

Exhibit A to RFA 2020-302– CDBG-DR Financing in Monroe County

1. Certification and Acknowledgement forms

- a. Applicant Certification and Acknowledgement form

Provide the Applicant Certification and Acknowledgement, executed by the Authorized Principal Representative, as **Attachment 1**.

- b. Land Owner Certification and Acknowledgement form (Priority I and II Applications only)

To be considered a Priority I or II Application, provide the Land Owner Certification and Acknowledgement form, executed by the Authorized Land Owner Representative as **Attachment 1**.

2. Demographic Commitment

The Demographic Commitment must be Workforce households at or below 80% of the Area Median Income, serving general occupancy. No properties funded under this RFA may be age restricted.

3. Applicant, Developer, Management Company, and Contact Person

- a. Applicant

- (1) Name of Applicant

Islamorada, Village of Islands

- (2) Does the Application qualify as a Priority I or II?

Priority I Application

State the name of the Local Government, Public Housing Authority, Land Authority, or Community Land Trust that is the Land Owner for use in the Land Owner Award Tally and, if applicable, will be the recipient of the Land Acquisition Program Funding.

Islamorada, Village of Islands

If the Community Land Trust is the Land Owner, the Community Land Trust must demonstrate that it qualifies as a Community Land Trust by providing the required information as **Attachment 2**.

- (3) If the Applicant is a Single Purpose Legal Entity, provide the required documentation to demonstrate that the Applicant is a legally formed entity qualified to do business in the state of Florida as of the Application Deadline as **Attachment 2**.

- (4) Non-Profit Applications

- (a) Does the Applicant or the General Partner or managing member of the Applicant meet the definition of Non-Profit Entity as set forth Exhibit B of this RFA?

Yes

If "Yes", provide the required information for the Non-Profit entity as **Attachment 3** and answer question (b) below.

- (b) Does the Applicant or the General Partner or managing member of the Applicant also meet the definition of 100% Non-Profit Entity as set forth Exhibit B of this RFA?

Yes

b. General Developer Information

- (1) Name of each Developer (including all co-Developers)

Key Largo Lions Foundation

- (2) For each Developer entity listed in question (1) above (that is not a natural person, Local Government, Public Housing Authority, or Land Authority), provide, as **Attachment 4**, the required documentation demonstrating that the Developer is a legally formed entity qualified to do business in the state of Florida as of the Application Deadline.

- (3) Affordable Housing Experience Funding Preference

Does at least one natural person Principal of the Developer entity, or if more than one Developer entity, at least one natural person Principal of at least one of the Developer entities, meet the requirements to qualify for the Affordable Housing Experience Funding Preference?

Yes

If "Yes", in order to qualify for the preference, provide, as **Attachment 4**, the required prior experience chart demonstrating the experience.

- (4) Federal Funding Experience Funding Preference

Does at least one Principal of the Developer entity, or if more than one Developer entity, at least one Principal of at least one of the Developer entities, meet the requirements to qualify for the Federal Funding Experience Preference?

No

If “Yes”, in order to qualify for the preference, the prior experience chart provided as **Attachment 4** must demonstrate the experience.

c. Principals Disclosure for the Applicant and for each Developer (5 points)

(1) Eligibility Requirement

To meet the submission requirements, upload the CDBG-DR Principals of the Applicant and Developer(s) Disclosure Form (Form Rev. 06-19) (“Principals Disclosure Form”) with the Application and Development Cost Pro Forma, as outlined in Section Three of the RFA.

(2) Point Item

Applicants will receive 5 points if the uploaded Principal Disclosure Form was stamped “Approved” during the Advance Review Process provided it is still correct as of Application Deadline.

d. General Management Company

Name of the Management Company:

The management company is still being determined

If the Development consists of more than 25 units, provide, as **Attachment 5**, the required prior experience chart for the Management Company or a principal of the Management Company reflecting the required information.

e. Authorized Principal Representative / Contact Person

(1) Authorized Principal Representative contact information (required)

Name: Seth Lawless
Organization: Village Manager, Village of Islamorada
Street Address: 86800 Overseas Highway
City: Islamorada
State: Florida
Zip: 33036
Telephone: 305-664-6460
E-Mail Address: Seth.lawless@islamorada.fl.us

(2) Operational Contact Person information (optional)

Name: Chris Sante
Organization: Key Largo Lions Foundation, Inc.
Street Address: 300 Atlantic Drive
City: Key Largo
State: Florida
Zip: 33037
Telephone: 305-522-6598

E-Mail Address: CSante@bellsouth.net

4. General Proposed Development Information

- a. Name of the proposed Development

Isla Villas

- b. Development Category must be new construction, with or without acquisition. All units must consist entirely of new construction units. Rehabilitation of existing units is not allowed. Demolition of current structures is allowed.

- c. Select the Development Type

Single Family Homes

- d. Resiliency Preference

Does the proposed Development meet the Resiliency Preference?

Yes

- e. Has construction commenced?

No

Note: If "Yes", all rules and regulations in Item 5 of Exhibit C, which includes cross-cutting Federal Regulations, will apply.

5. Location of proposed Development

- a. This RFA is open only to proposed Developments located in Monroe County.

- b. Development Location

(1) Address of Development Site:

292 Gardenia Street, Tavernier, 33070 Lot 7 (Parcel 418150); Lot 8 (Parcel 418160); Lot 13 (Parcel 418210)

(2) City of Development Site:

Tavernier

- c. Does the proposed Development consist of Scattered Sites?

No

d. Latitude and Longitude Coordinates

(1) Latitude and Longitude Coordinates of the first site

Latitude in decimal degrees, rounded to at least the sixth decimal place
24.993200

Longitude in decimal degrees, rounded to at least the sixth decimal place
-80.540520

(2) If the proposed Development consists of Scattered Sites, identify the latitude and longitude coordinate for any additional sites not identified above, rounded to at least the sixth decimal place:

Not Applicable

6. Number of Building and Units

a. Total number of units in the proposed Development: 8

b. Set-Aside Commitments

(1) Workforce Units

The Applicant must commit to set aside 100 percent of the total units at or below 80 percent Area Median Income (AMI).

(2) Extremely Low-Income (ELI) Set-Aside Units

At least 10 percent of the total units must be set-aside at or below 25 percent AMI as Extremely Low-Income (ELI) Set-Aside Units.

(3) Link Units for Persons with Special Needs

All Developments must commit to set-aside at least 50 percent of the ELI Set-Aside units (i.e., at least 5 percent of the total units) as Link Units for Persons with Special Needs.

c. Unit Mix Chart

Number of Bedrooms/Bathrooms per Unit	Number of Units per Bedroom Type	Number of Units that are ELI Set-Aside Units
<u>2 Bedrooms/1.5 Bathrooms</u>	<u>8</u>	<u>1</u>
<u>Choose an item.</u>	<u>Enter Number</u>	<u>Enter Number</u>

Choose an item.	Enter Number	Enter Number
Choose an item.	Enter Number	Enter Number
Choose an item.	Enter Number	Enter Number
Choose an item.	Enter Number	Enter Number

(1) How many Zero Bedroom Units are described in the unit mix chart?

0

(2) How many one-bedroom units are described in the unit mix chart?

0

(3) How many two-bedroom units are described in the unit mix chart?

8

(4) How many three-bedroom units are described in the unit mix chart?

0

(5) How many four-bedroom units are described in the unit mix chart?

0

d. Number of Buildings

Number of anticipated residential buildings: 8

7. Readiness to Proceed

a. Site Control

The properly executed Site Control Certification form (Form Rev. 08-18) and attachments must be provided as **Attachment 6** to demonstrate site control as of Application Deadline.

b. Ability to Proceed documents

(1) Provide the required documentation to demonstrate zoning as **Attachment 7**.

(2) Provide the required documentation to demonstrate availability of electricity as **Attachment 8**.

(3) Provide the required documentation to demonstrate availability of water as **Attachment 9**.

- (4) Provide the required documentation to demonstrate availability of sewer as **Attachment 10.**
- (5) Provide the required documentation to demonstrate availability of roads as **Attachment 11.**

8. Construction Features

- a. Federal requirements and State Building Code requirements for all Developments are outlined in Section Four.
- b. General feature requirements for all Developments are outlined in Section Four.
- c. Accessibility feature requirements for all Developments are outlined in Section Four.
- d. Green Building Features:
 - (1) Green Building feature requirements for all Developments are outlined in Section Four.
 - (2) Applicants must commit to achieve one of the following Green Building Certification programs described in Section Four.

ICC 700 National Green Building Standard (NGBS)

9. Resident Programs

For all proposed Developments that consist of less than eight units, there is no requirement to commit to any of the resident programs below. For proposed Developments that consist of eight to 25 units, it is a Mandatory requirement that at least one of the resident programs is selected, but this may be off-site if accommodations are made so that residents can attend. For all proposed Developments that consist of more than 25 units, it is a Mandatory requirement that at least two of the resident programs are selected and offered on-site.

- After School Program for Children
- Adult Literacy
- Employment Assistance Program
- Family Support Coordinator
- Financial Management Program

10. Funding

- a. Corporation Funding
 - (1) Development Funding available to all Applicants
 - (a) Development Funding Request Amount: \$ 2,911,707.00
 - (b) Land Acquisition Program Funding Request Amount: \$ 0

The Maximum Funding Request amounts are provided in Section Four A.10. of the RFA.

(2) Other Corporation Funding

(a) If a PLP loan has been awarded for this Development, provide the following information:

Corporation File #	Amount of Funding
<u>N/A</u>	<u>\$ 0</u>

(b) If any other Corporation funds will be incorporated as a source of financing for the proposed Development, provide the information in the chart below:

Corporation Program	Corporation File No.	Amount of Funding
SAIL	<u>N/A</u>	<u>\$ 0</u>
HOME-Rental	<u>N/A</u>	<u>\$ 0</u>
MMRB	<u>N/A</u>	<u>\$ 0</u>
EHCL	<u>N/A</u>	<u>\$ 0</u>

b. Non-Corporation Funding

Attach all funding proposals executed by the lender(s) or by any other source as **Attachment 12.**

c. Development Cost Pro Forma

To meet the submission requirements, upload the Development Cost Pro Forma with the Application and CDBG-DR Principals of the Applicant and Developer(s) Disclosure Form (Form Rev. 06-19) ("Principals Disclosure Form"), as outlined in Section Three of the RFA.

d. Public Housing Authority as a Principal of the Applicant Entity

Is a Principal of the Applicant Entity a Public Housing Authority or an instrumentality of a Public Housing Authority?

No

If the Principal of the Applicant Entity is an instrumentality of a Public Housing Authority, state the name of the Public Housing Authority:

N/A

11. Uniform Relocation Act

a. Are there any units occupied?

Yes

If "Yes" – Go to question b. below.

If "No" – Go to question c. below.

b. Tenant Relocation Information for Existing Properties:

- (1) How many total units now exist in the development? 3
- (2) How many units are occupied? 1
- (3) Based on the income information of each tenant, is permanent relocation (displacement) anticipated during or after the construction period?

Yes

If "Yes", how many units are affected? 1

- (4) Will temporary relocation of any tenants be required?

Yes

If "Yes", how many tenants will require temporary relocation? Unknown, because it is unclear if the household in question will be eligible under the Uniform Relocation Act

- (5) Provide the required list of all occupied units and tenant income certifications as **Attachment 13**.
- (6) Provide the required description of how the Development will meet the set-aside requirements as **Attachment 14**.
- (7) Provide the required description of how the cost of relocation will be covered as **Attachment 15**.

c. Uniform Relocation Act (URA) Acquisition Information:

- (1) Does the Applicant or Land Owner currently own the Development site?

Yes

If "Yes" - Provide a narrative regarding the acquisition as **Attachment 16** and skip questions (2) through (4) below.

If "No" - Answer question (2) below.

(2) Is the Applicant or Land Owner a private company?

No

If "Yes" - Provide a copy of the notice provided to the current owner/seller as **Attachment 17** and skip questions (3) and (4) below.

If "No" - Answer question (3) below.

(3) Is the Applicant or Land Owner a public (government) Applicant?

Yes

If "Yes" - Answer question (4) below.

If "No" - Skip question (4) below.

(4) Does the Applicant have eminent domain power?

Yes

If "Yes" - Provide a copy of the required notice as **Attachment 18**.

If "No" - Provide the required information as **Attachment 18**.

B. Addenda

The Applicant may use the space below to provide any additional information or explanatory addendum for items in the Application. Please specify the particular item to which the additional information or explanatory addendum applies.

[Click here to enter text.](#)

RFA 2020-302 DEVELOPMENT COST PRO FORMA

- NOTES:
- (1) Developer fee may not exceed the limits established in Rule Chapter 67-48, F.A.C., or this RFA Any portion of the fee that has been deferred must be included in Total Development Cost.
 - (2) General Contractor's fee is limited to 14% of actual construction cost (for Application purposes, this is represented by A1.1. Column 3), rounded down to nearest dollar. The General Contractor's fee must be disclosed. The General Contractor's fee includes General Conditions, Overhead, and Profit.
 - (3) For Application purposes, the maximum hard cost contingency allowed cannot exceed 5% of the amount provided in column 3 for A1.3. TOTAL ACTUAL CONSTRUCTION COSTS for Developments where 50 percent or more of the units are new construction. Otherwise the maximum is 15%. The maximum soft cost contingency allowed cannot exceed 5% of the amount provided in column 3 for A2.1 TOTAL GENERAL DEVELOPMENT COST. Limitations on these contingency line items post-Application are provided in Rule Chapter 67-48, F.A.C.
 - (4) Operating Deficit Reserves (ODR) of any kind are not to be included in C. DEVELOPMENT COST and cannot be used in determining the maximum Developer fee. In addition, an ODR is not permitted in this Application at all. If one has been included, it will be removed by the scorer, reducing total costs. However, one may be included during the credit underwriting process where it will be sized. The final cost certification may include an ODR, but it cannot exceed the amount sized during credit underwriting.
 - (5) Although the Corporation acknowledges that the costs listed on the Development Cost Pro Forma, Detail/Explanation Sheet, Construction Analysis and Permanent Analysis are subject to change during credit underwriting, such costs are subject to the Total Development Cost Per Unit Limitation as provided in the RFA, as well as the other cost limitations provided in Rule Chapter 67-48, F.A.C., as applicable.

USE THE DETAIL/EXPLANATION SHEET FOR EXPLANATION OF * ITEMS. IF ADDITIONAL SPACE IS REQUIRED, ENTER THE INFORMATION ON THE ADDENDA LOCATED AT THE END OF THE APPLICATION.

