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

Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036
January 23, 2020

CALL TO ORDER

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, Vice Mayor Ken Davis, Councilman Jim Mooney and Councilwoman Deb Gillis. Also, in attendance were Village Manager Seth Lawless, Village Attorney Roget Bryan, Village Clerk Kelly Toth and other relevant personnel.

PLEDGE OF ALLEGIANCE

Henry Danzig led the Pledge of Allegiance.

REPORTS, PRESENTATION AND ANNOUNCEMENTS

Proclamation: Week of Peace

Mayor Mike Forster proclaimed January 26 – 31st, 2020 as a "Week of Peace" and presented the proclamation to Denise Downing and Bonnie Roberts. Ms. Downing stated the Tibetan Buddhist Monks were travelling in the US to bring an awareness to interfaith harmony, to keep the Tibetan culture alive and to raise funds for the monastery.

DISCUSSION AND SELECTION OF COUNCIL MEMBER FOR SEAT 2

This item was heard at 5:37 p.m. Council discussed the process to be used for selecting a new councilmember and decided candidates would speak for two to three minutes regarding their interest in the position and that there would be an opportunity for public comment. Candidates were called to the podium in alphabetical order to make their comments to Council.

Candidate Pete Bacheler commented regarding: his experience on the Local Planning Agency; his experience with amending the Land Development Regulations; his professional work experience with land development and permitting; and his knowledge of the innerworkings of local government.

Candidate Eric Carlson commented that: he had previously ran for Village Council and garnered the support of many resident; that he could offer a different perspective; that he did not possess any local business interests; that he understood what it was like to live paycheck to paycheck; and that the hospitality industry should have some representation in Islamorada.

Candidate George Geisler commented regarding: his experience serving on the first Village Council and noted some of the accomplishments of that Council. He stated he was not interested in running for Council but was interested in serving through November.

Candidate Mark Gregg commented regarding his four years on Council which included serving as Mayor and Vice Mayor and having been on Council when they wrote the first Land Development Regulations. He stated he currently served on the Local Planning Agency and Achievable Housing Citizens' Advisory Committee, that he was an election candidate for Village Council Seat 2 and noted the importance of selecting someone to fill the seat that had experience.

Candidate Don Horton commented that: he had been a resident of the community for 43 years; was a former Building Official for the Village and in that capacity ran the building and code enforcement departments; and that he had coauthored some of the Village ordinances that related to building and code enforcement. He noted that he had also served on the Local Planning Agency, Charter Review Committee and the Village Manager Selection Committee.

Candidate Mary Lou Kohne commented that she had been a homeowner in Islamorada since 2005 and a fulltime resident for three years. She stated prior to retiring to Islamorada, she was a businessperson and a business professor. She stated she felt the call to apply because she could bring her business professionalism and organization skills to help make the Village better. Ms. Kohn stated she was a collaborator, innovator and researcher and noted her experience with developing plans, solutions and budgets.

Candidate Chris Sante stated it was important for the Village Council to have consistency moving forward. He commented about having recently served on the Village Council noting that he had ten years of service as a Village Councilmember. He stated he was interested in filling the seat until November and that he had no desire to run in the upcoming election. Mr. Sante noted that he was "up to speed" on all the issues, that he had reviewed the current agenda and was ready to go if selected.

Candidate Bill Todd was called to the podium to speak but was not in attendance at the meeting.

Candidate David Webb commented that: he had been a fulltime resident of Islamorada since 2013; that he had previous experience interacting with large organizations which was critical to Islamorada in solving some of the large, long-term problems; he had represented parties on Capitol Hill and had dealt with extraordinary regulatory issues with the Federal Aviation Administration and the Transportations Safety Administration after the events of 9/11; and that he helped implement policies, procedures and protections post 9/11. His stated his desire to serve on Council came from his belief that it was a responsibility of citizenship to participate in making the community you live in as good as it can be.

Candidate Larry Zettwoch stated he was a 30-year resident of Islamorada; that he had attended the majority of Council meetings since the summer of 2019 and noted his familiarity with the Village Council meeting agendas. Mr. Zettwoch stated he had over 30 years of military experience, was the Captain of a major airline and head of a local board, all of which gave him expertise in facilitation and team building.

