



Minutes

ISLAMORADA, VILLAGE OF ISLANDS REGULAR VILLAGE COUNCIL MEETING

Founders Park Community Center

87000 Overseas Highway

Islamorada, FL 33036

Thursday, September 15, 2022

5:30 PM

I. CALL TO ORDER

Mayor Pete Bacheler called the meeting to order at 5:30 p.m.

II. ROLL CALL

PRESENT: Councilman Mark Gregg, Councilman Joseph B. Pinder III, Councilman David Webb, Mayor Pete Bacheler

ABSENT: Vice Mayor Henry Rosenthal

III. PLEDGE OF ALLEGIANCE

Van Cadenhead led the Pledge of Allegiance.

IV. AGENDA: Requests for Deletion / Emergency Additions

It was announced that the Crooked Palm major conditional use (tab 7) and Dock length variance (tab 11) had been removed from the agenda.

Councilman Webb added a noise ordinance discussion.

Councilman Gregg replaced the affordable housing discussion with a discussion to change the meeting date for October 27th.

Councilman Pinder request to move tabs 13 and 14 up to be heard after the Consent Agenda.

V. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS – 5:34 p.m.

A. Geo Toth Recognition of Service

Fire Chief Terry Abel and Village Manager Ted Yates presented Fire Capt. Geo Toth with a recognition of service for his retirement after 21 years with the department.

VI. PUBLIC COMMENT – 5:39 p.m.

Speakers included Jason Seiler, Sue Miller, Van Cadenhead, Eleanor Quigley, Angel Borden, Joe Wischmeier, Larisa Baste, Chris Trentine, Eduardo Suarez, Elizabeth Jolin, Steve Leopold, Randy Kassewitz, and Glenn Sharp.

VII. CITIZENS' ADVISORY COMMITTEE REPORTS & APPOINTMENTS

A. Land Acquisition Citizens Advisory Committee – 6:13 p.m.

Chair John Kocol presented opportunities for the Village to acquire land and requested funding allocations to be considered during the upcoming budget hearing.

VIII. CONSENT AGENDA – 6:36 p.m.

Mayor Pete Bacheler opened public comment on all Consent Agenda items.

Deb Gillis commented.

Public comment was closed.

Moved by Councilman David Webb, seconded by Councilman Mark Gregg to approve the Consent Agenda.

A. Minutes of August 25, 2022 Regular Village Council Meeting

TAB_1

B. Resolution Approving Letter of Engagement for Code Compliance Hearing Officer

TAB_2

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE LETTER OF ENGAGEMENT BETWEEN MICHAEL J. PAWELCZYK AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE SERVICES OF CODE COMPLIANCE HEARING OFFICER; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE ENGAGEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LETTER OF ENGAGEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

C. Approval of Appointments to the Islamorada Youth Council

TAB_3

D. Resolution Approving the Purchase of a 2023 Ford Transit E-350 Medium Roof 148" Wheelbase Passenger Wagon RWD XLT

TAB_4

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE OF A 2023 FORD TRANSIT E-350 MEDIUM ROOF 148" WHEELBASE PASSENGER WAGON RWD XLT FROM DUVAL FORD FLEET SALES FOR THE VILLAGE FIRE RESCUE DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO

EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman David Webb, Councilman Mark Gregg, Councilman Joseph B. Pinder III, Mayor Pete Bacheler

NAYS: None

Motion passes 4 – 0.

RESOLUTIONS– TABS 13 AND 14

- A.** Resolution Approving an Interlocal Agreement Between the Florida Keys Aqueduct Authority and the Village for the Islamorada Transmission Main Adaptation Project Pursuant to the Resilient Florida Grant Program – **6:35 p.m.** **TAB _13**

Mayor Pete Bacheler opened public comment and there was no one wishing to speak. Public comment was closed.

Moved by Councilman Joseph B. Pinder III, seconded by Councilman David Webb to approve:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE FLORIDA KEYS AQUEDUCT AUTHORITY (FKAA) AND ISLAMORADA, VILLAGE OF ISLANDS, FOR THE ISLAMORADA TRANSMISSION MAIN ADAPTATION PROJECT PURSUANT TO THE RESILIENT FLORIDA GRANT PROGRAM; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE INTERLOCAL AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman Joseph B. Pinder III, Councilman David Webb, Councilman Mark Gregg, Mayor Pete Bacheler

NAYS: None

Motion passes 4 – 0.

- B.** Resolution Approving and Accepting a Grant Award from the State of Florida Department of Environmental Protection ("FDEP") for the Islamorada Transmission Main Adaptation Project ("Project") Pursuant to the Resilient Florida Grant Program; Approving the Grant Agreement Between FDEP and Islamorada, Village of Islands, As Grantee, for the Project; and Approving the Consent to Assignment of Grant Agreement Between FDEP, The Village and the Florida Keys Aqueduct Authority **TAB _14**

Mayor Pete Bacheler opened public comment – **6:48 p.m.**
Joan Scholz commented.
Public comment was closed.

