Summary Minutes of the:
ISLAMORADA, VILLAGE OF ISLANDS
REGULAR VILLAGE COUNCIL MEETING

Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036
March 5, 2020

CALL TO ORDER / ROLL CALL

Mayor Mike Forster called the meeting to order at 5:32 p.m. Village Clerk Kelly Toth called the role with the following Councilmembers being present on roll call: Mayor Mike Forster, Councilman Jim Mooney, Councilwoman Deb Gillis and Councilman Chris Sante. Vice Mayor Ken Davis was absent. Also, in attendance were Village Manager Seth Lawless, Village Attorney Roget Bryan, Village Clerk Kelly Toth and other relevant personnel.

PLEDGE OF ALLEGIANCE

Dr. Jim Doran led the Pledge of Allegiance.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Presentation to Council from Toys for Tots -Ret. U.S. Marine Gunnery Sergeant Louis Slagle

(This item was moved to a future agenda.)

Venetian Shores Stormwater Project Funding Request- Dr. Jim Doran

Dr. Jim Doran, on behalf of the Venetian Shores Homeowners Association Board of Directors, thanked the Council for the recent stormwater improvements in the Venetian Shores subdivision. He requested the Council pursue every avenue possible to obtain funding, excluding special assessments, to extend the stormwater project to the remaining subdivision. Village Manager Seth Lawless stated that if assessments were not an option funding the project would be difficult. Mr. Lawless commented that to extend the project to the entire subdivision would cost approximately $15 to $20 million which was based on the costs associated with the current project. He opined that assessments would need to be part of the funding source including the recently improved properties. Councilman Jim Mooney noted that the Village's stormwater annual assessments were low.

Mayor Forster opened public comment.

Jim Bellizzi opined that an assessment was the only way the project would get done and provided estimates of the assessment costs. He noted that completing two streets in the subdivision created a disparity in the subdivision based on value. Mayor Forster asked if the Venetian Shores HOA had discussed the issue. Mr. Bellizzi responded that it was not a mandatory HOA and that the HOA did not speak for all the property owners. He suggested the Village could pursue grant funding because the value had been established.

Dr. Jim Doran stated the HOA wanted to express their wishes for the Council to pursue funding sources and stated Mr. Bellizzi was correct in that the HOA was not mandatory.

Mayor Forster suggested placing a discussion item on a future agenda to allow for Venetian Shores property owners to comment.

David Makepeace stated the Water Quality Improvement Committee discussed and agreed that the only way to complete the project was through a special assessment.

Judy Starr, Venetian Shores Homeowner's Association board member, commented about the stormwater issues in her neighborhood. She stated the assessment program had worked for her personally when she lived up north. She suggested that if there were a DEP mandate it would make it easier for the Village to obtain financial assistance.

Mayor Forster closed public comment.

Announcements:

Councilwoman Deb Gillis announced that Monroe County had a web page dedicated to information pertaining to the Coronavirus and provided an update of the cases in Monroe County.

Mayor Mike Forster announced that a Reliving Woodstock Fundraiser would take place at Founders Park on March 7, 2020 and would benefit the Joy Center; and that on March 24, 2020 the Village was sponsoring an Ocean Friendly Business Information Session at Founders Park Community Center from 1:00 pm to 4:00 pm.

At 6:37 p.m. Mayor Forster announced that Gary Ellis had recently passed away.

PUBLIC COMMENT

Frank Derfler, representing the Upper Keys Rotary Club, commented regarding the success of the Gigantic Nautical Flea Market and the numerous scholarships they awarded locally as a result of the fundraising event.

Van Cadenhead commented regarding Home Rule and the challenges associated with preemption and vacation rentals.

Joe Robinson commented regarding the landscaping on the Old Highway and inquired as to why only a portion of the median was planted and requested the Council complete the landscaping project with more mature foliage. Council noted that Jamaican Capers were planted that would grow to 15 feet; and that the purpose of the landscaping project was to create a sound barrier. Mr. Robinson noted the northern portion was planted but the southern part was sparsely planted with wide spacing. Council expressed agreement and noted staff would revisit the project.

