

**Summary Minutes of the
ISLAMORADA, VILLAGE OF ISLANDS
(HYBRID) REGULAR VILLAGE COUNCIL MEETING**

Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036
Thursday, December 16, 2021
5:30 PM

CALL TO ORDER / ROLL CALL

Mayor Pinder called the meeting to order at 5:30 p.m. Deputy Village Clerk Stephanie Conde called the roll with the following Councilmembers being present on roll call: Mayor Buddy Pinder, Vice Mayor Pete Bacheler, Councilman Mark Gregg, Councilman Henry Rosenthal, and Councilman David Webb. Also in attendance were Village Clerk Kelly Toth, Village Attorney Roget Bryan, Village Manager Greg Oravec, Planning Director Daniel Gulizio and other pertinent staff.

PLEDGE OF ALLEGIANCE AND INVOCATION

Van Cadenhead led the Pledge of Allegiance. Mayor Buddy Pinder provided a short prayer.

ELECTION OF MAYOR & VICE MAYOR

Mayor Buddy Pinder made a motion to elect Henry Rosenthal as Mayor. Henry Rosenthal seconded the motion. Public Comment was opened. Van Cadenhead said he believes any one of them would be a great mayor, read a comment on behalf of Former Mayor Bob Johnson endorsing Henry Rosenthal for Mayor, and that he supported Henry as well. Sue Miller outlined Henry Rosenthal's history in Islamorada, accomplishments and why he's suited to be Mayor. Cheryl Meads named Henry Rosenthal as the people's choice. Bob Lodge, via Zoom, thanked Buddy Pinder for his accomplishments as Mayor, and endorsed Henry Rosenthal based on local and business experience. Chuck Tittel commended Council's community commitment and endorsed Henry Rosenthal for Mayor. Joan Scholz, via Zoom, thanked Council for their dedication and said she favored Henry Rosenthal for Mayor. Barbara Edgar, via Zoom, said she has known Henry Rosenthal for the past 40 years and has witnessed his community involvement and thinks he is a great choice. Alina Davis, via Zoom, thanked Village Staff and Mayor Pinder for their work, and thinks Henry Rosenthal should be Mayor. Public Comment was closed at 5:46 p.m. Councilman David Webb reflected on last year's meeting and expectation of a unanimous vote of Mayor and Vice Mayor; with the expectation the Vice Mayor would move up in the ranks this year and would be voted new Vice Mayor. Councilman Mark Gregg agreed that promotion tradition should be honored with another unanimous vote. Councilman Henry Rosenthal expressed his desire to be Mayor as it would help expedite his plans for the year ahead. Clerk called the roll. Mayor Buddy Pinder and Councilman Henry Rosenthal voted yes, Councilman David Webb, Councilman Mark Gregg and Vice Mayor Pete Bacheler voted No; Motion failed 2 to 3. Councilman Mark Gregg made a motion to elect Pete Bacheler as Mayor. Councilman David Webb seconded the motion. Public Comment was opened at 5:56 p.m. Van Cadenhead said he doesn't recall any such Mayor/Vice Mayor tradition and that he wanted to see a

unanimous vote, for rank based on seniority. Alina Davis said she agreed Pete Bacheler would be a good choice, but that Henry Rosenthal would be the best choice. Bob Lodge said he still believed Henry Rosenthal would be the best choice for Mayor. Cheryl Meads said she would still endorse Henry Rosenthal, as he gets things done and is liked by the community and should be elected Vice Mayor. Steve Sepanak said he hoped whoever was voted to the position would continue to be just as interested in community business. Public Comment was closed at 6:04 p.m. Clerk called the role, Motion passed 5-0.

Councilman David Webb made a motion to nominate Councilman Henry Rosenthal to be Vice Mayor. ~~Buddy Pinder seconded the motion. Public Comment was opened at 6:05 p.m.~~ Sue Miller said she was pleased with Henry Rosenthal's Vice Mayor nomination and spoke to the tradition of making him the next Mayor. Van Cadenhead thanked Henry Rosenthal for giving the 5-0 vote. Chuck Tittle, via Zoom, expressed his desire to vote for Van Cadenhead. Public Comment was closed at 6:06 p.m. Henry Rosenthal complimented the public on their participation in the process and community involvement. Clerk called the roll, Motion passed 5-0.

