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

Founders Park Community Center
Islamorada, FL 33036
Thursday, June 18, 2020, 5:30 PM

MEETING TO OCCUR 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 June 18, 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 were provided on the last page of the agenda.

CALL TO ORDER / ROLL CALL

Mayor Mike Forster called the virtual meeting to order at 5:32 p.m. Village Clerk Kelly Toth called the role. The following Councilmembers, appearing virtually, 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 Village Attorney Roget Bryan, and other relevant personnel. Village Clerk Kelly Toth, Deputy Village Manager/ Finance Director Maria Bassett and Village Manager Seth Lawless were present at the Founders Park Community Center.

PLEDGE OF ALLEGIANCE

Rhonda Haag led the Pledge of Allegiance.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Virtual Meeting Procedures- Village Attorney
Village Attorney Roget Bryan provided the virtual meeting procedures.

Presentation by I-CARE Regarding Coral Reef Restoration- Dr. Kylie Smith and Michael Goldberg

This item was heard at 5:33 p.m. Dr. Kylie Smith with Islamorada Conservation and Restoration Education (I-CARE) provided background information regarding the decline of coral since the 1970s noting the coral cover in the 1970s was 50-60% and the average today was 3-5%. She reported that I-CARE would be partnering with Mote Marine Laboratory who was producing "super corals" that survived extreme conditions and noted these were the corals that would be used for restoration and explained the coral restoration procedures. She reported: I-CARE was fiscally sponsored by the National Marine Sanctuary Foundation and had officially partnered with Mote Marine Laboratories; and had partnered with local Islamorada dive shops that would train their customers to transplant coral fragments and assist in monitoring corals. Michael Goldberg, owner of Key Dives, commented that the restoration effort was a community approach; and that tourism and many local businesses depended on the coral reefs. He commented regarding the demand from the dive community to be "part of the solution" noting that conservation worked as a business model; he provided a list of the numerous contributing partners in Islamorada as well as a Charles G. Wright Endowment for

Humanity. Mr. Goldberg pointed out that Key Dives and Islamorada Dive Center, collectively, contributed approximately $40,000 a year to the effort. He presented the operating expenses for the non-profit which totaled $124,596 a year and noted there was a fundraising goal of $150,000 to $200,000. He stated it was their hope the Village would put forth a matching funds effort.

Councilman Chris Sante noted that Ken Nedimyer had been doing restoration in the Florida Keys for a long time and asked if I-CARE was working with him. Dr. Smith stated that had not reached out to him yet but that they had plans to do so. Councilman Sante referenced a recent article on coral restoration success and inquired as to the success rate of the transplanted coral. Dr. Kylie Smith was familiar with the article that also stated more monitoring was needed of the restored corals. She explained that the National Marine Sanctuary only required the restored coral be monitored for up to one year after transplantation. Dr. Smith stated that I-CARE included in their research permits that they would monitor the restored coral for up to three years allowing for more long-term maintenance, survival and a greater understanding of survivorship. She stated they would be working with REEF (Reef Environmental Education Foundation) to understand the reef fish populations and how out-planting is influenced as well as the rest of the substrate. Dr. Smith explained that if a restored coral died, they would hopefully have an understanding as to the cause and would be able to use that information going forward. Mr. Goldberg referenced the article and noted that the corals used in that project did not get put through the stressors of high temperature, and high ocean acidification levels and they had a narrow focus of genotype. He noted that 90% of those transplanted corals died and opined that the project did not have the science to support a successful outcome. Mr. Goldberg reported that over the last three years Mote Marine Laboratories had taken science to a new level so that the coral could succeed and would have a fighting chance. He referenced a recent presentation by Dr. Crosby in which 90% of the corals they transplanted were still thriving today verses the 90% failure rate in the project Councilman Sante had read about.

Councilman Sante noted a project that involved planting artificial reefs made of concrete that contained holes for fish to live in. He asked if I-CARE would be planting artificial reefs as well. Dr. Smith stated their efforts were concentrated on replanting coral and noted that currently, the National Marine Sanctuary would not allow for the installation of any new artificial reefs, which limited the restoration techniques available to them.

Mayor Mike Forster noted that Ken Nedimyer was no longer in a leadership position with the Coral Restoration Foundation (CRF) but that he was most likely the head of the advisory committee for coral reef restoration. Dr. Smith stated that I-CARE had reached out to CRF when they first began and that they were trying to find a way to collaborate with the organization.

Mayor Forster expressed his support for the organization noting the need for the restoration efforts and asked what the percentage of the administrative costs were for the non-profit. Mr. Goldberg replied that the administrative expenses were 15%. Mayor Forster noted that the Council could not give a commitment until budget season when the Council had a better idea of the financial impacts of the COVID-19 virus. He stated it was a very worthy project to discuss during the budget meetings. Vice Mayor Ken Davis and Councilman Jim Mooney expressed their support for the Mayor’s comments. Councilman Mooney noted that budget discussion would begin in about a month.

