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

Islamorada, FL
Thursday, December 17, 2020
5:30 PM

Hybrid Meeting Occurred Utilizing Communications Media Technology (CMT)
Pursuant to Executive Order No. 20-69 and the Centers for Disease Control (CDC) social distancing guidelines established to contain the spread of the COVID-19 virus, the December 17, 2020 Regular Village Council Meeting was conducted utilizing Communication Media Technology (CMT) via a Zoom video conferencing application. Additional information regarding options for viewing the meeting and participation through public comment were provided in the agenda.

CALL TO ORDER / ROLL CALL

Village Clerk Kelly Toth called the role and the following Councilmembers, all seated at the dais, responded on roll call: Mayor Buddy Pinder, Vice Mayor Pete Bacheler, Councilman Mark Gregg, Councilman Henry Rosenthal and Councilman David Webb. Also, in attendance at the meeting were Village Attorney Roget Bryan, Village Clerk Kelly Toth and other relevant personnel. Appearing virtually were Acting Village Manager & Finance Director Maria Bassett and other relevant personnel.

Hybrid Meeting Procedures- Village Attorney

Village Attorney Roget Bryan described the hybrid meeting procedures.

PLEDGE OF ALLEGIANCE

Van Cadenhead led the Pledge of Allegiance.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Prayer led by Island Community Church Pastor Emeritus Reverend Tony Hammon.

Mayor Buddy Pinder called Reverend Emeritus Tony Hammon to the lectern. Reverend Hammon led a prayer for a blessing.

Introduction of New Islamorada District Commander by Monroe County Sheriff Rick Ramsay

Sheriff Rick Ramsay announced that this was Major Corey Bryan's last meeting before he retired and thanked Major Bryan for his hard work and dedication throughout the years representing the Sheriff's Office and Islamorada. Sheriff Ramsay introduced Captain Derek Paul and provided a brief of Captain Paul's experience. Sheriff Ramsay commented on the commitment to providing a high level of service. Sheriff Ramsay also introduced Station Lieutenant Chuck Kellenberger. Captain Paul made brief remarks.

Major Corey Bryan made brief remarks expressing his feeling of honor having worked for the Village, noted that the Village had a great staff and complimented Captain Paul and Lieutenant Kellenberger.

Lieutenant Kellenberger was called to the lectern by Mayor Pinder and made brief remarks.

Update from State Lobbyists Peebles, Smith & Matthews, LLC and GrayRobinson

Dean Cannon introduced himself and his GrayRobinson colleague Joseph Salzverg as well as Ryan Matthews of Peebles, Smith and Matthews. He said he would hand it over to Mr. Salzverg to address the political landscape and then to Mr. Matthews to address the political agenda.

Joseph Salzverg remarked about the political landscape from a global aggregate view, noted that we had a completely new legislative delegation for Monroe County including Anna Maria Rodriguez and Jim Mooney and that they were looking forward to working with them. Mr. Salzverg noted the legislative committee and legislative session dates. Mr. Salzverg added that the State of Florida was facing challenges while looking at a seven-billion-dollar shortfall over the first two years.

Ryan Matthews stated that historically they had focused on growth management, vacation rentals and environmental issues and said those issues would continue in 2021. Mr. Matthews noted there would be focus on COVID related liabilities with regard to business protection and on the budget deficit. Mr. Matthews mentioned Governor DeSantis' focus on money for environmental issues, remarked about the annual attack on vacation rental ordinances and acknowledged Islamorada's "grandfathered" vacation rental ordinance. He said that there would be discussion regarding vacation rentals during the 2021 legislative session. Mr. Matthews expressed his commitment and availability to help the Village.

Dean Cannon made remarks about general principles. Mr. Cannon commented that there must be more than one way to define victory, suggested having a series of things on the agenda, commented that Village staff is excellent and should be relied upon as well as coordination with the Florida League of Cities regarding home rule and other priorities. Mr. Cannon suggested focusing on policies rather than appropriations during this down year and noted that everything was connected to everything else. Mr. Cannon noted that it is unusual to get an FDOT-funded project, stated he was not sure that the Village had any jurisdiction over the project, and added that if the Village were to reverse course on the project after having requested it, it could jeopardize the Village's ability to get funding for other projects such as stormwater and sea level rise. He closed his remarks with a statement that the lobbyists were honored to be the Village's advocates and advisors and were just a ZOOM call away.

PUBLIC COMMENT

Van Cadenhead expressed that he was disappointed with those that had just become involved with the pedestrian bridge issue after seventeen meetings during which it was addressed over the past four years. He expressed his support for the bridge and said the project should not be stopped. He asked that the item be moved up on the agenda.

Ed Davidson commented on public access to public records. Mr. Davidson read from a number of Florida Statutes regarding public records and suggested more records should be available on the Village website.

Lisa Siegel stated that she intended to speak about the FDOT pedestrian bridge. Village Clerk Kelly Toth advised that the item was on the agenda and she would be called upon to speak when the item was opened.

Cheryl Meads expressed concern about the ZOOM meeting functionality, specifically that she wanted to be able to see how many people were in attendance. Ms. Meads commented about her position on the South Florida Water Management District Governing Board, stated that the President of the Florida

Senate intended to stop the Everglades Project EEAA Reservoir and said there were efforts by a South Florida coalition to continue the efforts to bring water south and said Monroe County should be a participant in the coalition meetings.

Larry Barr spoke in support of Van Cadenhead's comments about the FDOT pedestrian bridge, congratulated Council on elections, commented that southbound traffic was bad from the school to the Snake Creek Bridge and stated that the Village needed to work with FDOT regarding resurfacing projects on that section of the road.

AGENDA: Requests for Deletions/Emergency Additions

Councilman Henry Rosenthal announced that he wanted to move Tab 20 addressing the FDOT Pedestrian Bridge at Founders Park to immediately follow the Consent Agenda. Councilman Mark Gregg commented that the item was advertised on the agenda as the very last item and noted that some people may not tune into the meeting until later, thus missing their opportunity to comment about the item. Councilman David Webb and Vice Mayor Pete Bacheler expressed they shared Councilman Gregg's concern. Councilman Rosenthal acknowledged the thoughts of the other Council Members. Given Council consensus, the item was not moved.