Admiral Kurt Tidd provided an update regarding the Islamorada Artificial Reef Association. He identified changes to the association's membership noting that attorney Mark Hruska had stepped down because he was relocating, and that local attorney Scott Black was now working with the association. He stated that the association had met with the Chamber of Commerce and other local leaders to explain the purpose of an artificial reef. He stated they would like to meet with the Village Manager and relevant staff to address any outstanding questions or concerns in order to move forward with a request for a resolution of support from the Village Council. Councilman Chris Sante inquired about the associated project costs. Admiral Kidd explained the variables associated with estimating the costs when a request for a ship had not been made. He stated that the sinking of the Vandenberg was approximately $3 million to $5 million dollars all of which had been recouped by

the City of Key West. Councilwoman Deb Gillis commented that staff should bring information back to Council regarding the Village's exposure. Village Manager Seth Lawless stated he spoke with Monroe County regarding maintenance exposure, and was told that the County had not experienced much in the way of maintenance costs except when a storm moved the ship. He stated that if the Village entered into an agreement the Village's position would be that all associated maintenance would be the responsibility of the Islamorada Artificial Reef Association.

David Webb, President of the Port Antigua Property Owners Association, provided an update regarding the data collection for the issues associated with their beaches.

Mayor Forster closed public comment.

AGENDA: Requests for Deletion / Emergency Additions

CITIZENS' ADVISORY COMMITTEE UPDATES

Appointment to Landscape Advisory Committee- Councilman Sante

This item was heard at 6:19 p.m. Councilman Chris Sante appointed Kathleen Carr to the Landscape Citizens' Advisory Committee.

Removal and Appointment to Landscape Advisory Committee- Councilwoman Gillis

This item was heard at 6:20 p.m. Councilwoman Deb Gillis removed Jacqueline Stringer from the Landscape Advisory Committee and thanked her for her service. She appointed Anne Makowski to fill the vacancy.

Water Quality Improvement Citizens' Advisory Committee Update- Chair David Makepeace

This item was heard at 6:21 p.m. Water Quality Improvement Citizens' Advisory Committee Chair David Makepeace reported progress was being made with canal restoration and that the committee reviewed the water quality monitoring report from FIU. He noted that there was a slight improvement and noted the lock of presence of Splenda which was a clear indication sewage was not entering the canal. He stated the committee discussed the monitoring process which needed to be reviewed with a goal of making changes to improve the program regarding how and what was tested. He stated the committee discussed sampling protocols and the idea of obtaining a less expensive contractor. Mr. Makepeace reported the committee suggested establishing a new monitoring process; that Environmental Resources Manager Peter Frezza establish a sampling plan the committee could review; and suggested the Village could issue a Request for Proposals (RFP) using the updated scope of work. Mayor Mike Forster inquired about the FIU contract termination date. Peter Frezza stated the contract would end in September.

Achievable Housing Citizens' Advisory Committee Update- Mark Gregg

This item was heard at 6:29 p.m. Committee member Mark Gregg reported the committee discussed the idea of efficiency apartments and accessory dwelling units. He stated the committee also discussed at length the idea of converting commercial square footage to residential and referenced the original data inventory & analysis of the Comprehensive Plan. He explained the data inventory and analysis was a twenty-year planning horizon and suggested the data inventory & analysis be updated by the Village's consultant. Mr. Gregg requested Council direction as to whether they should continue discussing the idea of converting commercial square footage to residential; and

reported the committee was continuing to gather information on the rental assistance program. Mayor Forster asked if the committee discussed the First-Time Homebuyer's Program. Mr. Gregg reported the consensus of the committee was to open the program up to anyone who qualified for assistance who had not had assistance in the past; and explained the definition of a first-time homebuyer. Planning Director Ty Harris stated staff would need to discuss with the DEO the idea of converting commercial square footage to residential.

