



Minutes

ISLAMORADA, VILLAGE OF ISLANDS REGULAR VILLAGE COUNCIL MEETING

Founders Park Community Center

87000 Overseas Highway

Islamorada, FL 33036

Thursday, May 12, 2022

3:00 PM

CALL TO ORDER / ROLL CALL

Mayor Pete Bacheler called the meeting to order at 3:00 p.m. Deputy Village Clerk Stephanie Conde called the roll with the following Council members being present on roll call: Mayor Pete Bacheler, Vice Mayor Henry Rosenthal, Councilman Mark Gregg, and Councilman Buddy Pinder. Councilman David Webb attended via Zoom but did not vote or join in any discussion.

PLEDGE OF ALLEGIANCE

Vice Mayor Henry Rosenthal led the pledge.

AGENDA: Requests for Deletion / Emergency Additions

The following changes were made:

- Tabs 6 and 8 were pulled
- Tab 9 was moved to after Tab 5
- Tab X was added
- LPA update was added
- Discussion Items B and E were removed

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Proclamation of May 15 -21, 2022 as Emergency Medical Services Week

Village Clerk Marne McGrath read the proclamation and presented it to the Fire Marshal.

PUBLIC COMMENT (3:10 pm)

Speakers included Simon Gutierrez, Joan Scholz, John Kocol, Angel Borden, and Van Cadenhead.

Public comment closed at 3:28 p.m.

CITIZENS' ADVISORY COMMITTEE REPORTS & APPOINTMENTS

Near Shore Water Regulation Citizens Advisory Committee (3:36 p.m.)

Dianne Harbaugh provided the update on the activities and initiatives of the committee.

Local Planning Agency Update (3:38 p.m.)

Deb Gillis provided an update noting the committee discussed several items that were up for consideration at the present meeting.

QUASI-JUDICIAL

Resolution Considering the Request of Treasure Village Montessori School for Major Conditional Use Approval to Allow for the Placement of Four (4) Modular Classrooms as an Addition to an Existing School for Variances from the Provisions of Sections 30-814, 30-815, 30-817, and 30-818 of the Village's Land Development Regulations for Various Landscaping Requirements, and for an Exemption from the Building Permit Allocation System (BPAS) Pursuant to Section 30-473(C)(3) as a Federally Tax Exempt Not-For-Profit Educational Organization, for Property Located at 86729 Old Highway (3:42 p.m.)

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

Mayor Pete Bacheler opened public comment and asked for a show of hands of audience members in support and in opposition. There were more hand raisers expressing support than opposition.

Laura Lopez asked for clarification on the location of the portable classrooms.

Speakers opposed to the request included Captain Ed Davidson, Van Cadenhead, Bron White, and Justin.

Speakers in support of the request included Charlotte Norris, Sue Woltanski, Whitney MacEachern, Rosie Donnelly, Margie Smith, Barry Wray, Mira Jones, Alex Bunson, Thomas Vallanti, Simon Gutierrez, Maria Barry, Charmaine, Ariel Poholek, Tony Hammon, and Angel Borden.

Mayor Pete Bacheler closed public comment at 5:07 p.m.

Mayor Pete Bacheler made a motion to approve subject to the amendments made. Mark Gregg seconded the motion. Council voted and the motion passed 4-0.

Mayor Pete Bacheler recessed the meeting at 5:26 p.m.

Mayor Pete Bacheler reconvened the meeting at 5:43 p.m.

Annual Appointments to Citizens' Advisory Committees, the Historic Preservation Commission, and the Local Planning Agency (5:44 p.m.)

Council voted by super majority in favor of appointing Local Planning Agency commissioners Lorie LaLonde, Mirna Hormechea, and Tony Hammon. Motion passes 4-0.

Council voted in favor of sunseting the Water Quality Improvement Citizens' Advisory Committee. Motion passes 4-0.

Mayor Pete Bacheler reappointed Barbara Edgar and Councilman Buddy Pinder reappointed Angel Borden to the Historic Preservation Commission.

Vice Mayor Henry Rosenthal appointed Dave Petkovich to the Near Shore Water Regulation Citizens' Advisory Committee. He further stated he was not ready to fill other vacancies at this time.

Mayor Pete Bacheler reappointed all his committee members and did not make an appointment to the vacant seat on the Land Acquisition Advisory Committee.

Councilman Buddy Pinder noted he would make his remaining appointments at a future meeting.

Councilman Mark Gregg reappointed all his committee members and noted that Donna Wheeler was resigning from the Achievable Housing Citizens' Advisory Committee. He stated that he would fill that vacancy at another time.

CONSENT AGENDA (5:51 p.m.)

- A.** April 21, 2022 Regular Village Council Meeting Minutes
- B.** Resolution Approving Work Authorization No. 2 Between Islamorada, Village of Islands, and CSA Central, Inc. For Design and Permitting of Improvements at the Plantation Tropical Preserve
- C.** Resolution Approving a Three (3)-Year Subscription for Nutanix XI-Leap Recovery and Business Continuity to Protect the Village's Nutanix Cluster Hosting the Village's Mission-Critical Servers
- D.** Resolution Approving a Purchase from F.J. Nugent & Associates, Inc. for Grinder Pump Parts and Ratifying Additional Purchases from F.J. Nugent FY 21-22

Mayor Pete Bacheler opened public comment.

