

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

Islamorada, FL 33036

Thursday, July 16, 2020

5:30 PM

MEETING OCCURED VIA COMMUNICATIONS MEDIA TECHNOLOGY (CMT)

Pursuant to Executive Order No. 20-69 and the Centers for Disease Control (CDC) social distancing guidelines established to contain the spread of the COVID-19 virus, the July 16, 2020 Regular Village Council Meeting will be conducted utilizing Communication Media Technology (CMT) via a Zoom video conferencing application. Additional information regarding options for viewing the meeting and participation through public comment can be found on the last page of this agenda.

CALL TO ORDER / ROLL CALL

Mayor Mike Forster called the virtual meeting to order at 5:30 p.m. Village Clerk Kelly Toth called the role. The following Councilmembers responded on roll call: Mayor Mike Forster, Vice Mayor Ken Davis, Councilman Jim Mooney, Councilwoman Deb Gillis and Councilman Chris Sante. Also, appearing virtually were Acting Village Manager/Finance Director Maria Bassett, Village Attorney Roget Bryan, Village Clerk Kelly Toth and other relevant personnel.

PLEDGE OF ALLEGIANCE

Don Horton led the Pledge of Allegiance.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Virtual Meeting Procedures

Village Attorney Roget Bryan provided the virtual meeting procedures.

Acknowledgement of Buddy Collins' Service on the Water Quality Improvement Citizens' Advisory Committee

Councilman Chris Sante expressed his gratitude for Buddy Collins' service on the Water Quality Improvement Citizens' Advisory Committee from 2014 to 2020.

Venetian Shores Stormwater Project Proposal

This item was heard at 5:35 p.m. Village Clerk Kelly Toth read a point of clarification submitted by the Venetian Shores Homeowner's Association (VSHA) that noted Jim Doran's comments during the March 5, 2020 Village Council meeting and that the following presentation was not being presented by the VSHA.

John Cooper, resident of Venetian Shores, provided a presentation to the Village Council that highlighted the water pooling problems associated with rain events in the Venetian Shores subdivision; provided an approximate cost of \$11,229,771 million to conduct a second phase stormwater project to address the remaining streets in Venetian Shores; suggested an assessment for the Venetian Shores property owners to pay for the project which could be offset with grant funds; estimated the monthly assessment cost, without grant funds, would be \$82.88; suggested

property owners could opt out of the current Stormwater Fund Assessment which would be a monthly savings of \$2.67; and suggested the Village could begin with authorizing the engineering studies and identifying / obtaining grant funds.

Acting Village Manager and Finance Director Maria Bassett provided possible grant opportunities which included: a 319H Environmental Protection Agency grant that was administered by the Department of Environmental Protection that required a 40% match; and a State Water Quality Assistance Grant issued by the Florida Department of Environmental Protection (FDEP) which had no required match. Ms. Bassett explained that staff was working with the US Army Corps of Engineers to amend the agreement for the Florida Keys Water Quality Improvement Program (FKWQIP) by expanding the scope. She stated that according to the Village's lobbyists, \$10 million was preliminarily included in the budget for the FKWQIP. Ms. Bassett reported that \$800,000 in Stewardship Act grant funds were used for phase one of the Venetian Shores project, however funding for the 2020-2021 fiscal year was eliminated by the Governor. Ms. Bassett noted that it was unknown whether the Village would be awarded a grant. She explained that if the Village moved forward with the project, the property owners would bear the costs of the project and that if grants were received they could be applied to the costs which would reduce the burden on the property owners. She reported that low interest loans were available through the Clean Water State Revolving Fund Loan Program.

Vice Mayor Ken Davis asked Mr. Cooper how he would show neighborhood majority support for the project. Mr. Cooper suggested this was something the Village would take care of. Village Attorney Roget Bryan opined that the issue was one that affected a particular neighborhood rather than the entire Village and suggested the Venetian Shores Homeowner's Association could be a mechanism for polling or tabulating the property owner's level of support for an assessment. Mr. Bryan explained the Council was trying to gauge the level of support from the Venetian Shores property owners before moving forward with obtaining financing. Vice Mayor Davis stressed that this would need to be made very clear to the property owners that they would be committed to paying the assessment for a 30-year period; the assessment could affect the sale of their home; and that the assessment could be higher if the Village was not awarded grant funds. He opined that a clear-cut majority was needed. Mayor Forster suggested that Mr. Cooper and the Village Attorney communicate offline regarding how to move the project forward.

Mayor Mike Forster opened public comment.

Jim Bellizzi, a co-presenter, provided the following comment: the Venetian Shores stormwater project was to be addressed in five phases as stormwater funding was regenerated; that in order to obtain a grant, the Village had to have a project to identify in the grant application; and that engineering had to be conducted for the project, which required a bidding process by the Village, because the engineering would help identify the amount of money needed for the project which was directly related to the grant request. Mr. Bellizzi suggested the remaining stormwater funds be spent on engineering for the remaining area within Venetian Shores in order to determine the project costs.

Mayor Forster asked Acting Village Manager / Finance Director Maria Bassett if the Council could discuss the costs associated with an engineering study during the budget process. Ms. Bassett

reported that there was little to no reserves in the Stormwater Fund due to the recent project. She stated she would explain during the budget process how Capital Project Funds could be used for the study; and that she recalled receiving an estimate that was approximately \$400,000 to \$500,000.

Announcements:

Councilwoman Deb Gillis announced the Monroe County Department of Health was conducting COVID-19 testing on July 23, 2020 for individuals with or without insurance at the Islamorada Moose Lodge and stated individuals should call the Department of Health at 786-698-0093 to set an appointment.

Councilwoman Deb Gillis expressed gratitude to the Islamorada Fire Department and Judy Hull, Executive Director of the Islamorada Chamber of Commerce, for coordinating and conducting COVID-19 testing for the uninsured. Councilwoman Gillis stated that on Tuesday the fire department provided “walk-up” testing to 120 individuals.