Candidate Jill Zima Borski commented that she had been an employee of the Village, served on the Village Council as well chairing advisory committees such as the Land Acquisition Advisory Committee. She noted her involvement, as a former Councilmember, with the acquisition of the Green Turtle Hammock property, Key Tree Cactus property and the fight for bike paths in the

Village. Ms. Zima Borski noted that she had attended numerous other governmental meetings throughout the Florida Keys including the Monroe County School District, City of Key West, City of Marathon and Monroe County Commission meetings and noted that there were similarities in the issues these entities faced. She stated it was advantageous to be aware of how they dealt with the various issues. Ms. Zima Borski noted her children had attended the local schools in Islamorada and that she could represent the family perspective on Council.

Mayor Mike Forster opened public comment.

John Fernandez spoke in support of George Geisler and Chris Sante and noted their accomplishments. He stated an incumbent in the election would have an advantage because they had a public forum every time there was a Village Council meeting. He stated other election candidates had to spend money to make themselves known to the community. He applauded those individuals that had expressed interest in the position.

Van Cadenhead stated he was sorry Councilwoman Cheryl Meads was no longer serving on Council. He spoke in support of George Geisler and Chris Sante. He noted their prior experience serving on Village Council and the importance of their disinterest in running in the 2020 election.

Larry Barr spoke in support of Chris Sante noting his experience and recent tenure on Council.

Mayor Forster closed public comment.

Council discussed and decided on the method of selection. Each Councilmember would choose three candidates from the list without ranking them. The three candidates with the most votes would move to round two. Council would then vote for one of the three candidates. The individual with the majority vote would be appointed to Seat 2.

Councilwoman Deb Gillis stated that since the last meeting she had changed her opinion of what experience meant noting there were many different types of experience. She stated she was not sure that choosing an election candidate would necessarily be advantageous to that individual. She noted at least four new councilmembers would be chosen in the 2020 election. She encouraged the Council to consider all the experience that each candidate possessed when making their selection. She commented that if an election candidate was chosen to fill Seat 2 and if they were elected in the November 2020 election it would be beneficial to the Council as it would provide a bit of continuity.

Mayor Forster recapped the selection process. Councilmembers made their selections, the Village Clerk collected the votes and tallied the scores with the assistance of Mary Swaney, Public Information Officer and Assistant to the Village Manager. The first round of votes, listed in alphabetical order, were as follows:

- Mayor Mike Forster: George Geisler, Don Horton and Chris Sante
- Vice Mayor Ken Davis: Don Horton, Chris Sante and David Webb
- Councilwoman Deb Gillis: Pete Bacheler, Mark Gregg and Larry Zettwoch
- Councilman Jim Mooney: George Geisler, Don Horton and Chris Sante.

Mayor Mike Forster announced the top three candidates, in alphabetical order: George Geisler, Don Horton and Chris Sante. Council proceeded to select one individual from the three candidates. The Clerk collected the votes and tallied the scores with the assistance of Mary Swaney, Public Information Officer / Assistant to the Village Manager. The results were as follows: Mayor Mike Forster, Vice Mayor Ken Davis and Councilman Jim Mooney selected Chris Sante. Councilwoman Deb Gillis selected Don Horton. Mayor Mike Forster announced that Chis Sante had received the majority vote and asked for a formal motion. Councilwoman Deb Gillis made a motion to appoint Chris Sante to Seat 2. Councilman Ken Davis seconded the motion. Council voted and the motion passed 4-0.

SWEARING IN OF NEW COUNCILMEMBER

At 6:15 Village Clerk Kelly Toth administered the Oath of Office to newly appointed Councilman Chris Sante. Councilman Sante took his seat at the dais.

PUBLIC COMMENT

Mayor Mike Forster opened public comment.

Van Cadenhead commented regarding the presidential impeachment process and recited a prayer for wisdom.

Robby Majeska stated that he was a board member of the Key Largo Wastewater Treatment District (KLWTD) but was not speaking in that capacity. He stated the KLWTD board was mailing letters to its constituents regarding new wastewater rate reductions and commented about the districts efforts to lower costs. Mr. Majeska reported the KLWTD had recently conducted a study which determined that the district could lower their rates by fifteen percent. He stated he had suggested the board increase the water usage rate but lower the fixed rate that was paid regardless of usage in order to encourage people to conserve water. Mr. Majeska stated that in the interlocal agreement between the KLWTD and Islamorada, the Village and the KLWTD could conduct a study to determine what it cost to run the plant, a “true-up”. He stated the true-up only would only apply going forward. Mr. Majeska stated the KLWTD was charging the Village a fair rate. He commented that the district was using assessment monies to pay the cost of operations and that the assessment funds would eventually run out. He noted that a true-up may not result in a favorable outcome to the Village. Mayor Mike Forster expressed his disagreement with Mr. Majeska’s comments and stated the Village would have to pay for the study. He noted that Mr. Majeska was an advocate for Islamorada.

