ISLAMORADA, VILLAGE OF ISLANDS
(HYBRID) REGULAR VILLAGE COUNCIL MEETING MINUTES

Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036
Thursday, November 19, 2020
5:30 PM

Hybrid Meeting to Occur Utilizing Communications Media Technology (CMT)
Pursuant to the Centers for Disease Control (CDC), social distancing guidelines established to contain the spread of the COVID-19 virus, the November 19, 2020 Regular Village Council Meeting was conducted utilizing Communication Media Technology (CMT) via a Zoom video conferencing application. Information regarding options for viewing the meeting and participation through public comment was provided on the last page of the meeting agenda.

CALL TO ORDER / ROLL CALL

Vice Mayor Deb Gillis called the meeting to order at 5:33 p.m. Village Clerk Kelly Toth called the roll and the following Councilmembers responded on roll call: Vice Mayor Deb Gillis and Councilman Chris Sante. All Councilmembers were present. Also, in attendance were Village Attorney Roget Bryan, Village Clerk Kelly Toth and Deputy Clerk Stephanie Conde. Appearing virtually were Acting Village Manager / Finance Director Maria Bassett and other relevant personnel.

PLEDGE OF ALLEGIANCE

Jim McCarthy led the Pledge of Allegiance.

SWEARING-IN OF NEWLY ELECTED OFFICIALS

The Honorable Judge Sharon I. Hamilton swore-in each of the newly elected Councilmembers in the following order: Pete Bacheler (Seat 1), Mark Gregg (Seat 2), Buddy Pinder (Seat 3), Henry Rosenthal (Seat 4) and David Webb Seat (Seat 5).

Outgoing Vice Mayor Deb Gillis called for a brief recess to allow staff to sanitize the dais. After the dais was sanitized, the meeting resumed with the new Councilmembers taking a seat at the dais.

Councilman David Webb acknowledged the efforts of the outgoing Council specifically their work with the wastewater system infrastructure project, Hurricane Irma and the COVID-19 pandemic. He challenged the new Council to come together to work for the betterment of the community.

ROLL CALL OF NEW COUNCIL

Village Clerk Kelly Toth called the roll. The following Councilmembers were present on roll call: Councilman Pete Bacheler, Councilman Mark Gregg, Councilman Buddy Pinder, Councilman Henry Rosenthal and Councilman David Webb.

ELECTION OF MAYOR & VICE MAYOR

Village Attorney Roget Bryan provided guidance to the new Council for the election of Mayor and Vice Mayor. He commented that, per the Charter, the roles of Mayor and Vice Mayor were ceremonial and elected each November; both positions had the same duties as the rest of the Village Council; the Mayor was the head of the Village for purposes of signature duties, service of process and appearance at functions. He explained that the Village had a Manager/Council form of government which meant that the Village Manager or Acting Village Manager was responsible for the administrative day-to-day duties. He stated the Vice Mayor serves as the Acting Mayor in the absence of the Mayor. Mr. Bryan suggested the Council nominate a Mayor and Vice Mayor and explained the majority voting requirement and that if a nomination did not receive a second it failed.

Councilman Henry Rosenthal nominated Joseph B. Pinder III as Mayor. Councilman David Webb seconded the motion. Council voted and the motion passed 5-0.

Councilman Mark Gregg nominated Pete Bacheler for Vice Mayor. Councilman Pete Bacheler seconded the motion. Council voted and the motion passed 5-0.

Village Clerk Kelly Toth announced that a brief recess would occur so that staff could sanitize the dais so that Vice Mayor Bacheler could change seats with Councilman Gregg.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Councilman Henry Rosenthal acknowledged the presence of Monroe County Tax Collector Danise Henriquez and former Mayor of Monroe County Jerry Hernandez.

Virtual Meeting Procedures- Village Attorney

Village Attorney Roget Bryan provided the virtual meeting procedures noting that the Village Council was physically present at the Community Center because the Governor did not extend the order that removed the requirement for a physical quorum. He explained the viewing and virtual participation options for the public.

Dedication of Emergency Operations Center to Ken Davis

Former Councilman Mike Forster, accompanied by Charlotte Porter Davis and former Councilmembers Deb Gillis, Chris Sante and Jim Mooney, read the inscription from the plaque dedicating the Emergency Operations Center at Fire Station 20 to former Vice Mayor Ken Davis who passed away on September 12, 2020 while serving as Vice Mayor.

