



MINUTES
ISLAMORADA, VILLAGE OF ISLANDS
REGULAR VILLAGE COUNCIL MEETING

Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036
Thursday, June 2, 2022
5:30 PM

CALL TO ORDER / ROLL CALL

Mayor Pete Bacheler called the meeting to order at 5:30 p.m. Deputy Clerk Stephanie Conde called the roll with the following Councilmembers being present on roll call: Mayor Pete Bacheler, Vice Mayor Henry Rosenthal, Councilman Mark Gregg, Councilman Buddy Pinder, and Councilman David Webb.

PLEDGE OF ALLEGIANCE

Vice Mayor Henry Rosenthal led the Pledge of Allegiance.

AGENDA: Requests for Deletion / Emergency Additions

Reports were added for Islamorada Social and the Florida Keys Area Health Education Center. Council Compensation, Business Interest Disclosure, and Holiday Decorations were added under Mayor/Council Communications. A letter was introduced to accompany the April 21, 2022 Resolution opposing SB 2508 that was previously sent to the Governor's office via email.

Vice Mayor Henry Rosenthal requested a registered letter be drafted and signed by Mayor Pete Bacheler reaffirming the April 21, 2022 Resolution Opposing SB 2508.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

5:45 pm Introduction of Newly Hired Fire Rescue Staff

New staff members were introduced to Council and the community.

Greg Corning/WOOD, Lower Matecumbe Culverts Canal Restoration Project Update

Mr. Corning provided the update.

5:59pm Islamorada Social

Carlos G. updated Council on recent projects.

6:21pm Florida Keys Area Health Education Center (AHEC)

Michael Cunningham provided the update.

6:35pm Fills Master Plan Update TAB 1

DPW Director A.J. Engelmeyer presented each island's proposed master plan.

Mayor Pete Bacheler opened public comment at 7:01pm

Fred Kleinelp, Joan Scholz, Sue Miller, Angel Borden, and Cheryl Meads provided their input.

Mayor Pete Bacheler closed public comment.

7:13pm PUBLIC COMMENT

George Perez, Frank Derfler, Denise Downing, Angel Borden spoke on items not on the agenda.

7:30pm CITIZENS' ADVISORY COMMITTEE REPORTS & APPOINTMENTS

Acknowledgement of Water Quality Citizens' Advisory Committee Members & Achievable Housing Citizen's Advisory Member Donna Wheeler

Environmental Resources Manager Pete Frezza acknowledged the service of the Water Quality Citizens' Advisory Committee members and Councilman Mark Gregg thanked Donna Wheeler for her service to the Achievable Housing Citizens' Advisory Committee. Councilman Gregg appointed Greg Dully to the vacated seat.

7:33pm CONSENT AGENDA

TAB 2 Minutes
May 6, 2022 Special Call Village Council Meeting
May 12, 2022 Regular Village Council Meeting
May 16, 2022 Executive Session Minutes; Case No. 21-CA-183P

TAB 3 Resolution Approving an Interlocal Agreement with Monroe County for Mobile LiDAR Services

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH MONROE COUNTY, FLORIDA, FOR MOBILE LIDAR SERVICES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 4 Resolution Approving the Final Rankings and Recommendations for the Great Lawn Irrigation System

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RANKINGS AND RECOMMENDATION OF THE RFP 22-03 EVALUATION COMMITTEE FOR SELECTION OF A CONTRACTOR TO COMPLETE THE DESIGN AND INSTALLATION OF A COMMERCIAL IRRIGATION SYSTEM FOR THE FOUNDERS PARK GREAT LAWN AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE AN AGREEMENT FOR THE REQUESTED SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVING FOR AN EFFECTIVE DATE

Mayor Pete Bacheler opened public comment.

There were no speakers.

Mayor Pete Bacheler closed public comment.

Councilman David Webb made a motion to approve. Mayor Pete Bacheler seconded the motion. Motion passes 5-0.