John Fernandez stated he was hearing impaired and suggested the Village add closed captioning to the live broadcast. He suggested the Village create a committee to make recommendations that would assist the hearing-impaired when attending Village Council meetings or watching the meetings from a different location.

Monroe County Sheriff’s Captain and Islamorada District Commander Corey Bryan introduced Lieutenant Chuck Kellenberger who was now stationed in Islamorada office. Lieutenant Kellenberger commented regarding the community’s positive response to the Sheriff’s Office, noted what a great community Islamorada was and stated he looked forward to serving the community.

Mayor Mike Forster closed public comment.

Councilman Jim Mooney referenced Mr. Fernandez's comments and asked the Village Manager if the Village could do what was requested. Village Manager Seth Lawless reported Village staff was working on a several ADA issues which included the Village's website. The Village Attorney noted that the Village website contained links to Council meetings that were closed captioned. He stated closed captioning of the live broadcast was a mechanism through Comcast that would require technology upgrades.

AGENDA: Requests for Deletion / Emergency Additions

There were no additions or deletions to the agenda.

CITIZENS' ADVISORY COMMITTEE UPDATES

Local Planning Agency Update

This item was heard at 6:28 p.m. Local Planning Agency Chair (LPA) Pete Bacheler reported the committee discussed outdoor storage and agreed that fencing and landscaping should be completed prior to storage items being placed on the property. He noted that there had been complaints about outdoor storage and that the regulations needed better enforcement.

Parks & Recreation Citizens' Advisory Committee Update

This item was heard at 6:31 p.m. Parks & Recreation Citizens' Advisory Committee Vice Chair Lesley Rhyne reported on upcoming park events, the addition of more pickleball courts and the relocation of the fitness equipment. She stated in February there would be a "Fit & Fun Expo" at Founders Park which was a symposium that would provide information on the many programs offered at the park. She reported the committee recommended staff work with "Kids for Kids" to bring programs for special needs individuals to Founders Park; and recommended moving forward with Florida Bay Forever to work on a management program for the Green Turtle Hammock (GTH) Preserve. She explained that Florida Bay Forever would take over the management of the GTH which included regulatory compliance.

CONSENT AGENDA

TAB 1: Minutes of the January 9, 2020 Regular Village Council Meeting

Councilwoman Deb Gillis made a motion to approve the consent agenda. Councilman Chris Sante seconded the motion. Council voted all in favor and the motion passed 5-0.

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.

TAB 3: Consideration of a Development Agreement Pursuant to Chapter 163, Florida Statutes, between the Village and Coconut Cove Resort & Marina, Inc. and Paul E. Bates

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN THE VILLAGE AND COCONUT COVE RESORT & MARINA,

INC., AND PAUL E. BATES FOR THE PROPERTY LOCATED AT 84801 OVERSEAS HWY, WINDLEY KEY WITH REAL ESTATE NUMBERS 00094000-000000, 00093970-000100, AND 00094010-000000; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ANY OTHER REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:34 p.m. Village Attorney Roget Bryan read the title of the resolution and asked the Council to disclose ex parte communications. Councilman Jim Mooney, Mayor Mike Forster, Vice Mayor Ken Davis and Councilman Chris Sante each stated that they did not have ex parte communications regarding the matter. Councilwoman Deb Gillis disclosed that she had spoken with Paul Bates and Jim Lupino. The Village Attorney presented the staff report noting it was the second hearing on the matter. He reported that the agreement provided the framework for outlining the future development for the site by recognizing the development rights, potential uses, non-conformities, entitlements and it would resolve the outstanding litigation that had resulted over the years from the impasse. Mr. Bryan stated the Council had reviewed the agreement during the executive session and that approval of the agreement would further the objectives of the land development regulations and Comprehensive Plan.

Mayor Mike Forster acknowledged Councilwoman Gillis' contributions to the matter in her role as the former Mayor. Councilwoman Deb Gillis commended the Village Attorney and Mr. Lupino on their efforts.

Mayor Mike Forster opened public comment; no comment was offered.

Councilwoman Deb Gillis made a motion to approve. Councilman Chris Sante seconded the motion. Council voted and the motion passed 5-0.

ORDINANCES

There were no ordinances.