Mayor Pinder invited Pastor Tony Hammon to the podium to offer a moment of prayer. Mr. Hammon commented that he had provided the prayer for the first Village Council meeting. Mr. Hammon offered a prayer for the new Council asking for wisdom, courage, sustained health, and service with dignity. He prayed for the family and friends of former Vice Mayor Ken Davis; and asked God's protection for the community and planet.

Acknowledgement of Service on Village Council

At 6:04 p.m., Mayor Buddy Pinder acknowledged Deb Gillis' service on Council and presented her with plaque. Ms. Gillis commented about her experience on Council and that the new Council would make tough decisions; she noted that the Council would only hear from a small number of residents and suggested they make their decisions on what was best for the entire community; noted the learning curve the first year of service on Council; and suggested they utilize staff when they had questions or needed assistance.

Mayor Pinder acknowledged Chris Sante's service on Council and presented him with a plaque for filling the vacancy on Village Council in 2020. Mr. Sante encouraged the new Council to contact the past councilmembers if they had questions and stated the Council was doing an important job and expressed his gratitude.

Mayor Pinder acknowledged Jim Mooney's service on Council and presented him with a plaque. Mr. Mooney stated that he chaired the first Village Council meeting noting how scary it was. He offered his comments to the new Council which included: trusting staff, that sometimes the rules seemed weird, that Council has the ability to change the rules but should trust staff as they would not steer the council wrong, and that when a Councilperson loses a vote, they should put it behind them and move on. Mr. Mooney wished the Council luck in their new positions.

Mayor Pinder acknowledged Mike Forster's service on Council and presented him with a plaque. Mr. Forster stated that he had spent 20 percent of his life serving on Council; noted that he had a lot to learn in his new role as Monroe County Commissioner; asked the new Council to think objectively and accurately and to work together for the greater good of Islamorada.

PUBLIC COMMENT

Mayor Pinder opened general public comment.

Van Cadenhead congratulated the new Council. He thanked the Council for the dedication of the Emergency Operations Center to former Vice Mayor Ken Davis and noted that Vice Mayor Davis was a good example of a public servant.

Barry Wray congratulated the new Council.

Joe Roth, attending virtually, commented regarding the upcoming agenda discussion pertaining to events at Founders Park. He stated he was speaking as a member of the Rotary and asked the Council to keep an open mind and to not make a blanket decision closing off events. He suggested a reoccurring agenda item on the topic. He stated the Upper Keys Rotary had created a multi-pronged plan that mirrored and pulled out principles from the "CDC's Events and Gatherings Readiness and Planning Tool".

Mayor Pinder closed public comment.

AGENDA: Requests for Deletion / Emergency Additions

Mayor Pinder asked if Council or staff had any deletions or additions for the agenda. Councilman Mark Gregg added the following items to the Mayor /Council Communications section of the agenda: (A) Future discussion regarding accessory dwelling units and (B) Discussion regarding new maps for inventory of vacant land as it relates to 2023. Councilman Henry Rosenthal added (C) Discussion regarding the pedestrian bridge, (D) Discussion regarding appointments to the Local Planning Agency at the December meeting (E) Discussion regarding receiving applications for the Village Manager vacancy and (F) Christmas decorations in Islamorada.

Councilman Rosenthal suggested upgrading the Christmas decorations in Islamorada. He stated that he thought the amount of money given to the Chamber of Commerce was insufficient and fell short of his idea for Islamorada to be a front-runner. He suggested increasing the funds given to the Chamber of Commerce for decorations.

CONSENT AGENDA

TAB 1: Minutes of the October 1, 2020 Regular Village Council Meeting and the October 8, 2020 Special Call Village Council Meeting

Mayor Pinder opened public comment; no comment was offered.

Vice Mayor Pete Bacheler made a motion to approve the consent agenda. Councilman Mark Gregg seconded the motion. Council voted and the motion passed 5-0.

Councilman Rosenthal commented that the minutes reflected that Councilman Chris Sante had asked for the FDOT presentation to be placed on the Village website and that it was not on the website.

RESOLUTIONS

TAB 2: Resolution Approving the First Amendment to Work Authorization No. 3 between Islamorada, Village of Islands and Wood Environment & Infrastructure Solutions, Inc. for Construction Administration and Engineering Inspection Services for Sediment Removal Activities

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A FIRST AMENDMENT TO WORK AUTHORIZATION NO. 3 WITH WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC.; 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 6:31 p.m. Village Attorney Roget Bryan read the title of the resolution. Environmental Resources Manager Peter Frezza presented the staff report recommending approval.