Moved by Mayor Pete Bacheler, seconded by Councilman Joseph B. Pinder III to approve:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AND ACCEPTING A GRANT AWARD FROM THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ("FDEP") FOR THE ISLAMORADA TRANSMISSION MAIN ADAPTATION PROJECT ("PROJECT") PURSUANT TO THE RESILIENT FLORIDA GRANT PROGRAM; APPROVING THE GRANT AGREEMENT BETWEEN FDEP AND ISLAMORADA, VILLAGE OF ISLANDS, AS GRANTEE, FOR THE PROJECT; APPROVING THE CONSENT TO ASSIGNMENT OF GRANT AGREEMENT BETWEEN FDEP, THE VILLAGE AND THE FLORIDA KEYS AQUEDUCT AUTHORITY; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GRANT AGREEMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE GRANT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Mayor Pete Bacheler, Councilman Joseph B. Pinder III, Councilman David Webb, Councilman Mark Gregg

NAYS: None

Motion passes 4 – 0.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS – CONTINUED

Parks and Recreation Citizens Advisory Committee/Swim for Alligator Lighthouse Report–
6:50 p.m.

Chair Carolyn Wightman provided an update on the initiatives of the committee and Rob Dixon of Friends of the Pool reported on the recent Swim for Alligator Lighthouse.

Village Manager Ted Yates presented Coral Shores High School senior Corley Smith with a proclamation honoring her accomplishments. – **6:59 p.m.**

B. ORDINANCES

A. Second Reading: Ordinance to Repeal and Replace Flood Code – 7:08 p.m.

TAB_5

Moved by Councilman Mark Gregg, seconded by Mayor Pete Bacheler, to adopt the ordinance with the deletion of the two provisions to regulate the climate of below flood enclosures as well as the treatment of a Coastal V Zone.

Floodplain/CRS Coordinator Megan Rumbaugh noted that any changes to the proposed ordinance will require a review and approval by FEMA.

Mayor Pete Bacheler opened public comment – 7:35 pm
Barry Wray commented.
Public comment was closed.

Councilman Mark Gregg moved to amend his main motion and asked instead to table the item. Mayor Pete Bacheler seconded the amended motion.

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 6, ARTICLE II, BUILDING CODE, TO ADD NEW DIVISION 3 TO ADOPT ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE AND TO ADD NEW DIVISION 4 TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; TO REPEAL CHAPTER 6, ARTICLE III, FLOODPLAIN MANAGEMENT STANDARDS; TO ADOPT A NEW ARTICLE III; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS; AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; SEVERABILITY; AND AN EFFECTIVE DATE

AYES: Councilman Mark Gregg, Mayor Pete Bacheler, Councilman Joseph B. Pinder III, Councilman David Webb

NAYS: None

Motion passes 4 – 0.

B. First Reading: Ordinance Amending Chapter 50 to Prohibit Smoking in Village Parks and Beaches, and to Prohibit Smoking in County Parks and Beaches Within Village Boundaries

TAB_6

Mayor Pete Bacheler opened public comment – **7:43 pm.**

Barry Wray, Van Cadenhead, Emma Hadocy, Richard Black, and an unidentified Zoom caller shared their comments.

Public comment was closed – **7:54 p.m.**

Moved by Councilman David Webb, seconded by Mayor Pete Bacheler to approve:

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 50 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES” OF THE VILLAGE CODE, TO CREATE SECTION 50-2 “SMOKING PROHIBITED” TO PROHIBIT SMOKING IN VILLAGE PARKS AND BEACHES, AND TO PROHIBIT SMOKING IN COUNTY PARKS AND BEACHES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman David Webb, Mayor Pete Bacheler, Councilman Mark Gregg, Councilman Joseph B. Pinder III

NAYS: None

Motion passes 4 – 0.

C. QUASI-JUDICIAL

Major Conditional Use for Crooked Palm Brewery/Distillery

TAB_7

ITEM WAS REMOVED FROM AGENDA

D. RESOLUTIONS

- A.** Resolution Approving Agreement with Aqua Waste Repairs, Inc., for Canal 114 Gravity Injection Well Installation Services – **7:55 p.m.**

TAB_8

Mayor Pete Bacheler opened public comment – **8:04 p.m.**

Speakers included Van Cadenhead, Barry Wray, and an unidentified Zoom caller. Public comment was closed.

Moved by Councilman David Webb, seconded by Mayor Pete Bacheler to approve:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN AGREEMENT WITH AQUA WASTE REPAIRS, INC. TO CONSTRUCT THE CANAL 114 GRAVITY INJECTION WELL PROJECT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE

AYES: Councilman David Webb, Mayor Pete Bacheler Councilman Mark Gregg, Councilman Joseph B. Pinder III

NAYS: None

Motion passes 4 – 0.