What was the Development Category of the Proposed Development: New Construction (w/ or w/o Acquisition)
 Indicate the number of total units in the proposed Development: 8 Units

	1 ENTER TOTAL COSTS IN THIS COLUMN	3 TOTAL COSTS
DEVELOPMENT COSTS		
<i>Actual Construction Costs</i>		
Accessory Buildings	_____	_____
Demolition	<u>50,000</u>	<u>50,000</u>
New Rental Units	<u>1,884,480</u>	<u>1,884,480</u>
*Off-Site Work (explain in detail)	_____	_____
Recreational Amenities	_____	_____
Site Work	<u>64,000</u>	<u>64,000</u>
*Other (explain in detail)	<u>216,000</u>	<u>216,000</u>
A1.1. Actual Construction Cost	\$ <u>2,214,480</u>	\$ <u>2,214,480</u>
A1.2. General Contractor Fee <small>See Note (3)</small> (Max. 14% of A1.1., column 3)	\$ <u>310,027</u>	\$ <u>310,027</u>
A1.3. TOTAL ACTUAL CONSTRUCTION COSTS	\$ <u>2,524,507</u>	\$ <u>2,524,507</u>
A1.4. HARD COST CONTINGENCY <small>See Note (4)</small>	\$ _____	\$ _____

RFA 2020-302 DEVELOPMENT COST PRO FORMA

	1 ENTER TOTAL COSTS IN THIS COLUMN	3 TOTAL COSTS
<i>General Development Costs</i>		
Accounting Fees	<u>8,000</u>	<u>8,000</u>
Appraisal	<u>4,500</u>	<u>4,500</u>
Architect's Fee - Site/Building Design	<u>40,000</u>	<u>40,000</u>
Architect's Fee - Supervision	<u>10,000</u>	<u>10,000</u>
Builder's Risk Insurance	<u>25,000</u>	<u>25,000</u>
Building Permit	<u></u>	<u></u>
Capital Needs Assessment	<u></u>	<u></u>
Engineering Fees	<u>15,000</u>	<u>15,000</u>
Environmental Report	<u>7,000</u>	<u>7,000</u>
FHFC Administrative Fee <small>See Note (2)</small>	<u></u>	<u></u>
FHFC Application Fee <small>See Note (2)</small>	<u></u>	<u></u>
FHFC Compliance Fee <small>See Note (2)</small>	<u></u>	<u></u>
FHFC PRL/Credit Underwriting Fees <small>See Note (2)</small>	<u></u>	<u></u>
Green Building Certification/ HERS Inspection Costs	<u></u>	<u></u>
*Impact Fees (list in detail)	<u></u>	<u></u>
Inspection Fees	<u>8,000</u>	<u>8,000</u>
Insurance	<u>24,000</u>	<u>24,000</u>
Legal Fees	<u>30,000</u>	<u>30,000</u>
Market Study	<u></u>	<u></u>
Marketing/Advertising	<u></u>	<u></u>
Property Taxes	<u>25,000</u>	<u>25,000</u>
Soil Test Report	<u></u>	<u></u>
Survey	<u></u>	<u></u>
Tenant Relocation Costs	<u>10,500</u>	<u>10,500</u>
Title Insurance & Recording Fees	<u>10,000</u>	<u>10,000</u>
Utility Connection Fee	<u>80,000</u>	<u>80,000</u>
*Other (explain in detail)	<u></u>	<u></u>
A2.1. TOTAL GENERAL DEVELOPMENT COST	\$ <u>297,000</u>	\$ <u>297,000</u>
A2.2. SOFT COST CONTINGENCY <small>See Note (4)</small>	\$ <u></u>	\$ <u></u>

RFA 2020-302 DEVELOPMENT COST PRO FORMA

	1 ENTER TOTAL COSTS IN THIS COLUMN	3 TOTAL COSTS
<i>Financial Costs</i>		
Construction Loan Origination/ Commitment Fee(s)	<u>25,000</u>	<u>25,000</u>
Construction Loan Credit Enhancement Fee(s)	<u>15,000</u>	<u>15,000</u>
Construction Loan Interest	<u>20,000</u>	<u>20,000</u>
Non-Permanent Loan(s) Closing Costs	<u>10,200</u>	<u>10,200</u>
Permanent Loan Origination/ Commitment Fee(s)	<u> </u>	<u> </u>
Permanent Loan Credit Enhancement Fee(s)	<u> </u>	<u> </u>
Permanent Loan Closing Costs	<u>20,000</u>	<u>20,000</u>
Bridge Loan Origination/ Commitment Fee(s)	<u> </u>	<u> </u>
Bridge Loan Interest	<u> </u>	<u> </u>
*Other (explain in detail)	<u> </u>	<u> </u>
A3. TOTAL FINANCIAL COSTS	\$ <u>90,200</u>	\$ <u>90,200</u>
<i>ACQUISITION COST OF EXISTING DEVELOPMENT (excluding land)</i>		
Existing Building(s)	<u> </u>	<u> </u>
*Other (explain in detail)	<u> </u>	<u> </u>
B. TOTAL ACQUISITION COSTS OF EXISTING DEVELOPMENT (excluding land)	\$ <u> </u>	\$ <u> </u>
C. DEVELOPMENT COST (A1.3+A1.4+A2.1+A2.2+A3+B)	\$ <u>2,911,707</u>	\$ <u>2,911,707</u>
<i>Developer Fee ^{See Note (1)}</i>		
Developer Fee on Acquisition Costs	<u> </u>	<u> </u>
Developer Fee on Non-Acquisition Costs	<u> </u>	<u> </u> **
D. TOTAL DEVELOPER FEE	\$ <u> </u>	\$ <u> </u> **
E. OPERATING DEFICIT RESERVES ^{See Note (5)}	\$ <u> </u>	\$ <u> </u>
F. TOTAL LAND COST	\$ <u> </u>	\$ <u> </u>
G. TOTAL DEVELOPMENT COST ^{See Note (6)} (C+D+E+F)	\$ <u>2,911,707</u>	\$ <u>2,911,707</u>

Detail/Explanation Sheet

Totals must agree with Pro Forma. Provide component descriptions and amounts for each item that has been completed on the Pro Forma that requires a detailed list or explanation.

DEVELOPMENT COSTS

Actual Construction Cost

(as listed at Item A1.)

Off-Site Work:

Other:

General Development Costs

(as listed at Item A2.)

Impact Fees:

Other:

Financial Costs

(as listed at Item A3.)

Other:

Acquisition Cost of Existing Developments

(as listed at Item B2.)

Other:

NOTES: Neither brokerage fees nor syndication fees can be included in eligible basis. Consulting fees, if any, and any financial or other guarantees required for the financing must be paid out of the Developer fee. Consulting fees include, but are not limited to, payments for Application consultants, construction management or supervision consultants, or local government consultants.

CONSTRUCTION ANALYSIS

	AMOUNT	LENDER/TYPE OF FUNDS
A. Total Development Costs	\$ <u>2,911,707.00</u>	
B. Construction Funding Sources:		
1. First Mortgage Financing	\$ <u>2,911,707.00</u>	<u>FHFC - CDBG-DR</u>
2. Second Mortgage Financing	\$ _____	<u><select from menu></u>
3. Third Mortgage Financing	\$ _____	<u><select from menu></u>
4. Fourth Mortgage Financing	\$ _____	<u><select from menu></u>
5. Fifth Mortgage Financing	\$ _____	<u><select from menu></u>
6. Sixth Mortgage Financing	\$ _____	<u><select from menu></u>
7. Seventh Mortgage Financing	\$ _____	<u><select from menu></u>
8. Eighth Mortgage Financing	\$ _____	<u><select from menu></u>
9. Ninth Mortgage Financing	\$ _____	<u><select from menu></u>
10. Tenth Mortgage Financing	\$ _____	<u><select from menu></u>
11. Other: _____	\$ _____	
12. Other: _____	\$ _____	
13. Deferred Developer Fee	\$ _____	
14. Total Construction Sources	\$ <u><u>2,911,707.00</u></u>	
C. Construction Funding Surplus		
(B.14. Total Construction Sources, less A. Total Development Costs):	\$ <u><u>0.00</u></u>	(A negative number here represents a funding shortfall.)

Each Attachment must be listed behind its own Tab. DO NOT INCLUDE ALL ATTACHMENTS BEHIND ONE TAB.

PERMANENT ANALYSIS

	AMOUNT	LENDER/TYPE OF FUNDS
A. Total Development Costs	\$ <u>2,911,707.00</u>	
B. Permanent Funding Sources:		
1. First Mortgage Financing	\$ <u>2,911,707.00</u>	<u>FHFC - CDBG-DR</u>
2. Second Mortgage Financing	\$ _____	<u><select from menu></u>
3. Third Mortgage Financing	\$ _____	<u><select from menu></u>
4. Fourth Mortgage Financing	\$ _____	<u><select from menu></u>
5. Fifth Mortgage Financing	\$ _____	<u><select from menu></u>
6. Sixth Mortgage Financing	\$ _____	<u><select from menu></u>
7. Seventh Mortgage Financing	\$ _____	<u><select from menu></u>
8. Eighth Mortgage Financing	\$ _____	<u><select from menu></u>
9. Ninth Mortgage Financing	\$ _____	<u><select from menu></u>
10. Tenth Mortgage Financing	\$ _____	<u><select from menu></u>
11. Other: _____	\$ _____	
12. Other: _____	\$ _____	
13. Deferred Developer Fee	\$ _____	
14. Total Permanent Funding Sources	\$ <u><u>2,911,707.00</u></u>	
C. Permanent Funding Surplus		
(B.14. Total Permanent Funding Sources, less A. Total Development Costs):	\$ <u><u>0.00</u></u>	(A negative number here represents a funding shortfall.)

Each Attachment must be listed behind its own Tab. DO NOT INCLUDE ALL ATTACHMENTS BEHIND ONE TAB.

RFA 2020-302 DEVELOPMENT COST PRO FORMA

The intent of this page is to assist the Applicant in determining a TDC PU Limitation for the proposed Development and comparing it to the appropriate RFA's TDC PU Limitation. The accuracy of the comparison is dependent upon the accuracy of the inputs and Florida Housing takes no responsibility in any programing errors. FHFC will not use this page to score TDC PU Limitation criteria. If FHFC makes any adjustments to the Applicant's data or assumptions, FHFC's TDC PU for Limitation purposes of the proposed Development or the TDC PU Limitation determined by FHFC may be different than the amounts provided below. Please read the RFA for qualifying responses and definition of terms. This table is optional and its use is at the sole discretion of the Applicant. Applicant is responsible to verify and be in compliance with all aspects of the Application to meet RFA criteria.

TDC PU LIMITATION ANALYSIS

Not in South Florida, New Construction, Garden, ESSC.

In which county is the proposed Development to be located? Monroe (Small County)

You have indicated above on row 32 that the Development Category of the Proposed Development is..... New Construction (w/ or w/o Acquisition)

What is the proposed Development's Development Type? Garden

Does the proposed Development qualify as Enhanced Structural Systems Construction (ESSC)? Yes

The TDC PU Base Limitation for the above defined Development is..... \$248,000

Does the proposed Development qualify for any of the following TDC PU Add-Ons or Multipliers? Choose all that apply.

- 1. (a) PHA is a Principal/Affiliate Add-On..... No (Select one or no option, as applicable)
- (b) Requesting HOME funds from FHFC Add-On..... [Greyed out]
- (c) Requesting CDBG-DR funds from FHFC Add-On..... Yes
- 2. Tax-Exempt Bond Add-On..... [Greyed out] (Select if applicable)
- 3. (a) North Florida Keys Area Multiplier..... No (Select one option if applicable)
- (b) South Florida Keys Area Multiplier..... Yes
- 4. (a) Persons with Developmental Disabilities Multiplier..... [Greyed out]
- (b) Persons with a Disabling Condition Multiplier..... [Greyed out] (Select one or no option, as applicable)
- (c) Persons with Special Needs Multiplier..... [Greyed out]
- (d) Homeless Demographic Multiplier..... [Greyed out]
- 5. Elderly ALF Multiplier..... [Greyed out] (Select if applicable)
- 6. (a) Less than 51 units Multiplier*..... [Greyed out] (Select one option if applicable)
- (b) More than 50 units, but less than 81 units Multiplier*..... [Greyed out]

**For 9% HC Permanent Supportive Housing RFAs only. The proposed Development must be new construction to qualify as well as not being located in Monroe County.*

The final overall TDC PU Limitation for the above defined Development is.. \$506,000.00

Derivation of the TDC PU of the proposed Development for Limitation purposes:

Total Development Costs (Line G., column 3)	<u>\$2,911,707.00</u>
Less Land Costs (Line F., column 3)	<u>\$0.00</u>
Less Operating Deficit Reserves (Line E., column 3)	<u>\$0.00</u>
Less Demolition and Relocation Costs, if applicable	<u>\$0.00</u>
TDC of the proposed Development for Limitation Purposes:	<u>\$2,911,707.00</u>
TDC PU of the proposed Development for Limitation Purposes:	<u>\$363,963.38</u>
Is the proposed Development's TDC PU for Limitation purposes equal to or less than the TDC PU Limitation provided in the RFA?.....	<u>Yes</u>

CDBG-DR Principal Disclosures for the Applicant

Select the organizational structure for the Applicant entity:

The Applicant is a: Local Government

Provide the name of the Applicant Local Government:

Village of Islamorada

% Ownership input features will not be made available until invitation to credit underwriting

First Principal Disclosure Level:

[Click here for Assistance with Completing the Entries for the First Level Principal Disclosure for the Applicant](#)

<u>First Level Entity #</u>	<u>Select Type of Principal of Applicant</u>	<u>Enter Name of First Level Principal</u>	<u>Select organizational structure of First Level Principal identified</u>	<u>% Ownership of Applicant</u>
1.	<u>Local Government Official</u>	<u>Gillis, Deb</u>	<u>Natural Person</u>	
2.	<u>Local Government Official</u>	<u>Lawless, Seth</u>	<u>Natural Person</u>	
3.	<u><Select an option></u>		<u><Select an option></u>	
4.	<u><Select an option></u>		<u><Select an option></u>	
5.	<u><Select an option></u>		<u><Select an option></u>	
6.	<u><Select an option></u>		<u><Select an option></u>	
7.	<u><Select an option></u>		<u><Select an option></u>	
8.	<u><Select an option></u>		<u><Select an option></u>	
9.	<u><Select an option></u>		<u><Select an option></u>	
10.	<u><Select an option></u>		<u><Select an option></u>	
11.	<u><Select an option></u>		<u><Select an option></u>	
12.	<u><Select an option></u>		<u><Select an option></u>	
13.	<u><Select an option></u>		<u><Select an option></u>	
14.	<u><Select an option></u>		<u><Select an option></u>	
15.	<u><Select an option></u>		<u><Select an option></u>	
16.	<u><Select an option></u>		<u><Select an option></u>	
17.	<u><Select an option></u>		<u><Select an option></u>	
18.	<u><Select an option></u>		<u><Select an option></u>	
19.	<u><Select an option></u>		<u><Select an option></u>	
20.	<u><Select an option></u>		<u><Select an option></u>	

Second Principal Disclosure Level:

Village of Islamorada

[Click here for Assistance with Completing the Entries for the Second Level Principal Disclosure for the Applicant](#)

Select the corresponding First Level Principal Entity # from above for which the Second Level Principal is being identified

<u>Second Level Entity #</u>	<u>Select the type of Principal being associated with the corresponding First Level Principal Entity</u>	<u>Enter Name of Second Level Principal</u>	<u>Select organizational structure of Second Level Principal identified</u>	<u>Second Level Principal % Ownership of First Level Principal</u>
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
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<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	
<u><Select a #></u>	<u><Select an option></u>		<u><Select an option></u>	

Principal Disclosures for the Developer

How many Developers are part of this Application structure?

1

Select the organizational structure for the Developer entity:

The Developer is a: Non-Profit Corporation

Provide the name of the Developer Non-Profit Corporation:

Key Largo Lions Foundation, Inc.

First Principal Disclosure Level:

Key Largo Lions Foundation, Inc.

[Click here for Assistance with Completing the Entries for the First Level Principal Disclosure for a Developer](#)

<u>First Level Entity #</u>	<u>Select Type of Principal of Developer</u>	<u>Enter Name of First Level Principal</u>	<u>Select organizational structure of First Level Principal identified</u>
1.	<u>Officer</u>	<u>Sante, Chris</u>	<u>Natural Person</u>
2.	<u>Officer</u>	<u>Sante, Pam</u>	<u>Natural Person</u>
3.	<u>Officer</u>	<u>Mesa, Isabel</u>	<u>Natural Person</u>
4.	<u>Officer</u>	<u>Stanley, Michael Andrew</u>	<u>Natural Person</u>
5.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
6.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
7.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
8.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
9.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
10.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
11.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
12.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
13.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
14.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
15.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
16.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
17.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
18.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
19.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
20.	<u><Select an option></u>	<u></u>	<u><Select an option></u>

Second Principal Disclosure Level:

Key Largo Lions Foundation, Inc.

[Click here for Assistance with Completing the Entries for the Second Level Principal Disclosure for a Developer](#)

Select the corresponding First Level Principal Entity # from above for which the Second Level Principal is being identified

Second Level Entity #

Select the type of Principal being associated with the corresponding First Level Principal Entity

Enter Name of Second Level Principal

Select organizational structure of Second Level Principal identified

<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>

Principal Disclosures for the Developer

Select the organizational structure for the Developer entity:

The Developer is a: [<Select an option>](#)

Provide the name of the Developer entity after selecting its organizational structure above.

[<Insert name of corresponding Developer entity here>](#)

First Principal Disclosure Level:

[Click here for Assistance with Completing the Entries for the First Level Principal Disclosure for a Developer](#)

<u>First Level Entity #</u>	<u>Select Type of Principal of Developer</u>	<u>Enter Name of First Level Principal</u>	<u>Select organizational structure of First Level Principal identified</u>
1.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
2.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
3.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
4.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
5.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
6.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
7.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
8.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
9.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
10.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
11.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
12.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
13.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
14.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
15.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
16.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
17.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
18.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
19.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
20.	<u><Select an option></u>	<u></u>	<u><Select an option></u>

Second Principal Disclosure Level:

[Click here for Assistance with Completing the Entries for the Second Level Principal Disclosure for a Developer](#)

<u>Select the corresponding First Level Principal Entity # from above for which the Second Level Principal is being</u>	<u>Second Level Entity #</u>	<u>Select the type of Principal being associated with the corresponding First Level Principal Entity</u>	<u>Enter Name of Second Level Principal</u>	<u>Select organizational structure of Second Level Principal identified</u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>		<u><Select an option></u>	<u></u>	<u><Select an option></u>

Principal Disclosures for the Developer

Select the organizational structure for the Developer entity:

The Developer is a: <Select an option>

Provide the name of the Developer entity after selecting its organizational structure above.

