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

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

CALL TO ORDER / ROLL CALL

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

PLEDGE OF ALLEGIANCE AND INVOCATION

Councilman Mark Gregg led the Pledge of Allegiance. Mayor Buddy Pinder provided the prayer.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Proclamation: National Senior Center Month

Mayor Buddy Pinder proclaimed September as National Senior Center Month and presented the proclamation to Betsy Baste and Denise Downing with the Just Older Youth (JOY) Center.

PUBLIC COMMENT

Mayor Buddy Pinder opened general public comment.

Jill Zima commented regarding the possibilities of eliminating the weigh station on Plantation Key and transforming the area into a vehicle rest area with restrooms for northbound traffic. She expressed hope the Village would issue a letter of support for the Florida Keys Transportation Coordination Committee's list of recommendations and email the letter to the Monroe County Commission before its October 20 meeting.

Van Cadenhead expressed support for Ms. Zima's comments. He commented regarding the recent Conch Scramble fundraising event noting that it was videoed and would be featured on Netflix.

Audrina Ennis commented about the success of the Marine Debris Clean-up event hosted by Shoreline Restoration Services noting that event volunteers removed 9,130 pounds of debris from the shoreline and water. Ms. Ennis noted that the organization was planning another clean-up event for January.

Mayor Buddy Pinder closed public comment.

AGENDA: Requests for Deletion / Emergency Additions

Councilman Henry Rosenthal stated that he wanted to comment on Tab 3, Tab 4 and Tab 5 which were on the Consent Agenda. Village Attorney Roget Bryan asked if Councilman Rosenthal wanted to pull the tabs from the Consent Agenda for discussion; or did he simply want to make comments about the tabs. Councilman Rosenthal stated the items deserved some discussion besides his comments. Mayor Buddy Pinder stated the Village Attorney was asking if he wanted to talk about the items then vote on the consent agenda. Councilman Rosenthal stated that he did not want to pull any of the tabs.

Councilman Mark Gregg added as discussion regarding the Land Acquisition Advisory Committee.

CITIZENS' ADVISORY COMMITTEE UPDATES

Parks & Recreation Citizens' Advisory Committee Update

This item was heard at 5:49 p.m. Parks & Recreation Committee Chair Carolyn Wightman reported about various entities that utilize Founders Park; identified the many programs offered at Founders Park; noted that Founders Park was hiring lifeguards; noted upcoming events at Founders Park which included Trunk or Treat on October 23, Mote Marine Fest on November 13, and the Holiday Fest which would occur in December. She reported that the TDC approved a grant for dog park improvements for approximately $197,000; and noted that a public input meeting would occur on October 6 to receive input regarding dog park improvements.

Ms. Wightman reported that in 2013 a swim event began to bring attention to the Alligator Reef Lighthouse; that at the 2021 Alligator Reef Lighthouse Swim event there were 470 swimmers, close to 200 individual swimmers and noted local high school student Corley Smith placed fifth overall and placed second in female swimmers. Ms. Wightman reported that the National Park Service / Department of the Interior declared the Alligator Reef Lighthouse as surplus; that the Friends of the Pool, a not-for-profit organization, decided to apply for ownership of the lighthouse; that it took approximately two years to complete the application and approval process; and the organization was notified the week before the 2021 swim event that they were now the owner of the lighthouse. Ms. Wightman began a video presentation featuring Larry Herlth also known as Lighthouse Larry. The presentation addressed the history of shipwrecks on the reefs prior to construction of the lighthouses; the last lighthouse being constructed in 1880 making Key West a port of entry and the richest town in America at the time; that the lighthouses were typically placed in environmentally sensitive areas; and noted the publics enjoyment of the lighthouse and its surrounding habitat. Ms. Wightman introduced Friends of the Pool President Captain Rob Dixon and Beth Kaminstein. Captain Dixon commented that the organization was reaching out to the Village Council for any type of support that could be provided, whether financial or as a letter of support for grant applications. He reported that the restoration of the Alligator Reef Lighthouse would be approximately $7 million and noted the $50,000 engineering study would begin once the ownership documents transferred. Carolyn Wightman noted that the idea to save the lighthouse began at Founders Park. Mayor Buddy Pinder commented that his grandfather was one of the tenders on the lighthouse. Beth Kaminstein commented that the organization would have clearer fundraising plans once they had ownership and would be able to come to Council at a later date. Captain Dixon stated it was estimated that the deed and title would take about eight weeks. Mayor Buddy Pinder invited the organization to come back before Council. Vice Mayor Pete Bacheler noted that a friend of his, who was a member of the U.S. Coast Guard, was stationed and lived at the Alligator Reef Lighthouse. Captain Dixon stated that it was their intent to restore the lighthouse to its original condition, to the extent possible.