Presentation by the U.S. Army Corps of Engineers: "Florida Keys Coastal Storm Risk Management Feasibility Study"

This item was heard at 5:58 p.m. Rhonda Haag, Chief Resilience Officer for Monroe County, reported that the US Army Corps of Engineers (USACE) had partnered with Monroe County to conduct a three-year, $3 million-dollar study on how to make the Florida Keys more resilient. Rachel Haug, Senior Planner and Study Lead with the USACE, presented the Florida Keys Coastal Storm Risk Management Feasibility Study. She reported the study was investigating solutions that would improve resiliency by reducing damage and risk from impacts of coastal storms and considering sea level rise. She presented the study timeline noting they were halfway through the study and that they expected to provide their final report September 24, 2021.

Ms. Haug reported that "Alternative 7" in the tentatively selected plan included: US-1 shoreline stabilization utilizing revetment in six areas to reduce erosion and damage to the roadway; nonstructural measures for residential and nonresidential structures that were at risk which included elevation of residential properties, floodproofing of commercial properties and acquisition of residential properties; and flood proofing critical infrastructure that was at risk. Ms. Haug identified the estimated project costs: the first costs, which was cost-shared, was $3.8 billion which was broken down to 65% federally funded ($2,470,000,000) and 35% non-federally funded ($1,330,000,000); the project had an annual economic benefit that was analyzed over a 50-year period which calculated to an average annual benefit of $215,466,000; and the project had a Benefit to Cost Ratio (BCR) of 2.45. She explained the BCR was included in their briefings to the USACE and noted projects recommended to the USACE had to have a BCR of at least 1.0.

Ms. Haug reported the draft report would recommend elevating 7,124 residential structures at a cost of $1,942,574,092; flood proofing 3,852 nonresidential structures at a cost of $812,278,416; and acquisition of 286 residential structures at a cost of $290,503,227. She noted that the numbers provided in the draft report were subject to change before the final report was completed.

She reported that the nonstructural measures recommended for Islamorada included one acquisition, elevation of 542 structures, and floodproofing 288 structures. Ms. Haug pointed out that current USACE policy required that acquisition must be implemented even if it required the use of eminent domain. She noted that flood proofing and elevation were voluntary measures for property owners.

Ms. Haug stated Monroe County had made it clear that they did not support a plan that included mandatory acquisitions and had requested a waiver from the mandatory policy from the USACE. She stated that a waiver had to be approved by the Secretary of the Army for Civil Works. Ms. Haug stated that Monroe County had expressed that they would likely choose the Locally Preferred Plan if the USACE had not made a decision or if they denied the request by the October agency milestone date.

Ms. Haug explained that the Locally Preferred Plan (LPP) option stating any of the economically justified options could be combined into a LPP with a 65/35 cost share. If there were to be an increase in cost the County would pay the difference. She stated a draft report would be released on June 26th which provided for a 45-day public and agency review. Ms. Haug provided the future timeline which included public engagements in July, the 45-day review period from June – July, agency decision milestone in October, a USACE update to Monroe County BOCC in spring 2021, a Final Feasibility Report and Integrated EIS release in Spring 2021, September 2021 Chief of Engineer's Report and beyond 2021 congressional authorization for construction, potential project appropriations, and agreements with non-federal entities necessary for construction.

Rhonda Haag, Chief Resilience Officer for Monroe County, asked if the Village had an interest in being a partner with Monroe County for the long-term if and when funding was identified; and was the Village willing to wait until October to see if the waiver request to the USACE was granted.

Councilman Chris Sante commented that when old conch homes were purchased in the Keys they were often demolished and replaced with a new structure and noted that this occurrence affected the totals provided in the report. Ms. Haug agreed and explained their data collection/analysis process. He asked if elevating would be mandatory. Ms. Haug stated elevating and floodproofing were not mandatory. He asked if the properties identified for acquisition would be paid list price for the house. Ms. Haug explained that the owner would receive fair market value, relocation assistance and assistance with finding a new home. Discussion ensued regarding the possibility that the address of potential acquisition properties could be released which would affect their property values. Ms. Haug noted that Monroe County would not support mandatory acquisitions. The Council expressed their desire to wait until October to see if the waiver request was approved by the USACE.

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

PUBLIC COMMENT

David Webb expressed his gratitude to everyone that worked the checkpoints.

Van Cadenhead suggested the possibility of reinstituting the checkpoint should the COVID-19 situation escalate.

The Village Clerk read public comment submitted via email: Caren Brinson expressed her gratitude to Council for their efforts to address problems and requested the Council reinforce masks be worn by everyone. Scot Baste commented regarding the importance of wearing masks.

Mayor Forster closed public comment.

AGENDA: Requests for Deletion / Emergency Additions

Mayor Mike Forster requested that Tab 7 be moved to follow the consent agenda. Councilman Sante requested a future discussion item regarding the landscaping requirements for small commercial properties.