<Insert name of corresponding Developer entity here>

First Principal Disclosure Level:

[Click here for Assistance with Completing the Entries for the First Level Principal Disclosure for a Developer](#)

<u>First Level Entity #</u>	<u>Select Type of Principal of Developer</u>	<u>Enter Name of First Level Principal</u>	<u>Select organizational structure of First Level Principal identified</u>
1.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
2.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
3.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
4.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
5.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
6.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
7.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
8.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
9.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
10.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
11.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
12.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
13.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
14.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
15.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
16.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
17.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
18.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
19.	<u><Select an option></u>	<u></u>	<u><Select an option></u>
20.	<u><Select an option></u>	<u></u>	<u><Select an option></u>

Second Principal Disclosure Level:

[Click here for Assistance with Completing the Entries for the Second Level Principal Disclosure for a Developer](#)

<u>Select the corresponding First Level Principal Entity # from above for which the Second Level Principal is being</u>	<u>Second Level Entity #</u>	<u>Select the type of Principal being associated with the corresponding First Level Principal Entity</u>	<u>Enter Name of Second Level Principal</u>	<u>Select organizational structure of Second Level Principal identified</u>
<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
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<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
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<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>
<u><Select a #></u>	<u></u>	<u><Select an option></u>	<u></u>	<u><Select an option></u>

**Islamorada Village of Islands
Islamorada Villas
Application to the:
COMMUNITY DEVELOPMENT BLOCK GRANT — DISASTER RECOVERY
FINANCING FOR WORKFORCE HOUSING FOR HURRICANE RECOVERY
IN MONROE COUNTY**

**Issued By:
FLORIDA HOUSING FINANCE CORPORATION**

2020-302

Attachment

1

Applicant Certification and Acknowledgement Form

- 1. The Applicant and all Financial Beneficiaries have read all applicable Corporation rules governing this RFA and have read the instructions for completing this RFA and will abide by the applicable Florida Statutes and the credit underwriting and program provisions outlined in Exhibit F. The Applicant and all Financial Beneficiaries have read, understand and will comply with all related federal regulations.**
- 2. The Applicant has reviewed this RFA and certifies to its eligibility to apply for the funding offered.**
- 3. The Applicant certifies that the proposed Development can be completed and operating within the Development schedule and budget submitted to the Corporation.**
- 4. The Applicant acknowledges and certifies that it will abide by all commitments, requirements, and due dates outlined in the RFA, inclusive of all exhibits. Failure to provide the required information by any stated deadlines may result in the withdrawal of the invitation to enter credit underwriting, unless an extension is approved by the Corporation.**
- 5. By submitting the Application, the Applicant acknowledges and certifies that the proposed Development will meet all state building codes, including the 2012 Florida Accessibility Code for Building Construction, adopted pursuant to Section 553.503, F.S., the Architectural Barriers Act of 1968; the Fair Housing Act as implemented by 24 CFR Part 100, including the Affirmative Fair Housing Marketing Plan; Violence Against Women Act Reauthorization Act of 2013; Section 504 of the Rehabilitation Act of 1973 as outlined in Section Four, A.8. of the RFA; and the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, incorporating the most recent amendments, regulations and rules.**
- 6. The Applicant acknowledges that any funding preliminarily secured by the Applicant is expressly conditioned upon any independent review, analysis and verification of all information contained in this Application that may be conducted by the Corporation, the successful completion of credit underwriting, and all necessary approvals by the Board of Directors, Corporation or other legal counsel, the Credit Underwriter, and Corporation staff.**
- 7. If preliminary funding is approved, the Applicant will promptly furnish such other supporting information, documents, and fees as may be requested or required. The Applicant understands and agrees that the Corporation is not responsible for actions taken by the undersigned in reliance on a preliminary commitment by the Corporation. The Applicant commits that no qualified residents will be refused occupancy because they have Section 8 vouchers or certificates. The Applicant further commits to actively seek tenants from public housing waiting lists and tenants who are participating in and/or have successfully completed the training provided by welfare to work or self-sufficiency type programs.**
- 8. The success of an Applicant in being selected for funding is not an indication that the Applicant will receive a positive recommendation from the Credit Underwriter or that the Development team's experience, past performance or financial capacity is satisfactory. The past performance record, financial capacity, and any and all other matters relating to the Development Team (which consists of Developer, management company, General Contractor, architect, attorney,**

and accountant) will be reviewed during credit underwriting. The Credit Underwriter may require additional information from any member of the Development team including, without limitation, documentation on other past projects and financials. Development teams with an unsatisfactory past performance record, inadequate financial capacity or any other unsatisfactory matters relating to their suitability may result in a negative recommendation from the Credit Underwriter.

9. The Applicant's commitments will be included in (i) a Land Use Restriction Agreement(s) and (ii) an Extended Use Agreement, if applicable, and must be maintained in order for the Development to remain in compliance, unless the Board approves a change.
10. The Applicant understands and agrees that it will ensure that (i) none of the General Contractor duties to manage and control the construction of the Development are subcontracted; (ii) none of the construction or inspection work that is normally performed by subcontractors is performed by the General Contractor; (iii) no construction cost is subcontracted to any entity that has common ownership or is an Affiliate of the General Contractor or the Developer, as further described in Exhibit F.
11. The Applicant, the Developer and all Principals are in good standing among all other state agencies and have not been prohibited from applying for funding.
12. In eliciting information from third parties required by and/or included in this Application, the Applicant has provided such parties information that accurately describes the Development as proposed in this Application. The Applicant has reviewed the third party information included in this Application and/or provided during the credit underwriting process and the information provided by any such party is based upon, and accurate with respect to, the Development as proposed in this Application.
13. Funding under this RFA is provided by the U.S. Department of Housing and Urban Development (HUD) through the Florida Department of Economic Opportunity's (DEO) Community Development Block Grant Disaster Recovery (CDBGDR) Program. Florida Housing Finance Corporation (The Corporation) is not responsible, and Applicants shall hold the Corporation harmless from liability and claim for damages or expenses, in the event that HUD or DEO retracts, suspends, or interrupts such funding.
14. The Applicant understands and agrees to cooperate with any audits conducted in accordance with the provisions set forth in Section 20.055(5), F.S.

15. The undersigned is authorized to bind the Applicant entity to this certification and warranty of truthfulness and completeness of the Application.

Under the penalties of perjury, I declare and certify that I have read the foregoing and that the information is true, correct and complete.



Signature of Authorized Principal Representative

Seth Lawless

Name (typed or printed)

Village Manager

Title (typed or printed)

NOTE: Provide this form as Attachment 1 to the RFA. The Applicant Certification and Acknowledgement form must be signed by the Authorized Principal Representative stated in Exhibit A.

Land Owner Certification and Acknowledgement Form as modified on 7-18-19

Land Owner Certification and Acknowledgement Form

1. Development Name:

Islamorada Villas

2. The legal description or the address of the land that is the subject of the proposed Development "the Land" including all scattered sites, if applicable. If additional space is needed, provide attachments to this form:

292 Gardenia Street, Tavernier, 33070
Lot 7 (Parcel 418150); Lot 8 (Parcel 418160); Lot 13 (Parcel 418210)

3. The following type of entity holds or will hold 100 percent ownership in the Land identified in 2. above, and therefore can be considered the "Land Owner" for purposes of this Application:

- A Local Government
- A Public Housing Authority
- Land Authority
- Community Land Trust

4. If this Application for the proposed Development described above is selected for funding, the Land Owner identified in 3. above will hold the Land identified in 2. above and maintain the affordability requirements of the Land identified in 2. above in Perpetuity. For purposes of this RFA, Perpetuity means 99 years or more.


5. If this Application for the proposed Development described above includes a request for Land Acquisition Funding, the Site Control documentation must include an appraisal demonstrating that the appraised value of the land meets or exceeds the purchase price. The purchase price must be based on the post-disaster value of the land, consistent with applicable cost principals. The pre-disaster value may not be used. The Corporation will seek a re-appraisal by an independent third party during credit underwriting. If the appraisal demonstrates that the purchase price exceeds the fair market value, the only land costs that can be included in the Total Development Cost or awarded through Land Acquisition Program Funding will be the appraised value, which will be confirmed in credit underwriting. The appraisals conducted during credit underwriting may cause a reduction in the funding amount.

6. The Land Owner's Perpetuity commitments will be included in (i) a Land Use Restriction Agreement(s) and (ii) an Extended Use Agreement, if applicable, and must be maintained in order for the Development to remain in compliance, unless the Board approves a change.

Land Owner Certification and Acknowledgement Form as modified on 7-18-19

7. In eliciting information from third parties required by and/or included in this Application, the Land Owner has provided such parties information that accurately describes the Development as proposed in this Application. The Land Owner has reviewed the third party information included in this Application and/or provided during the credit underwriting process and the information provided by any such party is based upon, and accurate with respect to, the Development as proposed in this Application.
8. Funding under this RFA is provided by the U.S. Department of Housing and Urban Development (HUD) through the Florida Department of Economic Opportunity's (DEO) Community Development Block Grant Disaster Recovery (CDBGDR) Program. Florida Housing Finance Corporation (The Corporation) is not responsible, and Land Owners shall hold the Corporation harmless from liability and claim for damages or expenses, in the event that HUD or DEO retracts, suspends, or interrupts such funding.
9. The Land Owner acknowledges that any funding preliminarily secured by the Land Owner is expressly conditioned upon any independent review, analysis and verification of all information contained in this Application that may be conducted by the Corporation, the successful completion of credit underwriting, and all necessary approvals by the Board of Directors, Corporation or other legal counsel, the Credit Underwriter, and Corporation staff.
10. The Land Owner understands and agrees to cooperate with any audits conducted in accordance with the provisions set forth in Section 20.055(5), F.S.
11. The undersigned is authorized to bind the Land Owner entity to this certification and warranty of truthfulness and completeness of the Application.

Under the penalties of perjury, I declare and certify that I have read the foregoing and that the information is true, correct and complete.



Signature of Authorized Land Owner Representative

Seth Lawless

Name (typed or printed)

Village Manager

Title (typed or printed)

NOTE: Provide this form as Attachment 1 to the RFA.

Attachment 2

**Not Applicable
(not a Community Land Trust)**

Attachment

3

IRS Determination letter



FLORIDA

Consumer's Certificate of Exemption

Issued Pursuant to Chapter 212, Florida Statutes

85-8012579061C-0	01/31/2019	01/31/2024	501(C)(3) ORGANIZATION
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

THE KEY LARGO LIONS FOUNDATION INC
5 HOMESTEAD AVE
KEY LARGO FL 33037

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.



FLORIDA

Important Information for Exempt Organizations

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).
2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.
3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.
4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).
5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.
6. If you have questions about your exemption certificate, please call Taxpayer Services at 850-488-6800. The mailing address is PO Box 6480, Tallahassee, FL 32314-6480.



P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0248564843
Mar. 03, 2009 LTR 4168C E0
65-0865820 000000 00 000
00012081
BODC: TE *

THE KEY LARGO LIONS FOUNDATION INC
KEY LARGO LIONS CLUB
% ISABEL MESA
PO BOX 5
KEY LARGO FL 33037

Employer Identification Number: 65-0865820
Person to Contact: Ms. Osborne
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your request of Feb. 20, 2009, regarding your tax-exempt status.

Our records indicate that a determination letter was issued in November 1998, that recognized you as exempt from Federal income tax, and discloses that you are currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records also indicate you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

Michele M. Sullivan, Oper. Mgr.
Accounts Management Operations I

The names and addresses of the members of the governing board of the nonprofit entity

Florida Not For Profit Corporation
THE KEY LARGO LIONS FOUNDATION, INC.

Filing Information

Document Number N98000005559

FEI/EIN Number 65-0865820

Principal Address

5 HOMESTEAD AVE
KEY LARGO, FL 33037

Mailing Address

P.O. BOX 370005
KEY LARGO, FL 33037

Officer/Director Detail

Name & Address

Title Secretary

Mesa, Isabel
1124 Gulfstream Lane
Key Largo, FL 33037

Title President

Sante, Chris
300 Atlantic Dr.
Key Largo, FL 33037

Title Vice President

Sante, Pam
300 Atlantic Dr.
Key Largo, FL 33037

Title Treasurer

Stanley, Michael Andrew
1035 Valencia Road
Key Largo, FL 33037

Original Incorporators:

1. David Gow, 32 Pompano Ave., Key Largo, FL 33037
2. Jack Hagopian, 99353 overseas Hwy, Key Largo, FL 33037
3. Chris Sante, 300 Atlantic Dr., Key Largo, FL 33037

Articles of Incorporation

William E. Ringelstein
DOCUMENT PREPARATION SERVICE, INC
2323 St. David Island Court
Punta Gorda, FL 33950
(941) 637-9979

N98000005559

September 22, 1998

Department of State
Division of Corporations
PO Box 6327
Tallahassee, FL 32314

300002648923--4
-09/25/98--01045--020
*****78.75 *****78.75

Dear Sirs:

Attached you will find Articles of Incorporation (original + 1 copy), check # 1020 in the amount of \$ 78.75, Certificate of Registered Agent/Registered Office and Transmittal Letter pursuant to filing nonprofit Articles of Incorporation for The Key Largo Lions Foundation, Inc.

Please send the Certificate of Incorporation and address any correspondence directly to me at the above address; I am acting on behalf of the applicant.

Thank you.

Sincerely,



William E. Ringelstein
DOCUMENT PREPARATION SERVICE

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
98 SEP 25 AM 9:23

ARTICLES OF INCORPORATION

OF

The Key Largo Lions Foundation, Inc.

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS

98 SEP 25 AM 9:23

A NON-PROFIT CORPORATION

The undersigned incorporator(s), in order to form a non-profit corporation under the laws of the state of Florida, adopt the following Articles of Incorporation:

ONE: The name of this corporation shall be:

The Key Largo Lions Foundation, Inc.

TWO: The principle place of business and mailing address of this corporation shall be:

The Key Largo Lions Foundation, Inc.

PO Box 5

Key Largo, FL 33037

THREE: This corporation is organized exclusively for one or more of the purposes as specified in Section 501(c)(3) of the Internal Revenue Code, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

The specific purposes for which this corporation is organized are:

A. The purposes for which The Key Largo Lions Foundation, Inc is organized are exclusively charitable and educational within the meaning of section 501 (c) (3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

B. Notwithstanding any other provision of these articles, this organization shall not carry on any activities not permitted to be carried on by an organization exempt from Federal income tax under section 501 (c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue Law.

C. Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501 (c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code as follows: (1) all cash assets shall be placed in trust with the Florida Lions Foundation for the Blind with the earnings from said trust to be distributed 50% to Southeastern Guide Dogs, Inc. and 50% divided equally between the remaining eligible Florida Lions entities, and (2) all non-cash assets shall be sold and the proceeds from said sale to be distributed as a cash asset as previously described.

Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

D. To solicit, collect and otherwise raise money to fund those aims and goals of The Key Largo Lions Foundation, Inc. which are exclusively charitable and within the meaning of section 501 (c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

FOUR: The manner in which the Directors are elected is as follows:

The Officers and Directors will be elected in the same manner as the Officers and Directors of the Key Largo Lions Club and hold the same office as held in the Key Largo Lions Club as per By-Laws Article V.

FIVE: The corporate powers of this corporation are as provided in section 617.0302, Florida Statutes, unless limited as follows:

No additional limits.

SIX: These Articles of Incorporation may be amended as follows:

A. At any regular or special meeting of the Corporation, at which a quorum is present, by affirmative vote of two-thirds of the members present and voting, providing the Trustees have previously considered the merits of the amendments.

B. No amendment shall be put to a vote unless written notice thereof stating the proposed amendment shall have been given to each member, by mail or personal delivery, at least two weeks prior to the meeting at which the vote on the proposed amendment is to be taken.

SEVEN: The name and street address of the initial registered agent of this corporation is:

Judith Mitchell

2 Bowen Dr.

Key Largo, FL 33037

EIGHT: The names and the street addresses of the 3 initial directors and 3 incorporators are:

Directors:

1. Judith Mitchell, 2 Bowen Dr., Key Largo, FL 33037

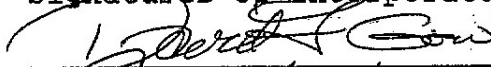


2. Isabel Mesa, 1124 Gulfstream Ln., Key Largo, FL 33037
3. Larry Barr, 114 Coral Way, Key Largo, FL 33037

Incorporators:

1. David Gow, 32 Pompano Ave., Key Largo, FL 33037
2. Jack Hagopian, 99353 Overseas Hwy, Key Largo, FL 33037
3. Chris Sante, 300 Atlantic Dr., Key Largo, FL 33037

The undersigned incorporators have executed these Articles of Incorporation this SEVENTH day of SEPTEMBER 1998.