Councilman Henry Rosenthal asked Mr. Frezza to identify the canals referenced in his report. Mr. Frezza identified the following canals all of which were located on Lower Matecumbe Key: (1) the canal between Atlantic Lane and Laserra Lane, (2) the canal between Sea Lane and Ocean Lane, (3) the canal between Iroquois Drive and Sunset Drive, (4) the three-finger canal in the White Marlin neighborhood on the bayside and (5) and the Sandy Cove Basin.

Mayor Pinder opened public comment; no comment was offered.

Councilman David Webb made a motion to approve. Vice Mayor Pete Bacheler seconded the motion. Council voted and the motion passed 5-0.

TAB 3: Resolution Approving Amendment No. 3 to the Professional Services Agreement with J.A. LaRocco Enterprises, Inc., for Post-Hurricane Irma Asphalt Repair Services

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE THIRD AMENDMENT TO AGREEMENT BETWEEN J. A. LAROCCO ENTERPRISES, INC. AND ISLAMORADA, VILLAGE OF ISLANDS FOR ASPHALT REPAIRS – DAMAGE CAUSED BY HURRICANE IRMA AND ASSOCIATED DEBRIS MANAGEMENT ACTIVITIES TO VILLAGE ROADS, STREETS, BIKE PATH LANES AND PORTIONS OF THE OVERSEAS HERITAGE TRAIL; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE THIRD AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:38 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager / Finance Director Maria Bassett presented the staff report noting the item retroactively added federal procurement language to the contract. She noted that local option gas taxes accounted for in the Transportation Fund were used to pay for the services, pending FEMA and FDEM reimbursement and that General Fund revenue sources were not utilized.

Councilman David Webb commented that FEMA conducted a site visit and estimated the damage for repairs but did not do an examination of the entire scope of the damage. Ms. Bassett confirmed that FEMA did a sampling; and noted that the repairs were done to Village roads rather than state roads. The Mayor complimented Ms. Bassett on her success in obtaining reimbursement. Councilman Mark Gregg commented about FEMA's process and the importance of repairing the roads. Ms. Bassett noted that she had sent the Council an email that identified the 365 locations that were included in the asphalt repair project and associated costs.

Mayor Pinder opened public comment; no comment was offered.

Vice Mayor Pete Bacheler made a motion to approve. Mayor Buddy Pinder seconded the motion. Council voted and the motion passed 5-0.

TAB 4 : Resolution Approving Amendment No. 1 to the Professional Services Agreement with Aeration Technology, Inc. for Post-Hurricane Irma Athletic Field Restoration Services

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING EXECUTION OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH AERATION TECHNOLOGY, INC., FOR POST-HURRICANE IRMA ATHLETIC FIELD RESTORATION SERVICES; 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 PROFESSIONAL SERVICE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:49 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager / Finance Director Maria Bassett presented the staff report noting the item retroactively added federal procurement language to the contract and that the services had already been rendered and paid for. She stated the Village had received 90% reimbursement from the federal government and 5% from the State.

Mayor Pinder opened public comment; no comment was offered.

Vice Mayor Pete Bacheler made a motion to approve. Councilman David Webb seconded the motion. Council voted and the motion passed 5-0.

TAB 5: Resolution to Adopt FY 2019-2020 Re-Appropriation Budget Amendment

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE VILLAGE'S ADOPTED BUDGET FOR FISCAL YEAR 2019-2020; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 6:54 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager / Finance Director Maria Bassett presented the staff report. Ms. Bassett provided background information and explained the purpose of the re-appropriation budget amendment, which was done annually. She reviewed the General Fund noting that the increased expenses were sufficiently covered by Hurricane Irma reimbursement revenue. Ms. Bassett explained the revenue reflected in the FY 19-20 YE Budget Amendment Requested column. She stated that a positive number meant that the Village received less revenue than what was anticipated noting that this was primarily due to the effects of the COVID-19 pandemic. Ms. Bassett explained that the decline in the revenue sources was offset with the receipt of $3,000,000 in FEMA reimbursement for Hurricane Irma expenses.