CONSENT AGENDA

TAB 1: Minutes of the May 7, 2020 Regular Village Council Meeting and May 21, 2020 Regular Village Council Meetings

TAB 2: Resolution Approving Interlocal Agreement between Monroe County, Florida and Islamorada, Village of Islands for Fiscal Year 2020-2021 Boating Improvement Funds Not to Exceed $10,000 for the Islamorada Buoy Maintenance Program

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY, FLORIDA AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE REIMBURSEMENT FUNDING FROM BOATING IMPROVEMENT FUNDS DURING FISCAL YEAR 2020-2021; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Forster opened public comment. There was none.

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

QUASI-JUDICIAL

At 8:33 p.m., Village Attorney Roget Bryan explained the quasi-judicial procedures. He noted that if participants were not sworn in by the Village Clerk, there comments would be considered as unsworn testimony. Village Clerk Kelly Toth swore in the witnesses.

TAB 3: Application for Administrative Relief (PLAR20200019) for Mary Louise Fazekas Living Trust

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY MARY LOUISE FAZEKAS LIVING TRUST FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 75439 OVERSEAS HIGHWAY, LOWER MATECUMBE KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Roget Bryan read the title of the resolution and asked the Council to disclose ex parte communications. Each councilmember stated that they had no ex parte communications. Planner Megan Rumbaugh presented the staff report.

Mayor Mike Forster invited the applicant to speak. The applicant was not in attendance.

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

Mayor Forster asked if there was Council discussion; there was none.

Councilman Chris Sante made a motion to provide administrative relief in the form of one market rate BPAS allocation award. Councilwoman Deb Gillis seconded the motion. Council voted and the motion passed 5-0.

TAB 4: A Resolution Considering the Request of Axis Development for a Variance to Allow for a Reduction of the Required Bufferyard from Thirty (30) Feet to Zero (0) Feet for Property Located at 90230 Overseas Highway, 90270Overseas Highway and Palm Avenue (File No. PLCUP20200077)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF AXIS DEVELOPMENT, LLC, FOR A VARIANCE FROM THE PROVISIONS OF SECTION 30-814 (SCENIC CORRIDOR AND MAJOR STREET BUFFERYARDS), TO ALLOW FOR A REDUCTION IN THE REQUIRED CLASS "D" BUFFERYARD BETWEEN THE SUBJECT PROPERTY AND OVERSEAS HIGHWAY FROM A MAXIMUM WIDTH OF THIRTY (30)

FEET TO ZERO (0) FEET, FOR PROPERTY LOCATED AT 90230 OVERSEAS HIGHWAY, 90270 OVERSEAS HIGHWAY, AND 5 PALM AVENUE ON PLANTATION KEY WITHIN THE VC (VILLAGE CENTER) ZONING DISTRICT, WITH REAL ESTATE NUMBERS 00432070-000000, 00432060-000000, AND 00432090-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 8:40. Village Attorney Roget Bryan noted that Tabs four and five were related. He read the resolutions titles and opened both items to be discussed contemporaneously, noting they would be voted on separately. Mr. Bryan requested the Council disclose ex parte communications. The Councilmembers each disclosed that they did not have ex parte communications. Senior Planner Hank Flores presented the staff report recommending approval of the request for a variance to the bufferyard requirements.

Mayor Mike Forster invited the applicant to speak. Jason Green, Agent for Axis Development, requested approval for the variance and major conditional use. He commented that he had prepared the application to be consistent with the Village's Code and Comprehensive Plan; that the variance was needed in order to make other areas of the site compliant with the Village's Code; and thanked the staff and noted that their level of communication and transparency was quite remarkable.

Mayor Forster asked if there was any public comment.

Van Cadenhead stated he was in favor of the project and noted his only concern was how the affordable housing unit would be used.

Jason Green, Agent for the applicant, stated the unit would be reserved by the developer who was looking at other projects where the unit could be included, noted the developer had other projects in the queue and was also collaborating with other developers in the area.

Mayor Forster closed public comment.

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

TAB 5: A Resolution Considering the Request of Axis Development for Major Conditional Use Approval to Allow for the Redevelopment of an Existing Gas Station for Property Located at 90230 Overseas Highway, 90270 Overseas Highway and 5 Palm Avenue (File No. PLCUP20200008)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF AXIS DEVELOPMENT, LLC. FOR MAJOR CONDITIONAL USE FOR THE RENOVATION OF AN EXISTING GAS STATION (PALM AVENUE GAS STATION REMODEL), FOR PROPERTY LOCATED AT 90230 OVERSEAS HIGHWAY, 90270 OVERSEAS HIGHWAY, AND 5 PALM AVENUE ON PLANTATION KEY WITHIN THE VC (VILLAGE CENTER) ZONING DISTRICT, WITH REAL ESTATE NUMBERS 00432070-000000, 00432060-000000, AND 00432090-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING AN EFFECTIVE DATE

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

ORDINANCES

TAB 6: Second Reading: Ordinance to Amend Chapter 50, Article III of the Village Code Title "Traffic and Vehicle Speed Zones," Establishing Maximum Speed Zones for Vehicles Operated on North Carroll Street

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 50, ARTICLE III OF THE VILLAGE CODE TITLED "TRAFFIC AND VEHICLE SPEED ZONES," ESTABLISHING MAXIMUM SPEED ZONES FOR VEHICLES OPERATED ON NORTH CARROLL STREET; PROVIDING PENALTY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:51 p.m. Village Attorney Roget Bryan read the title of the ordinance. Public Works Director A.J. Engelmeyer presented the staff report recommending approval.