CONSENT AGENDA

TAB 1: Minutes: August 3, 2021 Budget Workshop, August 19, 2021 Regular Village Council Meeting and the September 3, 2021 First (Tentative) Budget Hearing

TAB 2: Approval of Appointments to the Islamorada Youth Council

TAB 3: Resolution in Support of School Board Mask Policy

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, EXPRESSING SUPPORT FOR THE MONROE COUNTY SCHOOL BOARD INSTITUTING PROCEDURES REQUIRING FACIAL COVERINGS AT ALL MONROE COUNTY SCHOOL DISTRICT FACILITIES AND PERMITTING 'OPT-OUT' FOR STUDENTS DUE TO MEDICAL NECESSITY; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 4: Approval of Fifth Amendment to Professional State Lobbying Services Agreement with GrayRobinson, P.A.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FIFTH AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL STATE LOBBYING SERVICES BETWEEN GRAYROBINSON, P.A. AND ISLAMORADA, VILLAGE OF ISLANDS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PROFESSIONAL SERVICES AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 5: Resolution Approving Twelfth Amendment to Agreement for Professional State Lobbying Consulting Services

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE TWELFTH AMENDMENT TO THE PROFESSIONAL STATE LOBBYING CONSULTING SERVICES AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS, AND PEEBLES, SMITH & MATTHEWS, INC. AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE TWELFTH AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE TWELFTH AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 6: Resolution Approving in Principle a Formula for Distribution of Settlement Proceeds for Opioid Litigation

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, EXPRESSING INTENT TO JOIN WITH THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN FOR SETTLEMENT OF OPIOID LITIGATION; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 7: Resolution Approving FEMA FY 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Agreement

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ACCEPTING THE GRANT AWARD FROM THE DEPARTMENT OF HOMELAND SECURITY FOR THE ADDITION OF SIX (6) FIREFIGHTER/PARAMEDICS OR EMT'S FOR THE FIRE RESCUE DEPARTMENT; APPROVING THE GRANT AGREEMENT BETWEEN THE DEPARTMENT OF HOMELAND SECURITY AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE REIMBURSEMENT FUNDING FOR THE PROJECT DURING FISCAL YEAR 2022, FISCAL YEAR 2023 AND FISCAL YEAR 2024; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; APPROVING A BUDGET AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND FUNDS; AND PROVIDING AN EFFECTIVE DATE

Consent agenda was heard at 6:11 p.m. Village Attorney Roget Bryan asked if the Council wanted to pull the tabs for discussion off the consent agenda, then approve the consent agenda after. Councilmembers expressed agreement.

Mr. Bryan read the title of Tab 3. Councilman Rosenthal commented that the Monroe County School Board adopted a mask policy with an optout option that allowed parents to decide whether their child would wear a mask. He expressed that he did not think the Village should get involved with the decision of another government body and expressed his support for the school boards position. Councilman Rosenthal made a motion to disband the resolution. Mayor Pinder asked to allow the other Councilmembers an opportunity to discuss the matter. Councilman Rosenthal stated he made the motion for discussion purposes. The motion failed for lack of a second. Village Attorney Roget Bryan confirmed with Council that tab 3 would be placed back on the consent agenda.