Councilman David Webb asked what funds budget shortfalls were paid from. Ms. Bassett stated that in the General Fund, the shortages were paid mostly from other funds where leftover funds existed. She stated the receipt of the FEMA revenues covered all of the expenditure deficiencies. Ms. Bassett stated the net change to the budget, as a result of the amendment, would be an approximate $1.8 million dollar increase. She explained that the FY 19-20 Actuals (unaudited) column reflected an approximate $3.8 million dollar addition in revenue to the General Fund fund balance.

Mayor Pinder opened public comment; no comment was offered.

Councilman Mark Gregg made a motion to approve. Vice Mayor Pete Bacheler seconded the motion. Council voted and the motion passed 5-0.

MAYOR / COUNCIL COMMUNICATIONS

Agenda Additions:

A. Discussion Regarding Accessory Dwelling Units

This item was heard at 7:03 p.m. Councilman Mark Gregg briefly explained the concept of accessory dwelling units and asked to place the item on the December agenda for discussion noting that he would provide documentation relevant to the discussion.

B. Discussion Regarding New Maps for Inventory of Vacant Land as it Relates to 2023

This item was heard at 7:04 p.m. Councilman Mark Gregg commented regarding the BPAS allocation issue the Village was facing in 2023 and the approximately 700 vacant lots in the Village. He stated that he had materials relevant to the discussion and requested that the topic be placed on the December 17, 2020 Village Council agenda for discussion.

C. Discussion Regarding the Pedestrian Bridge

This item was heard 7:11 p.m. Councilman Henry Rosenthal proposed a referendum on whether to proceed with the construction of the pedestrian bridge. He stated that he wanted a "public way" that the community could participate and opined that a referendum was advisable. Councilman Rosenthal stated he had spoken with the Monroe County Supervisor of Elections and that a special election for a referendum would cost approximately $25,000. Councilman David Webb stated that the Council did not really know where the public stood on the matter. He stated before he would move ahead with a referendum he wanted to know if pulling out of the project was an option. Councilman Mark Gregg agreed with Councilman Webb noting that he wanted to know what the financial exposure to the Village was and whether the Village would be subject to damages. Councilman Gregg suggested the minimum timeline for a referendum was about six months. He commented regarding: the project progress that the FDOT would make in the next six months; that he was willing to entertain the idea of a referendum but that the Council needed to refine their strategy, define a timeline, and obtain a legal opinion. Councilman Gregg noted that the project belonged to the FDOT; that it had been voted on and was moving forward and noted that the FDOT was difficult to stop once they got started. He stated that he did not want the bridge but would not be in favor of stopping the project if it resulted in increases to taxpayers. Council discussion ensued regarding results of polls that were taken that sought public input on the matter; the idea of holding public meetings outdoors to gain input; and that it would take approximately two months for the Supervisor of Elections to coordinate a referendum. Village Attorney Roget Bryan opined that the specifics should require an agenda item with data regarding construction and referendum timetables as well as Council action. He explained that the Village charter addressed citizen petition driven referendums as well as Council directed referendums; that the Council had to have a public hearing at least 60-days prior to adopting a resolution that called for a referendum vote; and noted the importance of phrasing the language correctly for the ballot. Councilman Rosenthal commented regarding his conversations with the FDOT and the records he had reviewed; that FDOT was moving forward as the previous Council had voted, but that the FDOT was aware the new Council may take a different view.

Councilman Webb stated that the discussion needed to occur, that the timetable of the referendum was not critical to him; that if it were discussed at the next Council meeting facts were needed such as whether the Village could force the FDOT to stop the project. Councilman Webb asked if it was possible for staff to obtain that information in time for the next meeting. Village Attorney Roget Bryan stated staff would do their best to get the information. Acting Village Manager/ Finance Director Maria Bassett opined that the Council would be looking at a lot of money if they chose to stop the project. The Village Attorney asked if there was Council consensus to have an in-depth discussion regarding whether the project could be stopped; more citizen input and the costs associated with stopping the project. There was consensus. Councilman Mark Gregg opined that the projects costs were a "moving target" because each day more and more was being spent. Council discussion ensued regarding the importance of obtaining the cost to the Village if the project were cancelled by the Village. Acting Village Manager/ Finance Director Maria Bassett opined that it was almost financially irresponsible to even consider stopping the project when there was so much pressure to look at things from a financial perspective and to be so careful on what the Village spent money on. She commented that if the cost to FKEC was $1 million to move their lines, then the Village would have to pay them as well. Councilman Webb noted that throughout the course of the project the costs had escalated that were "dumped" on the Village. He noted that he had not seen the projects long-term maintenance costs; and that the bridge would a have long-term impact on the community. Councilman Webb stated that he would not be in favor of a referendum if the Village could not ask the right questions so that the voters could be made fully aware of the consequences. Village Attorney Roget Bryan stated staff could provide the maintenance costs associated with the elevator, which were not significant; and that the Village did not incur any of the direct costs associated with the project. He stated the FDOT paid the costs for moving the FKAA water lines; and that the Village engaged in conversations with the FDOT to see if they could assist FKEC with mitigating their costs and that he was aware of how those costs were passed on. He stated that he and the Village Manager would compile information and noted that some questions may not be able to be answered with specificity. Ms. Bassett stated the maintenance costs for the Village were for the elevator which involved hiring a contractor for inspections and maintenance, just like the elevator at Village Hall. Councilman Webb asked if the FDOT covered the other maintenance costs. The Village Attorney stated that almost all of the maintenance costs were covered by the FDOT and noted that he would prefer to compile the information and provide it to Council.