A recess was called at 6:08 p.m. to rearrange seating. The meeting reconvened at 6:16 p.m.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Mayor Pete Bacheler thanked residents for their participation in the process and turned the meeting over to Councilman Pinder to present a recognition of service award to Village Clerk Kelly Toth. Kelly Toth started at the Village in 2004 in Human Resources, left for a brief time and returned in 2009 to Finance Department and moved to Clerk position 7 years ago. Ms. Toth was presented a plaque for her service for being a great asset to the Village Council and the Council expressed how much she will be missed after her move to Tennessee. Village Manager Greg Oravec commended Kelly on her dedication and customer service. In addition to her plaque, Mr. Oravec presented Kelly with gloves, a scarf, a headband and a Riverboat Trip in her new home state, along with candy and soda to satisfy her sweet tooth. Robert Moser, via Zoom, complimented Kelly Toth on her responsiveness and assistance throughout the years and noted how she changed his mind about government. Mayor Pete Bacheler reminded Ms. Toth she always has a warm home here to return to. Councilman Buddy Pinder and Councilman Mark Gregg thanked Ms. Toth for always taking good care of them during their terms in office. Van Cadenhead thanked Ms. Toth for her technology assistance throughout the years.

At 6:32 p.m. Mayor Bacheler invited South Florida Water Management District (SFWMD) Governing Board member Cheryl Meads to provide an update. A slide show was presented outlining Governor Ron DeSantis' Executive Order 19-12-Achieving More Now for Florida's Environment, with \$2 Billion outlined for Everglades Restoration. The mission of the SFWMD is "To safeguard and restore South Florida's water resources and ecosystems, protect our communities from flooding, and meet the region's water needs while connecting with the public and stakeholders." Meads told the Council, improving water flow through the Everglades has been a priority, as maps show historical changes in flow over the years. She said the project has

been in the works for 21 years and that it had had some bumps along the way, but 37 projects had broken ground with the EAA Reservoir Project, Tamiami Trail, and other projects in place to facilitate water movement south. To prevent Everglade's oil drilling, 20,000 acres were purchased, and a 2022 budget request was made to include \$550 million Resiliency/Flood Protection.

At 6:51 p.m. Mayor Pete Bacheler opened Public Comment. Ed Davidson spoke regarding the flow through water system that once led out to the Reef, and the importance of ongoing water restoration projects with several agencies and their environmental commitments. Van Cadenhead echoed the need for Everglades restoration and cautioned staff and the State Legislature to keep up the momentum.

At 6:59 p.m. Mayor Pete Bacheler asked Bob Eadie to join the meeting via Zoom for a COVID-19 update. Mr. Eadie stated the Monroe County vaccination rate was among the highest in the state of Florida, that numbers had been rising but hospitalization rates had not. He recommended vaccinations, boosters, masks for confined spaces, hand washing, and avoiding crowds to stay safe in the upcoming flu season. Councilman David Webb asked Mr. Eadie if recent significant hospital surges across the country are related to the Omicron or Delta variants and asked how they impact Monroe County. Mr. Eadie said he expected COVID to stick around and suggested a plan to live with it like yearly flu exposure risks. He said he saw reported outbreaks in areas of lower vaccination rates outside of the Keys and attributes the vaccine with preventing hospitalizations. Public Comment was opened and closed at 7:11 p.m. with no comments.

At 7:12 p.m. Carlos Garcia of Attention Media presented a video summary of the outreach program he had been working on over the past 10 months. The videos range from Council videos, Summer Camp, Village Staff, various projects and community events. He outlined his Islamorada Social program which contains videos across various platforms, how he is building his followers from the ground up and is sharing video links. Mr. Garcia also presented a video of the new 2021 holiday light displays across the Village.

PUBLIC COMMENT

Mayor Pete Bacheler opened general public comment at 7:28 p.m.

Steve Sepanak raised concerns about the recent Beach Road Trip (BRT) event that occurred over the Thanksgiving holiday weekend, which resulted in disrupting his quiet enjoyment of life; he said he believes future events should be weighed based on positives and negatives. Van Cadenhead echoed previous concern with the BRT event, pointed out the wild history that resulted in a stabbing at a previous event and that he would like to see events come before Council so the public is aware. Mr. Cadenhead also raised concerns with the impending 2023 buildout deadline. Cheryl Meads spoke about the broken promises from BRT Coordinator over the years, and general noise ordinance concerns that need to be addressed by Council. Councilman Buddy Pinder thanked Mr. Sepanak for speaking for his community regarding the BRT event.