Mayor Mike Forster opened public comment.

Van Cadenhead expressed his support for the ordinance.

Mayor Forster closed public comment.

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

TAB 7: First 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

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 GENERALY 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 moved up on the agenda and was heard at 6:40 p.m. Village Attorney Roget Bryan read the title of the ordinance and presented the staff report. Mayor Forster referenced an email that requested two additional properties be included in the swim zone. The Village Attorney explained that the property that was furthest to the north was on the point of the channel to Port Antigua that provided ingress/egress and presented a potential impact on boat navigation and could potentially be dangerous to swimmers in that area. Mayor Forster noted that the northern property had a dock, but the southern property did not. The Village Attorney explained that historically and currently, the boat congestion occurred south of the second property. He stated that the swim zone could be extended further north if the Council chose to do so. Mayor Forster opined that an unintended consequence could be that more people moved to the north in front of the two properties.

Mayor Mike Forster opened public comment.

At 6:46 p.m. Village Clerk Kelly Toth announced that there were 131 emailed public comments; of those, one was neutral, 70 were in favor of the swim zone and 40 were opposed. Ms. Toth read the neutral public comment submitted by Kenneth Longaker; and read a list of names that had emailed a brief statement of support and then proceeded to read the lengthier emails. The following individuals submitted a public comment via email in support of the swim zone: Rudy Suarez, Norma Suarez, Caren Brinson, Mary and Meta William, Ramon Pampin, Jen and Josh Wiggins, Jeremy and Cristy Lincoln, Nancy Sheffield, Keith Sheffield, Alfredo Sontolongo, Elizabeth Heisey, Susie Velasco, Carlos Gonzalez, Steve and Joanne Ballard, Carol Huntington, Michelle Nielsen, Dorothy Gonzalez, Mary Carol Dolivier, Olga Bengochea, Rodolfo Suarez, Captain Paul and Jennifer Minning, Gloria Sontolongo, Sue Miller, Esther C Merida, Hermine Zavar, Roland Moore, Rene Aviles, Tatiana Aviles, Pete Bacheler, Dr. Ramon Bana, Dr. Sally Bauer, Bill Bell, Aprille Brooker, Sarah Danger, Sharle Dille, Frederick Feitel, Raul and Maria Garcia, Tommy Gonzalez, Maylin Gonzalez, Jim and Dailey Grainger, Jack Gurdjian, Rick Haight, Richard Haight and family, Adam Hollingsworth, Claire Johnson, Edward Kattel, Victoria Kattel, Fred Kleinelp, Sy and Terry Kotalik, Joe Lundsford, Tatiana Madden, Mike McLoad, Bernard Merida, Jose Medina, Oswald and Maria Elena Morales, Tim and Debbie Morick, Ronald and Mary Carol Ochipa, John Pistorino, Dennis Prosperi, Mario Prosperi, Isabel Rogers, Ray and Jan Ross, Jose Rodriguez, John Sheehan, David and Lindsay Stine, Adele West and Larry Zettwoch.

At 7:21 p.m. Deputy Village Manager and Finance Director Maria Bassett read the emailed public comments that were in opposition to the proposed swim zone from the following individuals: Jorge Vasseur, Alex Marban, Bridgette Guisasola, Andres Guisasola, Barbara Guisasola, Ricky Lopez, Alejandro Brito, Alexis Casariego, Edward Codispoti, Humberto Codispoti, Leonardo Cornide, Phillip Crawford, Dennis and Mercedes Delgado, Ashley Dougherty, Brad Dougherty, Francesca Dougherty, Loran Dougherty Jr., Alfonso Fernandez-Fraga, Ana Fernandez-Fraga, Melchor Freyre, Hugo Garcia, Eddie Gomez, Alina Guisasola Brito, Daniel Guisasola, Isabel Guisasola, Ignacio Guisasola, Jorge Guisasola, Rodney Hedeen, Rick Hoskins, Dr. Guillermo Lopez, Dr. Ricardo and Dr. Aymee Martinez, Ariel Millan, Ryan Ochipa, Juan Carlos Pernas, Lee Ramirez, Cindy Rondino, Carlos Salazar, Alexander Villarreal and Esther, Carlos and Margarita, Dr. Jorge and Carrie Villarreal, and Daniel Zaitman.

The following people spoke in support of the swim zone: Van Cadenhead, David Webb, Otto Ortega, Mark Gregg, Jen Wiggins, Lee Ramirez, Jean Peterson, and Robert Moser.

The following people spoke in opposition to the swim zone: Patty Pico, Martin (last name inaudible), Lee Ramirez, J.C. Pernas, Alfonso Fernandez-Fraga, Abigail Codispoti, and Rick Hoskins.

Walter Jenkins III commented about the issues at the Port Antigua Beach.