Mayor Buddy Pinder opened public comment.

Former councilmember Deb Gillis suggested researching the number of meetings and public comments that were provided. She stated she wanted the Council to understand that the prior Council received public input and that it was not simply a Council decision.

Ed Davidson, after experiencing user technical difficulties, stated that he had his hand raised the entire time and opined that the Village had not seen it and that he had not been able to provide public comment throughout the entire meeting. He stated there needed to be real data and opined that the public did not have enough information in the past; that there were probably more significant long-term maintenance costs to the Village; that law enforcement presence would be needed after sunset; and suggested that people hosting events should have to pay. He asked if it would be possible to have the FDOT "pause" the project and suggested that the FDOT should be made aware that the majority or all of the Council wanted to re-examine the project.

Mayor Pinder closed public comment.

The Village Attorney reiterated that staff would compile relevant core information for the Council to consider. He stated that some of the difficult decision making did not always involve a financial cost noting that there were some broad policy considerations that staff would discuss with them.

Councilman Rosenthal asked if the FDOT should be made aware that the Council was going to be discussing the item. The Village Attorney opined that he did not know that it would have strong value with the FDOT as it was their project; and commented regarding a pause on the project placed a pause on costs noting that there were many subcontractors involved with the project. Councilman Rosenthal stated he was not suggesting the project be paused; only that it was under discussion. Councilman Gregg stated he was uncomfortable with the idea as it could result in litigation; subcontractors could say that the Village tortiously interfered with their relationships between each other; and that it was premature at this point in time. Councilman Rosenthal conceded. Mayor Pinder agreed with Councilman Gregg and referenced his experience with subcontractors.

After the discussion concluded, the Village Clerk provided information to the public regarding the location of the FDOT presentation on the Village website and stated the webpage was updated as the Village received information from the FDOT.

D. Discussion Regarding Appointments to the Local Planning Agency

This item was heard at 8:05 p.m. Councilman Henry Rosenthal stated he would like to see the Local Planning Agency appointment occur at the December meeting.

At 8:08 p.m. Mayor Buddy Pinder asked the Village Attorney if committee appointments could be made at any council meeting. The Village Attorney explained that the annual appointments occurred in May; and other appointments were for the remainder of the term, with most committee terms being for one year. Village Clerk Kelly Toth explained that the LPA vacancy referenced by Councilman Rosenthal was a "Council" appointment that required a super-majority vote of the Council. Village Attorney Roget Bryan suggested that the Council coordinate with the Clerk if they had a potential committee appointment.

E. Discussion Regarding Receiving Applications for the Village Manager Vacancy

This item was heard at 7:50 p.m. Councilman Henry Rosenthal and Vice Mayor Pete Bacheler commented about their experience on the committee for the selection of the Village Manager. Both councilmen expressed that it was a great way to select the Village Manager and provided details regarding the selection process. The Village Attorney requested an agenda item on the matter that would provide options for filling the vacancy and other relevant information so that the Council could make an informed decision. Councilman David Webb commented that the Village turned over managers every two years; that the tasks of the Village Manager should be decided before the process began; that the next large infrastructure project was stormwater; and that the Council should consider exactly what the job would entail and what qualifications were needed. The Village Attorney confirmed with the Council that the topic would be added to a future agenda.