PUBLIC COMMENT

Mr. Rick Hoskins commented that there were about 30 people trying to join the virtual meeting but were being notified the meeting had reached its attendee limit and thus were unable to join. Mayor Forster asked for input from the IT Department. Vince Tarves, IT & Communications Support Specialist stated the meeting had a capacity of 100 and that he could increase the capacity, but that would require that he stop the meeting and broadcast. The Mayor requested that individuals disconnect from the meeting if they were not providing public comment and after they had provided public comment to allow others to attend. Mr. Tarves reminded the public that they could watch the meeting via live stream on their electronic devices.

David Webb asked if the Council would provide an update regarding COVID-19 thresholds due to the recent increase in the infection rates.

Larry Barr commented regarding the Weiler Engineering Stormwater Study conducted for Islamorada.

Rick Hoskins stated the phone lines were full as well.

Mayor Mike Forster closed public comment.

AGENDA: Requests for Deletion / Emergency Additions

Village Attorney Roget Bryan requested that Tab 5 be moved ahead of Tab 2.

CONSENT AGENDA

TAB 1: Minutes June 18, 2020 Virtual Regular Village Council Meeting

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

QUASI-JUDICIAL

Village Attorney Roget Bryan explained the quasi-judicial procedures. Village Clerk Kelly Toth announced that prior to the meeting she swore in Jim Lupino, Don Horton, Jocelyn Tiedemann,

and Robert Moser virtually and that these four individuals would be now be sworn in once more with staff and other witnesses. Village Clerk Kelly Toth swore in the witnesses.

TAB 2: A Resolution Considering the Request of Jocelyn Tiedemann for a Variance to Reduce the Landscape Bufferyard Requirement for Property Located at 137 East Ridge Road (File No. PLVAR20200021)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF JOCELYN TIEDEMANN FOR A VARIANCE PURSUANT TO THE VILLAGE CODE OF ORDINANCES - SECTION 30-816, TO ALLOW FOR A REDUCTION IN THE CLASS "D" BUFFERYARD REQUIRED BETWEEN THE R1 (RESIDENTIAL SINGLE FAMILY) ZONING DISTRICT AND THE NR (NATIVE RESIDENTIAL) ZONING DISTRICT FROM A MAXIMUM WIDTH OF THIRTY (30) FEET TO FIVE (5) FEET, FOR PROPERTY LOCATED AT 137 EAST RIDGE ROAD ON PLANTATION KEY, WITH THE PARCEL IDENTIFICATION NUMBERS 00411739-000000 AND 00411740-000000, AS LEGALLY DESCRIBED HEREIN, AND PROVIDING FOR AN EFFECTIVE DATE. (File No.: PLVAR20200021)

This item was heard at 6:20 p.m. Village Attorney Roget Bryan read the title of the resolution and asked the Council to disclose ex parte communications. Each Councilmember stated that they did not have ex parte communications. Senior Planner Hank Flores presented the staff report recommending approval.

Mayor Mike Forster invited the applicant to speak. Jocelyn Tiedemann expressed agreement with staff's recommendation.

Mayor Forster opened public comment.

Don Horton stated the seven acres behind Ms. Tiedemann's property was designated as conservation and that the variance was a reasonable request.

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

TAB 3: Resolution Considering the Request of Ralph Sanchez for the Transfer of Development Rights for Nine (9) Market Rate Residential Units (File No. PLTDR20200007)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF RALPH SANCHEZ FOR APPROVAL OF THE TRANSFER OF NINE (9) MARKET RATE RESIDENTIAL UNITS FROM PROPERTY LOCATED AT 81906 OVERSEAS HIGHWAY HAVING PARCEL RE# 00399270-000000 ON UPPER MATECUMBE KEY, WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT (THE "SENDER SITE"), AS LEGALLY DESCRIBED HEREIN, TO PROPERTY LOCATED AT 109 CARROLL STREET HAVING PARCEL RE# 00400720-000000 ON UPPER MATECUMBE KEY, WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT (THE "RECEIVER SITE"), AND LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (File No.: PLTDR20200007)

This item was heard at 6:27 p.m. Village Attorney Roget Bryan read the title of the resolution and asked the Council to disclose ex parte communications. Mayor Mike Forster, Vice Mayor Ken Davis,

Councilwoman Deb Gillis and Councilman Chris Sante each disclosed that they did not have ex parte communications. Councilman Jim Mooney recused himself from the discussion and vote because he was the real estate agent for the sale of the property. Senior Planner Hank Flores presented the staff report recommending approval.

Mayor Mike Forster invited the applicant to speak. Ralph Sanchez stated he was available to answer questions and agreed with staff's recommendation.

Mayor Forster opened public comment.

Sue Miller expressed concern regarding the transferability of the nine market rate TDR units noting that the receiver site currently had three development rights on the property. Ms. Miller expressed concern regarding whether the TDR units could legally be transferred to the property because the sender site was once a mobile home park. She cited Village Code Division 12, Section 30-506 (8) "Affordable dwelling unit TDRs, including all mobile homes and recreational vehicle spaces from approved mobile home parks, shall be transferable only as affordable dwelling units, in accordance with affordability standards and definitions as specified in section 30-32 of this Code." Ms. Miller commented regarding the criteria necessary for determining the number of legal mobile home units on a property; that in 2008 Planning approved the demolition of the mobile home with the condition that there was no determination of the number of units; that the demo permit was issued in 2008 and finalized in 2017; and that an additional demo permit was issued in 2018 and closed one day later. She opined that the purpose of the second permit was to identify the number of units.

Mayor Forster asked staff to address Ms. Miller's comments. Planning Director Ty Harris stated that the application met the Village's criteria for the transfer and that staff did not have a proposed development plan for the property. He noted that there was development on the sender site which was near completion. Village Attorney Roget Bryan stated the transfer was for the unbuilt vested rights that existed on the sender site and that transferring them furthered the purposes of the Code and Comprehensive Plan. Senior Planner Hank Flores expressed agreement with the Village Attorney.