Betty Pfeifer inquired about the water depth at Port Antigua Beach, the possibility of transporting the boaters elsewhere and commented about the potential impacts on Sunset Beach.

At 8:20 p.m. Mayor Forster closed public comment. Mayor Forster inquired about the depth of the water in the proposed swim zone. Village Attorney Roget Bryan stated the depths were between four and five feet generally around the proposed limits of the swim area. Mr. Bryan clarified the purpose of the ordinance was to address vessel traffic; that the proposed ordinance did not regulate the beach upland area; that it only addressed from the mean high water line (MHWL) upward to approximately 300 feet; the Village was not regulating the public verses private beach access that was owned by the Port Antigua Property Owner's Assocation or private residences; that the ordinance was only regulating vessels and not a persons ability to utilize the area within the swim zone buoys; that the purpose of the regulation was to address the issue from a safety standpoint and the significant amount of vessel congestion in the area; that people would still be able to access the area by water; and that the ordinance would not regulate anchoring in the area.

Vice Mayor Ken Davis noted that the depths of the area ranged from two and a half feet to four and a half feet depending on the tide. Village Attorney Roget Bryan noted that there were approximately five existing idle speed/no wake buoys in the area which would not be impacted by the swim zone.

Councilman Chris Sante commented that both sides had made good points. He stated that he was in favor of the swim zone because it would still be able to be used by residents and visitors. He commented that the Village had limited resources and was overwhelmed by people; that the Village was trying to provide a better quality of life; and that there were visitors to the swim area that were disrespectful and that trashed the area which necessitated the need for the ordinance. Vice Mayor Ken Davis commented in support of the proposed ordinance noting the negative impacts on the environment and the total disregard for the people that lived in the area. Councilman Jim Mooney noted that the Village had jurisdiction out to 1200 feet and referenced the many issues that were occurring. Mayor Forster expressed his support for the ordinance and commented about how the area had changed over the years, the environmental and life safety issues that were occurring, the Village's jurisdictional authority, and its support from state and federal agencies.

Vice Mayor Ken Davis made a motion to approve. Councilman Chris Sante seconded the motion. Council voted and the motion passed 5-0.

RESOLUTIONS

TAB 8: A Resolution Considering an Affordable Housing Agreement between Islamorada, Village of Islands and Axis Development (File No. PLCUP20200008/PLVAR202000077)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING AN AFFORDABLE HOUSING AGREEMENT WITH AXIS DEVELOPMENT, INC.; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE AFFORDABLE HOUSING AGREEMENT AND ANY ADDITIONAL DOCUMENTS PERTAINING TO THE AFFORDABLE HOUSING AGREEMENT AND TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AFFORDABLE HOUSING AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:53 p.m. Village Attorney Roget Bryan read the title of the resolution. Senior Planner Hank Flores presented the staff report recommending approval. Mr. Flores noted that the developer's affordable housing mitigation plan provided for payment of an in-lieu fee in the amount of $37,125.85.

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

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

TAB 9: Approval of the Residential Building Permit Allocation System Ranking and Awards for Quarter 2 of 2020

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND AWARDING RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 2 OF 2020; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:55 p.m. Village Attorney Roget Bryan read the title of the resolution. Planner Megan Rumbaugh presented the staff report recommending approval of six market rate BPAS allocation awards.

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

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

TAB 10: Resolution Amending Work Authorization No. 6 between Wade Trim, Inc. and Islamorada, Village of Islands to Provide General Engineering Services and Wastewater Utility-Related Engineering Services

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FIRST AMENDMENT TO WORK AUTHORIZATION NO. 6 BETWEEN WADE TRIM, INC. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE FDEP PERMITTING AND CONNECTION ASSISTANCE SERVICES, BUILDING AND PLANNING DEPARTMENT REVIEW SERVICES, WASTEWATER OPERATIONS SERVICES, CONSTRUCTION ENGINEERING SERVICES AND GENERAL ENGINEERING SERVICES FOR FY 2019-2020 FOR THE VILLAGE WASTEWATER UTILITY; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF WORK AUTHORIZATION NO. 6; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT TO THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:56 p.m. Village Attorney Roget Bryan read the title of the resolution. Public Works Director A.J. Engelmeyer presented the staff report recommending approval.

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 the Purchase of Three (3) Nutanix Enterprise Cloud Servers and Two (2) Cisco Nexus Switches for the I.T. and Communications Department

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE OF NUTANIX SERVERS AND CISCO SWITCHES FROM SHI INTERNATIONAL CORP. (SHI) FOR THE VILLAGE IT & COMMUNICATIONS DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:59 p.m. Village Attorney Roget Bryan read the title of the resolution. I.T. & Communications Support Specialist Vince Tarves presented the staff report recommending approval and stated the item had been approved in the Village's Strategic Plan.