CITIZENS' ADVISORY COMMITTEE UPDATES

Appointment to Water Quality Improvement Citizens' Advisory Committee

Councilman Mark Gregg announced his appointment of Audrina Ennis to fill a vacancy on the Water Quality Improvement Citizens' Advisory Committee. Councilman Gregg commented that Audrina was a successful businesswoman in Islamorada and operated her own not-for-profit company, Shoreline Restoration Services, which focused on cleanup of the shoreline.

Achievable Housing Citizens' Advisory Committee Update

Rebecca Susa introduced herself as the chair of the committee. Ms. Susa stated she had distributed documents to Council including the Affordable Housing Fact Sheet, information from the committee's website, the committee member list noting two vacancies, the mission statement, the number of affordable housing units, the Affordable Housing fund balance, the November committee meeting agenda, and a list of committee initiatives. Ms. Susa commented about the Village's $10,000.00 down payment assistance program, the Habitat homes on Windley Key that were almost ready, land purchases they hoped to look at, the 300 new units, raising annual fees for vacation rentals, enforcement of illegal vacation rentals, home share, increasing number of affordable units in perpetuity, and affordable housing deed restriction compliance monitoring program. Ms. Susa spoke further regarding increasing vacation rental fees and stated the committee voting for increasing the fees. Ms. Susa then described in detail the affordable housing survey the committee conducted and directed Council to the printout in the information packet she had distributed. The final document she mentioned as being included in the packet was the declaration of covenant, conditions and restrictions.

Councilman Mark Gregg expressed his appreciation for the report, the survey and hard work. Mayor Buddy Pinder and Vice Mayor Bacheler also complimented Ms. Susa for the report.

Mayor Buddy pinder opened public comment.

Ed Davidson stated he was on the county-wide committee and recommended Council view the committee archives. Mr. Davidson further commented on the auxiliary apartments and related issues with regard to ROGO, elevation and impact on infrastructure. He stated the schools were full. He ended his comments with a statement that neighbors have property rights for single-family density.

CONSENT AGENDA

TAB 1: Minutes from the November 19, 2020 Regular Village Council Meeting

Vice Mayor Pete Bacheler made a motion to approve the Consent Agenda; Councilman David Webb seconded the motion. The motion passed 5-0.

RESOLUTIONS

TAB 2: BPAS Allocation Distribution for 2021

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 2021; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:30 p.m. Village Attorney Roget Bryan read the title of the resolution. Planner Megan Rumbaugh provided the staff report and noted that any allocations remaining from 2020 would roll over to 2021.

Mayor Buddy Pinder opened public comment.

Sue Miller stated that during 2020 the county commission reduced their allocations in half to extend the number they had through 2026 to plan for when allocations were all used. Ms. Miller suggested the Village do the same.

Councilman Gregg stated that this was the limit of development that remained available, which should be distinguished from redevelopment.

Vice Mayor Pete Bacheler made a motion to approve; Mayor Buddy Pinder seconded the motion. The motion passed 5-0.

TAB 3: Resolution - Approval of the Residential Building Permit Allocation System Ranking and Awards Quarter 4 of 2020

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND AWARDING RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 4 OF 2020; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 6:36 p.m. Village Attorney Roget Bryan read the title of the resolution. Mayor Buddy Pinder announced that his nephew was on the BPAS list, but that he had no conflicts as he had no ownership interest in the property. Councilman Mark Gregg made a public statement that he had a conflict of interest by virtue of the fact that he had his name on the BPAS list twice for applications he filed last year as well as a relative in his family. Councilman Gregg stated he would abstain from voting on the item and that he had completed the disclosure which was a public record.

Planner Megan Rumbaugh provided the staff report. Ms. Rumbaugh stated that there were 65 market rate applications in the queue and six (6) were recommended to be awarded for Quarter 4.

Mayor Buddy Pinder opened public comment.

Cheryl Meads stated that she may need time to connect when called upon for public comment. Ms. Meads further stated that she thought it was inappropriate to have not allowed a member of Council to move an item up on the agenda.

Vice Mayor Pete Bacheler made a motion to approve; Councilman Henry Rosenthal seconded the motion. The motion passed 4-0 with Councilman Gregg abstaining.

TAB 4: Resolution Approving the Final Ranking and Recommendation of the ITB 20-13 Evaluation Committee for the Purchase of a 2021 25' Pathfinder Vessel with Trailer and the Purchase of a Yamaha 300 HP Outboard Motor for the Local Law Enforcement Department

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE RECOMMENDATION OF THE ITB 20-13 EVALUATION COMMITTEE FOR THE PURCHASE OF A 2021 25' PATHFINDER VESSEL WITH TRAILER AND THE PURCHASE OF A YAMAHA 300 HP OUTBOARD MOTOR FOR LAW ENFORCEMENT SERVICES; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO ENTER INTO AN AGREEMENT FOR THE PURCHASE; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:40 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager Maria Bassett provided the staff report. Ms. Bassett explained that this was a request to replace a 2002 boat used by the Monroe County Sheriff's Office in accordance with the Village's contract for police services. She added that the previous boat had been damaged and that Caribee was the sole bidder in response to the bid advertisement. Ms. Bassett added that the purchase request was also for a motor.

Councilman David Webb commented that the boat being replaced was near the end of its useful life. Ms. Bassett confirmed that it was a 2002, thus 18 years old.

Councilman Mark Gregg stated that the prices quoted are extremely favorable.

Mayor Buddy Pinder opened public comment.

Van Cadenhead said there may have been user error that damaged the previous boat, said there should be training for officers and further said the boat should have two engines for redundancy.

Councilman David Webb expressed agreement that the boat should have two engines and recommended that all boat operators take the appropriate safety training courses.

Councilman Henry Rosenthal asked whether the single boat engine was preferred. Councilman Gregg stated that police boats needed the larger engine to get up to speed quickly. Ms. Bassett explained that the purchase was based on the recommendation from the Sheriff's Office. Ms. Bassett added that the boat prior was damaged during an accident.

Councilman Mark Gregg suggested getting an extended warranty and to authorize it with the purchase. Village Attorney Roget Bryan clarified that the item was approval of the recommendation by the committee and the warranty and additional costs could be discussed with the vendor and an update would be provided to Council at a future meeting.

Larry Barr expressed his agreement that the vessel should have two engines for redundancy, especially when going offshore.

Councilman David Webb made a motion to approve; Vice Mayor Pete Bacheler seconded the motion. The motion passed 5-0.

