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

Founders Park Community Center
Islamorada, FL
Thursday, April 8, 2021
5:30 PM

Hybrid Meeting to Occur Utilizing Communications Media Technology (CMT)
Pursuant to the Centers for Disease Control (CDC), social distancing guidelines established to contain the spread of the COVID-19 virus, the Regular Village Council Meeting was conducted utilizing Communication Media Technology (CMT) via a Zoom video conferencing application.

Coronavirus-related Precaution: Due to the size and configuration of the Founders Park Community Center, which serves as the Council Chambers, and in keeping with CDC and Florida Department of Health guidelines, capacity of the Community Center for Village Council meetings was limited indefinitely due to the coronavirus pandemic. Only Council Members and essential staff members required to conduct the meetings were in physical attendance due to the limited capacity. The general public was able to virtually attend and otherwise participate in Council meetings utilizing the existing Zoom meeting infrastructure. The Village expanded its Internet bandwidth and Zoom meeting participant level to facilitate participation and comment by the public remotely. Additional information regarding options for viewing the meeting and participation through public comment were included on the last page of this agenda. If assistance was needed, the agenda directed the public to contact the Village Clerk's Office at 305-664-6413 no later than 24 hours prior to the meeting.

CALL TO ORDER / ROLL CALL

Mayor Pinder called the meeting to order at 5:30 p.m. Village Clerk Kelly Toth called the roll with the following Councilmembers being present on roll call: Mayor Buddy Pinder, Vice Mayor Pete Bacheler, Councilman Mark Gregg, Councilman David Webb and Councilman Henry Rosenthal. Village Clerk Kelly Toth and Deputy Clerk Stephanie Conde were also present. Village Attorney Roget Bryan and Acting Village Manager Maria Bassett, along with other pertinent staff appeared virtually.

PLEDGE OF ALLEGIANCE AND INVOCATION

Councilman Henry Rosenthal led the Pledge of Allegiance. Pastor Tony Hammon provided the prayer for the meeting.

VIRTUAL MEETING PROCEDURES

Village Attorney Roget Bryan provided the virtual meeting procedures.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Mayor Buddy Pinder announced the Wyland Foundation's "Mayor Challenge for Water Conservation" noting there was a video about the challenge on the www.islamoradasocial.org website.

Mayor Pinder invited Carlos Garcia to speak. Mr. Garcia provided an update regarding the social outreach pilot project. He identified the features of the new website that he recently launched www.islamoradasocial.org and noted the number of followers on the new Instagram account. Mayor Pinder expressed his pleasure and interest in the sediment removal project video in which he and Environmental Resources Manager Pete Frezza participated.

Mayor Pinder invited Monroe County Mayor Michelle Coldiron to the podium to speak. Mayor Coldiron commented regarding the importance of interagency communications and said one of her goals was to understand the needs of Islamorada and what was important to Islamorada.

U.S. Army Corps of Engineers Florida Keys Coastal Storm Risk Management Project Update provided by Rachel Haug

This item was heard at 5:42 p.m. Rhonda Haag, Chief Resilience Officer for Monroe County, provided a brief introduction to the presentation noting it was a three-year U.S. Army Corps of Engineers (USACE) study which intended to make the Florida Keys more resilient for the future. She noted that she would probably be hosting monthly or bi-monthly meetings with the Village and other municipalities to keep the project moving forward and to help ensure interagency coordination on a regular basis.

Rachel Haug, Senior Planner with the USACE, noted the purpose of the study was to investigate solutions that would improve resiliency by reducing damage and risk from impacts of storms while accounting for sea level rise. She reported the three-year, three-million-dollar study was 100% federally funded and included the entire Florida Keys. She explained that they were finishing the analysis and preparing the Feasibility Report that documented the recommended plan which would also include an Environmental Impact Statement. Ms. Haug reported that state and agency review would occur in June 2021 with final transmittal of the Chief's Report to Congress for authorization on September 24, 2021 by the Commander of the Chief of Engineers.

Ms. Haug identified the elements in the recommended plan which included US-1 highway shoreline stabilization and revetment in six areas; nonstructural measures for residential and non-residential structures at risk which includes elevation of residential properties, flood proofing commercial properties and critical infrastructure at risk. She noted the plan did not include structure acquisition. Ms. Haug stated the estimated project cost was $2,753,955,000 and had a 65/35 cost share. She explained that 65% was federal funding and 35% was non-federal funding. She explained that all USACE projects had to have a Benefits Cost Ratio (BCR) of 1.0 or greater and the BCR for this project was 1.5 noting the total average annual (economic) benefit was $131,603,000.