Councilwoman Deb Gillis asked if the sender site was originally recognized as a mobile home park. Mr. Flores confirmed that it was a mobile home park with seventeen units and was being redeveloped with eight units. Councilwoman Gillis inquired about the applicability of the section of the Code Ms. Miller referenced that required units from mobile home parks be transferred as affordable units. Planning Director Ty Harris stated without a development plan staff could not address whether the applicant was proposing affordable. Councilwoman Gillis asked if there should be a notation, since they were being transferred off the property, that they were being transferred as affordable units. Planning Director Ty Harris stated he was not sure the notation needed to be made because the Code said that if the units came from a mobile home park then they had to be affordable. Mr. Harris stated he would need to see the development plan to know the intended use. Village Attorney Roget Bryan stated that he believed that if the units were in a certain zoning district then it could only be rebuilt as affordable. He stated that he believed that there were mobile homes present that were not otherwise deed restricted and would not otherwise have to be

rebuilt as affordable housing. He stated he was not familiar enough with the current application and would try to verify.

Robert Moser opined about additional information that could have been included with the agenda item and asked that the Council consider including the information with future items.

Village Attorney Roget Bryan explained that if the units were being transferred from a property zoned Mobile Home Park (MH) to a property designated Tourist Commercial (TC) then the units would be limited to affordable residential dwelling unit. He stated that the item before them was transferring the units from property zoned Village Center (VC) to property zoned Tourist Commercial (TC).

Village Clerk Kelly Toth swore in Mr. Ralph Sanchez so that he could provide comments. Mr. Sanchez stated he went through the site plan approval process for the sender site and it was determined by Village staff, in writing, that the units were allowed to be transferred off as market rate units. He expressed concern about the current discussion because of his financial investment. The Village Attorney stated the staff report indicated that the units were eligible to be transferred as market rate units per the TDR regulations. Planning Director Ty Harris stated he did not have the letter from Planning in front of him but that he would honor the letter. Councilwoman Gillis referenced Pelican Palms, a similar project, that involved the transfer of development rights from a mobile home park.

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

TAB 4: A Resolution Considering the Request of DMB Investments, LLC (Island Construction Management, Agent) for a Dock Length Variance Approval for Property Located at 139 Gimp Gulch (File No.: PLAV20190198/PRBLD201901350)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF DMB INVESTMENTS, LLC (ISLAND CONSTRUCTION MANAGEMENT, AGENT) FOR AN ADMINISTRATIVE DOCK LENGTH VARIANCE IN ACCORDANCE WITH SECTION 30-1550(G) OF THE CODE OF ORDINANCES TO ALLOW A DOCK CONSISTING OF A FOUR (4) FOOT WIDE, 124-FOOT LONG WALKWAY WITH A FOUR (4) FOOT BY 16-FOOT (64 SQUARE FOOT) TERMINAL PLATFORM FOR A TOTAL LENGTH OF 128 FEET, THEREBY EXCEEDING BY 28 FEET THE MAXIMUM LENGTH ALLOWED FOR DOCKS. THE SUBJECT PROPERTY IS LOCATED AT 139 GIMPY GULCH DRIVE ON PLANTATION KEY IN THE R1 (RESIDENTIAL SINGLE FAMILY) ZONING DISTRICT WITH PARCEL ID# IS 00091852-000000, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 6:50 p.m. Village Attorney Roget Bryan read the title of the resolution and asked the Council to disclose ex parte communications. Vice Mayor Ken Davis disclosed that he had spoken with Don Horton and Don Byrne. Councilwoman Deb Gillis, Councilman Jim Mooney and Councilman Chris Sante each stated they had spoken with Don Horton. Mayor Mike Forster stated he did not have ex parte communications. Senior Planner Hank Flores provided the staff report recommending approval.

Mayor Forster opened public comment to the applicant. Don Horton, Agent for the Applicant, reported that he and the applicant had considered the public comment from the last hearing. He stated the proposed dock has been moved as far south as possible and shortened by 100 feet while still meeting the depth requirements.

Mayor Forster opened public comment.

Ed Davidson expressed opposition to the proposed dock. He commented that there were many people that did not realize the proposed item was before the Council again; the lack of public hearing notification at the Founders Park entrance; and he opined about state regulations that addressed the four-foot minimum depth requirement and the legal requirements for a variance.

Dawn Cooper commented in opposition and opined that there were many people that were unaware the dock variance was before the Council for consideration and suggested the community needed to have more involvement. She commented about the prior requests for the dock variance that were denied and expressed concern for public safety.

Kathryn Bosworth spoke in opposition stating the proposed dock would impede the view from Founders Park; and that the seagrass at the end of the proposed dock could be damaged.

Elizabeth Jolin expressed opposition citing the number of people that enjoy use of the Founders Park beach daily and stated it would be unfortunate to allow the property owner to build such a lengthy dock.

David Webb expressed opposition stating it was time for the Village to determine what character it was going to have going forward and asked the Council to deny the request.

Jim Bellizzi spoke in support of the dock variance. He commented that the owners had gone to tremendous effort in trying to obtain access to water that so many people in the Keys enjoyed. He stated that the property owner owned the bay bottom and had riparian rights.

Dawn Cooper, property owner on Gimpy Gulch, stated the property owner had access to the dock and water as he was a member of the property owner's association.

Mark Gregg, former owner of the property, stated many years ago there was a dock on the property that was between 60 and 80 feet in length; he commented about the significant activity that occurred prior to the existence of Founders Park noting that no one was ever injured and that he did not see a safety risk. Mr. Gregg stated the owner owned an entire acre of bay bottom and noted the owners "right of wharfage" which was recognized in Florida Common Law. Mr. Gregg expressed concern regarding potential litigation should the Council deny the request.

Sandy Bisceglia commented in opposition and opined that if the dock variance were approved the Founders Park beach would be negatively and permanently altered and the dock would be a blight on the Founders Park shoreline areas.

Ed Davidson commented that bay bottom resources did not include sea grass and other living matter and expressed his opposition to the proposed long dock.

Mayor Forster closed public comment.

Don Horton, Agent for the applicant, addressed the safety factor noting that the dock would be in the "no wake zone". He stated there was a consensus among the Parks & Recreation Committee members that the dock had been moved far enough away from Founders Park that the committee did not feel they needed to vote or opine. He stated they agreed with the long dock variance and approval by staff. Mr. Horton stated the dock did not impede view corridors and was shorter than the jetty in the home-owners' park. He noted the dock was only going to the depth of water required in the Code.