TAB 5: Resolution Approving Final Ranking and Recommendation of the RFP 20-12 Evaluation Committee for a Contactor to Replace the Existing Flat Roof at Fire Station 20

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RANKINGS AND RECOMMENDATION OF THE RFP 20-12 EVALUATION COMMITTEE FOR SELECTION OF A CONTRACTOR TO REPLACE THE EXISTING FLAT ROOF AT FIRE STATION 20; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR THE REQUESTED SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 6:50 p.m. Village Attorney Roget Bryan read the title of the resolution. Fire Chief Terry Abel provided the staff report. He explained that Fire Station 20 had a flat roof that had been leaking for a few years, that the roof replacement could not be budgeted immediately post Hurricane Irma and had been budgeted for the current fiscal year. Chief Abel gave details of the evaluation process and requested approval of the ranking and recommendation.

Council Henry Rosenthal questioned the description of the flat roof. Chief Terry Abel described that there would be some pitch to the roof but was considered a flat roof.

Mayor Buddy Pinder opened public comment.

Sue Miller said the second ranked proposal is three times the cost of the first ranked and suggested that it should go back out to bid if negotiations were not successful with the first ranked firm.

Chief Abel stated he would put it back out to bid if negotiations were not successful with the top ranked firm.

Vice Mayor Pete Bacheler made a motion to approve; Councilman Mark Gregg seconded the motion. The motion passed 5-0.

TAB 6: Resolution – Specialized Professional Services Agreements with Government Services Group, Inc. (GSG) for Fiscal Year 2021-2022 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 2021-2022; APPROVING THE WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE

VILLAGE MANAGER TO EXECUTE THE AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 6:54 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager Maria Bassett provided the staff report. Ms. Bassett stated that Government Services Group was the Village's long-term consultant for non-ad valorem assessment programs established by the Village; and they prepared the tax roll annually for the assessments. Ms. Bassett added that a waiver of competitive bidding was requested due to the history with the Village and services to agencies Keys-wide.

Mayor Buddy Pinder opened public comment.

Larry Barr commented that the firm underestimated wastewater flow, resulting in raised taxes.

Ms. Bassett stated that the firm did not provide services to establish the rates or determine flows; they provided the roll for assessments.

Vice Mayor Pete Bacheler made a motion to approve; Councilman David Webb seconded the motion. The motion passed 5-0.

TAB 7: Resolution Approving the Purchase of an Automated Captioning Engine with Closed Captioning Encoder for Broadcasted Public Meetings

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE OF AN AUTOMATED CAPTIONING ENGINE WITH CLOSED CAPTIONING ENCODER FROM ENCORE BROADCAST SOLUTIONS; APPROVING THE WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE ANY AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 6:58 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager Maria Bassett provided the staff report. Ms. Bassett stated this was an authorization to purchase an encoder that would enable the IT Department to ensure that meetings broadcast over web stream and on Comcast had closed captioning during the live meeting. Ms. Bassett stated that the Village contracted for closed captioning after the meetings were completed and posted the captioned meetings on the Village website. Ms. Bassett added that closed captioning is necessary to meet ADA requirements. Ms. Bassett stated that the cost of the purchase was less that the amount budgeted.

Mayor Buddy Pinder opened public comment. There was none.

Councilman David Webb made a motion to approve; Vice Mayor Pete Bacheler seconded the motion. The motion passed 5-0.

TAB 8: Resolution Authorizing the Village Manager to Execute Documents and Expend Funds for the Purchase of 146 Sunshine Boulevard for Parks and Recreation Purposes Utilizing Impact Fees or Grant Funds

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 146 SUNSHINE BOULEVARD WITHIN 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 BUDGET AMENDMENT; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 7:00 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager Maria Bassett provided the staff report. Ms. Bassett reported that this was a request for authorization to purchase a residential mobile home lot adjacent to the Plantation Tropical Preserve Park and next to the wastewater pump station. Ms. Bassett stated the Village had an appraisal done about a year ago that indicated a value of $250,000.00; staff confirmed that Impact Fees could be utilized for the purchase and grant funds were also being sought. Ms. Bassett said that the Village had been interested in the property for a while; staff had informed the owner through the realtor that the Village was willing to pay $250,000.00 and that the Village was unaware of any other offers on the property. She explained that there were requirements that Impact Fees be used for purchases that addressed growth and the purpose for purchasing the property would be to create an entrance to the park from the neighborhood that had experienced growth while the Village had been collecting the Impact Fees.

Councilman Henry Rosenthal asked what staff members were delegated to make offers and purchases. Ms. Bassett provided some additional history and confirmed that as Acting Village Manager, she would take the lead on the purchase if authorized by the Village Council.

Mayor Buddy Pinder requested information about the history of complaints about smell and noise. Ms. Bassett explained that the existing property owners purchased the property in 2005, at which time the Village had already received permission to utilize the adjacent property for a wastewater pump station. She added that there were initial complaints about odor and noise that had been addressed in recent years with the addition of filtering membranes and stated that anyone living at 146 Sunshine would be subject to some odor and noise from the pumps.

Councilman Mark Gregg stated the Village had an obligation to provide a certain amount of recreation space based on a formula. He stated that he had asked the Village's Environmental Resources Manager Peter Frezza to look into this and asked Mr. Frezza to provide information. Mr. Frezza stated the Level of Service is 3.79 acres per 1,000 permanent residents and seasonal visitors. He added the property was small and that the purchase was more about access. Mr. Frezza said the North Plantation Key had a deficit in the amount of park property provided. He stated this was about access to the adjacent park that had current access only from US1, requiring a long walk along the highway, and this property would create foot access to the park.

Vice Mayor Pete Bacheler asked whether there were usage numbers. Mr. Frezza stated numbers were not available. He noted that the park was highly used by dog walkers and it was the location of a children's memorial tree garden that was frequently visited.

Mayor Buddy Pinder opened public comment.

Van Cadenhead spoke in favor of the purchase and adding park land. He added that access from the property would improve safety.

Larry Barr stated he had a memorial tree there for his son, it is was a nice park and the access would be much appreciated.

Jill Zima-Borski spoke in favor of the purchase. She stated the park had one of the only Village kayak ramps. She commented that the bike path served a lot of families, there are a lot of dog walkers utilizing the park and if additional parking was created it would be utilized because there were only a couple parking spaces at the other entrance.