Ms. Haug reported that the plan identified 4,698 structures in the Florida Keys that were recommended to be elevated of which 208 were in Islamorada; 1,052 were identified for floodproofing of commercial properties of which 81 were in Islamorada; and 53 for floodproofing of critical infrastructure of which 9 were in Islamorada. She reported the estimated costs to implement the recommendations were: $102,098,071 for elevating residential structures; $30,826,583 for floodproofing commercial properties; and $4,074,283 to floodproof critical infrastructure.

Ms. Haug noted that Monroe County was their non-federal sponsor; that a Project Partnership Agreement (PPA) would be executed between USACE and Monroe County following a construction new start designation from Congress which could occur as early as their 2024 fiscal year; Monroe County could seek other non-federal funding sources for their 35% cost share; and that a request was made for the USACE 2023 fiscal year budget for funding needed to begin the preconstruction engineering and design for the US-1 highway revetments and shoreline stabilization and that if funding was appropriated a design agreement would be executed with Monroe County. Rhonda Haag, Monroe County Chief Resilience Officer, noted the PPA was with Monroe County but that the County would have a similar agreement with Islamorada that would provide for reimbursement to Monroe County for those funds that the Village wanted to spend on projects within Islamorada. She noted one of the purposes of the presentation was to give Islamorada an opportunity to think about the projects they would like to begin, to prioritize projects, and to identify future funding sources.

Rachel Haug concluded her presentation with the remaining project timeline which included the following;

- February-April 2021: Internal USACE technical review of Final Feasibility Report and Integrated Environmental Impact Statement (EIS)
- April 2021: Submit Final Feasibility Report and EIS to agency headquarters for policy review
- June 2021: Release Final Feasibility Report and EIS to agency headquarters for public review
- September 2021: Chief of Engineer's Report and study complete
- Water Resources Development Act 2022: Congress authorizes project
- 2023: Preconstruction engineering and design begins; design agreement signed
- 2024 Project Partnership Agreement executed
- 2025: First construction contract award
- 2035: All construction completed

Councilman Webb asked Ms. Haug if USACE had revetments planned for US-1 within Islamorada. Ms. Haug stated that there were no recommendations for revetments in Islamorada and noted that USACE had communicated with the Florida Department of Transportation (FDOT) regarding its improvements in the area. Councilman Webb asked about the criteria for elevating homes, specifically homes with concrete foundations. Ms. Haug stated homes with concrete slab foundations were considered and explained the analysis and recommendation process noting that it was on a structure-by-structure basis. She stated that participation in elevation and floodproofing measures was voluntary. Councilman Mark Gregg noted FEMA's current flood map revision project and asked if USACE was coordinating with FEMA. Ms. Haug explained that they were aware the maps were being revised; that USACE was required to identify a plan that easily maximized the damage reduction for the costs; they were not required to make recommendations that were consistent with the FEMA FIRM requirements; and that it looked like the homes would be elevated to the BFE that was required for the flood insurance programs. Councilman Gregg stated that he understood that it may not matter if the property was located in a VE or A zone that USACE had its own study that it was conducting. He asked if the flood claims history for the homes was considered in the study. Ms. Haug stated flood proofing was not recommended in the Coastal Hazard zones or V zones and explained that floodproofing was not recommended when there was the potential for wave energy. She stated they did not consider repetitive loss claims because core studies looked to determine the potential for future damage and that they did not base their recommendations on past flood claims. Councilman Henry Rosenthal asked what elevation the USACE was recommending. Ms. Haug explained that it depended upon where the house was located, the ground elevation for that structure and the potential for risk. She noted that the maximum home elevation for engineering purposes and wind load issues was 12 feet and that the USACE recommendations were below that number.

Mayor Pinder opened public comment.

Vice Mayor Pete Bacheler announced that public comment was an opportunity for individuals to provide their comments rather than an opportunity to have a dialogue with the Council and noted it was the Council's opportunity to listen to what the public had to say.

Ross Margolies began to speak regarding an item not related to the presentation and was advised by the Village Clerk to save his comments for general public comment.

Mayor Pinder closed public comment.

UNFINISHED BUSINESS

TAB 1 : Follow-up Discussion Regarding Resolution 21-03-24 Approving the RFP 21-01 Evaluation Committee Ranking for Selection of a Consultant to Prepare the Fills Master Plan

Acting Village Manager Maria Bassett explained what was approved at the last meeting; the purpose for the management plan; noted concerns were raised due to public comment on the item occurring after the vote was taken; noted the Council could allow for additional public comment on the item and opined that the comment should be limited to the agenda item, which was the selection of CPH, Inc. as a contractor. She explained that CPH would be asked to focus on the cable barrier system and delineated parking which was intended to help manage use of the area. Ms. Bassett explained that there would be other opportunities in the future for the public to comment regarding amenities in the master plan.