- B.** Resolution Approving Work Authorization No. 9 with Wood Environment & Infrastructure Solutions, Inc. for Water Quality Monitoring and Construction Administration and Oversight of the Canal 114 Restoration Project – **8:11 p.m.**

TAB_9

Mayor Pete Bacheler opened public comment
Barry Wray and Edward Boucher commented.
Public comment was closed.

Moved by Councilman David Webb, seconded by Mayor Pete Bacheler to approve:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 9 WITH WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS INC. FOR WATER QUALITY MONITORING AND CONSTRUCTION ADMINISTRATION AND INSPECTION OF THE CANAL 114 RESTORATION PROJECT; 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 WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman David Webb, Mayor Pete Bacheler Councilman Mark Gregg, Councilman Joseph B. Pinder III

NAYS: None

Motion passes 4 – 0.

C. Firefighter Local 4374 Memorandum of Understanding – 8:13 p.m.

TAB _10

Mayor Pete Bacheler opened public comment – **8:15pm**

Joan Scholz spoke on the item.

Public comment was closed.

Moved by Councilman David Webb, seconded by Councilman Mark Gregg to approve:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, PROVIDING FOR RATIFICATION OF A MEMORANDUM OF UNDERSTANDING BETWEEN ISLAMORADA AND ISLAMORADA PROFESSIONAL FIREFIGHTERS, LOCAL 4374 RELATED TO THE STARTING RATE FOR CERTAIN PROMOTIONS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman David Webb, Councilman Mark Gregg, Councilman Joseph B. Pinder III, Mayor Pete Bacheler

NAYS: None

Motion passes 4 – 0.

Dock Length Variance Request

TAB _11

ITEM WAS REMOVED FROM AGENDA

D. Approval of Professional State Lobbying Services Agreement with GrayRobinson, P.A. – 8:19 p.m.

TAB _12

Public comment – **8:29 p.m.**

Van Cadenhead commented.

Public comment closed at 8:32 p.m.

Moved by Councilman David Webb, seconded by Councilman Mark Gregg to approve with the addition of authorizing the Village Manager to adjust as necessary to meet the Village's goals and objectives:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING 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; AUTHORIZING THE VILLAGE MANAGER TO SET GOALS AND OBJECTIVES; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman David Webb, Councilman Mark Gregg, Councilman Joseph B. Pinder III, Mayor Pete Bacheler

NAYS: None

Motion passes 4 – 0.

(Tabs 13 and 14 were considered after the Consent Agenda.)

- E.** Resolution Approving a Purchase from Airvac, Inc, for Vacuum Pits and Vacuum Pit Components and Ratifying Additional Purchases from Airvac in FY 21-22 – **8:35 p.m.**

TAB_15

Mayor Pete Bacheler opened public comment. There being no one wishing to speak, he closed public comment.

Moved by Councilman David Webb, seconded by Mayor Pete Bacheler to approve:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING PURCHASES OF VACUUM PITS AND VACUUM PIT COMPONENTS FROM AIRVAC, INC., RATIFYING OTHER EXPENDITURES INCURRED FROM AIRVAC, INC. TO DATE, AND AUTHORIZING ADDITIONAL COMPONENT PURCHASES THROUGH THE END OF FY 2021-2022; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; APPROVING A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman David Webb, Mayor Pete Bacheler Councilman Mark Gregg,
Councilman Joseph B. Pinder III

NAYS: None

Motion passes 4 – 0.

E. MOTIONS - None

F. MAYOR / COUNCIL COMMUNICATIONS

- A.** Discussion was initiated by Councilman David Webb to strengthen enforcement and scope of the noise ordinance. He noted repeated violation of ordinances should have stronger deterrents. He asked to revisit the noise ordinance. He asked Council to give staff general guidance to research impacts and methods of enforcement and report back.

Capt. Derek Paul noted that Marathon responds to the call, records from beyond the perimeter noted in noise ordinance, document into the report, take it code enforcement, and leave it to them as to how they want to enforce. This method will be presented to the County for its consideration. Decibel levels have been removed from most ordinances as they were conflicting with machinery and equipment.

Village Manager Ted Yates said staff could review the current ordinance; and possibly look at holding property owners responsible for noise complaints stemming from their property.

Public comment – **8:54 p.m.**

Deb Gillis and Van Cadenhead commented.

Public comment was closed.

- B.** Discussion was initiated by Councilman Mark Gregg to change the date of the last meeting in October as he was unable to attend. He requested the October 27 Regular Village Council Meeting be rescheduled. The date was tentatively moved to Tuesday, October 25.

G. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

- A.** Council Rules of Procedure and Meeting Protocols – **Removed**

- B.** BPAS / New Development Moratorium - **Moved to next agenda**

H. ADJOURNMENT – Councilman David Webb moved to adjourn at 8:58 p.m.



Marne McGrath, Village Clerk

Meeting video:

<https://view.earthchannel.com/PlayerController.aspx?&PGD=ismrada&eID=488>