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

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

TAB 12: Resolution Approving the Final Rankings and Recommendations of the RFQ 20-03 Evaluation Committee of Engineering, Architectural and Surveying Firms

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RANKINGS AND RECOMMENDATIONS OF THE RFQ 20-03 REVIEW COMMITTEE FOR ENGINEERING, ARCHITECTURAL AND SURVEYING SERVICES; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE AND ENTER INTO NON-EXCLUSIVE CONTINUING SERVICES AGREEMENTS FOR THE REQUESTED SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 9:01 p.m. Village Attorney Roget Bryan read the title of the resolution. Public Works Director A.J. Engelmeyer presented the staff report recommending approval.

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

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

TAB 13: Resolution Considering a Reduction of Lien in the Code Compliance Case of Michael & Gay Andreas, Case No. CBDG20170000569

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A REDUCTION OF LIEN IN CODE COMPLIANCE CASE NO. CBDG20170000569; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL NECESSARY AND EXPEDIENT ACTION; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 9:04 p.m. Village Attorney Roget Bryan read the title of the resolution and presented the staff report. He reported that after hearing the case, the Code Hearing Officer approved a reduction of approximately 75%, reducing the fines from $101,500 to $25,500.

Mayor Mike Forster invited Mr. Michael Andreas, the property owner, to speak. Mr. Andreas commented regarding his many conversations with Code Enforcement Officer Will Reyes and Senior Planner Karl Bursa; that he had provided time stamped photographs from the 1990's; that the deck was permitted in the 1980's; that he had hired the services of Don Horton, Paul Ingram and Darryl Osborne; that he was in Texas when he found out they had missed the November 24th hearing date; that he flew back to Florida and met with Code staff in November following Thanksgiving and was told he would not have any fines accrue after that date; and that Mr. Horton was also assured that not fines would accrue. Mr. Andreas stated that Mr. Bursa had told him there was no problem with the deck noting it was originally much larger and he had decreased the size when he replaced it. He stated Mr. Bursa wanted the Tiki Hut moved ten inches; and noted that Mr. Bursa left the Village's employment. Mr. Andreas commented about the additional issues he experienced that were associated with Hurricane Irma; that he had worked in good faith throughout the entire process; that he had two biologists look at the property; and that his permit had expired, and that Mr. Don Horton was able to get a new permit.

Don Horton stated he was the agent and contractor for the project. He explained that Mr. Andreas had fixed a permitted deck on his property that was damaged by Hurricane Irma; that there had been difficulties associated with the change in staff at the Village; that the project took longer than Mr. Andreas had anticipated; that he was not notified about the first hearing because Keys Engineering was the agent at the time; that the Building Official and Planning Director met him on site and assisted with the issuance of the permit; that there was an existing permitted deck on the beach; that Mr. Andreas made the replacement deck smaller; they passed the final inspection and the Code Hearing Officer reduced the fine as much as he could. Mr. Horton asked the Council to reduce the fines as much as they thought was appropriate.

Mayor Forster asked Mr. Horton if the deck was put back as it was built. Mr. Horton replied that the replacement deck was smaller than the preexisting deck.

The Village Attorney provided a timeline stating the property was cited on November 29, 2017 post Hurricane Irma; it went to hearing the first time on October 24, 2018; the property came into compliance in December 2018 and the case went to hearing in January 2020.

Mr. Andreas commented that everyone was so busy after the hurricane; that he communicated constantly with staff; that he did not know why it took so long; and that the deck was permitted.

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

Councilwoman Deb Gillis, with support from Vice Mayor Davis, suggested a fine of $10,000 plus the $125 administration fee. Vice Mayor Davis suggested all or part of the fine go to the nonprofit turtle organization that Sandi Williams was involved with. Councilman Chris Sante, with support from Councilman Jim Mooney, suggested a fine of $2,500 plus the $125 administration fee.

Mayor Mike Forster made a motion to reduce the fine to $5,000 plus the $125 administration fee. Vice Mayor Ken Davis seconded the motion. Council voted and the motion passed 3-2 with Councilmen Sante and Mooney voting in opposition. The Mayor stated that he wanted half of the fine to go to the turtle organization that Sandi Williams supported.

TAB 14: Resolution Expressing Support for FWC Comments to FKNMS Draft Environmental Impact Statement ("Restoration Blueprint")

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA SUPPORTING THE LETTER AND FORMAL COMMENTS OF THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION SUBMITTED TO THE FLORIDA KEYS NATIONAL MARINE SANCTUARY (FKNMS) IN RESPONSE TO THE FKNMS "DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR FLORIDA KEYS NATIONAL SANCTUARY: A BLUEPRINT FOR RESTORATION" (DEIS); URGING FKNMS TO IMPLEMENT FWS RECOMMENDATIONS CONTAINED IN THE ATTACHED LETTER FROM FWC CHAIRMAN ROBERT A. SPOTTSWOOD, DATED APRIL 29, 2020, ALONG WITH ITS ACCOMPANYING FORMAL COMMENTS; URGING FKNMS TO FOCUS ON IMPROVING WATER QUALITY TO PROTECT THE REEF; DIRECTING THE VILLAGE CLERK TO

PROVIE COPIES OF THIS RESOLUTION TO REPRESENTATIVES OF FKNMS AND FWC; 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 and presented the staff report recommending approval.

