



MINUTES
ISLAMORADA, VILLAGE OF ISLANDS
REGULAR VILLAGE COUNCIL MEETING

Founders Park Community Center

Thursday, July 14, 2022

5:30 PM

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Kimberly Gray led the Pledge of Allegiance.

III. ROLL CALL

Present: Councilmen Mark Gregg, Joseph B. Pinder II, David Webb, Vice Mayor Henry Rosenthal (arrived 5:38 p.m.), Mayor Pete Bacheler

Absent: None

IV. AGENDA: Requests for Deletion / Emergency Additions

- Tab 9 was moved to Quasi-Judicial and was considered after Tab 5
- Discussion was added on political signs
- Discussion was requested to reconsider Village Attorney Roget Bryan's separation agreement. Interim Village Attorney John Quick noted both parties had already executed the agreement and the timeframe to reconsider the motion had passed, pursuant to Robert's Rules of Order.

V. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

A. Mauldin & Jenkins – FY 2020-2021 Audit Presentation

TAB_1

Daniel Anderson presented and summarized the FY2020-2021 audit.

B. 5:38 p.m. Florida Bay Forever - Green Turtle Hammock Preserve Update

Vivian Morrison and Jeff Baumgartner provided the update.

C. 5:49 p.m. TDC Funding Updates for Capital Projects

Deb Gillis provided the funding update.

D. 5:55 p.m. Mini Lobster Season TDC Outreach

Andy Newman showed a video the TDC is using for outreach.

- VI. 6:05 p.m. PUBLIC COMMENT**—(This is general public comment. It provides an opportunity for the public to speak about matters not scheduled elsewhere on the agenda. The mayor opens public comment on agenda items throughout the meeting.)

Speakers included Tom Raffanello, Angel Borden, Kelly Cox, Van Cadenhead, and Joan Scholz.

At the request of Councilman Pinder, Attorney Quick clarified that the agreement between the Village and former Village Attorney Bryan did not include a non-disclosure agreement. Mr. Quick explained that it did include a non-disparagement clause, which does not prohibit discussion of the facts of the matter but binds both parties from disparaging the other.

VII. CITIZENS' ADVISORY COMMITTEE REPORTS & APPOINTMENTS

A. 6:27 p.m. Local Planning Agency Update

Chair Deb Gillis reported on recent recommendations of the Local Planning Agency.

VIII. 6:29 p.m. CONSENT AGENDA

- | | | |
|-----------|---|---------------|
| A. | Minutes of June 23, 2022 Regular Village Council Meeting | TAB _2 |
| B. | Resolution Approving Interlocal Agreement Between Monroe County and Islamorada for 2022-2023 Boating Improvement Funds | TAB _3 |
| C. | Resolution Approving an Agreement with Dockmasters Marine Construction Inc. to Provide Dredging Services for the Plantation Yacht Harbor Boat Basin | TAB _4 |
| D. | Resolution Accepting the Audit and Annual Comprehensive Financial Report for the Fiscal Year Ended September 30, 2021 | TAB_5 |

6:20 p.m. Van Cadenhead, Angel Borden, and Joan Scholz provided public comment on the Consent Agenda.

Motion by Councilman David Webb, seconded by Councilman Mark Gregg.

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

NAYS: None

Motion passes 5-0

IX. ORDINANCES

X. QUASI-JUDICIAL

- A. 6:45 p.m.** Resolution Considering the Request of Morada Cove Partners **TAB 9**
for a Variance to Reduce the Shoreline Setback Requirement for Principal Structures for Property Located at 85500 Overseas Highway (Morada Cove)

Interim Village Attorney John Quick introduced the item and asked Council to disclose any ex-parte communications they have had on the subject.

Councilman Mark Gregg indicated he had received a text from Brett Ekblom.

Councilman Joseph B. Pinder III indicated he had spoken with Brett Ekblom and Ty Harris.

Councilman David Webb had no ex-parte communications.

Vice Mayor Henry Rosenthal indicated he had spoken with Brett Ekblom.

Mayor Pete Bacheler indicated he had spoken with Brett Ekblom and Ty Harris.

Deputy Village Clerk Stephanie Conde swore in the witnesses.

Ty Harris, representing Morada Cove Partners and Marine Group, summarized the request indicating the applicants do not plan to expand the footprint but to go up.

Mayor Pete Bacheler open public comment.

Van Cadenhead and Angel Borden spoke in favor of granting the request.

No one spoke in opposition of granting the request.

Mayor Pete Bacheler closed public comment at 6:56 p.m.

Motion by Vice Mayor Henry Rosenthal, seconded by Councilman Joseph B. Pinder II.