Councilman Webb apologized for making the motion prior to public comment and commented that it was important to allow for comment prior to the vote. Councilman Gregg agreed with Councilman Webb.

Councilman Webb noted the resolution that was approved was simply for the selection of a contractor and that comment should be limited to the selection of the engineering firm. Councilman Rosenthal expressed he was not comfortable spending $55,000 for a plan and that he could not find a requirement for the plan in the FDOT lease. He suggested determining the needs for the area before spending money on a plan that he did not feel was needed and that he was not comfortable with the cable barrier. He made a motion to rescind the vote approving the selection of CPH. The motion failed for lack of a second. Acting Village Manager Maria Bassett explained that in staff's past dealings with FDOT and FDEP, in order for the Village to make any improvements upon the leased land, something had to be presented to the agencies for approval; that whether it specifically said it was required in the lease agreement was not the consideration as staff knew it would eventually need to occur. Public Works Director A.J. Engelmeyer explained that any improvements to the area had to go through a FDOT approval process before the Village could move forward with an engineered project; and that the management plan was the best way to control and maintain the function of the Fills. Ms. Bassett noted that the entirety of the Fills was what was under consideration, not specifically the boat ramp; noted that there was not much that could be done in the boat area and that the Village was not addressing the boat access area. Councilman Rosenthal stated FDEP required a management plan and that it was reasonable to move forward with a plan and noted his understanding of the requirements. He opined that an appropriate course would be to have a workshop to determine what was needed then create the plan, suggesting otherwise would be putting the "cart before the horse". Ms. Bassett explained the direction provided to staff from the previous Council and said the background information that was provided to Council at a previous meeting noted that the RFP was the next step in the process. Village Attorney Roget Bryan reiterated the purpose of the agenda item and noted that the FDOT required a conceptual plan for any improvement made at the Fills which was what the masterplan was designed to do. Councilman Webb commented regarding prior Council decisions about the Fills; needed infrastructure for the Fills; previous staff briefings to the current Council regarding moving forward; that the master plan was not being selected; engineering plans would be required; that the RFP was for selection of an engineering firm; and stated he would not second a motion to rescind the vote for the engineering firm. Vice Mayor Bacheler expressed his agreement with Councilman Webb. Mayor Pinder inquired about when a workshop would be appropriate. Councilman Webb commented that public comment was important but that the Village needed to know before holding a workshop what would be allowed by the FDOT as it did not make sense to entertain ideas that were not feasible. Councilman Gregg commented that, eventually, engineered plans would be required in order to make improvements to the area and expressed his support for the management plan. Mayor Pinder stated the Village needed to get the ball rolling; that the Village did not have a staff engineer that could draft the plan which is why a consultant was being hired; and that a workshop could be held to garner public input.

Mayor Pinder opened public comment.

Captain Ed Davidson opined that any study should include the estimated cost for each proposed amenity and the long-term maintenance costs for that amenity and expressed support for a workshop to entertain realistic ideas.

Bill Doxey, speaking on behalf of the Florida Keys Scenic Corridor Alliance (FKSCA), commented regarding the purpose of the FKSCA; and noted that the US-1 Highway from Mile Marker 110 to Mile Marker 0 was designated an All-American Road by the Federal Highway Administration. He commented in support of measures taken in 2020 to manage the Fills area; expressed support for providing water access for kayak launching and improvements to the boat ramp; opined it was unfair to block access to the Fills; expressed opposition to adding barriers and fencing along the scenic highway; expressed support for a management plan; and requested that access to the Fills remains for the future.

Craig McBay, President of the Islamorada Chamber of Commerce Board of Directors, commented that they believe the area of the Fills should be controlled and well managed with parking and water access; expressed support for the selection of the engineering firm; and noted the Chamber's history and past experience with the Fills area.

Diego Feliciano commented regarding kayaking in the area of the Fills; limited places for visitors to access the water; noted different websites that recommended the area for Kayaking; commented that paddlers were an ecological community and asked that the Council not prohibit their access to the Fills.

Mayor Pinder closed public comment.

Councilman Rosenthal commented regarding the 2014 plan for the Fills noting there were four proposals for the boat ramp and suggested maybe one of those would work and the Village could spend less that $55,000 on an engineer. He stated the two things that needed to be addressed were traffic and waste removal.