Don Horton opined that the property did not sell for over a year because the list price was too high. He said his employee put in an offer of $240,000.00 and the Village put in an offer of $250,000.00. Mr. Horton said this was an affordable house and a working person should be allowed to purchase the house at their original offer.

Sue Miller said the matter was not previously discussed and she did not understand budgeting $350,000.00 for a second entrance to a passive park.

Angie Alvarez stated she was Don Horton's employee that put in a bid on the property. She said she placed a contract before the Village put in a written contract. She said this was the only affordable property and she would now have to move.

Van Cadenhead spoke in favor of the purchase, referenced the proximity of the sewage treatment plant, the need for parking and the improved access to the park.

Mayor Buddy Pinder asked Council if they had further comments.

Councilman David Webb stated that the term "affordable housing" did not apply because the property could not be deed restricted. Councilman Webb said the seller was willing and added that they would not sell the home for a lower bid.

Councilman Mark Gregg said this was probably the last affordable house in the Village; that the structure was a modified mobile home built in 1974 before current building regulations; that mobile homes were inherently unsafe; that the property was not deed restricted; that access to the park from US1 was dangerous and could be fatal; and that this access would enhance safety. Councilman Gregg said the TDR value would be about $20,000.00. He suggested the TDR be restricted for affordable housing use and inquired as to whether Angie Alvarez could be first in line for that TDR. Councilman Gregg said he wanted to see the plan for the improvements before they began.

Mayor Buddy Pinder asked Village Attorney Roget Bryan about Councilman Gregg's suggestion for the TDR. Mr. Bryan said it could be done during a future discussion.

Vice Mayor Pete Bacheler made a motion to approve; Councilman Mark Gregg seconded the motion. The motion passed 5-0.

TAB 9: Resolution Approving an Interlocal Agreement between Islamorada, Village of Islands and Monroe County Board of County Commissioners for Phase 3 CARES Act Funding

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS, AND MONROE COUNTY BOARD OF COUNTY COMMISSIONERS FOR PHASE 3 CARES ACT FUNDING; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE INTERLOCAL AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 7:36 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager Maria Bassett provided the staff report. Ms. Bassett reported this was the third pot of money for the CARES Act funding awarded to the state and allocated to the counties. She stated there was $13 Million allocated to Monroe County and it was the responsibility of the Monroe County Board of County Commissioners to develop an allocation plan for the use of the funds. She stated the county approved $800,000.00 to come to the Village based upon its payroll for Fire Rescue staff from March 1 through the end of 2020 with the understanding that the Fire Rescue staff was needed to respond to the pandemic.

Councilman Mark Gregg clarified that the request was for approval to accept $800.000.00.

Councilman David Webb asked Ms. Bassett the total amount of the Fire Rescue payroll for the same time period. Ms. Bassett stated the payroll for Fire Rescue, base salary and wages only, from March 1 to September 30, 2020 was $1,117,340.29. Councilman Webb said the purpose and intent of the funding was for additional services provided by the Village due to the pandemic. Ms. Bassett confirmed that public safety payroll costs would be an allowable expenditure. She stated that all calls since March were required to be approached as if the patient had the coronavirus.

Mayor Buddy Pinder opened public comment. There was no public comment.

Vice Mayor Pete Bacheler made a motion to approve; Councilman David Webb seconded the motion. The motion passed 5-0.

TAB 10: 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 FOR COMPLIANCE WITH CENTRAL WASTEWATER CONNECTION AND THE VILLAGE CODE OF ORDINANCES; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL NECESSARY AND EXPEDIENT ACTION; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 7:43 p.m. Village Attorney Roget Bryan read the title of the resolution and provided the staff report. Mr. Bryan stated the program was adopted in May of 2017 to give property owners a time period to come into compliance with the mandatory wastewater connection and to give relief to the accruing fines. He stated that at the time the program was implemented, it was considered an appropriate measure due to the costs of connections and lack of plumbers to provide the connections. Mr. Bryan said the amnesty program had been extended four times and staff was recommending an extension of up to a year.

Councilman David Webb asked what percentage of properties were not connected. Mr. Bryan said the Village was at about a 99 percent connection rate and everyone had been through some measure of Code Compliance or was at some point in the connection process. Councilman Webb acknowledged past delays in finding a plumber and stated it should no longer take more than days or weeks. Councilman Webb stated the amnesty program may no longer be encouraging compliance and recommended an extension of significantly less than a year.

Councilman Mark Gregg said due to Hurricane Irma and the pandemic, there were still people that needed help. Mayor Buddy Pinder expressed his agreement with Councilman Gregg.

Vice Mayor Pete Bacheler suggested extending no more than one year and to notify everyone that this was the last extended.

Councilman Henry Rosenthal asked whether an incentive program would be appropriate. Village Attorney Roget Bryan reported that for those eligible for the amnesty program there was a 98 percent reduction of accumulated fines for residential properties and 97 percent reduction for non-residential and clarified that the fine reduction was the incentive program.

Vice Mayor Pete Bacheler stated he would consider an extension of less than a year.

Mayor Buddy Pinder opened public comment.

Deb Gillis recalled that most commercial properties were trying to connect but some had special circumstances and the amnesty program was working.

Councilman David Webb made a motion to amend the extension to six months; Councilman Henry Rosenthal seconded the motion. Village Attorney Roget Bryan stated that the motion would amend Section 2 of the resolution to read "January 1, 2021 through June 30, 2021." Councilman David Webb mad a motion to accept as amended; Councilman Henry Rosenthal seconded the motion. The motion passed 5-0.

TAB 11: Resolution Considering a Reduction of Lien in the Code Compliance Case of Alibi 4 Inc, Case No. CEBDGC20170000308

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING A REDUCTION OF LIEN IN CODE COMPLIANCE CASE NO. CEBDGC20170000308; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL NECESSARY AND EXPEDIENT ACTION; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 7:54 p.m. Village Attorney Roget Bryan read the title of the resolution and presented the staff report. Mr. Bryan acknowledged that Director of Planning Ty Harris was also in attendance for this item. Mr. Bryan stated the matter was regarding a property within Windley Key Mobile Home Park; the matter came before Code Compliance in January 2018; fines imposed related to work without building permits; fines began to accrue on February 5, 2018; on February 10, 2020, Code inspection confirmed the property was in compliance; and during the 735-day period fines totaled $147,000.00 plus administrative fees of $150.00. Mr. Bryan further reported that the matter came before the Code Compliance Magistrate in October 2020 at which time the Magistrate affirmed the violation had been corrected and, at the request of the client's representative to reduce the fines, reduced the fines by $73,500.00. Mr. Bryan said the representative requested reconsideration by the Village Council for further reduction of those fines. Mr. Bryan explained this was related to construction of an unpermitted tiki structure in 2017. He said the property owner was instructed to remove the structure or obtain a permit.