Signatures of Incorporators:

	<u>David Gow</u>
	<u>Jack Hagopian</u>
	<u>Chris Sante</u>

CERTIFICATE OF DESIGNATION REGISTERED AGENT/REGISTERED OFFICE

PURSUANT TO THE PROVISIONS OF SECTION 607.0501 OR 617.0501, FLORIDA STATUTES, THE UNDERSIGNED CORPORATION, ORGANIZED UNDER THE LAWS OF THE STATE OF FLORIDA, SUBMITS THE FOLLOWING STATEMENT IN DESIGNATING THE REGISTERED OFFICE/REGISTERED AGENT, IN THE STATE OF FLORIDA.

1. The name of the corporation is: The Key Largo Lions Foundation, Inc.
(must include suffix)

2. The name and address of the registered agent and office is:

Judith Mitchell
(Name)
2 Bowen Dr.
(Street address - P. O. Box not acceptable)
Key Largo, FL 33037
(City/State/Zip)

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
98 SEP 25 AM 9:23

Having been named as registered agent and to accept service of process for the above stated corporation at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Judith Mitchell
(Signature)

9/7/98
(Date)

Registered Agent filing fee \$35.00

Letter for Purpose

KEY LARGO LIONS FOUNDATION INC.
P.O. BOX 370005
KEY LARGO, FL 33037

July 31, 2019

Re: New Mission Statement

We the members and board of the Key Largo Lions Foundation have amended our mission statement to the following:

Our mission is to empower volunteers to serve their communities, meet humanitarian needs, provide and develop quality affordable housing opportunities *for individuals and families* while promoting self-sufficiency and neighborhood revitalization, encourage peace and promote international understanding through *Lions clubs*.

Chris Sante
President



Attachment

4

The Developer experience chart must include the following information:

Prior General Development Experience Chart					
Name of the natural person Principal with the required experience: Chris Sante					
Name of Developer Entity (for the proposed Development) for which the above individual is a Principal:					
Name of Development	Location (City & State)	Federal Program that Provided Financing (HOME for example)	Total Number of Units	Year Completed	Federal Programs such as Davis Bacon requirements and Environmental Review requirements applied? (Y/N)
Orange Lane HOA	Islamorada, FL	None	6	2019	None
Hernando Street	Ft. Pierce	None	3	2017	None

Christopher D. Sante
P.O. Box 373006
Key Largo, FL 33037
Office: 305-451-5880, Mobile 305-522-6598, Fax (305)451-3762
Email: csante@bellsouth.net

RESUME 2019

Experience:

Over the past thirty years of working in the keys, I have served as President, Operations Manager and Sales Manager.

My business background is extensive as I own or have owned and operated B.C. Enterprise a local septic / service company, Estate Services, Charter Pest Control, Coral Sands Trailer Park, Mini Storage/Warehouse, Estate Services and development company Sante Acquisitions.

Person Attributes:

I have dedicated myself to my community, the Florida Keys, and feel very strongly about protecting and servicing the residents of the community.

Personal History:

- Native Floridian, married, father of two children, multi-business owner, resident of the Florida Keys since 1983.
- Elected in 2002 to Islamorada Village Council, served 10 years with 4 years as Mayor
- I was a board member on the Florida Real Estate Appraisal Board for 6 years
- I was a board member of The Florida Bar ethics committee for 2 years.

Community Involvement:

Member of Key Largo Lions Club
President, Key Largo Lions Club
Lion of the Year 3 times, Melvin Jones Award 4 times
Member Key Largo, Islamorada and Marathon Chamber of Commerce
Florida Keys Children Shelter, Past Members of the Royal Court
Past President of Leadership of Monroe County
Past Board Member of Cultural Umbrella District 4
Past Board Member of the Upper Keys Rotary Club
Board Member of Upper Keys Business Group
Past Commodore of Florida Keys Outboard Club

Skills and Certifications:

- Held a Mortgage Lenders License and Mortgage Brokers license for over 25 years, retired license in 2010.
- Real Estate Appraiser Trainee from 2007
- Fully Licensed Pest Control Operator
- Certified Notary Public
- Develop and rent commercial and residential property, with over 400 tenants

Federal Funding Experience Preference

Isla Villas may not qualify for the Federal Funding Experience Preference.

Attachment

5

The general management company is in the process of being chosen.

Attachment 6 Site Control Form

FLORIDA HOUSING FINANCE CORPORATION
Site Control Certification Form


As of the Application Deadline for this RFA, the Applicant entity Village of Islamorada, Monroe
County _____

has control of the Development site and all Scattered Sites, if applicable. Control of the site means that by Application Deadline the Applicant can establish one or more of the following requirements that include the terms set forth in Section Four A.7.a. of the RFA:

- Eligible Contract
- Deed or Certificate of Title
- Lease

To be considered complete, documents demonstrating that site control pursuant to the terms set forth in Section Four A.7.a. of the RFA are attached.

Under the penalties of perjury pursuant to Section 92.525, F.S., and of material misrepresentation pursuant to Section 420.508(35), Fla. Statutes, and Fla. Admin. Code Section 67-21.003(6) and/or 67-48.004(2), I declare and certify that I have read the foregoing and that the information is true, correct and complete.


Signature of Authorized Principal Representative

Seth Lawless
Name (typed or printed)

Village Manager
Title (typed or printed)

This form must be signed by the Authorized Principal Representative stated in Exhibit A.

Attachment 7 Zoning

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS
CONSISTENT WITH ZONING AND LAND USE REGULATIONS**

Name of Development: Isla Villas

292 Gardenia Street, Tavernier, 33070

Development Location: Lot 7 (Parcel 418150); Lot 8 (Parcel 418160); Lot 13 (Parcel 418210)
(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). The location of all Scattered Sites, if applicable, must also be included.

Number of Units in the Development: 8
This number must be equal to or greater than the number of units stated by the Applicant in Exhibit A of the RFA.

The undersigned service provider confirms that, as of the date that this form was signed, the above referenced Development's proposed number of units, density, and intended use are consistent with current land use regulations and zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use. To the best of my knowledge, there are no hearings or approvals required to obtain the appropriate zoning classification. Assuming compliance with the applicable land use regulations, there are no known conditions that would preclude construction or rehabilitation of the referenced Development on the proposed site.

CERTIFICATION

I certify that the City/County of Village of Islamorada/Monroe County has vested in me the authority to verify
(Name of City/County)

consistency with local land use regulations and zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapter 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the Local Government.


Signature

Seth Lawless
Print or Type Name

January 27, 2020
Date Signed

Village Manager
Print or Type Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If there are alterations made to this form that change the meaning of the form, the form will not be accepted.

Attachment 8 Electricity

**FLORIDA HOUSING FINANCE CORPORATION
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE - ELECTRICITY**

Name of Development: Isla Villas

292 Gardenia Street, Tavernier, 33070

Development Location: Lot 7 (Parcel 418150); Lot 8 (Parcel 418160); Lot 13 (Parcel 418210).

At a minimum, provide the address number, street name and city and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). The location of all Scattered Sites, if applicable, must also be included.

The undersigned service provider confirms that, as of the date that this form was signed, the above referenced Development Location met the following:

1. Electricity is available to the proposed Development, subject to item 2 below.
2. To access such electric service, the Applicant may be required to pay hook-up, installation and other customary fees, comply with other routine administrative procedures, and install or construct line extensions and other equipment in connection with the construction of the Development.

CERTIFICATION

I certify that the foregoing information is true and correct.


Signature

Seth Lawless
Print or Type Name

Village Manager
Print or Type Title

January 27, 2020
Date Signed

Florida Keys Electrical Cooperative
Name of Entity Providing Service

91630 Overseas HWY, Tavernier, FL 33070
Address (street address, city, state)

305/852-2431
Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If there are alterations made to this form that change the meaning of the form, the form will not be accepted.

Attachment 9 Water

**FLORIDA HOUSING FINANCE CORPORATION
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE - WATER**

Name of Development: Isla Villas

292 Gardenia Street, Tavernier, 33070

Development Location: Lot 7 (Parcel 418150); Lot 8 (Parcel 418160); Lot 13 (Parcel 418210)

At a minimum, provide the address number, street name and city and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). The location of all Scattered Sites, if applicable, must also be included.

Number of Units in the Development: 8

This number must be equal to or greater than the number of units stated by the Applicant in Exhibit A of the RFA.

The undersigned service provider confirms that, as of the date that this form was signed, the above referenced Development Location met the following:

1. Potable water is available to the proposed Development, subject to item 2 below.
2. To access such water service, the Applicant may be required to pay hook-up, installation and other customary fees, comply with other routine administrative procedures, provide easements, and remove, relocate, install or construct line extensions and other equipment, including but not limited to pumping stations, in connection with the construction of the Development. Execution of this document does not guarantee that water service will be available to the Applicant in the future and does not provide the Applicant with any vested rights to receive water service. The availability of water services is subject to the approval of all applicable governmental agencies having jurisdiction over these matters.

CERTIFICATION

I certify that the foregoing information is true and correct.


Signature

Seth Lawless
Print or Type Name

Village Manager
Print or Type Title

January 27, 2020
Date Signed

Florida Keys Aqueduct Authority
Name of Entity Providing Service

91620 Overseas HWY, Tavernier, Fl 33070
Address (street address, city, state)

305/296-2554
Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If there are alterations made to this form that change the meaning of the form, the form will not be accepted.

Attachment 10 Sewer

**FLORIDA HOUSING FINANCE CORPORATION
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE –
SEWER CAPACITY, PACKAGE TREATMENT, OR SEPTIC TANK**

Name of Development: Isla Villas
292 Gardenia Street, Tavernier, 33070

Development Location: Lot 7 (Parcel 418150); Lot 8 (Parcel 418160); Lot 13 (Parcel 418210)
At a minimum, provide the address number, street name and city and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). The location of all Scattered Sites, if applicable, must also be included.

Number of Units in the Development: 8
This number must be equal to or greater than the number of units stated by the Applicant in Exhibit A of the RFA.

The undersigned service provider confirms that, as of the date that this form was signed, the above referenced Development Location met the following:

1. Sewer Capacity or Package Treatment is available to the proposed Development; or
2. There are no known prohibitions to installing a Septic Tank system with adequate capacity for the proposed Development location or, if necessary, upgrading an existing Septic Tank system with adequate capacity for the proposed Development location.

To access such waste treatment service, the Applicant may be required to pay hook-up, installation and other customary fees, comply with other routine administrative procedures, provide easements, and/or remove, relocate, install or construct line extensions and other equipment, including but not limited to pumping stations, in connection with the construction of the Development. Execution of this document does not guarantee that waste treatment service will be available to the Applicant in the future and does not provide the Applicant with any vested rights to receive waste treatment service. The availability of waste treatment services is subject to the approval of all applicable governmental agencies having jurisdiction over these matters.

For projects located within Miami-Dade County, the Applicant is advised that the right to connect the referenced property to the Department's sewer system is subject to the terms, covenants and conditions set forth in court orders, judgments, consent orders, consent decrees and the like entered into between the County and the United States, the State of Florida, and/or any other governmental entity, including the Consent Decree entered on April 9, 2014, in the United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.

CERTIFICATION

I certify that the foregoing information is true and correct.


Signature

Seth Lawless
Print or Type Name

Village Manager
Print or Type Title

January 27, 2020
Date Signed

Village of Islamorada
Name of Entity Providing Service

86800 Overseas HWY, Islamorada, FL 33036
Address (street address, city, state)

305/664-6460
Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If there are alterations made to this form that change the meaning of the form, the form will not be accepted.
(Form Rev. 8-18)

Attachment 11 Roads

**FLORIDA HOUSING FINANCE CORPORATION
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE - ROADS**

Name of Development: Isla Villas

292 Gardenia Street, Tavernier, 33070

Development Location: Lot 7 (Parcel 418150); Lot 8 (Parcel 418160); Lot 13 (Parcel 418210)

At a minimum, provide the address number, street name and city and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). The location of all Scattered Sites, if applicable, must also be included.

The undersigned service provider confirms that, as of the date that this form was signed, the above referenced Development Location met the following:

1. Existing paved roads provide access to the proposed Development or paved roads will be constructed as part of the proposed Development;
2. There are no impediments to the proposed Development using the roads other than payment of impact fees or providing curb cuts, turn lanes, signalization, or securing required final approvals and permits for the proposed Development; and
3. The execution of this verification is not a granting of traffic concurrency approval for the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct.


Signature

Seth Lawless
Print or Type Name

Village Manager
Print or Type Title

January 27, 2020
Date Signed

Village of Islamorada
Name of Entity Providing Service

86800 Overseas HWY, Islamorada, FL 33036
Address (street address, city, state)

305/664-6460
Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If there are alterations made to this form that change the meaning of the form, the form will not be accepted.

Attachment 12 Funding

There are no other sources of funding

Attachment 13 Occupied Units

Attachment

14 Set

Asides

As stated in the RFA, all units and the development will meet the set aside requirements. The Village commits to set aside 100 percent of the total units at or below 80 percent Area Median Income (AMI).

Extremely Low-Income (ELI) Set-Aside Units

The Village commits that at least 10 percent of the total units be set-aside at or below 25 percent AMI as Extremely Low-Income (ELI) Set-Aside Units.

Link Units for Persons with Special Needs

The Village commits to set-aside at least 50 percent of the ELI Set-Aside units (i.e., at least 5 percent of the total units) as Link Units for Persons with Special Needs.

Islamorada will meet all CDBG-DR set-aside requirements as outlined in this application. If it is determined that the existing resident is eligible for permanent relocation under the URA, and it is needed to meet the set-aside commitments, adequate funding has been allocated in the development budget to assist those households. There is a line item in the budget (\$10,500) for relocation costs.

Attachment 15 Relocation Costs

Relocation funding has been allocated to the development budget to assist with any permanent or temporary relocation assistance of the one affected resident as mandated under the URA. All eligible costs will be borne by the applicant. The resident most likely will be placed into a Habitat for Humanity home.

Attachment 16 Acquisition

The property was previously owned by John Mannix. The Village had the property appraised and offered the fair market value to Mr. Mannix who then accepted the offer. The Village budgeted funding for three lots in March 2019 and two lots in January 2020

The first parcel was vacant, the two recently acquired have a 3-unit apartment, of which one unit is occupied.

Attachment

17

Acquisition as Private Company

Not Applicable

Attachment 18 Eminent Domain

Eminent Domain:

While the Village does have power of eminent domain, the property was appraised, and the Village paid fair market price.

Appropriate Village Council Meeting agendas and minutes are attached. The relevant portions have been highlighted.



**ISLAMORADA, VILLAGE OF ISLANDS
REGULAR VILLAGE COUNCIL MEETING**

Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036
Thursday, November 21, 2019
5:30 PM

- I. CALL TO ORDER / ROLL CALL**
- II. PLEDGE OF ALLEGIANCE**
- III. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS**
- IV. PUBLIC COMMENT**
- V. AGENDA: Requests for Deletion / Emergency Additions**
- VI. CITIZENS' ADVISORY COMMITTEE UPDATES**
- VII. CONSENT AGENDA**

(All items on the Consent Agenda are considered routine by the Village Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event, the item will be moved to the Main Agenda.)