7:34pm QUASI-JUDICIAL

TAB 5 Resolution Considering the Request of Castaways of Florida, LLC., for Major Conditional Use Approval for the Continuation of an Existing Eight (8) Unit Apartment Building, Restaurant and Bar with One (1) Employee Apartment and to Allow for the Expansion of the Restaurant Use with the Addition of a Tiki-Bar with Bathrooms, Swimming Pool, and Outdoor Seating Pursuant to Chapter 30, Article VI, Division 9 (Outdoor Seating) for Property Located at 85361 Overseas Highway

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF CASTAWAYS OF FLORIDA, LLC. FOR MAJOR CONDITIONAL USE APPROVAL FOR THE CONTINUATION OF AN EXISTING EIGHT (8) UNIT APARTMENT BUILDING, RESTAURANT AND BAR WITH ONE (1) EMPLOYEE APARTMENT AND TO ALLOW FOR THE EXPANSION OF THE RESTAURANT USE WITH THE ADDITION OF A TIKI-BAR WITH BATHROOMS AND SWIMMING POOL, PARKING, AND OUTDOOR SEATING PURSUANT TO CHAPTER 30, ARTICLE VI, DIVISION 9 (OUTDOOR SEATING) FOR PROPERTY LOCATED AT 85361 OVERSEAS HIGHWAY ON WINDLEY KEY WITHIN THE HIGHWAY COMMERCIAL (HC) ZONING DISTRICT, WITH REAL ESTATE NUMBERS 00405370000000, 00405380-000000, AND 00405380-000100, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council disclosed ex-parte communications and Deputy Clerk Stephanie Conde swore in the witnesses.

Councilman Mark Gregg announced that he would abstain from the vote due to conflict of interest but would be participating in the discussion.

Mayor Pete Bacheler opened public comment at 7:50 p.m.

Deb Gillis supported the request as long as they continue to control the noise levels.

Mayor Pete Bacheler closed public comment at 7:52 p.m.

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

RESOLUTIONS

TAB 6 Resolution Approving the Appointment of Thomas T. Yates as Village Manager; Approving and Authorizing Execution of an Employment Agreement with Mr. Yates for Service as the Village Manager **(7:54pm)**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE APPOINTMENT OF THOMAS T. YATES AS VILLAGE MANAGER; APPROVING AND AUTHORIZING EXECUTION OF AN EMPLOYMENT AGREEMENT WITH MR. YATES FOR SERVICE AS THE VILLAGE MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Pete Bacheler opened public comment at 8:10pm.

There were no speakers.

Mayor Pete Bacheler closed public comment.

Councilman Mark Gregg made a motion to approve. Mayor Pete Bacheler seconded the motion. Motion passes 5-0.

TAB 7 Resolution Approving Retainer Agreement with Weiss Serota Helfman Cole & Bierman, P.L. for Acting Village Attorney Services and Authorizing Execution of The Agreement with Weiss Serota **(8:15pm)**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A RETAINER AGREEMENT WITH WEISS SEROTA HELFMAN COLE & BIERMAN, P.L. FOR ACTING VILLAGE ATTORNEY SERVICES; AUTHORIZING EXECUTION OF THE RETAINER AGREEMENT WITH WEISS SEROTA; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Pete Bacheler opened public comment at 8:23 p.m.

Deb Gillis expressed her support.

Mayor Pete Bacheler closed public comment.

Councilman David Webb made a motion to approve. Mayor Pete Bacheler seconded the motion. Motion passes 5-0.

TAB 8 Resolution Approving Final Ranking and Recommendation of the RFP 22-01 Evaluation Committee for Selection of a Contractor to Complete a Reduced Scope of Work for the Founders Park Dog Park Improvements Project (8:24 pm)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RANKING AND RECOMMENDATION OF RFP 22-01 TO LANIER PLANS, INC. DBA KORKAT TO COMPLETE THE DOG PARK IMPROVEMENTS AT FOUNDERS PARK; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE AN AGREEMENT FOR THE REQUESTED SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

Mayor Pete Bacheler opened public comment at 8:27pm.

There were no speakers.

Mayor Pete Bacheler closed public comment.

Councilman Mark Gregg made a motion to approve. Councilman David Webb seconded the motion. Motion passes 5-0.

TAB 9 Resolution Approving Work Authorization No. 6 with Wood Environment & Infrastructure Solutions, Inc. for Lower Matecumbe Canals Restoration Culvert Project Design

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 6 WITH WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS INC. FOR PROFESSIONAL SERVICES FOR LOWER MATECUMBE CANALS RESTORATION CULVERT PROJECT DESIGN PHASE; 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 PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Pete Bacheler opened public comment at 8:32pm.

Deb Gillis supported the project.