CONSENT AGENDA

TAB 1: Resolution Approving Grant Award from the State of Florida Department of Environmental Protection for Installation of Air Curtain/Weed Barrier System Across the Mouth of Canal 148

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APROVING THE AWARD OF GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE INSTALLATION OF AIR CURTAIN/WEED BARRIER SYSTEM FOR CANAL NO. 148; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GRANT DOCUMENTS AND TO TAKE ALL STEPS NECESSARY TO FINALIZE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE GRANT AWARD AND THE INSTALLATION OF THE AIR CURTAIN/WEED BARRIER; APPROVING A BUDGET AMENDMENT TO REFLECT THE GRANT AWARD; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 2: Resolution Approving a Project Agreement between Islamorada, Village of Islands and Wood Environment & Infrastructure Solutions, Inc. for Assistance with Hurricane Related Sediment Removal Activities

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A PROJECT AGREEMENT WITH WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS INC. FOR PROFESSIONAL SERVICES RELATED TO HURRICANE IRMA RELATED SEDIMENT REMOVAL ACTIVITIES; 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 PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 3: Resolution Approving Renewal of an Engagement with Mauldin & Jenkins, LLC for Professional Auditing Services for the Fiscal Year Ending September 30, 2019

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; APPROVING THE SIXTH RENEWAL OF AN ENGAGEMENT FOR PROFESSIONAL AUDITING SERVICES WITH MAULDIN & JENKINS, LLC, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE RENEWAL OF THE PROFESSIONAL AUDITING SERVICES ENGAGEMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PROFESSIONAL AUDITING SERVICES ENGAGEMENT; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

Councilwoman Deb Gillis made a motion to approve the consent agenda. Councilman Chris Sante seconded the motion. Council voted all in favor. The motion passed 4-0.

RESOLUTIONS

TAB 4: Resolution- Mobile Vending Pilot Program Approval

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A AND AUTHORIZING A MOBILE VENDING PILOT PROGRAM WITHIN THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:38 p.m. Village Attorney Roget Bryan read the title of the resolution. Planner Megan Rumbaugh presented the staff report recommending approval. Council and staff discussion ensued regarding special event permits; where the vehicles would park when not in operation; the appropriate setback from the Overseas Highway; weighting the application in favor of local applicants; and the idea of allowing ten licenses for the pilot program.

Mayor Mike Forster opened public comment.

David Webb commented that he did not see provisions for waterborne food vendors; and that Port Antigua was opposed to allowing food vendors to park in the neighborhood.

Van Cadenhead expressed concern regarding bathrooms, trash and traffic associated with mobile vendors and expressed support for a $250 dollar licensing fee.

Craig Belcher stated he had 30 years of experience with mobile kitchens and noted his truck was inspected as thoroughly as his restaurant. He suggested splitting the license fee into two parts which would require the applicant to pay $100 when he or she applied, then the remaining $150 once they found a location for their food truck. He suggested that banners be attached to the vehicles.

Tony Corollo explained his experience as a mobile vendor noting that he took his trash with him when he left for the day; his vehicle was thoroughly inspected and insured; he had always set up in a place that had a restroom; and opined that the license should be granted prior to the applicant having a location.

Aileen Black commented regarding her experience in the mobile food vending business; the importance of visibility for mobile vendors; that requiring bathrooms would be difficult; and opined that mobile food vending would benefit the community and would not compete with local businesses.

David Makepeace stated that if done right, mobile food vending would be an enhancement to the community; and expressed support for a setback requirement.

Chris Trentine opined that food trucks had to partner with the appropriate commercial business so that they would have enough volume to be successful; and that there were worse things to look at in neighborhoods other than food trucks.

Mayor Forster closed public comment.