Village Attorney Roget Bryan read the titles of Tab 4 and Tab 5 for professional lobbying services. Councilman Henry Rosenthal commented about emails between the lobbyist and previous Council and comments made by one of the lobbyist regarding the FDOT pedestrian bridge which he was uncomfortable with; and asked why the Village did not have lobbyists that represented only the Village's needs. Councilman David Webb asked Councilman Rosenthal if he was suggesting that the Village not renew the contracts after having gone through the budgetary process. Councilman Rosenthal stated that he thought the Village should go out to bid for the services. Councilman Webb asked if Councilman Rosenthal was going to make a motion that the Village Council not renew the agreements. Councilman Henry Rosenthal made a motion to not renew both contracts. The motion failed for lack of a second. Councilman David Webb commented that an organization that he previously worked with had the resources to have dedicated lobbyists and noted that the costs for their services was extraordinarily high; that the Village did not have the resources to hire a full-time lobbying firm that represented only the Village; and that the Village's lobbyists, based on his exposure, were doing an extraordinary job. Councilman Henry Rosenthal suggested there may be a firm willing to provide the services at a lower cost; and commented that the Village was paying more than the City of Key West.

Mayor Buddy Pinder stated to the Village Attorney that the tabs would be put back on the consent agenda. Village Attorney Roget Bryan confirmed that Tabs 3, 4 and 5 were still part of the consent agenda. Mayor Pinder asked if the Council had further discussion before public comment. No discussion was offered.

Mayor Buddy Pinder opened public comment.

Van Cadenhead expressed support for Councilman Rosenthal's suggestion; noted the costs of the lobbying services; and suggested that the lobbying firms provide a report to Council during a meeting. He expressed support for Tab 3 noting the parents sign-off could endanger the lives of unvaccinated children.

Cheryl Meads commented regarding a policy process that reviewed contracts after a period of time; commented regarding the length of time the Village's lobbyists had been under contract with the Village; and expressed support for bidding the services.

Jill Zima Borski expressed support for going out to bid; noted Marathon paid less than the Village; and suggested that the public was not seeing the reports provided by the lobbyists.

Sue Miller expressed support for bidding the lobbying services; noted the two firms were also lobbyists for Monroe County; and noted the public was uninformed about the agendas that were set for the lobbyists.

Mayor Buddy Pinder closed public comment.

Mayor Buddy Pinder stated the lobbyists have been responsive to his phone calls noting he had inquired about funding; and that he received favorable comments from other agencies, such as Flagler County, regarding Peebles, Smith and Matthews. Village Attorney Roget Bryan commented that from a synergy and relationship standpoint he had zero issues with the lobbyists job performance and that he was aware of the overlap. Village Manager Greg Oravec commented that in his experience, lobbying boiled down to the connection the lobbyists had with the legislators and program administrators and noted it was important to choose lobbyists that had those connections. He stated the Village had some of the best lobbyists in the State working for them. He suggested that if the Council wanted to pursue a change it would be better to do so after the legislative session concluded rather than going into the session; he noted it was the Council's decision; and that the Village had a highly qualified lobbying team that had done good work on behalf of the Village as reflected in the vessel exclusion area, Stewardship Act funding, advocacy, defending home-rule and leveraging state investment in the Area of Critical State Concern. Mr. Oravec stated he had worked for years with GrayRobinson noting it was not too shabby to have a former Speaker of the House working on your behalf and a former DEP head leading the effort for the other firm when trying to leverage State investment in Islamorada. He commented that when making comparisons about budgets and expenses that we should make sure that we were comparing apples to apples and noted that Monroe County used approximately five lobbying firms. Councilman David Webb stated for some people it was difficult to understand the nature of lobbying and measuring their effectiveness. He commented that lobbying was an art; sometimes they did not succeed due to push back from legislators; their effectiveness was based on the relationships and trust; that he was very happy with the lobbyists; that they make presentations to Council and the number of those presentations could be increased; that the lobbyists were working on home rule issues, preemptions and vacation rental issues and noted that the lobbyists do similar work year after year because the legislature fights the Village year after year. Vice Mayor Pete Bacheler commented that he was very pleased with the Village's lobbyists and that he would not want to see a change made. Mayor Buddy Pinder stated that he disagreed with the lobbyist regarding their opinion of the pedestrian bridge but that they could agree to disagree; that he had reached out to them requesting that they check on items in Tallahassee for him and noted that they always responded to his requests. He commented that the lobbyists were very well connected; that when the swim zone issue came up the Village Attorney reached out to the lobbyists and noted that State Representative Jim Mooney and Senator Ana Maria Rodriguez also worked on the issue with them. Mayor Pinder stated that he initially reached out to the lobbyists because he wanted to get to know them better; and that if the Village requested their presence, either for a public meeting or to meet individually, he believed the lobbyists would agree to the request.