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

NAYS: None

Motion passes 5-0

XI. RESOLUTIONS

A. 7:04 p.m. Resolution approving Q2 Affordable BPAS Allocation Award

TAB_6

Mayor Pete Bacheler open public comment.

There was no one wishing to make public comment.

Mayor Pete Bacheler closed public comment.

Motion by Councilman David Webb, seconded by Mayor Pete Bacheler.

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

NAYS: None

Motion passes 5-0

B. Resolution approving Q2 Non-Residential BPAS Allocation Award

TAB_7

Mayor Pete Bacheler open public comment.

There was no one wishing to make public comment.

Mayor Pete Bacheler closed public comment.

Motion by Councilman Mark Gregg, seconded by Mayor Pete Bacheler.

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

NAYS: None

Motion passes 5-0

C. 7:08 p.m. Warranty Deed for the Conveyance of Land Dedication Application of **TAB_8**
L12 B7 Sunshine Estates LLC for Property Located at 172 Bougainvillea St with RE#: 00428640-
000000 for Building Permit #PRSFC202101308

Councilman Mark Gregg indicated he would abstain from the vote due to conflict interest as he and a relative had applications on the BPAS list. He indicated he filed Form 8B, the memorandum of voting conflict, with the Clerk.

Mayor Pete Bacheler open public comment.

There was no one wishing to make public comment.

Mayor Pete Bacheler closed public comment.

Motion by Councilman David Webb, seconded by Mayor Pete Bacheler.

AYES: Councilman David Webb, Mayor Pete Bacheler, Councilman Joseph B. Pinder III, Vice
Mayor Henry Rosenthal

NAYS: None

ABSTAIN: Councilman Mark Gregg

Motion passes 4-0

D. 7:14 p.m. Resolution Approving the Purchase of a 2022 '75 Aerial Demo Truck **TAB_10**
to Replace Current Aerial Truck

Mayor Pete Bacheler open public comment at 7:25 p.m.

Joan Scholz, Deb Gillis, Angel Borden, and Van Cadenhead provided public comment.

Mayor Pete Bacheler closed public comment.

Motion by Councilman David Webb, seconded by Councilman Joseph B. Pinder III.

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

NAYS: None

Motion passes 5-0

E. Resolution Approving Agreement with Native Construction, Inc. to Finish Marina Site Plan Work for New Marina Office **TAB _11**

Mayor Pete Bacheler open public comment.

There was no one wishing to make public comment.

Mayor Pete Bacheler closed public comment.

Motion by Councilman Mark Gregg, seconded by Mayor Pete Bacheler.

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

NAYS: Vice Mayor Henry Rosenthal

Motion passes 4-1

Interim Village Manager Maria Bassett clarified that the work had been budgeted for this fiscal year and Vice Mayor Rosenthal requested to change his vote. Hearing no objection, the vote was changed to unanimous consent:

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

NAYS: None

Motion passes 5-0

F. Third Amendment to the Contract for Local Police Services Between the Monroe County Sheriff's Office, the Monroe County Board of County Commissioners and Islamorada for Fiscal Year 2022-2023 (Year Four) Contract Pricing **TAB _12**

Mayor Pete Bacheler open public comment.

Deb Gillis provided public comment.

Mayor Pete Bacheler closed public comment.

Motion by Councilman David Webb, seconded by Councilman Joseph B. Pinder III.

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

NAYS: None

Motion passes 5-0

G. Resolution Approving First Amendment to 2015 Interlocal Agreement Between the Florida Keys Aqueduct Authority and Islamorada for Wastewater Billing Services **TAB _13**

Mayor Pete Bacheler open public comment at 7:55 p.m.

Speakers included Joan Scholz, Angel Borden, Deb Gillis, and Van Cadenhead.

Mayor Pete Bacheler closed public comment.

Motion by Councilman David Webb, seconded by Councilman Mark Gregg.

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

NAYS: Vice Mayor Henry Rosenthal

Motion passes 4-1

H. Preliminary Rate Resolution for FY 2022-2023 Solid Waste Assessment **TAB _14**

Mayor Pete Bacheler open public comment at 8:18 p.m.

Van Cadenhead, Angel Borden, and Deb Gillis provided public comment.

Mayor Pete Bacheler closed public comment.

Motion by Councilman David Webb, seconded by Councilman Joseph B. Pinder III.