- A.** A Resolution Ratifying and Approving a First Amendment to the Continuing Services Agreement between Wade Trim, Inc. and Islamorada, Village of Islands Islands to Provide Engineering and Architectural Services to the Village's Wastewater Utility

TAB 1

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING A FIRST AMENDMENT TO THE CONTINUING SERVICES AGREEMENT BETWEEN WADE TRIM, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE ENGINEERING AND ARCHITECTURAL SERVICES FOR THE VILLAGE'S WASTEWATER UTILITY; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

VIII. QUASI-JUDICIAL

- A.** A Resolution Considering the Request of Monte W. Green for Major Conditional Use Approval to Allow an Outdoor Storage Area for Property Located at 86430 Overseas Highway **TAB 2**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF MONTE W. GREEN FOR MAJOR CONDITIONAL USE APPROVAL TO ALLOW FOR THE ADDITION OF 8,000 SQUARE FEET OF OUTSIDE STORAGE AREA TO AN EXISTING 19,125 SQUARE FOOT MINI-STORAGE FACILITY FOR PROPERTY LOCATED AT 86430 OVERSEAS HIGHWAY ON PLANTATION KEY IN THE I (INDUSTRIAL) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00091980-000000, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE

- B.** Administrative Appeal (PLADA20190185) by Mark Gregg, Relating to the Determinations of Fact by Village Staff in Pre-Application Conference Application No. PLPRE20190142 **TAB 3**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20190185 FILED BY MARK GREGG, RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING FOR PROPERTY LOCATED AT 85305 & 85307 OLD HIGHWAY, ON PLANTATION KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, WITH PARCEL IDENTIFICATION NUMBER 00405350-000000 & 00405360-000000, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

- C.** 2nd Reading: Consideration of a Development Agreement Pursuant to Chapter 163, Florida Statutes, between the Village and the Moorings Islamorada, Inc., Witness Resources Inc., Baldwin Industrial Properties, Inc., and Balate International Limited **TAB 4**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN THE VILLAGE AND THE MOORINGS ISLAMORADA, INC., WITNESS RESOURCES, INC., BALDWIN INDUSTRIAL PROPERTIES, INC., AND BALATE INTERNATIONAL LIMITED FOR THE PROPERTY LOCATED AT 123 BEACH ROAD, UPPER MATECUMBE KEY WITH REAL ESTATE NUMBERS 00401870-000000, 00095490-000000, 00095300-000000 AND 00095510-000000; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ANY OTHER REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

- D. First Reading: Future Land Use Map Amendment Request by Jay R. Glynn for Property Located at Approximately MM 86 on Overseas Highway with Real Estate Number 00410503-014600 **TAB 5**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY JAY R. GLYNN TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM CONSERVATION (C) TO RESIDENTIAL MEDIUM (RM) FOR PROPERTY LOCATED AT APPROXIMATELY MILE MARKER 86 ON OVERSEAS HIGHWAY WITH REAL ESTATE NUMBERS 00410503-014600, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

- E. First Reading: Zoning Map Amendment Request by Jay R. Glynn for Property Located at Approximately MM 86 on Overseas Highway with Real Estate Number 00410503-0014600 **TAB 6**

REQUEST BY JAY R. GLYNN TO AMEND THE OFFICIAL ZONING MAP FROM CONSERVATION (C) TO MULTI FAMILY (MF) FOR PROPERTY LOCATED AT APPROXIMATELY MILE MARKER 86 ON OVERSEAS HIGHWAY WITH REAL ESTATE NUMBERS 00410503-014600, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

- F. First Reading: Request by Jay R. Glynn to Amend Comprehensive Plan Policy 3.1.1.3 **TAB 7**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY JAY R. GLYNN TO AMEND POLICY 3.1.1.3 OF THE VILLAGE COMPREHENSIVE PLAN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

- G. First Reading: Request by Jay R. Glynn to Amend Section 30-1614 of the Land Development Regulations **TAB 8**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY JAY R. GLYNN TO AMEND SECTION 30-1614.- "OPEN SPACE REQUIREMENTS" OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC

OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

IX. ORDINANCES

X. RESOLUTIONS

- A. BPAS Allocation Distribution for 2020**

TAB 9

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE TOTAL AMOUNT OF NONRESIDENTIAL FLOOR AREA AND RESIDENTIAL DWELLING UNITS, QUARTERLY ALLOCATIONS, AND THE DISTRIBUTION OF ALLOCATIONS BETWEEN CATEGORIES OF THE BUILDING PERMIT ALLOCATION SYSTEM FOR 2020; AND PROVIDING FOR AN EFFECTIVE DATE

- B. Resolution Approving the Purchase of a 2020 Sutphen Pumper Fire Truck for the Village Fire Rescue Department**

TAB 10

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA PIGGYBACKING THE FLORIDA SHERIFFS ASSOCIATION COOPERATIVE PURCHASING PROGRAM CONTRACT NUMBER FSA18-VEF13.0 AND APPROVING THE PURCHASE OF A 2020 SUTPHEN PUMPER FIRE TRUCK FROM SOUTH FLORIDA EMERGENCY VEHICLES, LLC; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR PIGGYBACKING OF COMPETITIVE BID; AND PROVIDING FOR AN EFFECTIVE DATE

- C. Resolution Approving Asphalt Repairs to US-1 at MM 92.8**

TAB 11

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE SELECTION OF A CONTRACTOR FOR ASPHALT REPAIRS AT MILE MARKER 92.8; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

XI. MOTIONS

- A. Approval of Regular Village Council Meetings for Calendar Year 2020**

TAB 12

- B. Acquisition of Property Located at 292 Gardenia Street**

XII. MAYOR / COUNCIL COMMUNICATIONS

- A. Discussion Regarding Advanced Disposal- Vice Mayor Forster
- B. Discussion Regarding Use of Golf Carts in the Village- Vice Mayor Forster

XIII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

XIV. ADJOURNMENT

A printed copy of the agenda will be available for the public at the time of the meeting. The agenda and backup documentation may be viewed and printed from the Village website at www.islamorada.fl.us as early as the Monday prior to the meeting.

These meetings are open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the ADA Coordinator at (305) 664-6448 or by email at ADA@islamorada.fl.us at least 48 hours before the scheduled meeting.

Anyone wishing to appeal any decision made by the Islamorada Village Council with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

All video, computer or technical devices that will be used at Council meetings must be given to the Village Clerk 48 hours prior to the meeting. **Anyone giving out documents during public comment shall provide a minimum of 15 copies to the Village Clerk prior to the start of the meeting.**

Two or more committee members from various Village Committees may be present at this meeting.

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

Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036
November 21, 2019

CALL TO ORDER

Mayor Deb Gillis called the meeting to order at 5:33 p.m. Deputy Clerk Stephanie Conde called the role with the following Councilmembers being present on roll call: Mayor Deb Gillis, Vice Mayor Mike Forster, Councilman Jim Mooney, Councilman Ken Davis and Councilwoman Cheryl Meads. Also, in attendance were Village Manager Seth Lawless, Village Attorney Roget Bryan, Village Clerk Kelly Toth, Deputy Clerk Stephanie Conde and other relevant personnel.

PLEDGE OF ALLEGIANCE

Ali Beth Wilson and Kai Guth led the Pledge of Allegiance.

REPORTS, PRESENTATION AND ANNOUNCEMENTS

There were no reports, presentations or announcements.

PUBLIC COMMENT

Mayor Deb Gillis opened public comment.

Sandi Williams expressed gratitude to Village staff for their assistance during the turtle nesting season.

Van Cadenhead commented regarding the importance of fighting for projects that increased the amount of fresh water in the Everglades.

Kai Guth, Islamorada Chamber of Commerce Youth Ambassador, thanked the Council for their efforts regarding discouraging the use of balloons and noted that the Youth Ambassadors were discouraging other students from using balloons.

Ali Beth Wilson, Islamorada Chamber of Commerce Youth Ambassador, reported the Youth Ambassadors would be selling filtered water at the upcoming Islamorada Chamber of Commerce Holiday Fest and stated that they wished to use some of the proceeds to purchase "No Balloons Protect our Wildlife" signs to be placed at Founders Park Beach. Mayor Deb Gillis stated that if she had the will of the Council, she would like to support the fund raiser and help where possible and that she would also like to see the signs at other Village beaches.

Elizabeth Jolin requested the Council talk about issue on Carrol Street pertaining to the Islander. Village Attorney Roget Bryan stated he would be providing an update later in the meeting.

Stan Zuba commented in support of the Village purchasing 292 Gardenia Street. He noted the numerous issues that had existed with the property under its current ownership.

Mayor Deb Gillis closed public comment.

AGENDA: Requests for Deletion / Emergency Additions

Vice Mayor Mike Forster pulled the Advanced Disposal discussion item from the Mayor / Council Communications section of the agenda and added a discussion regarding NOAA's Restoration Blueprint. Village Attorney Roget Bryan added an update to the Village Attorney / Village Manager section of the agenda regarding the Islander Resort and added an update regarding opioid litigation.

CITIZENS' ADVISORY COMMITTEE UPDATES

There were none.

CONSENT AGENDA

TAB 1: A resolution Ratifying and Approving a First Amendment to the Continuing Services Agreement between Wade Trim, Inc. and Islamorada, Village of Islands to Provide Engineering and Architectural Services to the Village's Wastewater Utility

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING A FIRST AMENDMENT TO THE CONTINUING SERVICES AGREEMENT BETWEEN WADE TRIM, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE ENGINEERING AND ARCHITECTURAL SERVICES FOR THE VILLAGE'S WASTEWATER UTILITY; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Councilman Jim Mooney made a motion to approve the consent agenda. Councilwoman Cheryl Meads seconded the motion. Council voted all in favor. The motion passed 5-0.

QUASI-JUDICIAL

Village Attorney Roget Bryan read the quasi-judicial statement and requested that anyone not having been sworn in raise their hand. Deputy Clerk Stephanie Conde swore in the witnesses.

TAB 2: A Resolution Considering the Request of Monet W. Green for Major Conditional Use Approval to Allow an Outdoor Storage Area for Property Located at 86430 Overseas Hwy.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF MONTE W. GREEN FOR MAJOR CONDITIONAL USE APPROVAL TO ALLOW FOR THE ADDITION OF 8,000 SQUARE FEET OF OUTSIDE STORAGE AREA TO AN EXISTING 19,125 SQUARE FOOT MINI-STORAGE FACILITY FOR PROPERTY LOCATED AT 86430 OVERSEAS HIGHWAY ON PLANTATION KEY IN THE I (INDUSTRIAL) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00091980-000000, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 5:46 p.m. Village Attorney Roget Bryan read the title of the resolution and asked Council to disclose ex parte communications. Each Councilmember stated that they had not had ex parte communications. Senior Planner Hank Flores presented the staff report recommending approval.

Mayor Deb Gillis invited the applicant to speak.

Pete Bacheler, Agent for the Applicant, noted that staff supported the applicant's request and that he was available if the Council had questions. Mayor Deb Gillis asked if it was an addition of 6,000 square feet or 8,000 square feet as she had conflicting information. Mr. Bacheler replied that it was 8,000 square feet.

Mayor Deb Gillis opened public comment to those in favor; no comment was provided.

Mayor Deb Gillis opened public comment to those opposed; no comment was provided.

Vice Mayor Mike Forster made a motion to approve. Councilwoman Cheryl Meads seconded the motion. Council voted and the motion passed 5-0.

TAB 3: Administrative Appeal (PLADA20190185) by Mark Gregg, Relating to the Determination of Fact by Village Staff in Pre-Application Conference Application No. PLPRE20190142

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20190185 FILED BY MARK GREGG, RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING FOR PROPERTY LOCATED AT 85305 & 85307 OLD HIGHWAY, ON PLANTATION KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, WITH PARCEL IDENTIFICATION NUMBER 00405350-000000 & 00405360-000000, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 5:52 p.m. Village Attorney Roget Bryan read the title of the resolution and asked the Council to disclose ex parte communications. Councilman Jim Mooney, Vice Mayor Mike Forster and Mayor Deb Gillis stated that they had each spoken with Mark Gregg. Councilwoman Cheryl Meads stated that she did not have ex parte communications. Councilman Ken Davis stated he spoke with Mark Gregg.

Applicant Mark Gregg stated he wished to withdraw the portion of the appeal that pertained to the determination of the two legally established dwelling units. He stated that by making the change there was only one section of the appeal that the Council needed to consider which related to the provision in the code regarding "fronting on US-1". The Village Attorney stated that the removal essentially tabled that portion of the appeal indefinitely.

Megan Rumbaugh, Associate Planner, presented the staff report stating that the applicant's property did not front the US-1 Highway and therefore affordable housing was not allowed on the property.

Mayor Deb Gillis invited the applicant to speak.

Mark Gregg stated he was hoping to create two affordable housing units on the property and had entered the properties into the BPAS system and that they had a high score. He explained that residential properties that fronted US-1 could be developed with affordable housing up to four units per lot. He specifically noted that the term "fronting" was not defined in the Village Code. He noted that his neighbor to the north had an Overseas Highway designation. He stated when he applied to the Islamorada Building Department for an address, he was given an Old Highway address. Mr. Gregg opined regarding the Monroe County Property Appraiser property map that indicated the Old Highway stopped short of his property which he interpreted to mean that his property and the neighbor to the north were not on the Old Highway. He stated that

there were no private property tax parcels, structures or buildings between the front of his property line and the US-1 right-of-way. He stated from a practical standpoint his property fronted the US-1 Highway. He provided the code definition for "adjacent" and noted that based on this definition he was adjacent to the US-1 Highway which begged the question was he not also fronting US-1. Mr. Gregg stated that he spoke with Mr. Brody, the property neighbor to the north, who was concerned about noise from future tenants and that he reassured Mr. Brody that he would do everything he could to address his concerns.

Mayor Deb Gillis invited those in favor to speak; no comment was offered.

Mayor Deb Gillis invited those opposed to speak; no comment was offered.

Vice Mayor Mike Forster asked for input from the Planning Director. Planning Director Ty Harris stated staff had reviewed the Council's prior discussion regarding affordable housing on the Old Highway and from a planning standpoint regarding the neighbors that would be affected, he did not have an issue with it. He commented that other individuals on the Old Highway could make the same argument and that it could be setting a precedent. He noted that he had less concern because Hog Heaven was planning to expand onto the vacant lot next to Mr. Gregg's parcel. He commented that affordable housing would be a consistent use as it fit the criteria for being located next to an employment center. He noted that it was different than the parcels further south because of its proximity to commercial property and it was more of a transitional area between commercial and residential.

Mayor Deb Gillis and Mr. Gregg discussed the process for obtaining an address and the address that was assigned to the vacant lot to the north of his property that at one time had a house on it.

Councilwoman Meads asked if there was a mechanism, such as a variance, that would allow Mr. Gregg to build affordable housing. Village Attorney Roget Bryan provided historical information regarding the 2017 code amendments to affordable housing; and suggested a mechanism would be to amend the Code and Comprehensive Plan so that property that fronted the Old Highway could be developed with detached affordable housing. Councilman Jim Mooney noted that a quarter of a mile south of the parcel property was being developed with affordable housing and that that the property fronted both US-1 and the Old Highway. Councilman Mooney stated that Mr. Gregg's parcel seemed like a logical place for constructing affordable housing noting that there were several affordable units on the Hog Heaven property.

Councilwoman Cheryl Meads expressed her support for approving the item as Overseas Highway based on the Village owning the Old Highway to the left of the parcel and because the Village did not own the property in front of the parcel. Councilman Davis asked if the Building Official could simply assign an Overseas Highway address. The Village Attorney opined that during plan review the Building Official determined that it was an Old Highway address. Council and staff discussion ensued regarding the lack of a Code definition for fronting; amending the 2017 ordinances that addressed R1 and R1M parcels fronting Overseas Highway and Old Highway; and the context of the current appeal. Council, staff and Mr. Gregg discussed limiting the change in address to Windley Key. The Village Attorney explained that the Council would be determining that there was an error in fact and that the parcel was actually Overseas Highway.

Councilwoman Cheryl Meads made a motion to approve the administrative appeal. Councilman Ken Davis seconded the motion. Council voted and the motion passed 5-0.

TAB 4: 2nd Reading: Consideration of a Development Agreement Pursuant to Chapter 163, Florida Statutes, between the Village and the Moorings Islamorada, Inc., Witness Resources, Inc., Baldwin Industrial Properties, Inc., and Balate International Limited

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN THE VILLAGE AND THE MOORINGS ISLAMORADA, INC., WITNESS RESOURCES, INC., BALDWIN INDUSTRIAL PROPERTIES, INC., AND BALATE INTERNATIONAL LIMITED FOR THE PROPERTY LOCATED AT 123 BEACH ROAD, UPPER MATECUMBE KEY WITH REAL ESTATE NUMBERS 00401870-000000, 00095490-000000, 00095300-000000 AND 00095510-000000; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ANY OTHER REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:26 p.m. Village Attorney Roget Bryan read the title of the resolution and asked the Council to disclose ex parte communications. Councilman Jim Mooney disclosed that he had spoken with Jim Lupino and Debbie Pribyl. Vice Mayor Mike Forster, Mayor Deb Gillis, Councilwoman Cheryl Meads and Councilman Ken Davis each disclosed that they had spoken with Jim Lupino. Senior Planner Craig Southern presented the staff report.

Mayor Deb Gillis invited the applicant to speak.

Jim Lupino, Attorney for the applicant, commented regarding his and staff's efforts to create the document noting that it protected the parties involved.

Mayor Deb Gillis opened public comment to those in favor.

Van Cadenhead commented regarding the importance of maintaining public access to the ocean from Beach Road. Village Attorney Roget Bryan referenced section 5.2.3 of the agreement which stated Beach Road would remain a public dedicated right-of-way.

Mr. Lupino noted the item before the Council was a development agreement, not a request for an abandonment. Vice Mayor Mike Forster stated he opposed section 5.2.3 and the guard house and suggested the Village should create better signage on Beach Road. Mr. Lupino suggested that additional signage was not attractive, and that people ignored the signs. Mr. Lupino commented regarding the trespass issues the Moorings encountered which had increased since the filming of *Bloodline*. Planning Director Ty Harris stated the guard house /kiosk was his idea based on his personal observations. Councilman Mooney suggested making the water access from Beach Road more attractive for foot-traffic and "eco-friendly" and noted that the Cheeca Resort and Islander Resorts had a guard house. Councilwoman Meads stated that she had walked down Beach Road to the water and was asked to leave by Moorings staff and stated she would vote in favor of the item if the guard house was removed. Mayor Deb Gillis stated the item before the Council did not give the owner the right to build a guard house. Vice Mayor Forster pointed out that the agreement stated it was existing. Village Attorney Roget Bryan

stated staff could clarify the language and commented regarding the future site plan process could clarify some of the issue.