Council directed staff to make the following changes to the program: allow ten licenses instead of fifteen; local preference would be given to applicants during the first three months; locals would be verified using a Monroe County tax receipt; local are defined as those operators from the Upper Keys (Marathon to Key Largo); location(s) for operation would be submitted to the Village within 30 days after registration; requiring a minimum 50-foot setback from the US-1 right-of-way; $250

registration fee due up front; trash must be removed daily; banners shall be attached to the vehicle and shall not exceed fifteen feet in height, from the ground and shall not be longer than the vehicle; and were not permitted to operate on a vacant lot.

Councilman Chris Sante made a motion to approve. Councilman Jim Mooney seconded the motion. Council voted and the motion passed 4-0.

TAB 5: Resolution Ratifying and Approving a Subaward and Grant Agreement between the Village and the Florida Division of Emergency Management for Wastewater Generators (Generators for Critical Facilities)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING A FEDERALLY FUNDED SUBAWARD AND GRANT AGREEMENT BETWEEN THE VILLAGE AND THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:32 p.m. Village Attorney Roget Bryan read the title of the resolution. Fire Chief Terry Abel presented the staff report noting a project cost of approximately $660,000, a grant award of $495,000 and a cost to the Village of approximately $165,000 . He stated the grant was a 75/25 split. Council and staff discussion ensued regarding whether three generators were needed verses one; monthly generator testing and maintenance; that the existing generators had failed during Hurricane Irma; and essentially getting three generators for the price of one.

Mayor Mike Forster opened public comment; seeing none, public comment was closed.

Councilwoman Deb Gillis made a motion to approve. Councilman Jim Mooney seconded the motion. Council voted and the motion passed 4-0.

TAB 6: Resolution Approving the Final Rankings and Recommendation of the RFP 20-20 Evaluation Committee for Installation of Diesel Exhaust Extraction Systems at Islamorada Fire Stations 19, 20 and 21

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RANKINGS AND RECOMMENDATION OF THE RFP 20-02 EVALUATION COMMITTEE FOR INSTALLATION OF DIESEL EXHAUST EXTRACTION SYSTEMS AT ISLAMORADA FIRE STATIONS 19, 20 AND 21; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT FOR THE REQUESTED SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:41 p.m. Village Attorney Roget Bryan read the title of the resolution. Fire Chief Terry Abel presented the staff report noting that the $118,340 of the Village's cost would be reimbursed through a grant award.

Mayor Mike Forster opened public comment; seeing none, public comment was closed.

Councilwoman Deb Gillis made a motion to approve. Councilman Chris Sante seconded the motion. Council voted and the motion passed 4-0.

TAB 7: Resolution Adopting Wastewater System Development Charge Schedule

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE WASTEWATER UTILITY POLICY ADOPTED BY ORDINANCE NO. 14-14 TO ESTABLISH A SCHEDULE OF WASTEWATER SYSTEM DEVELOPMENT CHARGES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE WASTEWATER SYSTEM DEVELOPMENT CHARGE SCHEDULE; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:44 p.m. Village Attorney Roget Bryan read the title of the resolution. Deputy Village Manager and Finance Director Maria Basset presented the staff report providing background information and an explanation of the system development charge. Village Attorney Roget Bryan explained the system development fee was essentially an impact fee for wastewater noting new development would pay the impact fee rather than being assessed through the tax bill.

Mayor Mike Forster opened public comment.

Larry Barr commented regarding past wastewater related increases to property owners. Councilwoman Gillis noted the recent increases pertained to wastewater usage rather than new development.

Mark Gregg commented that he had been paying assessments through his tax bill on property he was currently in the process of developing and asked if he would be charged the development charge when he picked up his permit. Deputy Village Manager / Finance Director Maria Bassett explained that because Mr. Gregg had opted into the assessment program and was paying assessments through his tax bill, as long as he built one single family residence which equated to one Equivalent Dwelling Unit (EDU) he was covered. She explained that if he added more EDUs he would be responsible for paying the wastewater development charge.

Mayor Forster closed public comment.

Councilman Chris Sante made a motion to approve. Councilwoman Deb Gillis seconded the motion. Council voted and the motion passed 4-0.