Mayor Buddy Pinder opened public comment.

Van Cadenhead opined that the issue was a communication issue noting the lobbyists could appear via Zoom.

Councilman David Webb made a motion to approve the consent agenda. Vice Mayor Pete Bacheler seconded the motion. Council voted and the motion passed 4-1 with Councilman Henry Rosenthal voting in opposition.

Councilman Henry Rosenthal commented that he did not know that the Village had the very best lobbyists because unlike the Village Manager, he did not have the opportunity to interview/select them. Mayor Buddy Pinder suggested Councilman Rosenthal call the lobbyist and get to know them. Councilman Rosenthal stated he had inquiries from other lobbying firms.

RESOLUTIONS

TAB 8: Resolution- Approval of the Residential Building Permit Allocation System Ranking and Awards Quarter 3 of 2021

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 3 OF 2021; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 6:43 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Planning Director Hank Flores presented the staff report recommending approval of the five market rate allocations. Councilman David Webb commented about the importance of the remaining allocations as the Village Council approached the 2023 buildout. Councilman Mark Gregg abstained from voting noting that he was on the BPAS applicant list. Councilman Henry Rosenthal commented about his prior suggestion to suspend the issuance of building permits for 90 days to allow for planning for the 2023 buildout.

Mayor Buddy Pinder opened public comment; no comment was offered.

Vice Mayor Pete Bacheler made a motion to approve. Councilman David Webb second the motion. Council voted and the motion passed 4-0. Councilman Gregg previously abstained from voting.

TAB 9: Resolution Approving Work Authorization No. 2 between Wade Trim, Inc. and Islamorada, Village of Islands to Provide General Engineering Services and Wastewater Utility-Related Engineering Services for FY 2021-2022

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RATIFYING AND APPROVING WORK AUTHORIZATION NO. 2 BETWEEN WADE TRIM, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE GENERAL ENGINEERING SERVICES AND WASTEWATER UTILITY-RELATED ENGINEERING SERVICES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF WORK AUTHORIZATION NO. 2; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:48 p.m. Village Attorney Roget Bryan read the title of the resolution. Village Manager Greg Oravec presented an overview of Tabs 9 through 12 as they were interrelated and dealt with the wastewater utility. He reported that:

- Tab 9 extended Wade Trims' contract for another year noting Wade Trim was the Village's consulting engineer and that Dr. Dan Burden was essentially an extension of the Village staff.
- Tab 10 would approve the services of Raftelis noting that Raftelis was a firm that specialized in rate studies and explained that the wastewater utility did not live off of property taxes it lived off of the rates paid by customers of the utility. He explained that the firm specialized in making sure that utilities were charging the correct rate; it was important for things such as refinancing the Village's existing debt because lenders wanted to know that the Village was in sound shape and that the Village was receiving good recommendations on what the rates should be. He stated the study and recommendations would come back to Council as part of the budgeting process and would allow staff to proceed with the refinancing and refunding that the Council directed staff to evaluate.
- Tab 11- Mr. Oravec reported that $20 million was appropriated to the Florida Keys Stewardship Act and by agreement the Village's percentage was approximately 17 percent. Staff was proposing, which was included in the budget, to invest the Stewardship Act funds in upgrading the North Plantation Key (NPK) wastewater wet well system and pump station into an inline booster pump station. He explained that at one time the NPK facility was going to treat wastewater then it was converted to a wet well system that sends the sewage to Key Largo for treatment. Mr. Oravec stated that they felt like the hydraulic hammering was

contributing to the breakages that occurred to the north of the NPK facility. He explained that staff wanted to fix the issue with the major improvement to the utility; that the item would allow the investment of about $4 million to carry out the improvements.

- Tab 12 would extend the contract with Eckler Engineering which was the design firm for the North Plantation Key wastewater improvement project.

Mayor Buddy Pinder asked if the four tabs could be combined and voted on once. The Village Attorney stated he had to read the items into the record.

Mayor Buddy Pinder opened public comment; no comment was offered.