TAB 2: Discussion Regarding Term Lengths and Limits for Councilmembers

This item was heard at 6:46 p.m. Mayor Pinder noted the item was carried over from the previous meeting. Vice Mayor Bacheler stated he had spoken with other small towns who did not think two-year terms worked; staggered terms were necessary for continuity; and suggested three-year staggered terms. Councilman Webb commented regarding the need for community support; voting wisely for a Councilmember rather than relying on short term limits; noted his dislike for the campaigning process; noted that some projects take many years to complete; remarked that individuals that expressed the need for longer terms during the campaigning process had since been quiet about the issue and needed to step up and voice their opinions. Councilman Gregg stated he served a four-year term on Council and had comfort being able to look up to the existing Councilmembers; and noted the ability to recall an elected official. Councilman Rosenthal expressed his opposition to recalls and expressed support for three-year staggered terms. Mayor Pinder commented in support of three or four-year staggered terms.

Mayor Pinder opened public comment.

Captain Ed Davidson noted that the voters had previously voted against four-year terms; noted that three-year terms required a separate election with associated costs to host the election; opined about the negative creditability that the new Council inherited; opined that the public credibility issue had not gone away but that the Council was off to a good start; and opined that the idea of changing the terms would be more embraceable in the future.

Mayor Pinder closed public comment.

Councilman Rosenthal noted that the last time the item was voted on the 57% of the voters voted against four-year Council terms. Councilman Gregg noted this was the first time, other than the initial Council, where there was an entirely new Council; suggested the next step was to pass an ordinance that would place a referendum on the ballot.

TAB 3: Discussion Regarding the Stormwater Issue on Lower Matecumbe Key Previously Presented by Ross Margolies

At 7:02 p.m. Councilman Gregg pulled the item from the agenda noting the Village had received correspondence from an attorney that raised legal issues.

Update Regarding the Lobster Mini Season Working Group

This item was heard at 7:04 p.m. Councilman Gregg stated the working group had a general discussion about what could be done to improve the mini season. He reported that the mini season issues were predominantly in the Upper Keys; Marathon experienced some issues last year as people migrated further south for the mini season; there were common things that could be done such as having the same messaging to the public about mini season and the regulations; the group liked Islamorada's regulations; they emphasized the need to have consistent regulations throughout the Keys so that there was a common message; community outreach and education; and the possibility of a tagging system in which the lobster had to be identified with a tag.

Councilman Rosenthal asked if the commercial fisherman had a position during the meetings. Councilman Gregg commented that he did not recall any commercial fisherman speaking but that the clear message was to not have mini season overlap with the commercial season. Councilman Rosenthal commented about his past experience with private and commercial lobster harvesting; noted the issues commercial fishermen have regarding theft from their lobster traps; and wondered if there was still a need for mini season. Councilman Gregg commented about the costs and time associated with commercial lobstering, the lobster theft and damage done to the traps and noted it was an FWC matter. Councilman Webb noted the FWC was often undermanned and underfunded; and noted the resources belonged to everyone, not just commercial or recreational anglers. Mayor Pinder expressed his support for educational efforts. Discussion ensued regarding examples of past mini season issues and FWC efforts.

Mayor Pinder opened public comment.

Captain Ed Davidson commented that mini season was 15% to 20% of his annual dive shop revenue; noted the revenue that was generated during lobster mini season by hotels and other businesses; expressed support for the tagging system; and the State Attorneys dedication to prosecuting violators.

Mayor Pinder closed public comment.

PUBLIC COMMENT

Mayor Pinder opened general public comment.

Ross Margolies addressed the stormwater issues along US-1 in front of his home on Lower Matecumbe Key. He asked for the grade of the access road to be fixed; to add drainage and for the Village to work with FDOT during their highway project. He noted that the Village had indicated the access road was not a road; that a well-researched memo was sent to the Village that addressed the issues and why the Village should address the problems; and that the memo did not contemplate or threaten litigation but was simply a statement of the facts. He offered to commit his time and resources to the Village and FDOT to work to fix the issue; noted that FDOT communicated to him that they were willing to work with Village and had added extra drainage to the area; and asked the Council to act with urgency to address the issue.

Elizabeth Jolin commented about the vacant lot at 201 Dogwood Lane that was being used for parking by customers of the Islamorada Beer Company; expressed that she was not able to determine how they were able to use the residential lot without going through a permitting, zoning or application process; opined about the expansion of the business with the beer garden; code requirements for opening, expanding a business and the requisite parking; and requested the Council direct Code to stop the inappropriate unchecked commercial use in their residential neighborhood.

Betty Shawler commented about 201 Dogwood Lane and the negative impacts to the resident's quality of life and asked the Council to follow the Village's legally established codes and regulations.

Susan Ciccolini commented about 201 Dogwood Lane stating the residents had not hired an attorney; no one in the neighborhood called the police on Tuesday; opined that the parking lot did not belong in a residential neighborhood; noted the business owner expanded the business without having ample parking; opined that the use of the residential lot for parking needed to stop immediately; and suggested the Council consider the Code for its underlying intent.