Council commented regarding the long process the owners had been through to obtain authorization for a dock; commented regarding the location of the dock; and suggested potential conditions could be placed on approval of the variance pertaining to access. Don Horton stated the applicant could agree to a rope barrier on the west side of the dock to prevent dockage on the west side.

Carolyn Wightman, Chairwoman of the Parks & Recreation Committee, explained that the committee had discussed the dock variance item, but that there was no approval process conducted by the committee nor was there any indication of support or opposition by the committee. She noted her personal opinion about the project which was one of opposition.

Mayor Mike Forster recalled the original dock being approximately 84 feet long; noted the proposed dock was much smaller than originally proposed; and acknowledged the concerns of those in opposition.

Village Attorney Roget Bryan asked the applicant if he had a proffer. Don Horton, agent for the applicant, stated they would be happy to install a rope-barrier system on the west side of the dock to prevent vessel traffic in that area. He noted they would only dock at the terminal end.

Vice Mayor Ken Davis made a motion to approve conditioned upon the proffer made by Don Horton. Councilman Chris Sante seconded the motion. Council voted and the motion passed 5-0.

Village Attorney Roget Bryan closed the quasi-judicial portion of the meeting.

TAB 5: A Resolution Considering the Request of Cove Village Properties, LLC for Transfer of Development Rights of Two (2) Market Rate Residential Dwelling Units from Property Located at 199 Carroll Street to Property Located at 73501 Overseas Highway

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF COVE VILLAGE PROPERTIES, LLC FOR TRANSFER OF DEVELOPMENT RIGHTS OF TWO (2) MARKET RATE RESIDENTIAL DWELLING UNITS FROM THE "SENDER SITE" PROPERTY LOCATED AT 199 CARROLL STREET, PARCEL # 00400900-000000 ON UPPER MATECUMBE KEY, WITHIN THE RESIDENTIAL SINGLE FAMILY (R1) ZONING DISTRICT, AS LEGALLY DESCRIBED HEREIN, TO THE "RECEIVER SITE" PROPERTY LOCATED AT 73501 OVERSEAS HIGHWAY, PARCEL# 00388620-000000 ON LOWER MATECUMBE KEY, WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT AS LEGALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:12 p.m. Village Attorney Roget Bryan read the title of the resolution and asked the Council to disclose ex parte communications. Councilwoman Deb Gillis and Councilman

Chris Sante each disclosed that they did not have ex parte communications. Vice Mayor Ken Davis disclosed that he had spoken with Robert Moser. Councilman Jim Mooney stated he had spoken with Jim Lupino and that he was recusing himself from the discussion and vote because he represented the seller in the real estate transaction. Village Attorney Roget Bryan explained that staff was going to request that the item be continued. Senior Planner Craig Southern stated staff wanted to continue the item to the August 20, 2020 Village Council meeting because the planning item was pending a few items from the building department. Jim Lupino, Attorney for the Applicant, stated some issues had arisen during the week that needed to be addressed and it was determined by staff that it would be best to move the item to the August meeting date and that he was in agreement.

Robert Moser inquired about the procedural process. Village Attorney Roget Bryan explained the Council's authority to continue the item; and that the hearing item would be re-noticed.

Vice Mayor Ken Davis made a motion to continue the item to the August 20, 2020 Regular Village Council Meeting. Councilwoman Deb Gillis seconded the motion. Council voted and the motion passed 4-0. Councilman Jim Mooney recused himself from the vote.

ORDINANCES

TAB 6: Second Reading: Ordinance Amending Section 30-32 "Specific Definitions" and Division 12 Transfer of Development Rights (TDRS) of the Land Development Regulations, to Allow Village Center (VC), Tourist Commercial (TC), Commercial Fishing (CF), Marine Use (MR), Highway Commercial (HC) and Neighborhood Commercial (NC) as Eligible Zoning Districts for Receiving Transfers of Residential Density from Residential Sender Sites

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, "LAND DEVELOPMENT REGULATIONS," ARTICLE II "RULES OF CONSTRUCTION AND DEFINITIONS" AND ARTICLE IV "ADMINISTRATIVE PROCEDURES," DIVISION 12 TRANSFERS OF DEVELOPMENT RIGHTS" OF THE VILLAGE CODE OF ORDINANCES RELATED TO TRANSFER OF RESIDENTIAL DENSITY WITHIN THE VILLAGE; AMENDING SECTION 30-32 "SPECIFIC DEFINITIONS"; SECTION 30-502 "SPECIFIC DEFINITIONS"; SECTION 30-503(1); "TRANSFER OF DEVELOPMENT RIGHTS (TDR); TO SPECIFICALLY AMEND DEFINITIONS RELATED TO TRANSFER OF RESIDENTIAL DENSITY: SECTION 30-506(1)(D) AND SECTION 30-506(3) "TRANSFER OF DEVELOPMENT RIGHTS (TDR) FOR RESIDENTIAL DWELLING UNITS AND DENSITY"; SPECIFICALLY ADDING VILLAGE CENTER (VC), TOURIST COMMERCIAL (TC), COMMERCIAL FISHING (CF), MARINE USE (MR), HIGHWAY COMMERCIAL (HC) AND NEIGHBORHOOD COMMERCIAL (NC) AS ELIGIBLE ZONING DISTRICTS FOR RECEIVING TRANSFERS OF RESIDENTIAL DENSITY FROM RESIDENTIAL SENDER SITES WITHIN ZONING DISTRICTS ELIGIBLE FOR TRANSFER OF RESIDENTIAL DENSITY; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

This item was heard at 7:44 p.m. Village Attorney Roget Bryan read the title of the ordinance. Senior Planner Craig Southern presented the staff report recommending approval. Councilman Chris Sante abstained from the item due to a conflict of interest.

Mayor Forster opened public comment.