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

NAYS: None

Motion passes 5-0

I. 8:31 p.m. Resolution Determining the Proposed Millage Rate for Fiscal **TAB _15**
Year 2022-2023 Establishing the Current Year Rolled-Back Rate, and the Date, Time,
and Place for The First and Second Budget Hearings

The consensus of Council was to hold the first budget hearing on September 8 and the second budget hearing on September 19. Dates selected for the budget workshops were August 8 and August 10.

Mayor Pete Bacheler open public comment at 8:41 p.m.

There was no one wishing to make public comment.

Mayor Pete Bacheler closed public comment.

Motion by Councilman David Webb to approve the dates and proposed millage rate of three mills, seconded by Mayor Pete Bacheler.

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

NAYS: None

Motion passes 5-0

XII. MOTIONS

XIII. MAYOR / COUNCIL COMMUNICATIONS

A. Council Business Interest Disclosure TAB _16

Councilman David Webb reiterated his appeal to direct staff to research and draft a business interest disclosure process.

Vice Mayor Henry Rosenthal opened public comment at 8:51 p.m.

Van Cadenhead, Angel Borden, Robert Moser, and Tom Raffanella provided public comment.

B. 9:04 p.m. Filling In-house Village Attorney Vacancy (Henry Rosenthal)

Vice Mayor Rosenthal asked for clarification of the process to fill the Village Attorney vacancy and suggested advertising the opening immediately. The rest of Council suggested waiting for the new Village Manager to start and continue to utilize the expertise of the team at Weiss Serota.

Van Cadenhead and Angel Borden provided public comment.

C. 9:18 p.m. Section 30-1613(i) – Language Removal (Mark Gregg) TAB _17

Councilman Gregg noted the next two items were his and related. He suggested repealing the last line of the ordinance which he interpreted as being contrary to the spirit of protecting high quality hammock areas. He noted the shift in priorities that have occurred since the ordinance was adopted in the early 2000s have rendered the language outdated.

Mayor Bacheler directed Planning Director Gulizio to have staff prepare a strikethrough version for Council's consideration. Mr. Gulizio confirmed they would and asked for time to analyze the impact. He further noted that it would also require an amendment of the Comp Plan and the development regulations.

Joan Scholz provided public comment.

D. 9:27 p.m. Direction to the Land Acquisition Citizens Advisory Committee to develop list of properties for purchase by State (Mark Gregg) TAB _18

Interim Village Manager Maria Bassett clarified that one of the goals of the Land Acquisition Citizens Advisory Committee was to identify potential properties and once they had been identified staff would arrange for consultants to evaluate the properties.

Planning Director Gulizio further noted that the Committee was instrumental in assisting with the first steps of this process by identifying potential properties.

Van Cadenhead and Angel Borden provided public comment.

E. 9:40 p.m. Request for Proposal for Appraiser of Libraries Specializing in Public Land Acquisitions (Mark Gregg)

Councilman Gregg noted that Environmental Manager Pete Frezza had already compiled the information he was seeking and that no further discussion was required at this time.

F. 10:16 p.m. Removal of Cones, Barricades, and Tape from the Fills (Mark Gregg) TAB _19

Councilman Gregg noted Vice Mayor Rosenthal's requests to remove these items from the Fills and expressed interest in discussing how that might be accomplished.

9:53 p.m. Councilman David Webb made a motion to extend the meeting until 10:15 p.m.

10:10 p.m. Mayor Pete Bacheler made a motion to extend the meeting until 10:30 p.m.

MCSO Captain Derek Paul shared his experiences in policing the Fills and opined that if the cones are removed there will be an uptick in violations.

Vice Mayor Henry Rosenthal made a motion to remove the cones and tape on a trial basis. There was no second to the motion and it died for lack of support.

Van Cadenhead, Joan Scholz, and Angel Borden provided public comment.

10:30 p.m. Councilman David Webb moved to extend the meeting for 15 minutes.

XIV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. 10:35 p.m. Selection of Date for Planning Special Call Meeting

The meeting was scheduled for Monday, August 15, 2022 at 3:00 p.m.

B. Local Support Grant Update

Interim Village Manager Maria Bassett provided an update on recent grant applications.

MAYOR / COUNCIL COMMUNICATIONS continued

H. Reconsideration of Village Attorney Roget Bryan's separation agreement (Henry Rosenthal)

Interim Village Attorney John Quick indicated that discussion of the item was not appropriate due to an ongoing investigation by the State Attorney's Office.

G. Political Signs (Henry Rosenthal)

Vice Mayor Rosenthal asked to open a discussion on whether political signage should be allowed. It was clarified that the Code permits political signs.

XV. ADJOURNMENT

Vice Mayor Henry Rosenthal made a motion to adjourn the meeting at 10:38 p.m.



Marne McGrath, Village Clerk