The Village Attorney explained that, procedurally, Council was looking for good cause which could include efforts of property owner, seriousness of violations, prior violations and the reduced lien amount already approved which was the maximum amount the fines could be reduced by the Magistrate. Mr. Bryan added that the property owner had legal representation.

Attorney and Representative for the owner, David Hutchinson, explained the violation occurred in August 2017, days before Hurricane Irma; that the owner, Mr. Carl Fernstrom, had no knowledge of the violation; and that the house and tiki hut were destroyed by Hurricane Irma. Mr. Hutchinson stated that a notice of violation was posted at the property in December 2017 and that Mr. Fernstrom was at his home in Naples experiencing medical issues. He said the notice posted did not have the day of the hearing, the hearing took place in January 2018 and the fines continued to accrue. Mr. Hutchinson said his client found out about the fines while conducting a lien search of his properties and that he corrected the violation immediately thereafter. He added that there was poor notice, a storm and then Mr. Fernstrom became very ill. Mr. Hutchinson stated his client thought his contractor had obtained permits for the $8,000.00 structure; opined that over $73,000.00 in fines was an enormous amount of money for an $8,000.00 structure; and his client was asking for a further reduction to the amount of fees incurred by the Village related to the violation.

Mr. Hutchinson stated that the purpose of Code Compliance was to achieve compliance and they had done that. He repeated that he wished to pay the amount incurred by the Village. Mr. Hutchinson stated Planning Director Ty Harris would have an idea of the Village costs incurred. Mr. Harris stated the estimate for the Building, Code and Planning Departments was about $20,000.00 not including time spent by the Attorney's Department. Village Attorney Roget Bryan clarified that the amount stated by Mr. Harris may be accurate for the staff component of costs incurred by those departments and that the amount imposed by the Magistrate was based on the number of days that the property was out of compliance.

Mr. Hutchinson stated that Mr. Fernstrom would not have a problem paying for all staff costs incurred and reiterated that his client had health problems.

Mr. Fernstrom stated he purchased the trailer so he could visit and go fishing. He said this was a misunderstanding, he was not noticed, he had been hospitalized 16 times since the violation and only was made aware of the problem when his employee was searching his other properties and found the lien on the Islamorada property. He said he got it corrected when he was physically able to do so. He added that this was just a tiki hut and had to be torn down and replaced in order to conform.

Mayor Buddy Pinder requested and received confirmation from the Planning Director that the matter had been resolved.

Councilman David Webb stated there was a tiki hut at an adjacent property with the same code compliance problem. Mr. Fernstrom stated he was unaware of the issue with the neighbor. He said he signed a contract to have his tiki built and trusted it would be properly completed. Mr. Fernstrom then said he was aware of side setback problems with the neighbor's tiki hut.

Councilman Webb said he had witnessed fines reduced to nothing after Code Compliance had put years into the case and asked about the message sent to everyone when such action was taken. Councilman Webb cautioned Council not to undermine staff in these matters. He then acknowledged Mr. Fernstrom and stated he understood his circumstances. Mr. Hutchinson repeated that he was willing to pay staff costs.

Councilman Webb suggested utilizing civil service when certified return receipt was not received.

Mayor Buddy Pinder commented that people cannot have the expectation that they can do what they want without consequences.

Councilman Henry Rosenthal asked Mr. Hutchinson what amount they would accept. Mr. Hutchinson said $20,000.00 and legal fees.

Roget Bryan explained that a further reduction in the fine would indicate a finding by Council that there was good cause for the reduction. He added that the amount of staff time involved may not be the only consideration. He said staff had supported the 50 percent reduction by the Magistrate and had no further recommendation for Council with regard to the amount of the fine.

Councilman Mark Gregg stated that Council must follow the Code which stated that they would need to find good cause in order to reduce the fine. Councilman Gregg read the factors in the Code that were included as good cause. Councilman Gregg stated he wanted to ask questions of the violator and his counsel to determine the facts. Mr. Gregg inquired about the nature and timing of Mr. Fernstrom's illness. Mr. Fernstrom stated he had a triple bypass and a series of eight stints, and he had two back surgeries and a hip replacement. Councilman Gregg asked about the timing. Mr. Fernstrom stated his medical problems began before Hurricane Irma.

Councilman Gregg asked Mr. Fernstrom whether he expected the contractor to get a permit or whether one was not necessary. Mr. Fernstrom said he had no idea and had expected the contractor to take care of it. Mr. Gregg asked whether Mr. Fernstrom was familiar with permitting requirements and questioned an earlier permit that was not approved. Mr. Fernstrom spoke of the permit being rejected because he did not have an engineer or architect. Further discussion ensued regarding an earlier tiki hut built without permit in 2014 and red tag on the home after Hurricane Irma.

Councilman Gregg asked about Mr. Fernstrom occupation. Mr. Fernstrom stated he was a real estate broker, had built several hundred homes, built subdivisions, remodeled homes and invested in land. When questioned about the tiki hut, he repeated that he signed a contract and expected the contractor to take care of everything.

Mayor Buddy Pinder requested direction from the Village Attorney. Village Attorney Roget Bryan stated that they would either have a motion to proffer a reduced amount or no reduction. Vice Mayor Pete Bacheler confirmed that the current amount of the fines was $74,500.00 and the decision to be made was whether to take it any lower.

Mayor Buddy Pinder opened public comment.

Van Cadenhead stated the property owner had purchased a property with a small trailer, replaced it with a large trailer, a boardwalk around it and giant tiki hut that was a fire hazard.

Julian Siegel said this was about an $8,000.00 structure and was aware that there was communication failure in the past.

Vice Mayor Bacheler stated that the fine should remain $75,000.00 and not be reduced. Councilman David Webb stated the fine should not be reduced further because there had already been a fifty percent reduction. Councilman Henry Rosenthal expressed his agreement with Vice Mayor Bacheler and Councilman Webb. Councilman Mark Gregg restated earlier information provided and expressed agreement with not reducing the fine further. He expressed agreement with Councilman Webb's comments about supporting staff efforts. Mayor Buddy Pinder said he also agreed with no further reduction based on information presented.