RESOLUTIONS

TAB 4: Resolution Approving an Agreement between Adventure Environmental Inc. and Islamorada, Village of Islands for Professional Services for Sediment Removal within Canal 151

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN AGREEMENT WITH ADVENTURE ENVIRONMENTAL INC. FOR PROFESSIONAL SERVICES FOR SEDIMENT REMOVAL WITHIN CANAL 151; 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; AUTHORIZING A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:39 p.m. Village Attorney Roget Bryan read the title of the resolution. Environmental Resources Manager Peter Frezza presented the staff report recommending approval of the agreement at a cost not to exceed $140,000. He noted that the project was not funded under the NRCS grant and that staff would be using Stewardship Act funds to pay for the associated costs.

Councilman Sante noted the Village would be placing the debris on private land and asked if the Village had permission to do so. Mr. Frezza explained that the Village did have approval, the owner had signed a contract with Adventure Environmental Inc. to utilize his property for staging. He stated the owner would also be signing an agreement for staging with the Village. Councilman Sante asked what would prevent the sand from washing out and if the owner was erecting a seawall. Mr. Frezza reported the owner would be applying for a permit; that he was confident the sand would not wash out; and that the Village's engineering consultant, Wood Environment & Infrastructure was working on the project and were not overly concerned the sediment would wash out. Mr. Frezza noted the contractors did not think there was enough fill to occupy the entire hole on the property.

Mayor Mike Forster opened public comment; no comment was offered.

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

TAB 5: Resolution Approving a Contact between CBT Construction Development and Islamorada, Village of Islands for Professional Services for Demolition of Residence at Green Turtle Hammock Preserve

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN AGREEMENT BETWEEN CBT CONSTRUCTION AND DEVELOPMENT, INC. AND ISLAMORADA, VILLAGE OF ISLANDS FOR CONSTRUCTION DEMOLITION SERVICES AT GREEN TURTLE HAMMOCK PRESERVE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:48 p.m. Village Attorney Roget Bryan read the title of the resolution. Environmental Resources Manager Peter Frezza presented the staff report recommending approval. He noted that staff had obtained an estimate to renovate the Green Tuttle Hammock structure and that to do so would cost $325,884. He stated the contractor that provided the estimate had recommended demolition. Mr. Frezza explained that the Historic Preservation Commission (HPC) and the Florida Division of Historical Resources both determined that there was no historical significance to the residence; and that the HPC voted unanimously to demolish the structure. He stated CBT Construction had the lowest bid at $25,000 and that the demolition costs would be funded by Parks & Recreation impact fees. Councilman Chris Sante disclosed that he had business dealings with CBT Construction, but none that were related to the project.

Mayor Mike Forster opened public comment; no comment was offered.

Councilwoman Deb Gillis made a motion to approve. Vice Mayor Ken Davis seconded the motion. Council voted and the motion passed 5-0.

MOTIONS

There were no motions.

MAYOR / COUNCIL COMMUNICATIONS

Florida Keys Transportation Coordination Committee Update

This item was heard at 6:53 p.m. Councilwoman Deb Gillis provided a Florida Keys Transportation Coordination Committee meeting update. She reported the committee received a presentation from a van pool company (Enterprise South Florida Rural Vanpool Program) that was working with FDOT and noted that a grant paid for fifty percent of the program. Councilwoman Gillis provided various details about the van pool program noting that Enterprise provided the vehicles and that there were currently three being used in Monroe County. Councilwoman Gillis reported the committee discussed the most recent Monroe County draft traffic study (Arterial Travel Time Delay Study) which had ranked Islamorada as having the worst level of service in the county. She stated Monroe County had commissioned a new study that would include recommendations for improvement. She noted the study would cover the entire county and would take 18-20 months to complete. Councilwoman Gillis reported several suggestions were made by "Norman" who suggested the following:

1. The Old Highway could be used as a northbound lane for US-1 and US-1 could serve as the southbound lane. Councilwoman Gillis explained why this was not feasible.
2. Removal of the school zone sign at the former Island Christian School, noting the sign had been removed.
3. Contact the Monroe County Independent School District to suggest that school buses use the Old Highway whenever possible.
4. Suggested installing more right-turn lanes (deceleration lanes) along the US-1 highway to help the flow of traffic.
5. Contact cities with single roads, such as Sanibel and Captiva, to see if they had ideas or suggestions that would be applicable to the Florida Keys.

Councilwoman Gillis announced that the Florida Keys National Marine Sanctuary Advisory Council had tentatively set meeting dates for March 24th and 25th to discuss the Restoration Blueprint.