F. Discussion Regarding Christmas Decorations in Islamorada

This item was heard at 7:55 p.m. Councilman Henry Rosenthal suggested increasing the funds given to the Chamber of Commerce for Christmas decorations. Acting Village Manager/ Finance Director Maria Bassett reported that the amount contributed annually to the Chamber of Commerce for the last three years was $5,000. Council and staff discussion ensued regarding there being sufficient funds to cover an increase; working with the Chamber of Commerce to determine what was needed before the Village committed additional funds; and the close proximity of the actual holiday.

Mayor Pinder opened public comment.

Former Councilmember Deb Gillis commented that FKEC was working on erecting the pole banners; that there was maintenance associated with lighted decorations; and suggested additional ground displays as a possibility.

Councilman Rosenthal stated that he did not agree that something could not be done this year. He opined that Islamorada was the "Coral Gables" of Monroe County.

Joe Roth opined that the Chamber of Commerce would be amenable to any proposal that would enhance the holiday decorations. He stated the December timeline was really quick and opined that the Chamber of Commerce would be open to a discussion.

Mayor Pinder closed public comment.

Councilman Webb suggested that a plan was needed. Mayor Pinder noted the rushed timeline as Thanksgiving was next week and asked Councilman Rosenthal if he was okay with moving to the next agenda item. Councilman Rosenthal agreed.

At 8:10 p.m. Acting Village Manager/ Finance Director Maria Bassett stated she would reach out to the Chamber of Commerce and begin the discussion and would keep the Council informed.

G. Discussion Regarding Public Records Requests

This item was heard at 8:06 p.m. Vice Mayor Pete Bacheler asked the Village Attorney if there was a way to limit public records requests due to the amount of staff time involved. The Village Attorney stated information could be provided to him. The Village Clerk stated since she has held the position, staff has been generous with their time by not charging the public for the first hour of staff time spent fulfilling a records request. She noted this was not the normal practice with most cities as most cities began charging after the first 20 or 30 minutes. She offered to pose the question to other municipal clerks. She stated that cost recovery for staff time may be a mechanism for addressing the issue. Vice Mayor Bacheler opined that the cost recovery may be a way of addressing the volume of requests.

H. Discussion Regarding Continuance of Virtual Meetings

This item was heard at 7:07 p.m. Councilman David Webb expressed that he would like for the Village Attorney to work with Monroe County to try to continue holding virtual Village Council meetings, noting the expiration of the Governor's executive order and expressed concerns related to the COVID-19 pandemic.

Village Attorney Roget Bryan stated Executive Order 20-69 expired on October 31, 2020 which suspended the requirement for in-person physical quorums. He stated that he had spoken with the Monroe County Attorney and other local government attorneys within the county. He explained that there were transitions going on at the State level and it was unclear as to whether the Governor would strongly consider reinstituting an exemption for in-person physical quorums. Mr. Bryan stated that in lieu of that, they were refining best practices to allow for public access, room limitations, and maintaining the physical quorums. He stated the Village had enhanced its virtual meeting capabilities by increasing the number of participants that could attend and that staff was diligently monitoring the COVID-19 data and was committed to maintaining safety protocols. Mr. Bryan stated he would continue engaging with local government attorneys to see if the Governor would take additional action. He stated he hoped to be able to provide more information at the next meeting. Councilman Rosenthal asked if the Village would be able to proceed as they were currently doing (hybrid format). The Village Attorney confirmed that the Village could continue with hybrid meetings and opined that it would most likely be the Village's new normal for a while longer.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Discussion Regarding Temporary Use Permits and Founders Park Events- Acting Village Manager

This item was heard at 8:11 p.m. Acting Village Manager/ Finance Director Maria Bassett reported that the issuance of temporary use permits for special events and large events at Founders Park had been suspended through October 31, 2020 by the prior Village Council. She stated staff had explained to event coordinators that the suspension was still in effect until the new Council addressed the topic. Ms. Bassett identified various events at Founders Park and in Islamorada; provided excerpts from the CDC advisory for parks and open spaces, specifically addressing the increased risk of COVID-19 when individuals interacted with people they did not live with; large events increased individual risk; and noted the higher the level of "community transmission" the greater the risk of the virus spreading during park operations. Ms. Bassett stated the CDC advised that community members should be encouraged to consider safer alternatives. She invited Monroe County Department of Health Administrator Bob Eadie to address the topic. Mr. Eadie expressed his support for the council communication prepared by Ms. Bassett stating it laid out exactly where they were. Mayor Buddy Pinder asked Mr. Eadie for his thoughts on events of 50 or more people. Mr. Eadie stated that the issue was how large the events were and the risk of exposure. He stated the