Theresa Sieg commented about the flooding issues in front of her home and her neighbor's homes on Lower Matecumbe; expressed concern that the flooding would get worse when the FDOT highway project was completed; suggested correcting the slope in the road and creating better drainage; and asked the Council to help the residents with the stormwater flooding issues.

Hal Martin commented about the issue at 201 Dogwood Lane stating he was in support of the Council upholding their duties to restrict the property to its R1 designation.

Chris Trentine, owner Islamorada Brewery, commented about parking being an issue for a lot of restaurants and noted that he had been using the lot for parking for four years.

Robert Moser, Lower Matecumbe Beach Property Owner's Association, thanked the previous and current Council and staff for the sediment removal from their canals.

Sharon Fisher commented about issues related to the use of the 201 Dogwood Lane property for parking noting that the community was a charming community but was becoming louder and unsafe.

Mayor Pinder closed public comment.

AGENDA: Requests for Deletion / Emergency Additions

Councilman Webb added general discussion items regarding administrative hearings for variances that do not come before Council and the use of residential properties for commercial purposes. Councilman Gregg added a discussion item regarding a joint meeting of the LPA and Achievable Housing Committee to consider incentives.

Councilman Rosenthal commented about the access road Mr. Margolies mentioned earlier in the meeting. He opined that it had been a road for a long time and provided historical references.

CITIZENS’ ADVISORY COMMITTEE UPDATES

Acknowledgement of Kathi Fegers Service on the Parks & Recreation Citizens’ Advisory Committee

Mayor Buddy Pinder noted that Kathi Fegers had recently resigned from the Parks & Recreation Citizens’ Advisory Committee. He expressed his gratitude for contributions and seven years of service on the committee.

CONSENT AGENDA

TAB 4: Minutes of the March 18, 2021 Regular Village Council Meeting

TAB 5: Resolution Approving Final Ranking and Recommendation of the RFP 21-04 Evaluation Committee for Installation of Sports Lighting for Founders Park Tennis Complex

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RANKINGS AND RECOMMENDATIONS OF THE RFP 21-04 EVALUATION COMMITTEE FOR INSTALLATION OF SPORTS LIGHTING FOR FOUNDERS PARK TENNIS COMPLEX; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR THE REQUESTED SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE

Mayor Pinder opened public comment; no comment was offered.

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

RESOLUTIONS

TAB 6: Resolution Considering a Reduction of Lien in the Code Compliance Case of John Slevette Mannix, Case No. CEBDGC20190000271

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A REDUCTION OF LIEN IN CODE COMPLIANCE CASE NO. CEBDGC20190000271; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL NECESSARY AND EXPEDIENT ACTION; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:42 p.m. Village Attorney Roget Bryan stated Tabs 6 and 7 were related items and Tabs 8 and 9 were related items. He requested to read the related titles and present the related staff reports together so that they could be discussed simultaneously. Council agreed to the request.

Mr. Bryan presented the staff reports for Tabs 6 and 7 regarding the two code cases for the Village-owned property and requested that the Council extinguish the remaining fines to zero.

Councilman Webb stated his comments would be the same for Tabs 6-9; noted he was a proponent of holding people accountable; and noted the fines were figured into the price the Village paid for the properties. Councilman Gregg noted the Village would be able to move forward with the affordable housing projects for the property. Councilman Rosenthal opined that by reducing the fines, the fines contributed to the purchase price. Councilman Webb explained a similar situation noting that if the fines were going to be paid, they would have been paid.

Mayor Pinder opened public comment for Tabs 6 and 7; no comment was offered.

Councilman David Webb made a motion to approve extinguishing the fine and administrative fee to zero. Councilman Mark Gregg seconded the motion. Council voted and the motion passed 5-0

TAB 7: Resolution Considering a Reduction of Lien in the Code Compliance Case of John Slevette Mannix, Case No. CEWST20190000106

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A REDUCTION OF LIEN IN CODE COMPLIANCE CASE NO. CEWST20190000106; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL NECESSARY AND EXPEDIENT ACTION; AND PROVIDING FOR AN EFFECTIVE DATE

Tab 7 was discussed with Tab 6.

Councilman David Webb made a motion to approve extinguishing the fine and administrative fee to zero. Councilman Mark Gregg seconded the motion. Council voted and the motion passed 5-0.

TAB 8: Resolution Considering a Reduction of Lien in the Code Compliance Case of Ocwen Loan Servicing LLC/ George T. Hunter, Case No. CEPM2016000020

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A REDUCTION OF LIEN IN CODE COMPLIANCE CASE NO. CEPM20160000020; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL NECESSARY AND EXPEDIENT ACTION; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:54 p.m. Village Attorney Roget Bryan read the titles and presented the staff reports for Tabs 8 and 9 regarding the two code cases for the Village owned property and requested that the Council extinguish the remaining fines to zero.