Jim Bellizzi expressed opposition to the proposed ordinance and expressed his concern regarding residential density and sender sites. He noted that he had a lengthy conversation with Craig Southern and the Village Attorney. Senior Planner Craig Southern commented that he had spoken with Mr. Bellizzi on multiple occasions and noted that he was helpful to the process. He stated there was the possibility staff would revisit aspects of the code in the future to address differentiating the sender sites. Mr. Bellizzi referenced the proposed definition for "area, buildable" and suggested staff add "including manmade waterbodies" just before the words "exclusive of any public dedications" noting his desire to fill manmade canals.

Councilwoman Deb Gillis made a motion to approve. Vice Mayor Ken Davis seconded the motion. Council voted and the motion passed 4-0 with Councilman Chris Sante abstaining.

TAB 7: Second Reading: An Ordinance Amending Section 66-2 "Operation of Vessels in Restricted Areas" of the Village Code to Create a Vessel Exclusion Zone/Swim Area Generally Located North of Port Antigua and White Marlin Beach on Lower Matecumbe Key

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 66 "WATERWAYS", ARTICLE I "IN GENERAL", SECTION 66-2 "OPERATION OF VESSELS IN RESTRICTED AREAS" OF THE VILLAGE CODE TO CREATE A VESSEL EXCLUSION ZONE/SWIM AREA GENERALLY LOCATED OFF OF PORT ANTIGUA AND WHITE MARLIN BEACH ON LOWER MATECUMBE KEY, AS FURTHER DESCRIBED ON EXHIBIT "A"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:00 p.m. Mayor Mike Forster commented that the meetings Zoom application had met its participation maximum and noted that there were individuals that were trying to join / participate but could not. He suggested a few options which included members of the public disconnecting after they provided public comment and for them to continue watching the meeting on TV or live stream; or deferring the item to the August meeting.

Village Attorney Roget Bryan read the title of the ordinance and stated it was second reading and a public hearing. Mr. Bryan provided the staff report recommending approval. He reported that the estimate for installation and permitting of the buoys was between \$21,000 and \$37,000. He provided clarity regarding comments he had received stating the proposed ordinance did not propose to regulate any of the upland beach area; it was purely regulation of the navigable waters waterward of the Mean High Water Line (MHWL); it was being designated as a "public swim area" not a public bathing beach; Florida Statute 327 expressly authorized the creation of a public swim area; the water that the regulations were being proposed upon were public waters for public use; and the Village had the authority to enact such regulations for the purposes enumerated which was vessel safety. He explained that none of the upland beach area fell into the portions that were being delineated as a swim area; the Village was only exercising its statutory authority to create a vessel exclusion zone; the rights to use the public water would still remain; that the ordinance was

proposed due to public safety and the vessel congestion that had been well documented in the area; and stated boats would still be able to traverse and anchor outside the delineated area.

Before opening public comment, the Mayor stated there would be a strict three-minute limit on public comment. Village Clerk Kelly Toth stated over 165 emailed public comments had been received and that she would not be reading the comments during the meeting. Ms. Toth read the names of the individuals that had submitted public comment as follows:

In Favor: Rene Aviles, Rosie Aviles, Tatiana Aviles, Liz & Richard Bankhead, Jim Begley, John Brador, Blain Brinson, Linda Cantin, Robert & Sofia Castro, Tiki De Esposito, Sharle Dille, Rosemary duke, Fred & Elain Feitel, Fireman Geo, Charlotte Floyd, Monic Fortank, Raul Garcia, Linda Garrett, Ana Gonzalez, Dailey Grainger, Jim Grainger, Martha Guerra, Narciso Guerra, Jack & Kathy Gurdjian, Caroline Haight, Dorothy Haight, Harrison Haight, Michael Haight, Richard Haight, Rick Haight, Adam Hollingsworth, Pamela Hughes, Bert & Carol Huntington, Franciso Jimenez, Martha Jimenez, Cynthia Johnson, Edward Kattel, Vitoria Kattel, Sy Kotalik, Terry Kotalik, Gary Lobato, Penny Lyn, Tatiana Madden, Gerald Manzo, Lesia Manzo, Mike McLoad, Sylvia McLoad, Sue Miller, Paul & Jennifer Minning, Michelle Nielsen, Greg Ochipa, Mary Ochipa, Ryan Ochipa, Tim & Kelly Ochipa, The Peaceful Waters group, David Petkovich, Joey Pinder, J. Ross, Ray Ross Jr., Nancy Saxe, David Stine, Linda Stine, Collette Strange, David & Nancy Valdes, Jennie Ward, Micki Weber, Jen & Josh Wiggins, Hermine Zavar, Jerome Moe Zavar, and Larry Zettwoch.

Opposed: Monica Acosta, Carlos Aguera, Cathy Aguirre, Gus Aguirre, Jeremy Aguirre, Jose Alvarez, The Antigua Group, Gerald Bennish, Thomas Berg, Jose Luis Blanco, Armando Brana, Alejandro Brito, Raul Busquet, Jose Cacicedo, Alexis Casariego, Robert & Sofia Castro, Kevin Court, Maida Court, Tristan Court, David Cowheard, Pedro De Armas, Hal Delgado, Jose & Nora Delgado, Mercy & Dennis Delgado, Nora Delgado, Mercy & Dennis Delgado, Michelle Diblin, Brad Dougherty, Robert Fernandez, Alfonso Fernandez-Fraga, Eddy Garcia, Tabitha Garcia, Dan Given, Ana Gomez, Raul Gomez, Sumei & Melissa Gomez, Adam Gonzalez, Eddy Gonzalez, Eli Gonzalez, Rick Gonzalez, Daniel Grant, Rick Hoskins, Carlos Hoyo, Gabriella Izaguirre, Jim Kozubal, Aurora Linares, Ray Lombard, Bert Lopez, Juan Mallen, Akalia Martin, Angel Muina, Manny Pantaleon, Isabella Perez, Javier Perez, Juan Carlos Pernas, Martin Pico, Carlos & Lili Prats, Lili Prats, Jill Preihs, John Preihs, Lou Preihs, Rob Preihs, Jeff Quinn, Rafael Raurell, James Rhyne, Richard Rivas, Barbara Rodriguez, Erika Rodriguez, Juan Rodriguez, Monica Rodriguez, Erin Snyder, Marcus Sowinski, A. Stojkovic, Rebekah Susa, Daniel Swantek Jr., Sandy Swantek, Daniel Tabellion, David Trores, Sothsoler Torres, Guillermo Valencia, Jorge Vasseur, Lazaro Vilarchao, Douglas Villalba, and Alexander Villarreal. Ms. Toth stated that the Council had also received a letter from Attorney Paul Savage who represented 29 property owners some of whom had been named as having submitted public comments via email. Mayor Forster asked if the information that was just provided included the public comments that were submitted the first time the Council heard the agenda item. Ms. Toth stated the comments did not include the first round of emails submitted when the item was first heard by Council. She clarified that the emails were received after the agenda was published and included people that had submitted emails for the first reading. The Village Attorney stated that the names pertained to all of the emails that the Clerk had forwarded to Council for their consideration.

