski stated Habitat was there to address “part of the need” for affordable housing and that Habitat did not profit from building the homes. He stated the mortgage payment on a brand new three-bedroom, two-bath home was approximately \$1,100 a month which included taxes and insurance. Mr. Niedbalski stated Monroe County leased land to Habitat for Humanity for 99 years. He explained that when a qualified family received a home, Habitat had the first right of refusal to repurchase the home and that Habitat always repurchased the home. Mr. Niedbalski stated when the repurchase of a home occurred, another qualified family received the home thereby always staying affordable housing. Mayor Deb Gillis stated that when a family moved into a Habitat home, it freed up another property for someone else to move into.

Councilman Dennis Ward made a motion to approve use of the \$270,000 of Affordable Housing Funds for the purchase of the three lots for Habitat for Humanity of the Upper Keys. Councilman Mike Forster seconded the motion. Council voted and the motion passed 5-0.

B. Discussion Regarding FDOT District Six Tentative Five-Year Work Program Public Hearings – Mayor Gillis

TAB 9

This item was heard at 9:46 PM.

Mayor Gills explained that the November FDOT meeting was not the meeting during which the Village Council could suggest possible future projects to the FDOT for their consideration as that meeting usually occurred in the Spring. She encouraged the Council to begin considering items they would like the FDOT to consider as future projects.

C. Discussion Regarding Amendment 1- Councilman Ward

This item was heard at 9:48 PM.

Councilman Dennis Ward spoke in opposition to Florida Constitutional Amendment 1. He stated if Amendment 1 passed, it could possibly make it more expensive for people to own solar panels at home.

Councilman Dennis Ward made a motion that the Council say no to Amendment 1. Councilman Mike Forster seconded the motion. Council voted all in favor.

Added Discussion Items:

D. Discussion Regarding Mobile Home Park Designations- Councilman Mike Forster

Councilman Mike Forster requested a discussion regarding Mobile Home Park designations and plats be added to a future agenda. He explained that there was a difference in 2006 from what currently allowable and that it needed to be discussed.

E. Discussion Regarding Affordable Housing/ Split Units on US 1 – Councilman Chris Sante

This item was heard at 9:54 PM.

Councilman Chris Sante explained that direction from the Council was needed by staff to allow staff to work on this project as it related to US 1. He explained the previous direction from Council included Old Highway, but that there were issues with Old Highway that were slowing the project down. He explained staff could work on the Old Highway portion of the project as time allowed. Council agreed and provided direction to staff to focus on the portion of the project that pertained to US 1.

XIII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Discussion Regarding Youth Council

This item was heard at 9:54 PM.

Director of Parks and Recreation and Marine Resources provided a brief history of the Youth Council. He explained that there had been a declining amount of interest in serving on the Youth Council and that the student participation time was limited due to studying and other activities. Mr. Sutter requested Council direction on whether the committee should sunset. Councilman Mike Forster requested the discussion be postponed to the December 1, 2016 Regular Village Council Meeting.


Announcements:

Councilman Dennis Ward announced the Wounded Warrior Soldier Ride on January 6, 2017; the Islamorada Moose Lodge Bacon Festival would occur on November 6, 2016; and the Florida Bay Forever "Now or Neverglades" bus would be at Worldwide Sportsman on Sunday, November 6, 2016.

Mayor Deb Gillis announced the Holiday Festival would occur at Founders Parks on December 2, 2016. She stated there would be a parade, snow, a bizarre tent, and various contests. Mayor Gillis directed questions pertaining to the event to Islamorada, Chamber of Commerce Executive Director Judy Hull.

XIV. ADJOURNMENT

Councilman Chris Sante made a motion to adjourn. Vice Mayor Jim Mooney seconded the motion. The meeting adjourned at 9:59 PM.



Kelly S. Toth
Village Clerk

Approved by the Village Council this 1st day of December, 2016.