Councilman Webb made a motion to not reduce the fine any further; Vice Mayor Pete Bacheler seconded the motion. The motion passed 5-0.

Mayor Buddy Pinder called for a break in the meeting at 8:47 p.m.

MOTIONS

TAB 12: Approval of Regular Village Council Meetings for Calendar Year 2021

This item was heard at 8:54 p.m. Assistant to the Village Manager/Public Information Officer Mary Swaney provided the staff report. Ms. Swaney explained the meeting schedule is adopted by resolution and was changed each year to avoid conflicts. She pointed out the two conflicts on the calendar to be resolved and suggested that other changes could be made if Council had additional conflicts.

Councilman David Webb suggested scheduling the meetings for August 19, 2021 and November 18, 2021 to resolve the two meeting conflicts. Councilman Gregg and Vice Mayor Bacheler expressed agreement with Councilman Webb's suggestion.

Mayor Buddy Pinder opened public comment. There was no public comment.

Councilman Webb made a motion to amend the calendar to show August 19 and November 18 as the selected meeting dates; Mayor Buddy Pinder seconded the motion to approve as amended. The motion passed 5-0.

TAB 13: Motion to Appoint Members of the Village Council to Serve as Primary and Alternate Non-Voting Members of the Florida Keys National Marine Sanctuary Advisory Council

This item was heard at 8:59 p.m. Acting Village Manager Maria Bassett provided the staff report. Ms. Bassett explained that this was a request of the Council to consider appointments to the Florida Keys National Marine Sanctuary Advisory Council. Maria explained these were non-voting appointments and a primary and alternate were requested to be appointed.

Councilman David Webb requested to be considered for the appointment because of his background. Councilman Webb stated he currently served on the South Atlantic Fisheries Marine Management Council on the Ecosystem and Management Advisory Panel, the Board of Directors of the West Palm Beach Fishing Club and the Fishing Club Foundation, and an educational program out of the Gulf of Maine Research Institute. He said he also attended the most recent Sanctuary Advisory Council webinar and was pleased with the action they were taking to pass a resolution to create a new water quality component of the Sanctuary Advisory Committee to engage with various agencies involved with the water quality. Councilman Webb spoke further about the recent activities of the committee.

Councilman David Webb made a motion to be appointed; Vice Mayor Pete Bacheler seconded the motion. Mayor Buddy Pinder offered to serve as the alternate in the event of Councilman Webb's absence. The motion passed 5-0.

TAB 14: Designation of Village Councilmember to Serve as a Member of the Florida Keys Transportation Coordination Committee

This item was heard at 9:06 p.m. Planner Christina Neel provided the staff report. Ms. Neel stated that each municipality was requested to have a Council representative and a staff representative attend the meetings. She stated the meetings were held once per month via ZOOM and would eventually be held in Marathon again in the future.

Vice Mayor Pete Bacheler volunteered to serve on the committee.

Councilman Mark Gregg made a motion to appoint Vice Mayor Bacheler to the committee and volunteered to be the alternate; Mayor Buddy Pinder nominated Mark Gregg to be the alternate; Vice Mayor Bacheler made seconded the motion. The motion passed 5-0.

TAB 15: Motion to Appoint Members of the Village Council to Serve as Primary and Alternate Members of the Florida Keys National Marine Sanctuary Water Quality Protection Steering Committee

This item was heard at 9:09 p.m. Acting Village Manager Maria Bassett stated this was a request to provide a primary and alternate member to the Florida Keys National Marine Sanctuary Water Quality Protection Steering Committee, that the committee met three times a year, and described the purpose of the committee.

Councilman David Webb asked the Village's Environmental Resources Manager Pete Frezza questions about the committee's activities. Mr. Frezza stated the Sanctuary Advisory Council (SAC) and this committee were trying to mesh in a way they had not in the past to allow the Sanctuary Advisory Council more input on the Water Quality Protection Program. Councilman Webb asked whether it would be appropriate for him to serve on this and the SAC. Mr. Frezza stated it would be appropriate and added that the steering committee seat was a more technical role than the SAC and the representative would be asked to add input on water quality. Councilman Webb volunteered for the committee.

Mayor Buddy Pinder opened public comment. There was no public comment.

Mayor Buddy Pinder nominated Councilman David Webb as the primary and himself as the alternate; Councilman Mark Gregg seconded the motion. The motion passed 5-0.

MAYOR / COUNCIL COMMUNICATIONS

TAB 16: Discussion Regarding the Process for Filling the Village Manager Vacancy

This item was heard at 9:13 p.m. Acting Village Manager Maria Bassett introduced Mr. Ken Parker, the Volunteer Coordinator of the Florida Senior Advisory Program and directed Council to a memo Mr. Parker provided for the agenda.

Mr. Parker began with an explanation of the Senior Advisor program; outlined the three options to conduct the Village Manager search; stated that the majority of cities used an executive search firm; and summarized the services a search firm would provide. Mr. Parker said some cities used internal staff, and the third option was to use a Senior Advisor. He explained the Senior Advisor was not a consultant but could work alongside staff and Council during the process. Mr. Parker summarized the steps of the search process and reported the timeline to fill the position would be five months or a little longer. Mr. Parker recommended the highest level of background checks be conducted.

Ms. Bassett recommended that the process be as objective as possible, and that staff could work with Mr. Parker to create an RFP for an executive search firm if that was the direction of Council.

Village Attorney Roget Bryan said he agreed with Ms. Bassett's recommendation and added that staff would expedite the process to put a search firm in place as quicky as possible.

Mayor Buddy Pinder stated the executive search firm was necessary as soon as possible.

Councilman David Webb said he was concerned about the lack of longevity in the history of Village Managers; and that longevity and stability was critical to success. He added that he supported utilizing a third party to conduct the search and suggested a workshop after the first of the year to address what kind of candidate they want and need.

Vice Mayor Pete Bacheler said the Senior Advisor could help determine the needs.

Mayor Buddy Pinder stated that one firm has had remarkable results and requested the Village Attorney address what action was needed.

Village Attorney Roget Bryan suggested Council could make a motion and staff would start moving forward with the process. He added that subsequent discussion to figure out issues and the type of person they were seeking could be done as part of the process.