Mayor Forster opened public comment.

Richard Hoskins, resident of Lisbon Court, stated that there were about 40-60 people that were not able to join the meeting due to the Zoom applications limitation of 100. He spoke in opposition to the swim zone and asked the Council not to pass the ordinance.

David Webb, President of the Port Antigua Property Owners Association, commented that the ordinance would try to address some of the issues affecting property owners and urged the Council to adopt the ordinance.

Angel Muina spoke in opposition to the proposed ordinance noting the boats would be anchoring in sea grass and suggested better enforcement of existing regulations.

Ricardo Gonzalez, Court Contessa Port Antigua, expressed opposition to the proposed ordinance. He opined that the homeowners association did not represent the role of the homeowners appropriately; that the majority of those surveyed rejected the 300-foot ban; that the survey reflected unanimous agreement that something had to be done; and opined about the problems associated with the 300-foot swim zone.

Vivian Williams stated homeowners were not able to enjoy the beach and commented regarding the associated issues.

Paul Savage, Attorney representing 29 local homeowners, noted his email submittal to Council on July 14th and 16th. He commented regarding his client's agreement that there was a serious problem but noted the Council was using the wrong regulatory tool. He commented that his clients had a right to the beach; that the property owners had an "easement of enjoyment" to and from the beach and riparian rights; that some of the parcels extended into submerged lands and were privately held; and that he was in disagreement with the Village Attorney's conclusion that the Village was empowered to regulate under Florida Statue 327. He opined that it would create a public beach and suggested the item should be deferred for 90 days to allow for a survey and for the parties to meet. He noted that he had several people that were unable to join the meeting due to the Zoom applications limitations. The Mayor stated that after an individual spoke, they were being removed from the list to allow others to call in.

Armando Brana Sr., homeowner in the Keys, commented in opposition to the swim zone and noted his observations of what had occurred at the beach. He commented that not everyone would be able to swim to shore should the swim zone be enacted and suggested enforcement of existing regulations.

Maria Casariego, homeowner in White Marlin, commented in opposition to the swim zone.

Martin Pecos commented in opposition and stated the majority of the homeowners did not support the ordinance. He stated the ordinance did not address all of the problems that were being experienced; suggested limiting the area to Islamorada residents; and noted that not everyone was able to obtain access to the meeting.

Pedro de Armas, resident of Port Antigua, spoke in opposition to the proposed ordinance. He opined that the survey data was skewed, and that the ordinance would create more issues. He asked that the item be deferred to allow everyone the opportunity to speak.

Juan Carlos Pernas, resident of Port Antigua, urged the Council to read the article in the Keys Weekly that addressed the survey results and asked if there would be a “No Wake Zone” after the 300-foot swim zone. The Mayor stated there was not a “No Wake Zone” after the 300-feet.

Alice Seebo, Long Key, expressed opposition to the proposed ordinance and commented about her families use of the sandbar.

Dennis Delgado, resident of Port Antigua, commented regarding his experience noting that he could not recall any incident that required immediate attention from law enforcement; and suggested there would be more issues due to the boats anchoring where other boats would be travelling.

Jose Alvarez, Gulfview Drive, spoke in opposition to the proposed ordinance.

Councilman Sante suggested the item be deferred because so many people were unable to obtain access to the meeting to provide their comments and noted the heavy agenda. Vice Mayor Ken Davis suggested a Special Call Meeting be held with the item being the sole subject of the meeting. Mayor Forster noted that the capacity was increased for the next meeting. Council agreed to defer the item to a future meeting.

Councilman Jim Mooney commented that the ordinance was a solution to a life safety issue and suggested the public propose solutions. Councilwoman Deb Gillis noted that the same issue came before Council a few years ago that resulted in a stale mate and noted the swim zone was the best idea generated thus far. Vice Mayor Ken Davis stated more enforcement was not the solution because the burden would be placed on Islamorada taxpayers for the cost of enforcement for violators that did not live in Islamorada. Councilman Chris Sante commented about the Florida Keys being inundated with people; that restrictions were needed to address the capacity which was getting how of hand; the numerous issues at the White Marlin / Port Antigua beach area; and that the ordinance could be amended if needed. Mayor Mike Forster commented about his experiences at the beach and stated he had been dealing with the issue for ten years and suggested the public propose alternatives; noted the issues with enforcing the noise ordinance; and that law enforcement had other areas of the Village that required patrolling and enforcement.

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

TAB 8: First Reading: Text Amendment to Policy 1-2.4.7 “Limit Transient Rental Use of Residential Properties” of the Comprehensive Plan for Islamorada, Village of Islands

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-2.4.7 “LIMIT TRANSIENT RENTAL USE OF RESIDENTIAL PROPERTIES” OF THE VILLAGE COMPREHENSIVE PLAN TO REVISE VALUATION CRITERIA FOR TRANSIENT RENTALS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

This item was heard at 9:01 p.m. Village Attorney Roget Bryan read the title of the ordinance for Tab 8 and Tab 9, the companion piece. Planner Megan Rumbaugh provided the staff report for both items.

Mayor Forster opened public comment.

Sue Miller commented regarding the need for affordable housing and the impact that vacation rentals had on the availability of affordable housing inventory. Mayor Forster asked for the total number of allowable vacation rentals in the Village. Ms. Rumbaugh stated the Village allowed 331 and that there were 225 licensed vacation rental properties.