Discussion Regarding Pedestrian Bridge

This item was heard at 7:02 p.m. Mayor Mike Forster provided historical information pertaining to the FDOT pedestrian bridge that is to be constructed in Islamorada. He noted that it began as a mobile crosswalk that morphed into a fixed pedestrian bridge; that project costs started at $1.2 million and to date were estimated at $4.4 million; that FKEC was notified they would have to move utility lines to accommodate the pedestrian bridge at an estimated cost of $1.1 million dollars to FKEC; and that the Florida Keys Aqueduct Authority (FKAA) would be required to move water lines at a cost of approximately $3 to $3.5 millions dollars which would be reimbursed by FDOT due to existing regulations pertaining to the water authority. He suggested the Council direct the Village Manger and Village Attorney/Legislative Aide to speak with representatives in Tallahassee and request reimbursement for the electric coop.

Craig Belcher commented that the estimated cost to move the above ground transmission lines and underground electric utilities started at $800,000 and that the costs would be spread out over 26,000 meters between the Monroe County line and Marathon.

Mayor Mike Forster opened public comment.

Larry Barr stated the public was under the impression FDOT would be paying the costs and spoke in support of the Mayor's suggestion. He said he was very much in favor of the fixed crosswalk and suggested once the bridge was completed Founders Park may want to increase the number of events at the park.

Pete Bacheler commented that he did not think that we had heard the last of the escalating costs and suggested a greater effort be made to make the public more aware of the issue.

Vice Mayor Ken Davis stated the additional cost for each meter was approximately $31 dollars based on the $800,000 estimate.

Mayor Forster closed public comment.

Mayor Mike Forster explained that if the Village did not move forward with the project, the Village did not have the ability to tell FDOT that they wanted the money to be used for another project in Islamorada such as the Fills or Sea Oats Beach. He explained that the money would be used by FDOT for another FDOT project at FDOT discretion.

Councilman Jim Mooney stated he was a former FKEC Board Member and explained that FKEC did not bill their customers immediately for the costs associated with a project and provided examples of other projects FKEC was involved with in the Keys. Councilman Mooney stated that FKEC had hundreds of millions of dollars in the bank and explained that the FKEC regularly purchased necessary parts and equipment. Councilman Mooney praised the FKEC as being the best power company in the State of Florida and expressed agreement with the Mayor's suggestion to seek reimbursement for FKEC.

Vice Mayor Ken Davis expressed agreement with the Mayor's suggestion noting that the FDOT should have anticipated the costs to move the electric utilities at the beginning of the project as it was a matter the engineers should have been aware of.

Councilman Chris Sante stated he was initially in favor of the pedestrian bridge but had changed his mind. He stated FDOT could install a crosswalk like the Key Largo lighted crosswalk. He stated the lighted crosswalk could be controlled by the Village or law enforcement noting that it could be turned on during special events or when the Montessori Charter School needed to bring groups of children across the highway. Councilman Sante stated the best suggestion he had heard to help the flow of traffic was right-hand deceleration lanes. Councilman Jim Mooney referenced the recent Monroe County Arterial Travel Time Delay Study noting that there were 26 traffic lights throughout the keys which were a traffic flow deterrent because they slowed traffic down.

Councilwoman Deb Gillis stated she was not in favor of the pedestrian bridge but would support Council's decision; that the projects costs kept escalating; that FDOT should pay the costs associated with moving the electric utilities; and that she did not think the pedestrian bridge would help with the flow of traffic.

Village Attorney Roget Bryan confirmed the Council's direction.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Village Attorney Roget Bryan announced that Florida Keys Day would occur during the first week of February and that the Florida Legislative session was in full swing. He reported:

- The Florida Keys Property Rights Protection Act (50/50 Bill) had gone through one committee and was recommended favorably. The second committee date was pending.
- Vacation Rentals- state preemption expansion was an issue. He noted that currently, the Village's 2011 grandfathered vacation rental ordinance was safe. The problem was expansion of preemption and state control over vacation rentals. The Florida Keys tried to get a carve out under the Area of Critical State Concern designation by creating a local bill. The local bill was dead on arrival. Other avenues were being pursued to establish a carve out for the Florida Keys, to protect the grandfathered ordinances, and to provide the ability for local governments to make desired changes to their vacation rental ordinances. He stated the State was pushing an avenue for the Department of Business and Professional Regulation (DBPR) to regulate vacation rentals however the DBPR was understaff and underfunded to provide such oversight.

ADJOURNMENT

Vice Mayor Ken Davis made a motion to adjourn. Councilman Chris Sante seconded the motion. The meeting adjourned at 7:29 p.m.

Approved by the Village Council February 13, 2020.

Kelly S. Toth

Kelly S. Toth, CMC
Village Clerk