Mayor Pinder opened public comment for tabs 8 and 9; no comment was offered.

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

TAB 9: Resolution Considering a Reduction of Lien in the Code Compliance Case of Ocwen Loan Service & Pendergast & Morgan P.A., Case No. Cewstr20150000240

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A REDUCTION OF LIEN IN CODE COMPLIANCE CASE NO. CEWSTR20150000240; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL NECESSARY AND EXPEDIENT ACTION; AND PROVIDING FOR AN EFFECTIVE DATE

This item was discussed with Tab 8.

Councilman David Webb made a motion to approve reducing the fine to zero. Councilman Mark Gregg seconded the motion. Council voted and the motion passed 5-0.

TAB 10: Resolution Approving a First Amendment to the Agreement with Advanced Modular Structures, Inc., for a Modular Office Space for the Plantation Yacht Harbor Marina

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN ADVANCED MODULAR STRUCTURES, INC., AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE AND INSTALL A NEW MODULAR MARINA OFFICE BUILDING; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:00 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager Maria Bassett presented the staff report, provided background information for the replacement building and noted the deteriorating state of the current office. She explained that costs had risen due to the cost of building materials increasing and due to the fact the structure would have to be elevated higher than originally planned due to higher elevation requirements. She stated the amendment increased the not-to-exceed cost to approximately $190,000; noted that the contractor had expressed that Florida Building Code would change effective June 30 anticipating that costs could go up; and commented that the marina was doing well financially. Councilman Webb inquired about the new building codes. Ms. Bassett stated she was unfamiliar with the details of the changes to the Code. Discussion ensued regarding the effects changes could have on the timing of the project; the poor state of the existing office; the architecture of the existing buildings in the park; an opinion that the project costs were a bit high; that there was a change to the Florida Building Code January 2021; being allowed to build below the flood requirement when flood proofing measures were taken; a suggestion to table the item to allow time to look into constructing a building consistent with the park architecture; no contractors replied to the Request for Proposal and only one response was received; that the Advanced Modular contractor contacted 20 local contractors and only one responded; and that the structure was a modular building and was not a shipping container or trailer.

Ms. Bassett stated that if Council wanted a different type of structure, she would cancel with Advanced Modular and would order a new temporary structure due to the lengthy construction process. The Village Attorney explained the flood maps were changing and if the property was changed to a Coastal A zone there would be a problem regarding placement of the structure in that area. Ms. Bassett explained the agreement termination process and noted that she would rather terminate the contract than keep the contractor on the hold. Councilman Rosenthal expressed that he could not agree to spending close to $200,000 for a dockmaster's office. Ms. Bassett stated the expectation that there would be amenities in the office for use by the marina tenants. Councilman Gregg suggested exploring the idea of doing something more than the bare minimum; a magazine reported that the Plantation Yacht Harbor marina was voted the number two marina in its category in the country; and noted that the marina was an enterprise operation that was making money.

Discussion ensued about the state of the current trailer; site plan requirements for the rented trailer; that a replacement temporary trailer would be ordered; and that staff would address a new building. Councilman Webb asked the Village Attorney if his earlier comments meant that a flood map change could occur that would prohibit the Village from having a facility in that location. The Village

Attorney stated that he had communicated with the Building Official and that was a possibility. Councilman Webb stated he did not want to delay to the point where the Village was now in a situation where they could not have a facility. Councilman Gregg suggested tabling the item to allow time to research options; and that he was not saying to cancel Advanced Modular but to put them on hold. Vice Mayor Bacheler asked that if there was an existing structure and the maps changed, could the Village still replace the structure. The Village Attorney opined that the building official would have to address that question as he was not sure the Florida Building code considered the current office a structure. He stated that if it was the Council's will, the item could be tabled to allow staff time to gather additional information at least until the next meeting.

Mayor Pinder opened public comment.

Captain Ed Davidson commented that if the flood maps updated to reflect a real threat why would the Village disregard this information and incur the risk for future damage; opined that staff should determine the impacts of the new building code; and suggested a high-quality, well thought out replacement building.

Mayor Pinder closed public comment.

Councilman David Webb made a motion to table the item. Councilman Mark Gregg seconded the motion. Council voted and the motion passed 5-0.

TAB 11: Request for Authorization to Dispose of Surplus Vehicle-2000 Pierce Quantum Tanker

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, DECLARING THE 2000 PIERCE QUANTUM PUMPER TRUCK AS SURPLUS PROPERTY; AUTHORIZING DISPOSAL OF THE ASSET THROUGH DONATION TO LIBERTY COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 8:37 p.m. Village Attorney Roget Bryan read the title of the resolution. Chief Terry Abel provided the staff report for the fully depreciated pumper truck. Councilman Gregg noted the salvage value was approximately $5,000. Councilman Rosenthal noted the drastic difference in the median household income between Monroe County and Liberty County

Mayor Pinder opened public comment; no comment was offered.