Larry Barr commented that the item had to be revisited every year and suggested the Council approve the ordinance.

Jim Bellizzi suggested that the list of licensed vacation rentals be available on the Village website.

Mayor Forster closed public comment.

Councilwoman Deb Gillis stated the next time the ordinance came before Council, she would like to see 2021 valuations used rather than the older valuations. Councilman Mooney noted that a waterfront homeowner would not rent their home for \$1,400 a month when they had a million dollars invested in it and expressed agreement with Councilwoman Gillis. Councilman Sante stated that one bedroom/one bath rentals rented for \$1,400 to \$1,600 a month unless they were workforce housing. He stated two-bedroom homes rented for \$2,000 to \$2,500 a month. Vice Mayor Davis stated he would like to see the list that Mr. Bellizzi suggested. Mayor Forster suggested the total number of allowable vacation rentals be reduced to 250 only if it did not jeopardize the Village's current ability to regulate. Councilman Mooney commented regarding the attack on Home Rule and the risk of losing the Village's ability to regulate vacation rentals. Village Attorney Roget Bryan stated he would prepare an analysis of how the Village got to the 331 total for vacation rental licenses and the potential impacts of amending the ordinance.

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

TAB 9: First Reading: Text Amendment to Chapter 30 "Land Development Regulations," Article VI "Specific Use Restrictions," Division 6 "Vacation Rental," Section 30-1295(B)(2) of the Village Code

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS," ARTICLE VI "SPECIFIC USE RESTRICTIONS," DIVISION 6 "VACATION RENTALS," SECTION 30-1295(B)(2) OF THE VILLAGE CODE TO REVISE VALUATION CRITERIA FOR VACATION RENTAL REGISTRATION; 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 with Tab 8.)

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

RESOLUTIONS

TAB 10: Resolution Ratifying and Approving a Subaward and Grant Agreement Between the Village and the Florida Division of Emergency Management for Emergency Backup Power for Critical Facilities Generator Project

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 9:24 p.m. Village Attorney Roget Bryan read the title of the resolution. Fire Chief Terry Abel presented the staff report recommending approval. He noted the cost of the project was \$500,000; that the grant provided \$375,000; and the Village's cost share was \$125,000.

Councilman Sante asked if elevation was needed. Chief Able stated only the manual transfer switches had to be elevated.

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

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

TAB 11: Resolution Approving First Amendment to Contract for Local Police Services Between the Monroe County Sheriff's Office, Monroe County BOCC and Islamorada, Village of Islands, for Fiscal Year 2020-2021 (Year Two)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE CONTRACT FOR LOCAL POLICE SERVICES BETWEEN THE MONROE COUNTY SHERIFF'S OFFICE, THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AND ISLAMORADA, VILLAGE OF ISLANDS FOR FISCAL YEAR 2020-2021 (YEAR TWO) CONTRACT PRICING; AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 9:28 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager and Finance Director Maria Bassett presented the staff report recommending approval. She stated the total cost was \$2,167,766.00 most of which was budgeted in the General Fund.

Mayor Forster opened public comment.

David Natho asked if the agreement included additional law enforcement. Ms. Bassett stated there were no additional deputies but noted additional overtime had been included in the contracts.

Mayor Forster closed public comment.

The Mayor asked Monroe County Sheriff's Captain Corey Bryan if there had been any MCSO discussion about adding additional law enforcement. Captain Bryan stated that they were currently in a "holding pattern" due to the COVID pandemic and that possibly next year two more officers could be added.

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

TAB 12: Resolution Determining the Proposed Millage Rate for Fiscal Year 2020-2021, Establishing the Current Year Rolled-Back Rate, and the Date, Time and Place For the first and Second Budget Hearings

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, DETERMINING THE PROPOSED MILLAGE RATE FOR FISCAL YEAR 2020-2021; ESTABLISHING THE CURRENT YEAR ROLLED-BACK RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND BUDGET HEARINGS AS REQUIRED BY STATE LAW; DIRECTING THE FINANCE DIRECTOR AND VILLAGE MANAGER TO PROPERLY FILE THE CERTIFICATION OF TAXABLE VALUE VIA E-TRIM; DIRECTING THE VILLAGE CLERK TO TRANSMIT THIS RESOLUTION TO THE MONROE COUNTY PROPERTY APPRAISER PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 9:34 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager and Finance Director Maria Bassett explained that the Council was being asked to adopt a preliminary millage rate which would be reflected on the August TRIM notices. She stated the 2020 gross taxable value provided by the Monroe County Property Appraiser's Office was \$3,988,718,542; and explained that for purposes of calculating the rolled-back rate there was an adjusted current year taxable value of \$3,936,349,015. She stated based on a 3.200 millage rate the rolled-back rate calculated to 3.015. Ms. Bassett reported that a 3.200 millage rate was 6.14% above the rolled-back rate. She reported that she estimated that by the end of the fiscal year the Village would be adding \$2.5 million to the General Fund Fund Balance which was attributed to Hurricane Irma reimbursements. Ms. Bassett stated that in the preliminary budget for fiscal year 2020-2021, using a millage rate of 3.2 mills, the net to the Village would be approximately \$12.5 million. She asked the Council to provide a preliminary millage.

Mayor Forster opened public comment.

Larry Barr encouraged the Council to lower the preliminary millage to a number closer to the rolled-back rate. Mayor Forster closed public comment.

Council discussed and expressed agreement with a 3.1 preliminary millage rate. Acting Village Manager and Finance Director Maria Bassett stated that a 3.1 millage rate was 2.74% above the rolled-back rate.

Council discussed the dates for the budget workshops and first and second budget hearings and agreed to hold the budget workshops on July 29th and July 30th; the first (tentative) budget hearing on September 10th; and the second (final) budget hearing on September 21, 2020.

Councilwoman Deb Gillis made a motion to adopt a preliminary millage rate of 3.1 mills. Vice Mayor Ken Davis seconded the motion. Council voted and the motion passed 5-0.