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

Mayor Forster commented in support of the resolution.

Mayor Mike Forster made a motion to approve. Vice Mayor Ken Davis seconded the motion. Council voted and the motion passed 5-0.

TAB 15: Resolution Approving a Lease Agreement with the Florida Department of Transportation for the Area Known as the "Fills"

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A LEASE AGREEMENT FOR PUBLIC PURPOSE USE OF THE FILLS BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND ISLAMORADA, VILLAGE OF ISLANDS FOR PROPERTY IDENTIFIED BY ITEM/SEGMENT NO. 90060-5240; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE LEASE AGREEMENT; AUTHORIZING VILLAGE OFFICIALS TO EXECUTE THE LEASE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 9:31 p.m. Village Attorney Roget Bryan read the title of the resolution. Village Manager Seth Lawless presented the staff report recommending approval and noted the Village had obtained a lease with the Florida Department of Environmental Protection for the boat ramp at the Fills.

Mayor Mike Forster opened public comment.

Van Cadenhead inquired about the cost of the lease and suggested a 99-year lease. The Village Manager stated the Village had two five-year renewal options and that there was no charge for the lease unless the Village charged for its use.

Councilman Chris Sante made a motion to approve. Vice Mayor Ken Davis seconded the motion. Council voted and the motion passed 5-0.

MAYOR / COUNCIL COMMUNICATIONS

COVID-19 Testing -Vice Mayor Ken Davis

This item was heard at 9:36 p.m. Vice Mayor Ken Davis provided an update on COVID-19 testing in Islamorada noting that testing of the uninsured had been implemented. Councilwoman Deb Gillis requested a news release providing information on the types of testing available, where people could obtain the test and the costs associated with the test. She referenced a previously drafted news release and asked if the Council had objections to providing the information to the public. There were no objections. Vice Mayor Ken Davis suggested that a portion of the $50,000 that the Council had designated for COVID-19 be donated to the Good Health Clinic in the near future. He commented that the clinic operated off donations. Mayor Forster expressed agreement.

Acknowledgment of Monroe County Sheriff's Office Captain Don Fanelli- Vice Mayor Davis

This item was heard at 9:41 p.m. Vice Mayor Ken Davis commented that the recent checkpoint was run fluidly with the leadership of Monroe County Sheriff's Office Captain Don Fanelli. He stated the Captain was on-call 24-hours a day, seven days a week and was very responsive to his calls. The Vice Mayor stated Captain Fanelli had a good support team that included: Colonel Lou Caputo, Major Chad Scibilia, Captain Donnie Catala, Captain Don Hiller, Lieutenant Derek Paul Captain Corey Bryan, Lieutenant Chuck Kellenberger, Lieutenant Charlene Sprinkle, Lieutenant Spenser Bryan, Lieutenant David Smith and Director of School Safety Patty Thomson. Vice Mayor Davis commented that Captain Fanelli did a fantastic job and that he would like the Village to send a letter to Sheriff Rick Ramsay acknowledging Captain Fanelli's efforts. Mayor Mike Forster suggested the letter recognize all the individuals and that the list also include Captain Lee Ann Holroyd. Council expressed agreement with the request.

Mayor Mike Forster opened public comment.

Van Cadenhead commented in support of the letter.

Village Manager Seth Lawless thanked the Village employees that also worked the checkpoint.

Mayor Forster acknowledged the Mayor of Layton who provided the scheduling of all of the non-civil servants.

Discussion Regarding Advanced Disposal- Vice Mayor Davis

This item was heard at 9:45 p.m. Vice Mayor Ken Davis commented about Advanced Disposal's non-compliance with their contract, specifically the lack of a staffed office. He suggested the Village begin considering other providers. Mayor Forster noted the lack of service that had been occurring while Advanced Disposal was being purchased by Waste Management. The Mayor stated the sale had been completed; current leadership was out of West Palm Beach; and that he was told by Greg Sullivan, who was with Waste Management in the Lower Keys, that he would be in charge of the account July 1, 2020. Councilman Sante commented about how the service had gone downhill ever since Bruce Williams left the company and suggested the Village consider local providers. Councilwoman Gillis asked if the Village had the contact information for the new management.

The Village Attorney reported that he understood the approval was pending, noting the Mayor's information may be more current. He explained that the transaction had undergone federal regulatory approval. Mr. Bryan stated Waste Management would be assuming the remainder of the Advanced Disposal contract with the Village; that Waste Management controlled the disposal sites within 200 miles of Islamorada; that they could more effectively provide service; and that while the deal was pending they had reallocated resources to other areas of South Florida. He stated assuming the Village received official notification the acquisition had gone through and there was a formal assignment of the contract effective July 1, the Village could immediately begin discussing the service deficiencies and the necessary adjustments. Mr. Bryan stated alternatively, the Village could go through the process of notification of termination of the contract and that he thought the notification requirement was 90 days. He stated then the Village would need to bid the service which was a very involved process and noted that the franchise agreement was typically a ten-year agreement.