Councilman Henry Rosenthal made a motion to approve. Councilman David Webb seconded the motion. Council voted and the motion passed. 5-0.

TAB 12: Resolution Approving Renewal of an Engagement with Mauldin & Jenkins, LLC for Professional Auditing Services for the Fiscal Year Ending September 30, 2020

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; APPROVING THE RENEWAL OF AN ENGAGEMENT FOR PROFESSIONAL AUDITING SERVICES WITH MAULDIN & JENKINS, LLC, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2020; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE RENEWAL OF THE PROFESSIONAL AUDITING SERVICES ENGAGEMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PROFESSIONAL AUDITING SERVICES ENGAGEMENT;

AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:43 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager Maria Bassett presented the staff report.

Mayor Pinder opened public comment; no comment was offered.

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

MAYOR / COUNCIL COMMUNICATIONS

Discussion Regarding Vacant Lot Owned by Overseas Center LLC Located at Mile Marker 88.6

This item was heard at 8:48 p.m. The Village Attorney reported that staff had receive information from the property owner's attorney about the possible sale/purchase of the property. He asked if it were the will of the Council, to provide direction to staff to communicate with the property owner about the possibility and if the owner responded favorably, staff would provide an agenda item at a future meeting.

Mayor Pinder opened public comment; no comment was offered.

Council expressed agreement with the Attorney's request.

Discussion Regarding 81981 Overseas Highway

This item was heard at 8:49 p.m. Mayor Pinder noted there was a parking problem in the Village and asked the Acting Village Manager to address the discussion item. Ms. Bassett stated that staff had been asked to research whether the Walgreens property was available for purchase with the idea the parcel could be used for municipal parking. She noted that she had sent Council a copy of the parking study created by Kittelson & Associates and that it was placed on the agenda to get direction from Council to pursue investigating whether the property was for sale which would be done through a commercial realtor.

Mayor Pinder opened public comment; no comment was offered.

Council expressed agreement with directing staff to investigate whether the property was for sale.

Discussion Regarding Senior Citizen and Disabled Veteran Wastewater Rate Discounts

This item was heard at 8:52 p.m. Councilman Webb stated he was contacted by a resident that informed him that FKAA offered discounts on the water bill to senior citizens who asked if it would be possible for FKAA to accommodate a wastewater discount for senior citizens as well. Acting Village Manager Maria Bassett stated she was not sure what the water discount was but that she had confirmed with FKAA that they did offer a water and wastewater discount; that the Key Largo Wastewater Treatment District (KWWTD) offered discounts and she believed that the City of Key West and Marathon offered wastewater discounts. She explained that the discounts ranged from 50% to 100% percent waiving of one of the wastewater line items; and explained the three charges on the bill of which one was for flow, one was a flat billing rate, and there was a base facility charge. She reported FKAA had not yet given her the information regarding the number of individuals that would qualify for the discount; FKAA would be willing to give the wastewater discount to individuals receiving the water discount; there were income limitations for receiving the senior citizen discount; and that the veterans had to be 100% disabled. Councilman Webb asked the Council to support extending the discount to wastewater. Vice Mayor Pete Bacheler stated he would be in favor as long as the rest of the community did not have to pay more. Councilman Webb opined that the cost had to be absorbed by someone else and would be borne by the other water users. Councilman Webb asked if the discount would require a resolution. Ms. Bassett stated a resolution would be needed. Council expressed agreement with staff obtaining the additional information.

Mayor Pinder opened public comment; no comment was offered.

Discussion Regarding Administrative Hearings for Variances

This item was heard at 8:59 p.m. Councilman Webb commented that development in Islamorada was soon going to become redevelopment and suggested reviewing some of the policies and procedures and entertain some possible modifications. He commented about variance requirements and people building without following the proper procedures for obtaining a variance from the planning department and noted people often built illegally then asked for forgiveness. He explained the process for notification of a variance request and the administrative decision was made by the Planning Director when the variance was not contested. Councilman Webb stated that he did not think that the Planning Director should administratively approve after-the-fact variance requests, suggested the decision should come before the Council, and opined it was a difficult task for staff to try to arbitrate these situations. He stated he would like to review the fines and fees for after-the-fact permits and related code violations. Vice Mayor Bacheler commented about code enforcement boards and existing fines and after-the-fact permit fees and that he wanted the public to understand the Village would only address Village code, not the codes or regulations of an HOA. Councilman Gregg provided his understanding of the Code as it relates to administrative variances; expressed agreement with Councilman Webb's comments regarding individuals that attempted to circumvent the system by building without a permit and agreed it needed to be looked into but preferred it to be kept away from the dais as much as possible. Vice Mayor Bacheler explained administrative relief for a variance from Council and stated that he wanted to review and possibly change some of the requirements for this administrative relief process.