TAB 13: Preliminary Rate Resolution for FY 2020-2021 Solid Waste Assessment

A PRELIMINARY RATE RESOLUTION OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE VILLAGE FOR FISCAL YEAR 2020-2021; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE AGAINST ASSESSED PROPERTY LOCATED WITHIN ISLAMORADA, VILLAGE OF ISLANDS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; PROVIDING FOR PUBLIC HEARING AND NOTICE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 9:51 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager / Finance Director Maria Bassett presented the staff report. She stated the preliminary rate she proposed was \$455.65 per residential dwelling unit, which reflected no increase. She reported the resolution also established the maximum rate per residential dwelling unit of \$455.65.

Mayor Forster opened public comment; no comment was offered. The Mayor closed public comment.

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

Mayor Forster made a motion to extend the meeting to 10:30 p.m. Councilman Jim Mooney seconded the motion.

MAYOR / COUNCIL COMMUNICATIONS

Discussion Regarding Curfew During Lobster Mini Season- Mayor Forster

This item was heard at 9:55 p.m. Mayor Forster explained that the Monroe County BOCC had recently agreed upon an 11 p.m. curfew for restaurants in an effort to slow the spread of the COVID-19 virus. He noted the City of Key West had taken a more restrictive approach. Mayor Forster asked for Council agreement to follow suit with Monroe County to provide consistency. Council and staff discussion ensued with the majority of Council expressing agreement with following the Monroe County ordinance.

Mayor Mike Forster opened public comment.

David Natho suggested that a decision tree based on quantitative analysis would be beneficial and that the Council and Monroe County needed to get ahead of the spread of the virus.

Mayor Forster closed public comment.

Discussion Regarding Snorkeling & Diving Regulations During Mini Season- Village Attorney

This item was heard at 10:16 p.m. Village Attorney Roget Bryan recapped the Village's existing regulations pertaining to snorkeling and diving during mini season. Mayor Forster reported on his conversations with the Florida Fish and Wildlife Conservation Commission (FWC) who explained that if the current 300-foot restriction were extended to 1200 feet it would be difficult for marine patrol to decipher and enforce. He noted the 300-foot was delineated with "Idle Speed" markers. Vice Mayor Davis stated it was too late to work on the regulations for the current mini season. Council agreed not to make any changes to the 300-foot limit at this time.

Mayor Forster opened public comment.

Jim Bellizzi commented regarding future changes to the regulations and suggested the time period between Mini Season and Labor Day was a critical period that needed to be regulated.

Mayor Forster closed public comment.

Discussion Regarding Boat Ramps and Public Facilities During the Lobster Mini Season

This item was heard at 10:23 p.m.

Mayor Forster suggested implementing the Fourth of July protocol for closing boat ramps and The Fills for the Lobster Mini Season as a protective measure due to the significant influx of tourists and the current COVID-19 situation. He suggested implementing the protocol through the Labor Day weekend to provide a consistent message for visitors.

At 10:25 p.m., Mayor Forster, with a second from Councilwoman Gillis, extended the meeting to 11:00 p.m.

Mayor Forster noted that Monroe County would not be closing their boat ramps. Council discussion ensued regarding the Fourth of July closures, impacts on local business, and boat ramps.

Mayor Forster opened public comment.

Jennifer Miller, property manager and realtor, commented regarding the unfairness associated with closing the Plantation Yacht Harbor boat ramp to lodgers and renters in Islamorada. She suggested renters could provide lease documents as proof of lodging; a fee could be charged to cover staff time; the ramp could be closed for a specific period such as July 27th-31st; property owners needing the income generated from Mini Season rentals; and noted that rental arrangements were often made a year in advance.

David Natho suggested the Council could not look to the BOCC for leadership; the Council should consider quantitative data when making their decisions; expressed agreement with closing the boat ramps except to certain groups of individuals such as residents, homeowners and renters/lodgers.

Larry Barr suggested the closures go until children were back in school. He noted that there was no way to know whether individuals were taking the necessary COVID-19 precautions; and the idea behind the closures was to reduce the risk of exposure.

Henry Stark commented it was disheartening to not be able to use the park during the Fourth of July and suggested the Council allow it to be opened to the locals.

Carmen Hillman echoed Jennifer Miller's sentiments. She commented about how often she and her family visited the Keys noting that they brought their boat and legally rented during that time. She asked the Council to consider Ms. Miller's comments.

Robert Moser noted that Miami-Dade County currently had a restriction on short-term rentals requiring that new rentals be at least a month long. He suggested this was a matter the Council needed to contemplate as the availability of hospital beds declined. Mayor Forster commented that during the Mayor meetings they had discussed the issue of vacation rentals.

Mayor Forster closed public comment.

Mayor Forster inquired about the parking capacity for the Plantation Yacht Harbor (PYH) Marina. Acting Village Manager Maria Bassett stated it could accommodate between 60 to 80 vehicles with trailers. Once it was full, a boat could be launched but the vehicle with trailer had to leave the property. Vice Mayor Davis, with agreement from Councilman Sante, noted that most vacation rental properties were on the water and had dockage for a boat. The renter simply needed a location to launch the boat. Ms. Bassett noted that individuals that rented a vacation rental had to pay a non-resident fee to use the PYH boat ramp; but could use Founders Park without having to pay a fee.

Mayor Forster confirmed that the majority of Council agreed to implementing the Fourth of July protocols through August 19th with the following changes: Founders Park would be open to residents only; and the PYH boat ramp would be open to residents and lodging guests.

Mayor Forster reported that Monroe County had a tiered matrix that identified when particular closures should occur which was based primarily on the intensive care unit occupancy of the various hospitals. Vice Mayor Ken Davis noted that the County was basing their decisions on how bad the situation was as opposed to being proactive.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

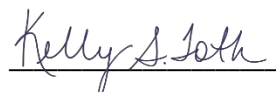
Conceptual Plan for the Fills – Public Works Director

This item was deferred to the July 30, 2020 agenda.

ADJOURNMENT

Councilman Chris Sante made a motion to adjourn. Mayor Mike Forster seconded the motion. The meeting adjourned at 10:56 p.m.

Approved by the Village Council August 20, 2020.



Kelly S. Toth, CMC
Village Clerk