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

TAB 10: Resolution Approving Professional Services Agreement Between Islamorada, Village of Islands and Raftelis Financial Consultants to Provide a Wastewater Rate and Capacity Study

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN RAFTELIS FINANCIAL CONSULTANTS, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO PERFORM A WASTEWATER RATE AND CAPACITY FEE STUDY 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 AGREEMENT; AUTHORIZING WAIVER OF COMPETITIVE IDDING; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:53 p.m. Village Attorney Roget Bryan read the title of the resolution. Village Manager Greg Oravec provided a brief summary of the item during Tab 9. Finance Director and Deputy Village Manager Maria Bassett noted that the consultants were participating in the meeting via Zoom and were available if the Council had questions.

Mayor Buddy Pinder opened public comment; no comment was offered.

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

TAB 11: Resolution Approving Amendment No. 1 to Agreement No. LPA0087 between the Florida Department of Environmental Protection and the Village Relating to Funding through the Florida Keys Stewardship Act for Capital Projects at the North Plantation Key (NPK) Pump Station

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING AMENDMENT 1 TO AGREEMENT NO. LPA0087 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE VILLAGE RELATED TO FLORIDA KEYS STEWARDSHIP ACT FUNDING; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL STEPS NECESSARY TO FINALIZE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:54 p.m. Village Attorney Roget Bryan read the title of the resolution. Village Manager Greg Oravec provided a brief summary of the item during Tab 9.

Mayor Buddy Pinder opened public comment; no comment was offered.

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

Finance Director and Deputy Village Manager Maria Bassett reported that on September 10th the Village received $1.7 million in reimbursement through the Florida Keys Water Quality Improvement (FKWQI) grant provided by the US Army Corps of Engineers. She noted that this was the grant reimbursement for wastewater that she had expressed concern about during the budget process. She stated that $3.5 million in Stewardship Act Funds were for the Village's wastewater project. Village Manager Greg Oravec thanked Staff Accountant Hatti Jenkins for her efforts in preparing the reimbursement request.

Mayor Buddy Pinder opened public comment; no comment was offered.

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

TAB 12: Resolution Approving Amendment to Continuing Services Agreement and to Work Authorization No. 2 between Eckler Engineering Inc. and the Village for Design and Construction Engineering Services for Capital Projects at the North Plantation Key (NPK) Pump Station

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A FIRST AMENDMENT TO THE CONTINUING SERVICES AGREEMENT AND A FIRST AMENDMENT TO WORK AUTHORIZATION NO. 2 BETWEEN ECKLER ENGINEERING, INC. AND ISLAMORADA, VILLAGE OF ISLANDS FOR DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR PROJECTS AT THE NORTH PLANTATION KEY (NPK) PUMP STATION; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AMENDMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENTS; 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. Village Manager Greg Oravec provided a brief summary of the item during Tab 9.

Mayor Buddy Pinder opened public comment; no comment was offered.

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

TAB 13: Resolution Ratifying a Proposed Collective Bargaining Agreement between the Village and IAFF Local 4374

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND THE ISLAMORADA PROFESSIONAL FIREFIGHTERS, INTERNATIONAL

ASSOCIATION OF FIREFIGHTERS LOCAL 4374; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:57 p.m. Village Attorney Roget Bryan read the title of the resolution and provided background information regarding the Collective Bargaining Agreement (CBA) noting the current CBA would expire on September 30, 2021 and the new agreement would begin on October 1, 2021 and had a three-year term. He explained that the union organized in 2007; the first CBA was approved in 2015; that the Village worked closely with the prior boards and the current board in the collective bargaining process which was governed in Florida Statutes; negotiations began in May 2021 with Acting Village Manager Maria Bassett and that he and Village Manager Greg Oravec reached a tentative agreement with the union board in August; the union membership ratified the tentative agreement by a unanimous vote; and explained that per Florida Statutes the Village Council was now required to ratify the proposed amendment by a majority vote noting the term of the CBA was October 1, 2021 through September 30, 2024.