Van Cadenhead suggested white picket fences with private property signs would solve the problem; and spoke against requiring people to walk rather than park on Beach Road.

Mayor Deb Gillis suggested the word existing be removed from section 5.2.3 and that a guard house could be approved or denied with the submittal of a future site plan.

Property owner Hubert Baudoin, commented regarding the active business district located near his property, the festivals, events and the filming of *Bloodline* that had attracted numerous people to the area; his efforts to deter people from trespassing on his property; the gate on his property from Beach Road had been broken ten times; that the Moorings promoted peace, quiet and safety which has been infringed upon; and that if the Council did not want a guard house he understood. Mr. Lupino stated the issue was not simply people trying to access the beach, they were trying to get a glimpse of the *Rayburn House*.

Mayor Deb Gillis opened public comment to those opposed; no public comment was offered.

Councilman Jim Mooney stated he was going to make a motion to approve with a correction to Section 5.2.3 of the agreement so that it would reflect a proposed location for a guard house rather than an existing guard house, and noted that the applicant would have to come back for a site plan approval. Village Attorney Roget Bryan asked Jim Lupino if the applicant agreed with Councilman Mooney's change. Mr. Lupino stated that he was in agreement.

Councilman Jim Mooney made a motion to approve with a correction to Section 5.2.3 of the agreement reflecting a "proposed guard house" rather than an existing guard house. Mayor Deb Gillis seconded the motion. Council voted and the motion passed 3-2 with Vice Mayor Mike Forster and Councilwoman Cheryl Meads voting in opposition.

TAB 5: First Reading Future Land Use Map Amendment Request by Jay R. Glynn for Property Located at Approximately MM 86 on Overseas Highway with Real Estate Number 00410503-0014600

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY JAY R. GLYNN TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM CONSERVATION (C) TO RESIDENTIAL MEDIUM (RM) FOR PROPERTY LOCATED AT APPROXIMATELY MILE MARKER 86 ON OVERSEAS HIGHWAY WITH REAL ESTATE NUMBERS 00410503-014600, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

This item was heard at 6:58 p.m. Village Attorney Roget Bryan explained to the Council that tabs five through eight pertained to the same property and asked if the Council was in agreement with him reading the titles of the ordinances and opening all four items at once with the understanding that each item would be voted on separately. Council expressed agreement.

Village Attorney Roget Bryan read the ordinance titles of tabs five through eight and asked the Council to disclose ex parte communications related to all four tabs. Councilman Jim Mooney

stated he had ex parte communications with Don Craig and Mark Gregg. Mayor Deb Gillis stated she had ex parte communications with Mark Gregg. Councilwoman Cheryl Meads stated she had ex parte communications with Pete Bacheler. Vice Mayor Mike Forster and Councilman Ken Davis each stated that that had not had ex parte communications.

Scarlett Hammons, AICP with the Corradino Group, presented the staff report recommending denial of the four ordinances. Village Attorney Roget Bryan pointed out that tabs 5 and 7 were being sought through the small-scale Comprehensive Plan amendment process which meant they only required one hearing.

Mayor Deb Gillis invited the applicant to speak

Jim Lupino, Attorney for the applicant, commented that the property was acquired by Jay Glenn's uncle in the 1950's with the expectation of development; in the 1960's the family began the development process by subdividing the parcels and platting the land; after the formation of the Village the property was designated conservation; a 2011 pre-application conference led to the issuance of a Letter of Understanding from former Planning Director Ed Koconis; the property was ninety acres and the applicant planned to use five of those acres; the portion of the property to be developed was along the US-1 Highway which was disturbed upland; that the development would require a partial clearing of hardwood hammock; that Don Craig had designed a site-specific concept; that Village regulations detailed certain criteria that provided for a property specific amendment that would allow additional percentages of clearing; and that the owner would be required to enter into a development agreement that would require the owner to replant vegetation in the disturbed area near the smaller hardwood hammock. Mr. Lupino explained that a future site plan would address the control issues such as traffic, drainage and community character; that the density assigned by the Village of .25 TDRs to each of the 150 parcels equates to 37.5 units and that under the Code and Comprehensive Plan the property owner would have the right to transfer the density to the small designated area. He concluded that the Village regulations would allow the Village to meet its objectives, protect 85 out of 90 acres, and would allow a land-owner reasonable use of his property.

Planning Director Ty Harris stated the application was probably the worst application he had seen in his career; noted that all 90 acres were currently protected; and stated that the fight to develop the property should have occurred 22 years ago. He commented regarding the problems that could ensue if the changes were made and the applicant could not obtain a BPAS allocation when there were no allocations to provide. Environmental Planner Daniel Parobok commented that the 90 acres had two areas of hardwood hammock; and that if the development proceeded and hammock was removed, restoration efforts would most likely not be successful as they had not been so naturally and similar restoration efforts had not been successful. Environmental Resources Manager Peter Frezza commented that it was suggested that the smaller parcel could be transformed into a higher quality hammock similar to the larger hammock and that this was not possible due to the elevation differences and the differences in vegetation that would occur.

Mayor Deb Gillis opened public comment to those in favor; no comment was offered.

Mayor Deb Gillis opened public comment to those opposed.

Mark Gregg noted his familiarity with the property; commented that he had seen Indigo Snakes on the applicant's property when he owned the property next to the applicant's property; the plugged canals near the applicant's property in Venetian Shores contained crocodiles; that the property had a lot of environmental importance and significance; and noted his efforts as a former Councilmember to protect the environment through the Comprehensive Plan. He read Comprehensive Plan section 6-1.1; noted the portion of the Code that addressed the BPAS scoring requirements pertaining to hammock property; referenced Comprehensive Plan 6-1.4.19 and stated the request was voted down unanimously by the Local Planning Agency. He stated that he supported development where it was appropriate.

Van Cadenhead commented that comprehensive plan 6-1.4.1 stated "In no instance shall Islamorada, Village of Islands adopt regulations that are less restrictive than existing Village regulations." He stated out of the 34 polices that staff examined, 33 were not consistent.

Planning Director Ty Harris stated the property had been conservation for 22 years. The code provides for a transfer of density and that the value in the property was to sell the density and sell the land to the state.

Vice Mayor Mike Forster stated he agreed with the Planning Director's assessment. Councilman Davis opined that because the property was platted in the 1950's and designated 22 years ago as conservation that it appeared that the owner during that time had no issues with the property going into conservation.

Village Attorney Roget Bryan read the title of the ordinance.

Councilwoman Cheryl Meads made a motion to deny. Councilman Ken Davis seconded the motion. Council voted and the motion passed 5-0.

TAB 6: First Reading: Zoning Map Amendment Request by Jay R. Glynn for Property Located at Approximately MM 86 on Overseas Highway with Real Estate Number 00410503-0014600

REQUEST BY JAY R. GLYNN TO AMEND THE OFFICIAL ZONING MAP FROM CONSERVATION (C) TO MULTI FAMILY (MF) FOR PROPERTY LOCATED AT APPROXIMATELY MILE MARKER 86 ON OVERSEAS HIGHWAY WITH REAL ESTATE NUMBERS 00410503-014600, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

Village Attorney Roget Bryan read the short title of the ordinance.

Councilwoman Cheryl Meads made a motion to deny. Mayor Deb Gillis seconded the motion. Council voted and the motion passed 5-0.

TAB 7: First Reading: Request by Jay R. Glynn to Amend Comprehensive Plan Policy 3.1.1.3

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY JAY R. GLYNN TO AMEND POLICY 3.1.1.3 OF THE VILLAGE COMPREHENSIVE PLAN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

Village Attorney Roget Bryan read the short title of the ordinance.

Councilwoman Cheryl Meads made a motion to deny. Vice Mayor Mike Forster seconded the motion. Council voted and the motion passed 5-0.

TAB 8: First Reading: Request by Jay R. Glynn to Amend Section 30-1614 of the Land Development Regulations

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY JAY R. GLYNN TO AMEND SECTION 30-1614.- "OPEN SPACE REQUIREMENTS" OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

Village Attorney Roget Bryan read the short title of the ordinance.

Councilwoman Cheryl Meads made a motion to deny. Mayor Deb Gillis seconded the motion. Council voted and the motion passed 5-0.

Mayor Deb Gillis closed the quasi-judicial portion of the meeting.

ORDINANCES

There were no ordinances.

RESOLUTIONS

TAB 9: BPAS Allocation Distribution for 2020

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE TOTAL AMOUNT OF NONRESIDENTIAL FLOOR AREA AND RESIDENTIAL DWELLING UNITS, QUARTERLY ALLOCATIONS, AND THE DISTRIBUTION OF ALLOCATIONS BETWEEN CATEGORIES OF THE BUILDING PERMIT ALLOCATION SYSTEM FOR 2020; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:54 p.m. Village Attorney Roget Bryan read the title of the resolution. Vice Mayor Mike Forster inquired whether staff had discussed with the DEO the idea of converting commercial square footage into affordable. Village Attorney Roget Bryan stated no formal discussion had occurred; but that the concept was briefly discussed. Vice Mayor Mike Forster requested staff get an answer from the DEO. Associate Planner Megan Rumbaugh presented the staff report recommending approval.

Councilman Jim Mooney provided a historical account of commercial BPAS square footage noting he did not see a need or a reason to add 2,500 square feet to the 2020 BPAS allocation distribution. The Village Attorney explained that the Council could allocate less than the 2,500.

Mayor Deb Gillis opened public comment; no comment was offered.

Councilman Jim Mooney made a motion to approve the BPAS allocations with zero additional square feet of non-residential. Village Attorney Roget Bryan clarified that the existing 44,072

square feet of non-residential would roll over into 2020. Vice Mayor Mike Forster seconded the motion. Council voted and the motion passed 5-0.

TAB 10: Resolution Approving the Purchase of a 2020 Sutphen Pumper Fire Truck for the Village Fire Rescue Department

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA PIGGYBACKING THE FLORIDA SHERIFFS ASSOCIATION COOPERATIVE PURCHASING PROGRAM CONTRACT NUMBER FSA18-VEF13.0 AND APPROVING THE PURCHASE OF A 2020 SUTPHEN PUMPER FIRE TRUCK FROM SOUTH FLORIDA EMERGENCY VEHICLES, LLC; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR PIGGYBACKING OF COMPETITIVE BID; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:08 p.m. Village Attorney Roget Bryan read the title of the resolution. Fire Chief Terry Abel presented the staff report recommending approval.

Mayor Deb Gillis opened public comment; no comment was provided.

Councilman Ken Davis made a motion approve. Councilman Jim Mooney seconded the motion. Council voted and the motion passed 5-0.

TAB 11: Resolution Approving Asphalt Repairs to US-1 at MM 92.8

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE SELECTION OF A CONTRACTOR FOR ASPHALT REPAIRS AT MILE MARKER 92.8; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:11 p.m. Village Attorney Roget Bryan read the title of the resolution. Public Works Director A.J. Engelmeyer presented the staff report noting the lowest responsive bid was \$28,382 and the resolution included a not to exceed of \$30,000.

Mayor Deb Gillis opened public comment; no comment was provided.

Council expressed concern regarding cost overruns associated with the portion of the quote that stated: "Customer agrees to pay asphalt over-runs at a price of \$186 per ton" and "Customer agrees to pay for asphalt leveling at a price of \$173 per ton". The Public Works Director stated a lot of what was provided in the quote was not applicable. The Public Works Director stated that he had specifically requested a quote for the line items that were included on the first page. The Village Attorney stated there was a not to exceed of \$30,000. Council requested the two items be removed from the quote.

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

MOTIONS

TAB 12: Approval of Regular Village Council Meetings for Calendar Year 2020

This item was heard at 8:19 p.m. Mary Swaney, Public Information Officer and Assistant to the Village Manager, presented the proposed 2020 Regular Village Council Meeting Calendar with suggested changes. Mayor Deb Gillis recommended the November meeting occur on November 19th rather than November 5th due to a new Council being seated; and suggested that the December meeting occur on December 17th due to the Thanksgiving and Christmas Eve holidays. Council expressed agreement. Due to scheduling conflicts, Council expressed agreement with the May meeting occurring on the 21st rather than the 28th; and September 17th rather than September 10th.

Mayor Deb Gillis opened public comment; no comment was provided.

Vice Mayor Mike Forster made a motion to approve the calendar with the changes discussed. Mayor Deb Gillis seconded the motion. Council voted all in favor and the motion passed 5-0.

Acquisition of Property Located at 292 Gardenia Street

This item was heard at 8:24 p.m. Village Manager Seth Lawless presented the staff report recommending acquisition of the 292 Gardenia Street property for \$539,000 to be used for future affordable housing. He reported that the Village acquired the abutting property in March 2019 which would accommodate six affordable units and explained that if the Village purchased the 292 Gardenia property it could place three affordable units on the property bringing the total number of affordable units for the two properties to nine. Mr. Lawless explained that the 292 Gardenia Street property was designated as multifamily and currently had three apartments; and that if the Village constructed affordable housing, the Village would have three market rate units to use as they saw fit. Mr. Lawless opined that the purchase would improve the neighborhood and property values.

Councilman Ken Davis made a motion to approve the acquisition. Councilman Jim Mooney seconded the motion. Council voted all in favor and the motion passed 5-0.

MAYOR / COUNCIL COMMUNICATIONS

Discussion Regarding Advanced Disposal- Vice Mayor Forster

(This item was pulled from the agenda by Vice Mayor Mike Forster.)

Discussion Regarding Use of Golf Carts in the Village- Vice Mayor Forster

(This item was moved to the December Village Council agenda by Vice Mayor Forster.)

Agenda Addition: Discussion Regarding a Resolution Concerning the NOAA "Restoration Blueprint" – Vice Mayor Forster

This item was heard at 9:24 p.m. Vice Mayor Mike Forster provided information regarding Council's last discussion about the NOAA Restoration Blueprint and read a resolution adopted by Monroe County addressing the Restoration Blueprint. He proposed directing staff to draft a resolution which would include addressing enforcement and provided suggested language. Vice Mayor Forster noted the lack of existing, proper enforcement; stated the FWC had taken over the enforcement of the

National Marine Sanctuary; FWC was short-staffed patrolling Village waters; and that 60 percent of the sanctuary plan for enforcement was provided by the state and the remaining 40 percent was federal enforcement. He suggested the restoration plan include a line item for securing funding for enforcement. Mayor Gillis stated she was under the impression the next draft of the plan would address funding. Village Attorney Roget Bryan commented that at a prior Council meeting there was discussion about a workshop but that he had heard nothing further on the matter. He confirmed Council's direction to draft a resolution that mirrored the Monroe County resolution and would include the Vice Mayor's suggestion. Council expressed agreement.

Mr. Bryan reported on his conversation with Mr. Horan regarding his role in fighting the last National Marine Sanctuary plan; that Mr. Horan asked him to convey his support for the Village's efforts; and stated Mr. Horan was skeptical that the municipalities would have the input. Vice Mayor Mike Forster noted Mr. Horan was being retained by the parties fighting the Restoration Blueprint.

Mayor Deb Gillis stated the Nearshore Water Regulation Citizens' Advisory Committee was working on putting together a workshop and encouraged other groups to step out on their own or partner with the Village.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Agenda Addition: Update Regarding the Islander Resort- Village Attorney

This item was heard at 8:28 p.m. Village Attorney Roget Bryan provided a summary of the issues noting that staff's direction was to facilitate a discussion between the two parties. He stated the larger issue of access remained virtually solved because the Islander had no ability to use the ingress/egress from Carroll Street because the Village maintained control of the gate key. He reported the idea of a site plan amendment was discussed and it was decided staff would prepare a memorandum that would be attached to the property file confirming the Village's position that there would be no ingress or egress from the Carroll Street location. Mr. Bryan reported the other issue was the vegetation and explained that the Islander had planted the required vegetation, but that the plantings were not yet mature.

Mayor Deb Gillis opened public comment.

Elizabeth Jolin expressed her concern that Jim Lupino, attorney for the Islander, was present and noted that legal representation was not in attendance for the residents of Carroll Street.

Planning Director Ty Harris said that if the Islander was not amenable to amending the site plan, he would write a memorandum to the Islander file, referencing the resolution that approved the site plan for the conference center, and would note that there was no authorization for a road from Carroll Street. Village Manager Seth Lawless reminded the Council that the access from Carroll Street had been closed since May 2019 and requested clarity as to what the Council wanted to discuss.