COMMITTEE UPDATES

At 7:38 p.m. Councilman David Webb appointed John Kocol and Carolyn Ambler to the newly reinstated Land Acquisition Advisory Committee; Councilman Mark Gregg appointed Kelly Cox and Van Cadenhead; Councilman Buddy Pinder appointed Lindsay Fast and Greg Dully.; Mayor Pete Bacheler appointed Cheryl Culberson; Vice Mayor Henry Rosenthal appointed Tammy Gurgiolo and Sue Miller. Councilman Mark Gregg also appointed Tammy Gurgiolo to Historic Preservation Committee.

At 7:47 p.m. Village Manager Greg Oravec asked to discuss Temporary Use Permits. In response to the BRT event issues, an internal staff committee was formed that includes Chief Terry Abel and Planning Director Daniel Gulizio. Mr. Oravec said he had directed staff to create a Special Event landing page on the Village website outlining historic and future event details moving forward to improve communication.

CONSENT AGENDA

At 7:54 p.m., Councilman Mark Gregg asked for Tab 2 to be pulled from the consent agenda and voted on without him as he had a conflict voting on that item.

TAB 1: Minutes of the November 18, 2021 Regular Village Council Meeting and December 2, 2021 Special Call Village Council Meeting

TAB 3: Resolution Renewing Agreement with E Sciences, Inc. for Continued Water Quality and Benthic Vegetation Monitoring in Village Canals

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A RENEWAL OF THE AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND E SCIENCES, INC. FOR WATER QUALITY AND BENTHIC VEGETATION MONITORING IN VILLAGE CANALS; 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 RENEWAL; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 4: Resolution Approving Final Ranking and Recommendation of RFP 21-09 Evaluation Committee for Selection of a Contractor to Complete Surface Repairs and Exterior Painting of Islamorada Fire Station 19

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RANKINGS AND RECOMMENDATIONS OF THE RFP 21-09 EVALUATION COMMITTEE FOR SELECTION OF A PROFESSIONAL TO COMPLETE SURFACE REPAIRS AND EXTERIOR PAINTING OF ISLAMORADA FIRE STATION 19; 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**

Councilman David Webb made a motion to approve Tabs 1, 3, and 4. Councilman Buddy Pinder seconded the motion. Council voted and the motion passed 5-0.

TAB 2: Resolution Approving First Amendment to the Operating Agreement with Florida Bay Forever Save Our Waters for the Green Turtle Hammock Preserve

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE
OF ISLANDS, FLORIDA, APPROVING A FIRST AMENDMENT TO THE
OPERATING AGREEMENT WITH FLORIDA BAY FOREVER SAVE OUR
WATERS INC. FOR GREEN TURTLE HAMMOCK PRESERVE;
AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE OPERATING
AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND
BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE**

At 7:55 p.m. Village Attorney Roget Bryan read the title. Councilman Mark Gregg disclosed he is an unpaid board member of Florida Bay Forever and said he would abstain from voting on that item. Vice Mayor Henry Rosenthal said he would like the tenant to be responsible to pay the utilities. Councilman Buddy Pinder inquired what buildings are located on the property, and who maintains the facilities. Village Manager Greg Oravec said he believed the partnership with the tenant organization is going well with them invested their TDC funds and Village assisting with property upkeep as needed. Councilman David Webb said he supports the Village maintaining infrastructure of the property in the partnership. Mayor Pete Bacheler named it another Village jewel that adds to the community. Councilman David Webb made a motion to approve, Mayor Pete Bacheler seconded the motion. Council voted and motion passed 4-0.

At 8:02 p.m. Mayor Pete Bacheler opened and closed public comment as there was none.

ORDINANCES

TAB 5: First Reading: Ordinance Amending Article IV "Noise" of Chapter 18 "Nuisances"

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA,
AMENDING ARTICLE IV "NOISE" OF CHAPTER 18 "NUISANCES" OF
THE VILLAGE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR
THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES
INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE;
PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING
FOR AN EFFECTIVE DATE**

This item was heard at 8:02 p.m. Village Attorney Roget Bryan read the title of the ordinance, stated it was first reading. Village Manager Greg Oravec was provided a brief staff report and slide show. Councilman David Webb made a motion to table this issue and send it back to staff to include other noise issues and represent it to Local Planning Agency for

recommendations. Councilman Buddy Pinder seconded the motion to table, Council voted, and motion passed 5-0.