Mayor Forster stated the change had already occurred noting that Waste Management had taken over the West Palm Beach location. He pointed out to the Vice Mayor that by the time the services went out for bid, the rest of the Council would no longer be councilmembers. Vice Mayor Davis stated he would like to see what happens in the first 30 days once Waste Management takes over. Vice Mayor Davis stated that if the Village could find someone locally to do the job efficiently then it should be considered, noting that was a lot of money that left the Keys.

Village Manager Seth Lawless stated he had not received notification of the change of ownership; that he had spoken with Advanced Disposal that day and noted that they answered the phone as Advanced Disposal.

Mayor Mike Forster opened public comment.

Village Clerk Kelly Toth read a comment submitted by Caren Brinson. Ms. Brinson's comments pertained to collection problems and the company not returning her phone calls or emails.

Mayor Forster closed public comment.

At 9:55 p.m. Councilwoman Deb Gillis made a motion to extend the meeting to 10:30 p.m.

Discussion Regarding the Fills- Councilman Jim Mooney

Councilman Jim Mooney commented that what had occurred at the Fills the previous weekend could not happen again, noting the cones needed to be put back in place, enforcement needed to occur and the Village needed to make sure they had enough staff in place to address the issues. The Village Manager took responsibility for the occurrence and stated there would be three employees there early in the morning Friday through Sunday; and that the Monroe County Sheriff's Office had committed three deputies to patrol the two-mile area. He stated the porta-lets would be delivered Friday morning.

Councilman Chris Sante asked if there was a tow truck available. Mr. Lawless explained that a tow ordinance was needed which staff had begun researching. The ordinance would authorize the Village to elevate the level of enforcement if necessary.

Councilwoman Deb Gillis asked if the Village was going to allow double-parking in one space. The Village Manager stated it would not be allowed. Vice Mayor Ken Davis noted that staff was met with belligerence and rudeness by people when they were told that they could not park and asked what the repercussions would be when a deputy had the same experience. Captain Corey Bryan stated a citation would be issued. Captain Bryan suggested the fine for a parking citation should be increased because it was only $32 and noted people were comfortable with paying $32 to park for five or six hours.

Councilman Mooney suggested limited parking at the Fills and inquired about the placement of mobile electronic messaging signs. Captain Corey Bryan stated there was already one messaging board down at the Fills. Public Works Director A.J. Engelmeyer stated he had a messaging board that he would park across from Bud & Mary's that would provide notification when the lots were full. Mayor Forster asked if the Village was still receiving staffing assistance from the DEP. Mr. Engelmeyer stated the assistance had ended in August 2019. The Mayor suggested the Village request their assistance again. The Village Manager stated he would call the DEP and make the request.

Mayor Mike Forster opened public comment.

Van Cadenhead suggested the staffing levels at the Fills be doubled and stricter enforcement was needed. Public Works Director A.J. Engelmeyer stated there would be five Village staff members working the Fills area.

Village Clerk Kelly Toth read the public comment that was submitted via email from the following individuals: Rodney Allison, Mark Mitchell, Jacqueline Dozier, Charlotte Norris, Margaret Franks, Mario Prosperi, Adele West, Caren Brinson, Paul Minning, Dr. Sally Bauer, Sue Miller, Claire Johnson, John Sheehan, and Donna Gleason. Comments made pertained to: the Tourist Development Council advertisements inviting people to the Florida Keys, traffic congestion, traffic hazards, environmental issues, safety issues, crumbling shoreline infrastructure, the costs to taxpayers, excessive people, disrespectful visitors, the lack of restroom facilities, the Marine Sanctuary designation, turtle nesting season, the fragile nature of the Florida Keys, suggested methods for generating income at the Fills and disallowing swimming in the boat channels.

Discussion ensued between Council and staff regarding the difference between tents and shade structures and the existing signs that prohibited camping. Mayor Forster suggested the Council discuss the items they would like to prohibit, such as shade structures and portable grills, at a future meeting. Councilwoman Deb Gillis stated the TDC had pulled their advertising out of Fort Lauderdale and Miami and that the TDC was doing COVID-19 related advertising.

Mayor Mike Forster announced Monroe County had recently implemented a mandatory mask requirement which was also in effect in Islamorada.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Direction Requested Regarding Signage on Venetian Boulevard- Public Works Director

This item was heard at 10:22 p.m. Public Works Director A.J. Engelmeyer stated the Venetian Shores residents did not want all of the parking signs the Village had approved. Vice Mayor Davis stated the residents did not want people parking on the median, but they also did not want 26 signs. The Vice Mayor suggested one sign on each median. Captain Corey Bryan stated a certain number of signs was necessary for it to be enforceable and that they had to be visible so the driver would realize they could not park in that area. Vice Mayor Davis stated only one sign per island was needed.

ADJOURNMENT

Councilman Chris Sante made a motion to adjourn. Vice Mayor Ken Davis seconded the motion. The meeting adjourned at 10:26 p.m.

Approved by the Village Council July 16, 2020.

Kelly S. Toth

Kelly S. Toth, CMC
Village Clerk