Mayor Pete Bacheler closed public comment.

Councilman David Webb made a motion to approve. Councilman Mark Buddy Pinder seconded the motion. Motion passes 5-0.

TAB 10
(8:34 pm)

Resolution Approving the Settlement of All Claims of Alibi 4, Inc.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE SETTLEMENT OF ALL CLAIMS OF ALIBI 4, INC.; AUTHORIZING EXECUTION OF THE SETTLEMENT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Pete Bacheler opened public comment at 8:35pm.

There were no speakers.

Mayor Pete Bacheler closed public comment at 8:35pm.

Mayor Pete Bacheler made a motion to approve. Councilman David Webb seconded the motion. Motion passes 5-0.

I. MAYOR / COUNCIL COMMUNICATIONS

TAB 11 Discussion regarding Professional Services Agreements for Lobbyists (Henry Rosenthal)
(8:48 pm)

Mayor Pete Bacheler opened public comment at 9:21 p.m.

Cheryl Meads and Sue Miller supported eliminating lobbyists.

Deb Gillis and Angel Borden opposed eliminating the lobbyists.

Mayor Pete Bacheler closed public comment.

Vice Mayor Henry Rosenthal made a motion to deny the continuation of the lobbyist contract. Motion died for lack of a second.

Tenant Bill of Rights (Mark Gregg) **(9:30 pm)**

Council directed Interim Village Attorney John Quick to prepare an ordinance that would require a landlord to give 60 days' advance notice to their tenant when there will be a rent increase of more than five percent.

Village Council Business Interest Disclosure (David Webb) **(9:37pm)**

Councilman David Webb offered to coordinate a rough draft of the information

Councilman David Webb made a motion to extend the meeting for thirty minutes. Mayor Pete Bacheler seconded the motion. **(9:59pm)**

Councilman David Webb made a motion to table to the discussion to June 23, 2022 Regular Village Council Meeting. Mayor Pete Bacheler seconded the motion.

Discussion Regarding Increasing Council Compensation (Mark Gregg) **(10:00pm)**

Requires an ordinance with two readings then a vote of the people to amend the Charter.

Councilman Mark Gregg made a motion to extend the meeting for twenty minutes. Mayor Pete Bacheler seconded the motion. **(10:27pm)**

Mayor Pete Bacheler opened public comment at 10:27p.m.

Angel Borden and Deb Gillis supported increasing Council compensation.

Mayor Pete Bacheler closed public comment at 10:33pm.

Councilman Mark Gregg made a motion to approve increasing Council compensation to \$2,000 per month. Mayor Pete Bacheler seconded the motion. Motion passes 5-0.

Councilman Mark Gregg made a motion to extend the meeting to 11:00pm. Mayor Pete Bacheler seconded the motion.

Increase Holiday Decoration Budget **(10:41pm)**

Interim Village Manager Maria Bassett noted to increase the holiday decorating budget it was necessary to start early with our vendor. Her staff verified the Village would receive a 20% discount for entering a three-year contract which could be presented at an upcoming meeting.

Councilman David Webb made a motion to increase the holiday decoration budget to \$100,000. Mayor Pete Bacheler seconded the motion. Motion passes 5-0.

Mayor Pete Bacheler reopened public comment at 10:48pm.

Angel Borden expressed concern about placing holiday décor on the Hurricane Monument.

Mayor Pete Bacheler closed public comment at 10:49pm.

II. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

III. ADJOURNMENT

Vice Mayor Henry Rosenthal made a motion to adjourn the meeting at 10:49pm. Councilman Mark Gregg seconded the motion.



Marne McGrath, Village Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Gregg Mark H	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Village Council, Islamorada, Village of Islands
MAILING ADDRESS 189 East Ridge Road	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Islamorada	COUNTY Monroe
DATE ON WHICH VOTE OCCURRED	NAME OF POLITICAL SUBDIVISION: Islamorada, Village Council
	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Mark H. Gregg, hereby disclose that on June 2nd, 20 22:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, Jocelyn and Brian Tiedemann;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Tab 5 of the June 2, 2022 Village Council Meeting agenda involves a major conditional use approval for a parcel which is adjoining another parcel owned by my relatives Jocelyn and Brian Tiedemann and which is encumbered by a mortgage which I own.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

June 2nd, 2022
Date Filed

Mark H. Gregg
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.