Vice Mayor Pete Bacheler made a motion to move forward with utilizing a search firm; Councilman David Webb made the second to the motion. The motion passed 5-0.

Mayor Buddy Pinder opened public comment.

Deb Gillis suggested the process be moved along as quickly as possible, sooner than July and added that a permanent manager would be more conducive to making things run smoothly in the Village.

Councilman Webb asked about the deadline for Maria Bassett to continue as Acting Village Manager. Roget Bryan stated that Council could extend the deadline beyond March 1, 2021 by asking Ms. Bassett to continue serving. Councilman Webb asked Ms. Bassett if she was able and willing to serve until the process is completed; Ms. Bassett stated she could continue.

TAB 17: Discussion Regarding Accessory Dwelling Units as Alternative Affordable Housing within the Village of Islamorada - Councilman Gregg

This item was heard at 9:30 p.m. Councilman Mark Gregg stated his mission was to generate enthusiasm, political will and ambition to solve the affordable housing crisis. He said he discovered Accessory Dwelling Units (ADUs) a few years ago, that it was just one part of the solution and directed Council to the information provided in the agenda. He commented that the easiest way to begin would be to look at structures already existing; stated that Key West had a successful program; and noted some concerns people had. Councilman Gregg said ADUs would be allowed only on owner-occupied homesteaded properties, only where the enclosure did not violate FEMA regulations and that maybe the property size and ADU size would be limited. He said if there was support, staff could be authorized to contact the DEO to see what they thought of ADUs.

Councilman David Webb stated he was concerned about the inability to enforce and to keep the units from being used as vacation rentals. Councilman Webb stated his further concerns were ADUs in R1 zoning districts and the inability to deed restrict them.

Councilman Mark Gregg stated the units could be deed restricted in perpetuity and the use enforced through licenses or other means. Councilman Gregg said that some already existed and were not controlled or enforced. He added that it would have to be the right fit for a neighborhood.

Councilman Webb stated the topic deserved serious consideration and discussion and suggested workshops for further discussion and public input. He spoke of illegal vacation rentals in Port Antigua as an example of associated problems. Councilman Gregg agreed that a workshop was appropriate. Mayor Buddy Pinder suggested waiting to hold a workshop until staff had information from the state. Councilman Gregg agreed that feedback from the state was necessary before moving forward.

Village Attorney Roget Bryan stated staff could start the process of having preliminary conversations with the state. He added that the topic was discussed in the past, but a lot had changed, and it would be appropriate to begin discussions again.

Mayor Buddy Pinder opened public comment.

Cheryl Meads stated that the entire affordable housing system was broken with regard to enforcement, deed restrictions and other matters. She stated that this was not what Governor Scott had in mind and agreed that there should be workshops.

Van Cadenhead stated that the Local Planning Agency and Achievable Housing Committee should be involved in the workshops.

Councilman David Webb asked that staff prepare a list of significant obstacles to an ADU program.

Village Attorney Roget Bryan restated that Council direction to staff was to start exploring the concept of ADUs and have discussions at the state level. He added that he and Director of Planning Ty Harris would bring information back to Council at a future meeting.

At 9:54 p.m. Village Clerk Kelly Toth informed Council of the need to vote whether to extend the meeting beyond 10:00 p.m. Mayor Buddy Pinder made a motion to extend the meeting for 30 minutes; Councilman David Webb made the second to the motion. All Councilmembers were in favor.

TAB 18: Discussion Regarding New Maps to Assist with Inventory of Vacant Land - Councilman Gregg

This item was heard at 9:55 p.m. Councilman Mark Gregg stated it was important to know the number of lots that may not be able to get a building permit as well as the type of each lot to assist with guiding the Village through the process when permits run out. Councilman Gregg said the list was already being prepared.

Mayor Buddy Pinder said he had spoken with the Planning Director and was aware the list was created.

Mayor Buddy Pinder opened public comment. There was no public comment.

TAB 19: Council Appointment to the Local Planning Agency - Councilman Rosenthal

This item was heard at 9:57 p.m. Mayor Buddy Pinder requested confirmation that the Local Planning Agency (LPA) vacancy required a supermajority vote. Village Attorney Roget Bryan said there were two vacancies, one at-large vacancy requiring a supermajority vote and one individual appointment by Vice Mayor Pete Bacheler.

Village Clerk Kelly Toth stated that the appointment for consideration was the at-large vacancy that required a two-thirds vote.

Councilman Henry Rosenthal stated he wanted to take care of this as soon as possible and said he was endorsing Myrna Hormechea for the position. Councilman Mark Gregg requested discussion. Councilman Gregg stated he did not oppose Councilman Rosenthal's motion but wanted to review the role of the LPA. He spoke in support of maintaining stability on the LPA at least until the end of their terms in May and he did not want to see a wholesale turnover at that time. Councilman Gregg spoke of the experience of the members.

Mayor Buddy Pinder opened public comment. There was no public comment.

Councilman Rosenthal made a motion to appoint Ms. Hormechea; Councilman Webb seconded the motion. The motion passed 4-1 with Vice Mayor Pete Bachelor voting in opposition.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Discussion Regarding Grinder Pump Maintenance

This item was heard at 10:00 p.m. Public Works Director A.J. Engelmeyer reported that the Village staff maintained just under 400 grinder pumps. He stated that on average, $100,000.00 to $170,000.00 was spent annually and that each repair of a grinder pump took four to six hours. Mr. Engelmeyer stated he was looking for direction whether to continue to maintain grinder pumps or to transfer the responsibility to residents.

Mayor Buddy Pinder stated that the Village should continue to maintain them because the Village had to get easements on the properties and people were told the Village would maintain them. Mayor Pinder added that the Village needed to maintain the integrity of the system.

Councilman David Webb expressed his agreement with the Mayor's statements and said the Village had made a commitment to maintain the grinder pumps. Councilman Webb added that the Village should look for ways to hold repeat offenders accountable for damage.

Councilman Mark Gregg stated that there was a hired contractor when the Village took on the maintenance and now the maintenance was in-house. Councilman Gregg said that others were subsidizing the grinder pump program, that he was in favor of turning over maintenance to the property owner and wanted to make sure those abusing the system were addressed. Councilman David Webb questioned whether maintenance could be turned over to the property owner when the property changed hands.