Village Manager Greg Oravec expressed gratitude to the Village's bargaining team and the union bargaining team noting the cordial nature of the bargaining sessions. He opined that employees were the most important investment; that happy, healthy employees was how the Village could be a world-class organization capable of carrying out the Council's vision and providing a tremendous return on investment to the taxpayers noting that staff made that possible. He explained his approach for collective bargaining negotiations noting that he felt that the Fire Chief and the union board also wanted a world-class organization that took care of its people. Mr. Oravec stated that he felt the union board was fair and had expressed legitimate concerns; they discussed not wanting to be a training ground for other departments and finding the right balance; that the union had suggested a step plan which guaranteed raises over a specific number of years and that the City of Key West and Monroe County had 20 steps in their step plans and the City of Marathon had 13 steps which would be a budget-buster for the Village. Mr. Oravec explained that they found a way to help the firefighters with promotional opportunities while still remaining fair to the taxpayers by creating the Captain's Class which had three steps, the Lieutenant's Class which had three steps and the Paramedic's Class which had two steps; that the agreement proposed the three, three and two steps, as opposed to 20 steps, over two-year terms; it provided for an across the board adjustment in pay which was done for all the employees; and that he would always provide recommendations that treated all employees equally when it came to Cost of Living Adjustments. Mr. Oravec commented that the union board helped the Village during negotiations regarding leave time and Kelly Days. He explained that the firefighters worked 24 hours on and 48 hours off and that sometimes they had a tenth shift in a 28-day cycle which they were not required to work which was considered a Kelly Day; that the union had expressed that they would like paid Kelly Days, noting the City of Key West had paid Kelly Days; and that four paid Kelly Days were negotiated. Mr. Oravec thanked everyone involved and recommended approval of the Collective Bargaining Agreement.

Councilman David Webb stated he went over the agreement extensively with the Village Manager and Village Attorney and noted that he had 31 years of union negotiation experience. He commented regarding his personal experience with first responders since moving to Islamorada in

2013 noting that he could not believe the quality of individuals that the Village had serving the community; that after Hurricane Irma the first responders came through Port Antigua on a daily basis knocking on doors making sure everyone was okay; that collective bargaining was guaranteed by Federal Statute; noted the difference in negotiations between the fire fighters and other types of unions; that he was not surprised by the conclusion of the collective bargaining negotiations due to the caliber of people that the Village had serving the community; and stated he was highly in favor of approving the collective bargaining agreement. Mayor Buddy Pinder commented that the Village was blessed with their first responders noting their response times were phenomenal, they were very courteous, friendly and went out of their way to make sure people were okay.

Mayor Buddy Pinder opened public comment; no comment was offered.

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

TAB 14: Contract for the Purchase and Sale of 81981 Overseas Highway, also Known as the "Walgreens Property"

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 81981 OVERSEAS HIGHWAY (PARCEL ID #00400120-000000) 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; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:10 p.m. Village Attorney Roget Bryan read the title of the resolution. Village Manager Greg Oravec provided background information and noted staff was successful in reaching an agreement with the seller and outlined the following key terms of the contract:

- Purchase price of $2.75 million. The 2021 Just Market Value according to the Monroe County Property Appraiser is $3.12 million.
- 30-day inspection period with the right to extend with additional deposit and right to cancel due to adverse conditions.
- Closing 30 days after end of inspection period.
- Use Restriction- the property shall not be used for the operation of a drug store or pharmacy.

Mr. Oravec explained that if the contract was approved by Council, staff would move forward with obtaining the survey and environmental assessment and barring any complications would close the contract at the end of November or early December. He reported the site would then be graded to install temporary parking; and that the Village would engage a consultant to lead a community-driven planning and design effort that would result in Council adopting a formal plan for the site for staff to implement.

Councilman David Webb commented that if the community plan involved municipal parking he would lobby that the Council reconsider allowing people to use the rights-of-way especially in the downtown area.

Mayor Buddy Pinder opened public comment.

Van Cadenhead expressed his support for approving the agreement; provided historical information about the site; commented that electrical vehicle charging was needed and suggested using solar panels; expressed opposition to hiring a consultant for the community-driven planning effort.

Mayor Buddy Pinder closed public comment.