TAB 6: First Reading: Ordinance Amending the Comprehensive Plan to Add a Property Rights Element as Required for Conformity with Section 163.3177(6)(i), Florida Statutes (2021)

AN ORDINANCE OF THE ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CREATING A NEW COMPREHENSIVE PLAN ELEMENT ENTITLED, "CHAPTER 11: PROPERTY RIGHTS ELEMENT"; ESTABLISHING GOAL 11-1, OBJECTIVE 11-1.1, AND POLICIES 11-1.1.1- 11-1.1.4 IN ACCORDANCE WITH SECTION 163.3177(6)(I), FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

This item was heard at 8:05 p.m. Village Attorney Roget Bryan read the title of the ordinance, and stated it was first reading. Assistant Planning Director Hank Flores presented the staff report explaining the addition of the property rights element to the Comprehensive Plan to comply with new Florida State Law. At 8:07 p.m. Mayor Pete Bacheler opened public comment. Van Cadenhead urged Council to pass this to protect the rights of people from the government. Councilman David Webb made a motion to approve. Councilman Buddy Pinder seconded the motion. Council voted; motion passed 5-0.

RESOLUTIONS

TAB 7: Resolution Approving of the Residential Building Permit Allocation System Ranking and Awards Quarter 4 of 2021

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND AWARDED RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 4 OF 2021; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 8:08 p.m. Village Attorney Roget Bryan read the title of the resolution. Planning Director Daniel Gulizio introduced himself, outlined his experience then provided the staff report that recommended approval of 6 allocations. Councilman David Webb noted the Keys are an Area of Critical State Concern and how continued development impacts residents' quality of life.

Mayor Pete Bacheler opened public comment at 8:16 p.m. Van Cadenhead suggested a program to encourage some of the 91 people in the queue to sell at current market rate and forfeit their right to sue. At 8:19 p.m. public comment was closed. Councilman Mark Gregg announced he would be abstaining from voting as he and relatives are on the list. Mr. Gregg also disclosed he had withdrawn one of his applications on the list as there were some conflicts in the staff review process and suggested a procedure moving forward to resolve similar conflicts. Councilman

Buddy Pinder said he believes transparency in the permitting process among Council members should be the same process the public is held to. Mayor Pete Bacheler admitted giving up his planning business within the Village upon election as to not produce any project conflicts here. Vice Mayor Henry Rosenthal expressed concern over how the points are calculated and said he wants staff to review the list again and bring it back in a couple weeks. Village Manager Greg Oravec stated per a recent public records request, the top 10 on the Building Permit allocation list (BPAS) were reexamined by staff and the Village website will be getting a landing page that will contain all the scoring sheets for public to review. Vice Mayor Henry Rosenthal made a motion to approve, and Councilman Henry Pinder seconded the motion. Council voted and motion passed 4-0 with Councilman Mark Gregg abstaining.

TAB 8: BPAS Allocation Distribution for 2022

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 2022; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 8:33 p.m. Village Attorney Roget Bryan read the title of the resolution. Planning Director Daniel Gulizio presented the staff report outlining 2022 allocations; 22 Market Rate Units, 6 Affordable Allocations with one carryover unit from 2021, and 33,457 square feet of Nonresidential Space allocated. Village Manager Greg Oravec posed the possibility of slowing the permit issuing system down altering the allocation schedule moving forward. Vice Mayor Henry Rosenthal expressed concern with the remaining allocations being spread through 2026 as Monroe County did. Councilman David Webb commented it is too late to change 1st quarter figures but wants more staff input as to adjust the plan moving forward. Public comment was opened at 8:44 p.m. Ed Davidson stated the area of critical concern was declared and permit numbers capped based on environmental carrying capacity, not just evacuation time. Van Cadenhead remembers early BPAS conversations about the eventual permit issuing end date, suggested using the \$5 million state land acquisition funds to attempt buying out some properties on the waiting list before 2023 deadline. Sue Miller believes Monroe County was wise to push timeline to 2026, giving more time to research options and build acquisition funds. Councilman Mark Gregg asked for staff ideas on an extension, and desire to have an outstanding Transient Development Rights list. Councilman Buddy Pinder expressed interest in slowing down the allocations and would like further staff input as well. Councilman David Webb made a motion to pass with the understanding staff will provide options to slow allocations for remaining quarters of 2022 moving forward. Vice Mayor Henry Rosenthal seconded the motion. Council voted and the motion passed 5-0.