Elizabeth Jolin acknowledged the Village held the gate key but said she did not understand why the Village did not install a buffer in front of the gate. The Planning Director stated plantings could be addressed in two different ways. The Islander could plant vegetation on their property through the permit process or the Village could plant in the right-of-way, if directed by Council to do so. Discussion ensued between staff, Council and Ms. Jolin regarding planting trees in front of the

access gate. The Village Attorney clarified only break-away vegetation could be planted in front of the fire access gate, which eliminated the possibility of planting trees.

Mr. Bryan explained that the Village's role in the issue was to ensure that there had been compliance with the site plan; the Village's position had not changed in that the location was not an approved site for ingress/egress to the property; the Village solved the problem of the location being used for ingress/egress by controlling the access (with a gate and key); and that the Islander met the requirements of their permits with regards to planting additional vegetation. Mr. Bryan stated that he was not aware of any action by the Islander that required additional code enforcement action. Discussion ensued between Council, staff and Ms. Jolin regarding a fire access "road" and the Village using the fire access entrance if the need arose. Ms. Jolin commented that the issue of planting trees was not about Mr. Ortiz' view but rather assuring the neighborhood that commercial trucks would not be driving up and down Carroll Street and questioned why the trees were not planted in front of the gate. The Village Attorney explained that there was a tree buffer around the property, the Islander obtained a fence permit, trees were removed, and the fence was installed along with the required vegetation. He noted that the fence permit raised the issue of fire access which the Fire Chief had explained at a previous meeting.

Councilman Jim Mooney stated the trees were cut down illegally after Hurricane Irma and suggested planting Florida Privet in front of the fire access gate, which could easily be driven over. Councilwoman Meads asked who owned the property that the trees were removed from. Staff replied that the property belonged to the Islander.

Frank Ortiz explained that the Islander Resort was granted a variance in 2011, that there was a tree buffer zone on the property which could be seen using Google Earth, and that the Islander decided to remove the trees to create an access to the property from Carroll Street.

Discussion ensued regarding access to the Islander Resort in the event of a fire; the location of a fire hydrant that services the museum and conference center being inside the gate hence the reason for the fire access point from Carroll Street; planting Florida Privet in the right-of-way in front of the fire access gate which would provide a buffer and allow for fire access; legally, the Islander was allowed to have a fence and the Village could not make them remove it; that the fire department needed a week spot in order to access the property; and the Village's role, code compliance, and balancing respective property rights.

The Village Attorney stated that to the extent the Village could mitigate the access issue and control it, the Village had done that. To the extent the Village could ensure that the Islander complied with the requisite plantings for their fence, the Village had done that. To the extent the Village could further memorialize and make it clear that there was not an ingress and egress from Carroll Street, the Village had done that. He asked the Council if they desired additional break-away vegetation to be planted in the Village right-of-way. Council expressed agreement with planting break-away vegetation in the right-of-way. Councilman Jim Mooney stated that the Village had no authority to make the Islander do anything that was not required by the Village Code. Council directed staff to plant 5-foot to 6-foot fast growing shrubs in the right-of-way.

Jim Lupino stated he was not noticed at the last meeting when the issue was discussed and counsel for the Carroll Street residents was present. He stated he stayed for the meeting when the

discussion was added to the agenda. He noted he did not have authority to agree to anything on behalf of the Islander Resort. He stated the Islander had complied with the Village's requirements.

Mayor Deb Gillis noted that the fire hydrant should be recognized as an asset to the neighborhood and should be accessible if there were a fire in the neighborhood. Planning Director Ty Harris recalled that staff had requested the Islander erect the fence because the neighbors were concerned about access to the property and that staff had put up a temporary fence until the Islander erected a permanent fence. Councilman Davis suggested Mr. Horan speak with Mr. Lupino. Mr. Lupino stated he had spoken with Mr. Horan. Village Manager Seth Lawless stated staff would proceed with planting Florida Privet on 3.5-foot centers.

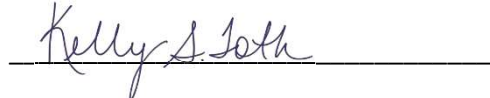
Agenda Addition: Update Regarding Opioid Litigation- Village Attorney

This item was heard at 9:22 p.m. Village Attorney Roget Bryan reported on the national opioid litigation in which 30,000 municipalities were named in a class-action lawsuit against the opioid industry. He recommended the Village remain in the class-action lawsuit noting there was no cost impact to the Village, and that Marathon and Monroe County were remaining in the lawsuit. Council expressed agreement with remaining in the class action suit.

ADJOURNMENT

Councilwoman Cheryl Meads made a motion to adjourn. Councilman Ken Davis seconded the motion. The meeting adjourned at 8:37 p.m.

Approved by the Village Council January 9, 2020.

A handwritten signature in cursive script, reading "Kelly S. Toth", is written over a horizontal line.

Kelly S. Toth, CMC
Village Clerk



**ISLAMORADA, VILLAGE OF ISLANDS
REGULAR VILLAGE COUNCIL MEETING**

Founders Park Community Center

87000 Overseas Highway

Islamorada, FL 33036

Thursday, January 9, 2020

5:30 PM

- I. CALL TO ORDER / ROLL CALL**
- II. PLEDGE OF ALLEGIANCE**
- III. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS**
 - A. Presentation: Artificial Reef Project- Joe Weatherby**
- IV. PUBLIC COMMENT**
- V. AGENDA: Requests for Deletion / Emergency Additions**
- VI. CITIZENS' ADVISORY COMMITTEE UPDATES**
- VII. CONSENT AGENDA**

(All items on the Consent Agenda are considered routine by the Village Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event, the item will be moved to the Main Agenda.)

- A. Minutes** **TAB 1**
 - November 21, 2019 Regular Village Council Meeting
 - December 12, 2019 Regular Village Council Meeting
 - December 12, 2019 Executive Session, Case No. 07-CA-582-P
 - December 12, 2019 Executive Session, Case No. 4:13-CV-10121
 - December 12, 2019 Executive Session, Case No. 11-CA-389-P
- B. Resolution Authorizing Extension of the Code Compliance Lien Amnesty Program** **TAB 2**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING AN EXTENSION OF THE CODE COMPLIANCE LIEN AMNESTY PROGRAM TO ENCOURAGE CENTRAL

WASTEWATER CONNECTION AND COMPLIANCE WITH THE VILLAGE CODE OF ORDINANCES; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL NECESSARY AND EXPEDIENT ACTION; AND PROVIDING FOR AN EFFECTIVE DATE

- C. Resolution Authorizing Approval of the Second Amendment to an Agreement between Islamorada, Village of Islands and Wood Environment & Infrastructure Solutions, Inc. **TAB 3**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A SECOND AMENDMENT TO A PROJECT AGREEMENT WITH WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC.; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

- D. Resolution Approving the Piggyback Purchase of a 2020 Chevrolet Silverado 1500 Truck for the Building Department **TAB 4**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA19-VEL27.0 AND APPROVING THE PURCHASE OF A 2020 CHEVROLET SILVERADO 1500 TRUCK FROM DUVAL FLEET SALES FOR THE VILLAGE BUILDING DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

- E. Resolution Approving the Piggyback Purchase of a 2020 Chevrolet Silverado 1500 Truck for the Public Works Department **TAB 5**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA19-VEL27.0 AND APPROVING THE PURCHASE OF A 2020 CHEVROLET SILVERADO 1500 TRUCK FROM DUVAL FLEET SALES FOR THE VILLAGE PUBLIC WORKS DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

- F. Specialized Professional Services Agreements with Government Services Group, Inc. ("GSG") for 2020-2021 Wastewater, Stormwater and Solid Waste Assessment Programs **TAB 6**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE LETTERS OF AGREEMENT

BETWEEN ISLAMORADA, VILLAGE OF ISLANDS, AND GOVERNMENT SERVICES GROUP, INC., FOR SPECIALIZED PROFESSIONAL SERVICES RELATED TO THE MAINTENANCE OF NON-AD VALOREM ASSESSMENT PROGRAMS FOR WASTEWATER, STORMWATER AND SOLID WASTE COLLECTION SERVICES FOR FISCAL YEAR 2020-2021; APPROVING THE WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

- G.** Resolution Ratifying an Engagement with Smith Hawks, PL for Outside Litigation Counsel Services for DOAH Case NO. 19-1839GM

TAB X

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; RESOLUTION RATIFYING THE ENGAGEMENT OF SMITH HAWKS, PL, FOR LITIGATION COUNSEL SERVICES RELATED TO DOAH CASE NO. 19-1839GM; AUTHORIZING LITIGATION EXPENDITURES RELATED TO DOAH CASE NO. 19-1839GM; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

*****End of Consent Agenda*****

VIII. QUASI-JUDICIAL

- A.** First Reading: An Ordinance of Islamorada, Village of Islands Considering The request of PDB Enterprises, Inc. and Overseas Center, LLC to Amend the Village's Future Land Use Map from Residential Medium (RM) to Mixed Use (MU) for Property with Real Estate Number 00418050-000000

TAB 7

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF PDB ENTERPRISES, INC. AND OVERSEAS CENTER LLC., TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR PROPERTY WITH REAL ESTATE NUMBER 00418050-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

- B.** First Reading: An Ordinance of Islamorada, Village of Islands Considering the Request of PDB Enterprises, Inc. and Overseas Center, LLC to Amend the Village's Rezoning Map from Residential Single-Family District (R-1) to Highway Commercial District (HC) for Property with Real Estate Number 00418050-000000

TAB 8

ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF PDB ENTERPRISES, INC. AND OVERSEAS CENTER LLC., TO AMEND THE VILLAGE'S ZONING MAP FROM RESIDENTIAL SINGLE-FAMILY DISTRICT (R-1) TO HIGHWAY COMMERCIAL DISTRICT (HC) FOR PROPERTY WITH REAL ESTATE NUMBER 00418050-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

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

TAB 9

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN THE VILLAGE AND COCONUT COVE RESORT & MARINA, INC., AND PAUL E. BATES FOR THE PROPERTY LOCATED AT 84801 OVERSEAS HWY, WINDLEY KEY WITH REAL ESTATE NUMBERS 00094000-000000, 00093970-000100, AND 00094010-000000; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ANY OTHER REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

IX. ORDINANCES

X. RESOLUTIONS

- A. Approval of the Residential Building Permit Allocation System Ranking and Awards Quarter 4 of 2019 for Affordable Housing

TAB 10

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND AWARDED AFFORDABLE RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 4 OF 2019; AND PROVIDING FOR AN EFFECTIVE DATE

- B. Resolution Authorizing the Village Manager to Execute Documents and Expend Funds for the Purchase of a Parcel on Plantation Key for the Purpose of Affordable Housing Development

TAB 11

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AUTHORIZING THE PURCHASE OF PARCEL 00418220-000100 LOCATED IN ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; AUTHORIZING VILLAGE MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO IMPLEMENT THE PURCHASE; AUTHORIZING THE VILLAGE MANAGER TO EXPEND FUNDS; APPROVING A FUNDS TRANSFER AND BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

XI. MOTIONS

A. NPK Wastewater Improvements

TAB 12

XII. MAYOR / COUNCIL COMMUNICATIONS

XIII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

XIV. ADJOURNMENT

A printed copy of the agenda will be available for the public at the time of the meeting. The agenda and backup documentation may be viewed and printed from the Village website at www.islamorada.fl.us as early as the Monday prior to the meeting.

These meetings are open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the ADA Coordinator at (305) 664-6448 or by email at ADA@islamorada.fl.us at least 48 hours before the scheduled meeting.

Anyone wishing to appeal any decision made by the Islamorada Village Council with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

All video, computer or technical devices that will be used at Council meetings must be given to the Village Clerk 48 hours prior to the meeting. **Anyone giving out documents during public comment shall provide a minimum of 15 copies to the Village Clerk prior to the start of the meeting.**

Two or more committee members from various Village Committees may be present at this meeting.

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

Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036
January 9, 2020

CALL TO ORDER

Mayor Mike Forster called the meeting to order at 5:32 p.m. Village Clerk Kelly Toth called the roll with the following Councilmembers being present on roll call: Mayor Mike Forster, Vice Mayor Ken Davis, Councilman Jim Mooney and Councilwoman Deb Gillis. Also, in attendance were Village Manager Seth Lawless, Village Attorney Roget Bryan, Village Clerk Kelly Toth and other relevant personnel.

PLEDGE OF ALLEGIANCE

Heidi Hungling led the Pledge of Allegiance.

REPORTS, PRESENTATION AND ANNOUNCEMENTS

Announcement: Resignation of Councilwoman Cheryl Meads

Mayor Mike Forster announced that Councilwoman Cheryl Meads had resigned from her seat on Council. Council discussed the process for creating a pool of candidates from which to choose; agreed that individuals should submit a letter of interest, which would include why the individual was interested in filling the vacancy, by the end of business on January 16, 2020; and that the appointment to Seat 2 would be made at the January 23, 2020 Regular Village Council Meeting. Village Manager Seth Lawless read a letter prepared by Vice Mayor Ken Davis indicating the vacancy should be filled in an apolitical manner void of favoritism; that the Council should proceed with caution as not to indicate the Council was anointing anyone in anticipation of future election results; and that the Council should choose the best qualified individual. Vice Mayor Davis' letter suggested former Councilmember Chris Sante fill the vacancy noting his prior Council experience, leadership and that he had no aspiration of running for Council in the 2020 election. The letter stated filling the vacancy with the former Councilmember would not reflect favoritism or political interest. Mayor Mike Forster noted that this was the opinion of one Councilmember and that the appointment would be vetted and discussed at the January 23, 2020 Regular Village Council Meeting.

Presentation: Artificial Reef Project

This item was heard at 5:57 p.m. Kurt Tidd, retired U.S. Navy Admiral, stated that in order to move forward with submersing a vessel to create an artificial reef, they would need the support of the Village as the permit holder. He commented that tourism publications had begun recommending that travelers refrain from going to the Florida Keys due to the deterioration of the coral reefs and the impact on fishing. He stated the fishing community recognizes that the livelihood of the coral reefs was critical to the fishing industry. Mr. Tidd commented regarding the positive impacts the Spiegel Grove (Key Largo) and the Vandenberg (Key West) had on the dive industry.

Dive instructor John Bruen stated the goal was to sink a military ship with historic value that would benefit the entire community including divers and fishermen.

Lisa Mongelia, Executive Director of the History of Diving Museum and member of the Florida Keys National Marine Sanctuary Advisory Council stated that sinking a ship would provide relief to the reef system.

Attorney Mark Hruska commented regarding his experience as the lead trial counsel for the PADI diving program from 1987 to 2015. He stated that he handled cases in the contiguous United States, the Virgin Islands, Puerto Rico and Guam. Mr. Hruska stated there were two types of liability associated with sinking a ship: personal injury liability and environmental liability. He reported that he handled approximately 150-200 personal liability cases of which 30 percent occurred in Florida and that approximately 30 percent of the Florida cases were in Monroe County. He reported that of the Monroe County personal injury cases only about 5 or 6 were related to diving on a sunken ship and that those cases were due to a diver running out of air or getting stuck in the ship which resulted in injury or death. He explained that millions of dives were taken on the various sunken vessels during the 1987 to 2015 timeframe and that only a few resulted in the five to six personal injury claims. He stated that in those five to six cases Monroe County was never listed as a defendant in the lawsuits and that based on this information the personal injury liability is minimal. He stated he very recently conducted a Westlaw search of similar cases and that there was not one single case in which there was a shipwreck that was owned by a municipality or the State that was named as a defendant, let alone sued or collected from. Mr. Hruska explained that there were two primary reasons that the owner of the vessel/ primary permit holder was not being sued. He explained that governments had sovereign immunity which limited the recovery and legal fees that plaintiffs could recover, which made these types of cases unappealing to attorneys. He commented that dive operators carried liability insurance which satisfied the attorneys. Mr. Hruska stated the liability exposure to the Village was minimal and that the risk/benefit clearly favored moving forward with the project. Mr. Hruska explained that if the Village owned the vessel, they would be required to have liability insurance for various types of environmental issues such as a ship moved by a storm which resulted in environmental destruction or pollution related issues. He commented regarding the remediation that was required prior to sinking a ship and opined that there was minimal environmental exposure. Mr. Hruska recalled the environmental issue with the Spiegel Grove which had to do with the sinking of the ship and the ship rolling over. He noted the monetary requirements associated with up righting the ship. Mr. Hruska explained that today's technology allowed for greater accuracy when sinking of vessels.