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

TAB 15: Vacation Rentals- Annual Licensing Fee and Code Enforcement

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING RESOLUTION NO. 07-05-28 PERTAINING TO TRANSIENT (VACATION) RENTAL LICENSE APPLICATION FEES; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:18 p.m. Village Attorney Roget Bryan read the title of the resolution. Village Manager Greg Oravec provided the staff report noting the Village had begun the annual vacation rental license renewal cycle; that the proposed amendment would increase the annual vacation rental license fee from $1,000 to $1,325 which was adjusted for the Consumer Price Index (CPI) from when the fee was first established; and that non-inflationary future adjustments could be made after additional study. He reported that he was advocating for a one-year trial use of third-party software and associated professional services such as Rentalscape as part of the renewed emphasis on the enforcement of Codes pertaining to vacation rentals. Mr. Oravec reported that the new GIS map layer for vacation rentals was available online for testing by the Council and public; staff would prepare an annual report on vacation rentals; noted that 331 was the maximum number of vacation rental licenses the Village could issue; and that the grandfathered vacation rental licenses in areas zoned Residential Medium areas had decreased from 45 to 23. He stated that he had met with different individuals from the community regarding the matter and that Planning Coordinator Anita Muxo had sent a notice to all vacation rental license holders regarding the agenda item and public meeting. Mayor Buddy Pinder noted that this was the first increase to the vacation rental license fee since 2007; that he would like to see the fee be a little higher but that the proposed fee was a good starting point; commented about the possibility of charging a fee based on the number of bedrooms noting the difference in rental income between a two-bedroom rental and a rental mansion with several bedrooms.

Mayor Buddy Pinder opened public comment.

Van Cadenhead expressed agreement with the mayor’s comments regarding the $1,325 fee; expressed support for procuring the Rentalscape software; and noted the difference in the number of advertised vacation rentals versus the number vacation rentals that were licensed.

Mark Mancini commented that he had multiple vacation rentals in Islamorada and South Carolina and also provided online consulting for vacation rentals to help them increase their rental income. He noted that vacation rental owners were the epitome of mom and pop business as they had no lobbying representation or bailout money when things were shut down; noted the taxes that were paid; expressed disagreement with the idea of the inflationary increase to the license fee; noted that the resorts did not have to pay a license fee and that the moms and pops were singled out to pay more; opined that it was unfair that the licenses were not prorated noting he had to pay $1,000 for five months; and opined that those people that obtained licenses were penalized noting the penalty for a vacation rental violation was $400. Mayor Buddy Pinder asked if Mr. Mancini owned a vacation rental in Islamorada to which he replied that he does. Mayor Pinder commented that he wanted an analysis of the amount of staff time incurred on vacation rental administration and enforcement relative to the amount of money collected for vacation rentals noting the taxpayer's financial contributions to the matter. He stated his constituents have commented to him about vacation rentals and the taxes they pay and noted the business aspect of vacation rentals and the Village covering staff costs. Mr. Mancini commented that 260 licenses yielded $260,000 a year; that the vacation rental licenses was similar to a contractor license whose fee was much smaller; and suggested outsourcing administration to allow more time for vacation rental enforcement.

Roger Robitaille stated that he owns a property in Angler's Reef and expressed his gratitude to Planning Coordinator Anita Muxo for her efforts. He commented regarding the history of the vacation rental license fees and the loss in revenue over a six-year period in the amount of $221,000; that the shortfall represented 17.1 % in what should have been charged for the rental fees; that had the 17.1% been assessed the Village would have had a surplus; and that 17.1% of the current fee was $171 which was $100 less than the amount proposed. He stated that he supports affordable housing in the community but did not want to subsidize more than what was required.

Mayor Buddy Pinder closed public comment.

Mayor Pinder suggested analyzing the costs associated with vacation rentals. Village Manager Greg Oravec explained that staff was attempting to get the ball rolling and that staff would track the time to the best of their ability and that the information would be provided in the annual State of Vacation Rentals.

Councilman David Webb commented regarding renting of homes in his neighborhood noting that it was very disruptive to the people that lived there; and that the Village needed to manage it, charge for it, enforce it and have significant penalties for violators. Vice Mayor Pete Bacheler asked Councilman Webb the number of errant renters in his neighborhood. He commented his neighborhood was zoned Residential Single Family (R1) and that you could not get a license in an R1 community yet there were weekend renters, weekly renters and monthly renters; that out of the 300 homes in the Porta Antigua community at least 30% of the homes were rented at one time or another. Councilman Webb noted the neighborhoods were not supposed to be commercial operations.