At 9:08 p.m. a recess was called. Meeting reconvened at 9:29 p.m.

TAB 9: Resolution Considering a Reduction of Lien in the Code Compliance Case of Donald F. Koehler, Case No. CEBDGC20200000243

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A REDUCTION OF LIEN IN CODE COMPLIANCE CASE NO. CEBDGC20200000243; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL NECESSARY AND EXPEDIENT ACTION; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 9:29 p.m. Village Attorney Roget Bryan read the title of the resolution and presented brief history regarding the code case. Mr. Koehler, via Zoom, stated he contracted with a Tiki Hut company, that advised him to do an after-the-fact permit due to Village being closed for COVID pandemic. Engineers were hired, deadlines were not met, demolition was necessary, expenses piled, and he asked for a further reduction. Council inquired to amount of staff time and dollars invested in this case to amend the fine amount. \$2,350 was the remaining figure per magistrate ruling, Village Manager Greg Oravec suggested 50% reduction, \$1,175 plus \$125 fee. Councilman Mark Gregg made motion for \$1,300, Councilman David Webb seconded it. Council voted and motion passed 5-0.

TAB 10: Request by Monroe County to Identify Village Priorities for US 1 Transportation Master Plan

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, IDENTIFYING AND PROVIDING A LIST OF TRANSPORTATION RECOMMENDATIONS FROM THE POTENTIAL SOLUTION LIST OF PROJECTS WITHIN APPENDIX G OF THE APPROVED U. S. 1 TRANSPORTATION MASTER PLAN, TO IMPROVE TRAFFIC FLOW, ALLEVIATE CONGESTION, IMPROVE SAFETY AND ASSIST IN IMPROVING THE LEVEL OF SERVICE ON U.S. 1; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 9:47 p.m. Village Attorney Roget Bryan read the title of the resolution. Village Manager Greg Oravec provided a brief staff report and presentation on FDOT Transportation Master Plan, Monroe County top 15 projects, hoped to bring back to January 2022 Council Meeting for a more in-depth conversation regarding these items. At 9:53 p.m. Councilman David Webb made a motion to extend meeting another 30 minutes, Councilman Buddy Pinder seconded it. Council voted; and motion passed 5-0.

At 9:55 p.m. public comment was opened. Sue Miller spoke on behalf of Islamorada Community Alliance, suggested an engineer workshop to address road elevation in areas for storm preparations. Ms. Miller commented the area across from Amara Cay should be a rest area, not the Fills. Van Cadenhead wants a public workshop regarding the proposed road projects. Village Manager Greg Oravec noted several County meetings and workshops regarding these projects. Councilman Buddy Pinder noted Monroe County Mayor David Rice addressing Council at a prior meeting. Ed Davidson stated Village incorporation reserved the right for local citizens to have direct input to Department of Transportation regarding traffic problems through Islamorada. Barbara Edgar, via Zoom, wants a workshop to discuss road elevation project in Lower Matecumbe to protect area homes. Public comment was closed at 10:15 p.m. Councilman Buddy Pinder proposed tabling this and bringing it back to January Council meeting. Councilman David

Webb made a motion to table, Councilman Buddy Pinder seconded it. Council voted. Motion passed 5-0.

TAB 11: Approval of Regular Village Council Meeting Dates for Calendar Year 2022

This item was heard at 10:19 p.m. Village Clerk Kelly Toth presented the proposed Regular Village Council Meeting schedule for 2022 per Resolution 15-09-92. Vice Mayor Peter Bacheler made a motion to adopt and adjust later as needed, Councilman Mark Gregg seconded. Council voted; motion passed 5-0.

ADJOURNMENT

Councilman David Webb made a motion to adjourn. Vice Mayor Pete Bacheler seconded the motion. The meeting adjourned at 10:23 p.m.

Approved by Council January 27, 2022.



Stephanie Conde
Acting Village Clerk