MAYOR / COUNCIL COMMUNICATIONS

Discussion: Lowering the Speed Limit on Carroll Street- Councilman Mooney

This item was heard at 8:02 p.m. Councilman Mooney asked if the Council was interested in uniform speed limits on community streets throughout the Village. Village Attorney Roget Bryan explained that the Village code stated the maximum speed limits on residential streets throughout the Village was 25 miles-per-hour (mph) with the exception of a few streets, identified in the Code, that had a maximum speed limit of 20 mph. He explained that if the residential streets did not have a speed limit sign, then the speed limit was 30 mph. Councilman Mooney stated he was approached by residents on Carroll Street that wanted the speed limit reduced. Mr. Bryan explained that the speed limit change would involve an ordinance amendment and posting of signage. Discussion ensued regarding electronic messaging boards and a possible future discussion regarding residential streets other than Carroll. Council expressed support for reducing the speed limit on Carroll Street.

Mayor Mike Forster opened public comment.

David Webb commented regarding a previous Council discussion pertaining to golf carts being driven in neighborhoods and its applicability to the current discussion. He opined that the 25 mph was too high.

Mayor Forster closed public comment.

TAB 8: Update Regarding the Recent Florida Keys National Marine Sanctuary Advisory Council Meeting- Councilwoman Gillis

This item was heard at 8:15 p.m. Councilwoman Deb Gillis reported on the recent Florida Keys National Marine Sanctuary (FKNMS) Advisory Council meeting. She stated the FKNMS had received over 32,000 comments pertaining to the Restoration Blueprint; that the committee discussed identifying the top ten crucial items identified in the comments for discussion at the next meeting; and that an updated draft plan would be created which would be made available to the public for comment.

Mayor Forster opened public comment; seeing none, public comment was closed.

Discussion: Army Corps of Engineers Water Delivery- Councilwoman Gillis

This item was heard at 8:19 p.m. Councilwoman Deb Gillis commented regarding the Army Corps of Engineers (ACOE) meeting that was held on February 19, 2020 to address the Draft Environmental Impact Statement (EIS) and Water Control Plan. She noted the progress being made with water restoration and stated that a take-away from that meeting was that enough water was being moved to the Florida Bay. Councilwoman Gillis stated that this was not the opinion of many in the Florida Keys. She requested Council support to direct staff to send a letter to the ACOE requesting more water be moved to the Florida Bay.

Mayor Mike Forster opened public comment.

David Makepeace commented regarding the related infrastructure projects going on in South Florida; that the infrastructure had the capacity to do the job very well as more restoration occurred; and noted the multi-agency involvement also had the responsibility for flood control and providing water to the farming areas. He commented about the populations that represented a need for flood control and irrigation for farms pointing out that these populations “had a face”; he stated Everglades Restoration did not have a face. Mr. Makepeace stated Mary Barley had pointed out that it did have a face in the fisherman and business owners that had a stake in the health of the Florida Bay. He encouraged the Council to elevate the Florida Bay and Everglades Watershed to the same level as their other constituents. Mr. Makepeace stated today he had reviewed the salinity levels for Rabbit Key which was 38-40 parts per thousand. He pointed out that this was an estuary and the salinity levels should be 10-35 parts per thousand noting that seawater was 38 parts per thousand.

Council expressed support for Councilwoman Gillis’ request. Village Attorney Roget Bryan stated he would contact the Mayor for input when he prepared the correspondence.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Legislative Update

This item was heard at 8:27 p.m. Village Attorney Roget Bryan provided a brief legislative update regarding the budget differences between the House and Senate; vacation rental preemptions; and the Florida Keys Property Rights Protection Act.

ADJOURNMENT

Councilman Chris Sante made a motion to adjourn. Councilman Jim Mooney seconded the motion. The meeting adjourned at 8:29 p.m.

Approved by the Village Council May 7, 2020.

Kelly S. Toth, CMC
Village Clerk