Discussion Regarding the use of Residential Properties for Commercial Purposes

This item was heard at 9:10 p.m. Councilman David Webb commented about the Comprehensive Plan's preamble which described the vision for Islamorada, and he contrasted it with the actual plan noting the ambiguity and room for a huge amount of interpretation. He opined that the Village could not be all things to all people and noted the growing conflict between business interests and the interests of residents in Islamorada. He commented about businesses encroaching into residential areas to accommodate their parking needs; the requirement for commercial development to demonstrate that they can provide required parking using Publix as an example and noted the parking issue in Islamorada and the need for municipal parking. Councilman Webb stated the Council needed to decide if and how they would remove some of the lack of clarity and the great amount of flexibility that existed in the Village Code and Comprehensive Plan. He explained that the current Code allowed for an owner of a residential lot to park a passenger vehicle on the lot and opined that the intent of the Code was not to extrapolate that it could be used as a commercial parking lot. He referenced the portion of the Code that addressed home occupation permits as another example. Councilman Webb commented that when businesses outgrew their current location, they typically moved to a location that could accommodate their growth. Mayor Pinder noted that if the Village were to enforce the Code it would not be selective enforcement. Councilman Gregg expressed agreement noting the changes and growth since incorporation. Vice Mayor Bacheler commented about the ambiguity and inaccuracies in the Code and expressed that there were a lot of changes that needed to be made and that it would be a lengthy process. Councilman Gregg commented regarding his experience with the first Village Code in 2000-20001; the lengthy process and need for workshops; and expressed his agreement with a Code review. Councilman Rosenthal commented about the Council's platform when running for election; noted the quick process of obtaining a building permit 20 years ago; and expressed his support for Councilman Webb's suggestion. Councilman Webb stated the Council needed to work to obtain the proper balance between residents and businesses.

Mayor Pinder opened public comment.

Elizabeth Jolin expressed her appreciation to Council for their attention to the matter and noted the issue in her neighborhood.

Joan Scholz expressed her appreciation to Council.

Mayor Pinder closed public comment.

Discussion Regarding a Joint Meeting of the LPA and Achievable Housing Committee
This item was heard at 9:32 p.m. Councilman Mark Gregg commented about the difficulty and expense involved in constructing affordable housing. He suggested that there were possibly some financial incentives that could be offered and suggested the Local Planning Agency (LPA) and Achievable Housing Committee could meet to discuss ideas for incentivizing affordable housing construction. Councilman Webb commented about the 300 affordable housing allocations that could be awarded; noted the 48-hour hurricane evacuation requirement; and opined that monitoring to ensure compliance with the 48-hour rule was not likely to occur. He questioned whether 300 additional permits were the best thing for Islamorada and asked if was a topic that could be discussed at a joint meeting. Councilman Gregg stated that while the Village may have access to 300 affordable permits, the amount that gets allocated is up to the Council. He suggested it was a topic for Council to discuss and noted the LPA and Achievable Housing Committee would also want to opine. Vice Mayor Pete Bacheler confirmed with Councilman Webb that he did want to continue moving forward with affordable housing. Councilman Gregg asked for Council support to direct staff to arrange for a joint meeting of the two committees to address affordable housing financial incentives for the development of affordable housing. Acting Village Manager Maria Bassett noted that two existing incentives included waiver of building permit fees and a 50% reduction to the impact fees for the development of affordable housing. Council expressed their agreement for Councilman Gregg's request.

Mayor Pinder opened public comment; no comment was offered.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Discussion Regarding Amicus Brief

This item was heard at 9:40 p.m. Village Attorney Roget Bryan stated that he was following up on the email from Monroe County that he forwarded to Council in which the Village was being asked to sign on to an amicus brief. He stated Monroe County was waiting to hear from the Village and the City of Key West. Council expressed their approval for signing on to the amicus brief.

Councilman Rosenthal complimented the Village Clerk on her thorough meeting minutes.

Councilman Gregg noted April 22 was Earth Day and encouraged people to plant a tree.

ADJOURNMENT

Councilman David Webb made a motion to adjourn. Vice Mayor Pete Bacheler seconded the motion. The meeting adjourned at 9:41 p.m.

Approved by Council April 29, 2021.

Kelly S. Toth

Kelly S. Toth, CMC
Village Clerk