Joe Weatherby, with Artificial Reefs International and CRB Geological & Environmental Services, stated they were asking the Village to own the vessel that they would pay for and deploy off Islamorada. He commented there were a few acres that could be permitted with improvements that would generate tax revenue, jobs and marine life. He reported the City of Marathon was moving forward with an artificial reef project similar to what was being proposed to the Village. He commented that the project was under consideration with the National Marine Sanctuary (NMS) and that the NMS had not completed their review of the project due to understaffing, according to comments made to him by NMS Executive Director Sara Fangman and NMS Director of Office John Armour. Mr. Weatherby stated that in order to move forward with the project a municipality had to

be the permit holder. He stated Monroe County was approached about being the permit holder but declined because they were the permit holder to several existing vessels. Monroe County advised that the municipalities needed to be the permit holders. Mr. Weatherby reported his company had been sinking ships since the 1980s and that the sunken vessels were clean, deployed properly, compliant with regulations, and were producing divers and marine life. He explained that there were no on-going maintenance costs associated with the sunken ships, however there were periodic minimal costs. He asked the Council to vote to approve being the permit holder of the vessel.

Village Attorney Roget Bryan stated staff would need to conduct due diligence and review the appropriate documentation in order to make a recommendation to Council.

Councilmembers expressed their desire to see the project move forward and directed staff to move forward with due diligence. Mayor Mike Forster noted a letter of support provided by the Islamorada Chamber of Commerce. Councilwoman Deb Gillis clarified that the Council was not voting on owning the vessel, but that they were exploring the option.

Mayor Mike Forster opened public comment.

Van Cadenhead commented regarding the ships providing relief to the reefs; encouraged the Council to become the owners of the ship; and noted the decline of the coral reefs.

Larry Barr spoke in support of moving forward with project.

Spencer Slate, dive shop owner for 42 years, stated he was the Project Manager for the Spiegel Grove (except for the sinking of the vessel). He stated that he and a few others collected statistics for 18 months beginning in 2002 gathering data on traffic stops, head counts and dive shop visits. He reported that there were over 70,000 dives conducted on the Spiegel Grove during the 18-month period. Mr. Slate explained that most dive shops charged about \$100 for gear and the dive and noted that the money was rolled over five times considering visitors stayed in hotels, bought gas, food and supplies. He stated that this contributed almost \$80 million a year. Mr. Slate reported that the maintenance on the Spiegel Grove was zero, except for the occasional buoy that was replaced. He explained the beneficial environmental impact which removed 70,000 divers from the coral reefs in 18 months. Mr. Slate reported that since the 1970's, there were seven major artificial reefs that were created by sinking vessels. He stated that the Maritime Administration would give the ship to the municipality and noted the costs associated with acquiring the vessel included cleaning and towing. He recalled the small oil slick which occurred when the Spiegel Grove sunk unexpectedly and noted that it was five gallons of hydraulic fluid that he had removed from the doors but had been unable to retrieve in time.

Carlos Estape stated he was a member of the advanced assessment team with the Reef Environmental Educational Foundation that was contracted to conduct a study pre and post sinking of the Vandenberg to determine whether the artificial reef was a net gain or net loss to the natural reefs. The study revealed that it was a net gain and that there were many more fish in the area due to the sinking of the Vandenberg.

Mayor Mike Forster closed public comment.

PUBLIC COMMENT

Mayor Mike Forster opened public comment.

Kate Cummings, Aquatic Preserves Manager with the Florida Department of Environmental Protection (FDEP), announced a FDEP public forum to receive public input regarding the update to the Lignumvitae Key Aquatic Preserve Management Plan would be held on January 16, 2020 at 6:00 p.m. in the Founders Park Community Center.

Van Cadenhead expressed his concerns for stormwater runoff from the dog park to the Founders Park beach and suggested the dog park be relocated.

Larry Barr inquired as to why the start time of the Blessing of the Fleet had been moved to 8:30 a.m. from 10:00 a.m. Mayor Mike Forster explained that law enforcement requested a start time of 7:30 a.m. because of traffic backups during that week but that a compromise was reached to begin at 8:30 a.m. Mr. Barr opined that Governmental Services Group Inc. had failed to properly anticipate the wastewater loads and non-loads which resulted in a rate increase to the property owners and suggested the Village may not want to renew their contract.

Mayor Mike Forster closed public comment.

Mayor Forster announced the Wounded Warrior Ride would occur at 9:30 a.m. on January 10, 2020 at the Coral Shores Highschool.

AGENDA: Requests for Deletion / Emergency Additions

Mayor Mike Forster moved the quasi-judicial section of the agenda to proceed "Reports, Presentations and Announcements". Village Attorney Roget Bryan added Tab X to the consent agenda.

CITIZENS' ADVISORY COMMITTEE UPDATES

Agenda Addition: Achievable Housing Citizens' Advisory Committee Update

This item was heard at 6:47 p.m. Achievable Housing Citizens' Advisory Committee Chair Rebekah Susa reported the dormitory concept initiative was placed on the backburner; the committee was looking for ways to increase the Affordable Housing in lieu of fees; the greatest impact to available affordable housing rentals was caused by vacation rentals; the committee postponed the initiative pertaining to the conversion of commercial space to affordable housing unit allocations until a ruling was made by the Division of Administrative Hearings on the 300 affordable units; and that the committee was researching a home-sharing program. She explained that the home-sharing program matched individuals together for home-sharing opportunities; that the program could be owned by an authority, non-profit agency or an individual; that the authority would screen the applicants and renter; and noted that committee member Donna Wheeler was researching potential authorities. She commented that the First Time Homebuyers Down Payment Assistance Program had been successful. Mayor Mike Forster requested the balance in the Affordable Housing Fund. Ms. Susa stated there was \$366,533 dollars as of a few months ago. The Village Manager confirmed that there were no recent expenditures associated with the Fund. Mayor Mike Forster suggested the down payment assistance program be offered to individuals other than first time homebuyers. The

Village Attorney stated, per the program requirements, an applicant or their spouse could not have owned a home in the past three years. Councilwoman Deb Gillis noted that Affordable Housing Funds had also been used to purchase vacant lots for affordable housing and would be used for affordable housing construction in the future. The Mayor suggested the committee research the idea. Councilman Jim Mooney suggested the application process for the First Time Homebuyers program be streamlined to make the process easier for applicants.

CONSENT AGENDA

TAB 1: Minutes of the November 21, 2019 and December 12, 2019 Regular Village Council Meetings and the December 12, 2019 Executive Sessions for Case Numbers: 07-CA-582-P, 4:13-CV-10121, and 11-CA-389-P

TAB 2: Resolution Authorizing Extension of the Code Compliance Lien Amnesty Program

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING AN EXTENSION OF THE CODE COMPLIANCE LIEN AMNESTY PROGRAM TO ENCOURAGE CENTRAL WASTEWATER CONNECTION AND COMPLIANCE WITH THE VILLAGE CODE OF ORDINANCES; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL NECESSARY AND EXPEDIENT ACTION; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 3: Resolution Authorizing Approval of the Second Amendment to an Agreement between Islamorada, Village of Islands and Wood Environment & Infrastructure Solutions, Inc.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A SECOND AMENDMENT TO A PROJECT AGREEMENT WITH WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC.; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 4: Resolution Approving the Piggyback Purchase of a 2020 Chevrolet Silverado 1500 Truck for the Building Department

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA19-VEL27.0 AND APPROVING THE PURCHASE OF A 2020 CHEVROLET SILVERADO 1500 TRUCK FROM DUVAL FLEET SALES FOR THE VILLAGE BUILDING DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 5: Resolution Approving the Piggyback Purchase of a 2020 Chevrolet Silverado 1500 Truck for the Public Works Department

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA19-VEL27.0 AND APPROVING THE PURCHASE OF A 2020 CHEVROLET SILVERADO 1500 TRUCK FROM DUVAL FLEET SALES FOR THE VILLAGE PUBLIC WORKS DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 6: Specialized Professional Services Agreements with Government Services Group, Inc. ("GSG") for 2020-2021 Wastewater, Stormwater and Solid Waste Assessment Programs

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE LETTERS OF AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS, AND GOVERNMENT SERVICES GROUP, INC., FOR SPECIALIZED PROFESSIONAL SERVICES RELATED TO THE MAINTENANCE OF NON-AD VALOREM ASSESSMENT PROGRAMS FOR WASTEWATER, STORMWATER AND SOLID WASTE COLLECTION SERVICES FOR FISCAL YEAR 2020-2021; APPROVING THE WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

Agenda Addition-TAB X: Resolution Ratifying an Engagement with Smith Hawks, PL for Outside Litigation Counsel Services for DOAH Case NO. 19-1839GM

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; RESOLUTION RATIFYING THE ENGAGEMENT OF SMITH HAWKS, PL, FOR LITIGATION COUNSEL SERVICES RELATED TO DOAH CASE NO. 19-1839GM; AUTHORIZING LITIGATION EXPENDITURES RELATED TO DOAH CASE NO. 19-1839GM; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

End of Consent Agenda.

Councilwoman Deb Gillis made a motion to approve the consent agenda. Councilman Jim Mooney seconded the motion. Council voted all in favor and the motion passed 3-0.

QUASI-JUDICIAL

Village Attorney Roget Bryan read the quasi-judicial statement and requested that anyone not having been sworn in raise their hand. Village Clerk Kelly Toth swore in the witnesses.

TAB 7: First Reading: An Ordinance of Islamorada, Village of Islands Considering the request of PDB Enterprises, Inc. and Overseas Center, LLC to Amend the Village's Future Land Use Map from Residential Medium (RM) to Mixed Use (MU) for Property with Real Estate Number 00418050-000000

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF PDB ENTERPRISES, INC. AND OVERSEAS CENTER LLC., TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR PROPERTY WITH REAL ESTATE NUMBER 00418050-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

This item was heard at 5:39 p.m. Village Attorney Roget Bryan read the ordinance titles for Tabs 7 and 8, which were companion pieces. He asked the Council to disclose ex parte communications. Councilman Jim Mooney and Mayor Mike Forster each stated they had spoken with Pete Bacheler. Mayor Deb Gillis stated she had spoken with Pete Bacheler, Cheryl Culbertson and Don Horton.

Pete Bacheler, Agent for the Applicant, requested a continuance for Tabs 7 and 8 citing he, the property owner and attorney for the adjoining property owners would meet to discuss the fears of the neighboring property owners and provide clarification on the facts. He commented that they may modify the zoning in a subcategory that would be agreeable to most.

Antonio Hernandez, attorney for the neighboring property owners, stated he had no objection to the continuance.

Discussion ensued between Mr. Bacheler, Planning Director Ty Harris and Village Attorney Roget Bryan regarding the continuance date. Mr. Bacheler agreed that the item could be continued without a date certain with the understanding the item would require re-advertising. The Village Attorney explained that because the applicant had missed the deadline to formally request the continuance, the item had to be moved by Council. Councilwoman Deb Gillis made a motion to continue Tabs 7 and 8. Councilman Jim Mooney seconded the motion. Council voted and the motion passed 3-0.

TAB 8: First Reading: An Ordinance of Islamorada, Village of Islands Considering the Request of PDB Enterprises, Inc. and Overseas Center, LLC to Amend the Village's Rezoning Map from Residential Single-Family District (R-1) to Highway Commercial District (HC) for Property with Real Estate Number 00418050-000000

ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF PDB ENTERPRISES, INC. AND OVERSEAS CENTER LLC., TO AMEND THE VILLAGE'S ZONING MAP FROM RESIDENTIAL SINGLE-FAMILY DISTRICT (R-1) TO HIGHWAY COMMERCIAL DISTRICT (HC) FOR PROPERTY WITH REAL ESTATE NUMBER 00418050-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

This item was continued to a future meeting date.

TAB 9: Consideration of a Development Agreement Pursuant to Chapter 163, Florida Statutes, between the Village and Coconut Cove Resort & Marina, Inc., and Paul E. Bates

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN THE VILLAGE AND COCONUT COVE RESORT & MARINA, INC., AND PAUL E. BATES FOR THE PROPERTY LOCATED AT 84801 OVERSEAS HWY, WINDLEY KEY WITH REAL ESTATE NUMBERS 00094000-000000, 00093970-000100, AND 00094010-000000; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ANY OTHER REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 5:50 p.m. Village Attorney Roget Bryan read the title of the resolution and asked Council to disclose ex parte communications. Councilman Jim Mooney and Mayor Mike Forster each disclosed that they did not have ex parte communications. Councilwoman Deb Gillis

stated she had spoken with Jim Lupino and Paul Bates. The Village Attorney presented the staff report recommending approval of the development agreement that put into terms the status of the current and proposed development of the property. Mr. Bryan stated this was the first of two public hearings that was required for the development agreement to be adopted and stated it had been advertised and that the second reading would occur on January 23, 2020. He noted the Council should be familiar with the item as it had been discussed in prior executive sessions.

Jim Lupino, Attorney for the applicant, stated he believed the agreement was in an agreeable form to both parties and noted the full day of mediation that preceded the creation of the agreement.

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

The Village Attorney stated the Council would not vote on the item until second reading; after adoption it would be rendered to DEO and a ratification of the settlement agreement would occur at a Council meeting and in court to conclude the outstanding litigation.

ORDINANCES

There were no ordinances.

RESOLUTIONS

TAB 10: Approval of the Residential Building Permit Allocation System Ranking and Awards Quarter 4 of 2019 for Affordable Housing

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND AWARDED AFFORDABLE RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 4 OF 2019; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:56 p.m. Village Attorney Roget Bryan read the title of the resolution. Senior Planner Craig Southern presented the staff report recommending approval of three allocation awards.

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

Councilwoman Deb Gillis made a motion to approve. Councilman Jim Mooney seconded the motion. Council voted and the motion passed 3-0.

TAB 11: Resolution Authorizing the Village Manager to Execute Documents and Expend Funds for the Purchase of a Parcel on Plantation Key for the Purpose of Affordable Housing Development

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AUTHORIZING THE PURCHASE OF PARCEL 00418220-000100 LOCATED IN ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; AUTHORIZING VILLAGE MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO IMPLEMENT THE PURCHASE; AUTHORIZING THE VILLAGE MANAGER TO EXPEND FUNDS; APPROVING A FUNDS TRANSFER AND BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:58 p.m. Village Attorney Roget Bryan read the title of the resolution. Village Manager Seth Lawless presented the staff report recommending approval.

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

Councilwoman Deb Gillis made a motion to approve. Councilman Jim Mooney seconded the motion. Council voted and the motion passed 3-0.

MOTIONS

TAB 12: NPK Wastewater Improvements

This item was heard at 7:00 p.m. Village Manager Seth Lawless provided historical information regarding breaks in the wastewater transmission line and how the problem was being addressed. He requested approval to hire Eckler Engineering for \$84,278 to conduct a study of the NPK Pump Station that would identify a control strategy and noted the study would also include the design of a dump station.

Mayor Mike Forster opened public comment.

Larry Barr commented regarding the fee structure being broken out into two segments design/permitting/bidding services \$84,278 and engineering services during construction \$61,545.

Van Cadenhead commented that the preliminary task order opinion of probable construction costs for the improvements was \$500,000. He commented regarding hypothetical transmission line breaks and the associated impacts on the environment and suggested the Council have a redundant system in the event of failure. The Village Manager stated part of the project was to modify the ground storage tanks to increase the capacity. He agreed with Mr. Cadenhead but noted the Village had nothing south of Plantation Key which was a concern.

Councilwoman Deb Gillis made a motion to approve. Councilman Jim Mooney seconded the motion. Council voted and the motion passed 3-0.

MAYOR / COUNCIL COMMUNICATIONS

Agenda Addition: Island Community Church Building

This item was heard at 7:09 p.m. Mayor Mike Forster reported the Island Community Church was for sale and suggested staff visit the site to explore possible uses for the Village. Council expressed support for the idea noting some of the possibilities.

Van Cadenhead expressed support for the idea.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Agenda Addition: Legislative Update

This item was heard at 7:14 p.m. Village Attorney Roget Bryan reported the 2020 Florida Legislative Session would begin next week; that there were many preemption bills and an aggressive budget was expected. He noted key bills such as the vacation rental bill that would strip away grandfathering language and a Bert Harris bill. He stated Florida Keys Day would occur on February 4, 2020.

Agenda Addition: Update Regarding Key Largo Wastewater District (KLWTD) Rate Reduction

This item was heard at 7:15 p.m. Village Manager Seth Lawless reported that he brought the rate reduction issue up to the district board at the district's last meeting and that he was directed to the Village's agreement which required that if the Village wanted a rate reduction they had to conduct a study. He stated staff would have preliminary discussions with rate analysts to determine whether a study should be conducted. Mayor Mike Forster expressed concern that if the study was conducted it may not be binding and noted that the KLWTD was receiving revenue for solar power. The Village Manager commented that the district received grant funds and State funding which was primarily used for wastewater debt reduction. He stated philosophically all customers should share in the rate reduction.

ADJOURNMENT

Councilman Jim Mooney made a motion to adjourn. Councilwoman Deb Gillis seconded the motion. The meeting adjourned at 7:20 p.m.

Approved by the Village Council January 23, 2020.



Kelly S. Toth, CMC

Village Clerk

Attachment 19

Not Applicable

Attachment 20

Not Applicable