Councilman Mark Gregg read Comprehensive Plan section 1-2.4.9 regarding affordable housing and transient rentals; noted the negative impacts of the Airbnb effect on neighborhoods; commented about some of the findings in the 2004 workforce affordable housing study for Islamorada and that he felt a portion of the vacation rental license fee should be allocated to the Affordable Housing

Fund. He commented regarding his previous service on the Achievable Housing Citizens' Advisory Committee (AHCAC) and the recommendations recently made by the committee regarding vacation rental fees; noted that the vacation rental ordinance stated left over revenue from the license fee would be directed to the Affordable Housing Fund and that this has never occurred and suggested putting money on the table for affordable housing and suggested $500.

Councilman David Webb recommended approving the item before them noting that his concern was that the Village currently had high compliance currently and were getting pushback from the minimal increase. He stated that he would hate to lose any of the current voluntary compliance as the Village was not in a position of enforcement; noted staff was currently in the annual licensing cycle; and suggested significant fines for enforcement. Councilman Mark Gregg commented that he thought Monroe County fines were based on the amount of money generated from the illegal vacation rental. Councilman Webb noted that it was a felony if they failed to pay taxes.

Councilman Henry Rosenthal asked if the $500, suggested by Councilman Gregg, was in addition to the $1,325. Councilman Gregg stated that if he had his way it would be. Councilman Rosenthal suggested maintaining the $1,325 and using the number of bedrooms as a basis for additional income and this would justify the business expense. Councilman Mark Gregg agreed with Councilman Rosenthal but noted the discussion would take a while. Vice Mayor Pete Bacheler stated he liked the bedroom idea, but he wanted data and for it to be fair and equitable to all. Mayor Buddy Pinder suggested moving on and having the conversation at a later date.

Van Cadenhead agreed with Vice Mayor Bacheler and suggested using numbers generated from the Rentalscape software.

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

MAYOR / COUNCIL COMMUNICATIONS

TAB 16: Discussion Regarding Rules for Remote Meeting Attendance for Village Council and Other Boards and Committees

Mayor Buddy Pinder suggested discussing the item at a later date. Councilman David Webb made a motion to table. Councilman Mark Gregg seconded the motion. Council voted all in favor.

Agenda Addition:

Discussion Regarding the Land Acquisition Committee

This item was heard at 7:56 p.m. Councilman Mark Gregg provided background information about the previous Land Acquisition Committee. He commented about their responsibilities and noted that the only reason he was able to come up with regarding why the committee no longer existed was due to lack of funding to purchase recommended properties. He stated that he thought the committee would be a valuable tool in addressing the 2023 buildout. Councilman Gregg stated that if the Council had a desire to revive the committee staff could prepare the item for the next Council meeting and noted it was a way to get the ball rolling. Vice Mayor Pete Bacheler expressed agreement with Councilman Gregg's suggestion. Councilman David Webb asked if there was a template for this in other communities. Village Manager Greg Oravec noted that staff had already begun working on the item; that this was a cornerstone of dealing with 2023; that it behooved the Council to preserve as much as they could on the front side; that the Village needed to put all the funding sources to work but could not do that without a plan; and that the Village did have a template noting Environmental Resources Manager Peter Frezza had been tasked with putting the package together; and that he did not know that it would be ready in two weeks, but would be ready very soon.

Councilman David Webb stated that he had mentioned at a previous meeting that he would like a spreadsheet or scoring system to be used when the Village made contributions to the community. He commented that if the Village was going to make big contributions, he wanted data about the organization and their financial stability; he would like to be able to explain what was considered and how the Council made their decision when granting a donation. He stated he would like to have an agenda item preferably before the end of the year. Mayor Buddy Pinder noted that he had brought up the topic during the budget process. Vice Mayor Pete Bacheler commented that the information was also important to the public.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Update on the Wastewater Code Lien Amnesty Program

This item was heard at 8:05 Village Manager Greg Oravec reported that since the last update six more wastewater connections had occurred; five more amnesty applications were in; Payfair and Theater of the Sea were on the right side of the ledger; and a couple of Cabrera properties had connected. He noted that the property owners had to have their building permit by October 31, 2021and had to be hooked up by December 31, 2021 which was the end of the amnesty program.

Mayor Buddy Pinder opened public comment; no comment was offered.

ADJOURNMENT

Councilman David Webb made a motion to adjourn. Vice Mayor Pete Bacheler seconded the motion. The meeting adjourned at 8:08 p.m.

Approved by Council November 18, 2021.

Kelly S. Toth

Kelly S. Toth, CMC
Village Clerk