CDC issued a travel warning today advising people not to travel for the holidays. He stated Monroe County was seeing a significant increase in the number of COVID-19 cases and opined that it would only get worse after the Thanksgiving holiday. He stated that, with regard to outdoor events, he was very pessimistic that they would be in any position where he would recommend an outdoor event in Monroe County. He reported that he did not expect to see any real significant impact from the vaccines until summer, at the earliest; that Dr. Fauci, NIAID Director, reported that the current health measures would still need to be in effect after the vaccines arrival as it would take a while for them to be distributed to communities and administered. Mr. Eadie stated the Upper Keys Rotary had an excellent plan for their event, but that it was important to keep in mind that the event was not conducted in a "vacuum" at Founders Park; that it would be a high-risk event due to the large number of people that would be attending, many from outside of Islamorada; attendees would be in a confined areas and in food areas where there would be people not wearing a mask. He stated that he would want to see that the virus was really being controlled before he advised that it would be okay to go forward with these events. Mr. Eadie commented regarding the significant number of COVID-19 cases and increases in the Lower Keys, primarily due to tourism and people not wearing masks. He stated that the protective measures such as wearing masks, social distancing, hand washing and avoiding crowds still needed to be adhered to and that we needed to see that the spread of the virus was under control. He commented about the large number of people and the geographical spread of individuals that would be attending which increased the risks for these types of events. He stated that he supported and concurred with the recommendation provided by Acting Village Manager/ Finance Director Maria Bassett.

Councilman David Webb stated he was extremely concerned about the Rotary event, noting that enforcement of the plan was impossible. He opined that there would be people not wearing their masks; safety protocols would be difficult to enforce; there was the possibility confrontations would occur; and that many people, including vendors, would be coming from out of town. He suggested that a decision on the matter needed to occur sooner rather than later citing the planning and commitments that were involved in planning events.

Mr. Eadie opined that he did not think there would be any significant improvement by February, noting that January thru March were the most impactful months for the flu and that he did not think it would be much different for COVID-19. He stated that he did not think that he could recommend that an event this large in February should go forward as he did not see any way that there would be a significant improvement in the current COVID-19 conditions. He commented that the community needed to come to grips with what they were going to do to prevent the spread, noting that the government could not make people protect themselves. Mr. Eadie stated that most Monroe County residents followed the protective measures, but that those that did not continued to impact the rest of the community.

Council and staff discussion ensued regarding the threat of COIVD-19 and the current conditions; and reevaluating the suspension periodically if needed.

Mayor Pinder opened public comment.

Joe Roth stated he believed there was a way to work within the parameters for a high-risk event and mitigate the issues; that the Rotary plan increased separation including food and drink stations and used twice the area of the park compared to past events; that the plan limited the number of vendors; and that they were open to the idea of limiting the number of people that participated on a daily basis.

Councilman Webb stated that he still wanted to see the Rotary's plan, noting that the COVID-19 situation was a bit of a sliding scale. He asked what the financial impact was on the Rotary if the event did not occur. Mr. Roth stated the event generated enough revenue to provide $250,000 in scholarships on an annual basis; and that the Rotary gave a sizable donation to Take Stock in Children every year which was double matched by the State. He commented that there were significant funds raised by the event that impacted the community directly. He stated that the organization had a "rainy day fund", but that those funds would not be as impactful as those generated by the event. Councilman Webb asked if the Rotary had considered a different date for the event. Mr. Roth stated they had not spoken much about a different date noting that the vendors tended to travel in a circuit. He commented that the other events vendors traveled to may have also been affected or cancelled. He stated, historically speaking, it was difficult to change the date because the vendors schedules were predicated on a number of events that occurred in a sequence.

Mayor Pinder closed public comment.

Councilman David Webb made a motion to extend the suspension to April 1, 2021. Vice Mayor Pete Bacheler seconded the motion. Council voted and the motion passed 5-0.

Councilman Mark Gregg stated that the Acting Village Manager was going to coordinate a wastewater tour for the Council and thanked staff for their assistance with everything that led them through their first Council meeting.

ADJOURNMENT

Councilman David Webb made a motion to adjourn. Councilman Mark Gregg seconded the motion. The meeting adjourned at 8:40 p.m.

Approved by the Village Council December 17, 2020.

Kelly S. Toth

Kelly S. Toth, CMC
Village Clerk