Village Attorney Roget Bryan said it could be looked at from a policy perspective, acknowledged that the Village had recorded easements, and said a decision would need to be based on good data. Mr. Bryan acknowledged that vacation rentals had been a consistent problem.

Mayor Buddy Pinder questioned whether vacation rentals could be charged, possibly handled like a commercial property.

Councilman Henry Pinder questioned whether the Village owned the grinder pumps and whether they were proprietary. Mr. Roget explained that the grinder pumps were not proprietary in terms of brand or of who could maintain them but must be consistent and compatible with the system.

Vice Mayor Pete Bacheler questioned whether the contracts stated that the Village would maintain the grinder pumps in perpetuity. Mayor Buddy Pinder asked whether Wade Trim could provide guidance. The Village Attorney said it was a policy decision to consider rather than an engineering or technical issue.

Acting Village Manager Maria Bassett said the grinder pump maintenance was being looked at now because the purchase of a SCADA system was being considered. Ms. Bassett explained that the SCADA system was a form of communication to facilitate customer service, that the system is costly and prior to making the expenditure, she wanted to make sure the commitment was there to continue the maintenance service. Ms. Bassett said a consultant could look at it and make a recommendation more from a rate perspective.

Village Council discussion ensued regarding saving $500,000.00 by not purchasing the SCADA system, the need to review the legal language, the possibility of lawsuits, maintaining control of the system and the need for those abusing the system to pay for maintenance.

Mr. Engelmeyer reported that property owners could be billed for damage outside of normal use; and the homeowner could be billed for the additional work. Councilman Gregg stated that billing needed to happen. Mayor Pinder said that when diapers, rags, grease, plastic bags or other items were found, the person should pay for the repair or replacement.

Village Clerk Kelly Toth requested a motion to extend the meeting. Councilman David Webb made a motion to extend for 30 minutes; Mayor Buddy Pinder seconded the motion. The motion passed 4-1 with Councilman Henry Rosenthal voting in opposition.

Mr. Engelmeyer said the biggest violators were vacation rentals, citing that 35 of the approximately 390 grinder pumps were registered to vacation rentals. Mr. Engelmeyer said renters did not know what could and could not be put down the drain noting that grease or other items sat there for a few weeks, causing backups.

Mayor Buddy Pinder opened public comment.

Cheryl Meads stated that if the contract was cancelled, the Village needed to give back the easements.

Larry Barr stated he was on the wastewater committee and recalled that maintenance of the pumps was in perpetuity and the Village had an obligation to keep the pumps running.

Deb Gillis stated that it was the intent of Council to maintain the pumps in perpetuity and they wanted to make sure to repair the pumps properly to maintain the integrity of the system.

Sue Miller said there were 250 grinder pumps on the north end of Lower Matecumbe, including hers, and stated that the Village had a legal obligation to maintain her grinder pump.

Van Cadenhead recalled that maintenance in perpetuity was the incentive to property owners to accept grinder pumps and urged that the maintenance continue. Mr. Cadenhead suggested adding in-house maintenance staff.

Councilman Henry Rosenthal stated that he voted not to extend the meeting because he would pull Tab 20. Councilman Webb made a motion to table Tab 20 and add it as the first agenda item on the next meeting agenda. Councilman Rosenthal agreed and stated that people should not need to wait until 11PM for the item.

Village Attorney Roget Bryan stated that staff was seeking Council consensus with regard to the grinder pump program and asked Acting Village Manager Maria Bassett whether she required clarity on the direction from Council.

Ms. Maria Bassett said her interpretation of the direction was that the Village should continue the grinder pump program as it existed and look at billing vacation rentals for maintenance costs when there were problems and when the costs were excessive and out of the ordinary. Mayor Pinder confirmed Ms. Bassett's interpretation was correct. Ms. Bassett added that the term "perpetual easement" was in the language of the agreements.

TAB 20: Update Regarding the FDOT Pedestrian Bridge

This item was heard at 10:37 p.m. Village Attorney Roget Bryan stated that Councilman Rosenthal had pulled Tab 20. Village Clerk Kelly Toth informed Council that there were a number of people with their hands raised for public comment. Councilman Gregg asked whether the item could be open and then tabled until the next meeting after public comment. Mr. Bryan confirmed that was an option.

Mayor Buddy Pinder stated that the item was tabled to the next meeting and opened public comment.

Lisa Siegel said she wished to confirm that FDOT told her they were going to install blue 50-gallon drums in front of her house to stop people from u-turning on her property and she did not want to be cited for it. Public Works Director A.J. Engelmeyer stated that he would speak to FDOT because 50-gallon drums were not allowed to be placed in the right of way. Ms. Siegel asked if she should call the police every time someone turned around in her driveway. Village Attorney Roget Bryan asked Ms. Siegel to allow staff time to discuss with the FDOT.

Sue Miller stated that she was disappointed that they would have to wait and said there should be a special call meeting.

Larry Barr stated he would wait until the next meeting.

Van Cadenhead stated that great resources had been committed and the topic was addressed during Council meetings and requested Council produce a memorandum in support of the project. Mr. Cadenhead added that in a democracy, this should have been a done deal as it was a decision made in prior months and years for the benefit and safety of the people of Islamorada.

Cheryl Meads commented about a September 2016 FDOT Feasibility Study that she was never given as a Council Member. She stated she was putting in a public records request to find out who received the study.

Tiki DeEsposito stated there should be a special meeting before the January 14 meeting and said the public was not informed and during the pandemic a special referendum could not be heard.

Alina Davis commented about the lobbyist's comments that FDOT may not fund future requests if the project was cancelled. She added that she agreed that a special meeting should be held and said the study stated that the pedestrian bridge was not warranted and wanted to know why the project was moved forward.

Jonelle Copp thanked Council for revisiting the issue and expressed she was against the project.

Acting Village Manager Maria Bassett reported that the feasibility study was forwarded to all members of Council on January 13, 2017 by [then Village Manager] Seth Lawless. Ms. Bassett said there were subsequent feasibility studies conducted by FDOT that were included in the documentation provided at Tab 20.

ADJOURNMENT

Councilman Henry Rosenthal made a motion to adjourn. Councilman David Webb seconded the motion. The meeting adjourned at 10:51 p.m.

Approved by the Village Council February 25, 2021.

Kelly S. Toth

Kelly S. Toth, CMC
Village Clerk