Angel Borden and Van Cadenhead commented on Item B.

Mayor Pete Bacheler closed public comment.

Councilman Mark Gregg made a motion to approve. Vice Mayor Henry Rosenthal seconded the motion. Motion passes 4-0.

ORDINANCES (6:03 p.m.)

Second Reading – Ordinance Amending Chapter 30, Land Development Regulations Related to Private Membership Clubs, Non-Contiguous Parking Areas, and Floor Area Ratio

Mayor Pete Bacheler opened public comment.

Margie Smith spoke on the preceding item.

Mayor Pete Bacheler closed public comment.

Mayor Pete Bacheler made a motion to approve. Councilman Mark Gregg seconded the motion. Motion passes 4-0.

RESOLUTIONS

Resolution Approving a Renewal Agreement for Freebee Ridesharing Services (6:07 p.m.)

Mayor Pete Bacheler opened public comment.

Speakers in support of the request included Sheila Glancy and Deb Gillis. Van Cadenhead opined there should be a cost for using the service.

Mayor Pete Bacheler closed public comment.

Mayor Pete Bacheler made a motion to approve. Councilman Mark Gregg seconded the motion. Motion passes 3-0.

Resolution Approving Amendment Two of the Local Option Gas Tax Sharing, Interlocal Agreement Between Islamorada, Village of Islands, and the Monroe County Board of County Commissioners for Local Option Gas Tax Sharing (6:29 p.m.)

Mayor Pete Bacheler opened public comment.

There was no one wishing to speak.

Mayor Pete Bacheler closed public comment.

Councilman Buddy Pinder made a motion to approve. Mayor Pete Bacheler seconded the motion. Motion passes 4-0.

Warranty Deed for the Conveyance of a Land Dedication Application of Harbortgate, LLC. For Property Located at 30 Flamingo Hammock Rd with RE#: 00403041-00300 for Building Permit #PRSFC202100870 (6:36 p.m.)

Councilman Mark Gregg announced that he would not be voting on the three land dedication items and BPAS allocation items as he was on the BPAS list. He did however note that he would be participating in the discussion without voting as he was told was permissible by the Florida Commission on Ethics.

Mayor Pete Bacheler opened public comment.

Speakers opposed to the request included Deana Jorgeson.

Mayor Pete Bacheler closed public comment.

After extended discussion by Council discussing the BPAS program generally, Mayor Pete Bacheler reopened public comment at 7:15 p.m.

Speakers included Van Cadenhead, Deb Gillis, Angel Borden, Sue Miller, and Richard Black.

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

Council expressed interest in holding a Special Call Village Council Meeting to discuss the BPAS program.

Mayor Pete Bacheler made a motion to table. Vice Mayor Henry Rosenthal seconded the motion. Motion passes 3-0. (Councilman Mark Gregg abstained)

Warranty Deed for the Conveyance of a Land Dedication Application of George Perez for Property Located at 186 Fontaine Dr RE#: 00433010-000000 for Building Permit #PRSFC201800385

Councilman Buddy Pinder made a motion to table. Mayor Pete Bacheler seconded the motion. Motion passes 3-0. (Councilman Mark Gregg abstained)

Warranty Deed for the Conveyance of Land Dedication Application of Samurai Construction LLC for Property Located in Plantation Beach (Lot 4, Block 3)

Mayor Pete Bacheler made a motion to table. Vice Mayor Henry Rosenthal seconded the motion. Motion passes 3-0 (Councilman Mark Gregg abstained)

Approval of Residential Building Permit Allocation System Rankings and Awards Quarter 1 of 2022 (7:39 p.m.)

Mayor Pete Bacheler opened public comment at 7:41 p.m.

Speakers included Deb Gillis, Richard Black, Sue Miller, Van Cadenhead, Angel Borden, Cheryl Meads, and Joan Scholz.

Mayor Pete Bacheler closed public comment at 7:54 p.m.

Discussion ensued about the two land dedications included on the list and whether they should be included in the allocation.

Vice Mayor Henry Rosenthal made a motion to approve the original list. Mayor Pete Bacheler seconded the motion. Motion passes 3-0. (Councilman Mark Gregg abstained)

MAYOR / COUNCIL COMMUNICATIONS

Discussion on Extension of Residential BPAS Allocations (8:02 p.m.)

Council determined it would hold a Special Call Meeting on the subject and there was no further discussion.

Discussion Regarding Increasing Council Compensation (Councilman Gregg)

Discussion was not held.

Accessory Dwelling Unit Pilot Program (Councilman Gregg)

Councilman Mark Gregg introduced the idea, noting our ordinances could be amended to permit accessory dwelling units and suggested the program could assist in creating more affordable housing.

Mayor Pete Bacheler opened public comment at 8:16 p.m.

Speakers included Van Cadenhead, Angel Borden, and Don Horton.

Mayor Pete Bacheler closed public comment at 8:20 p.m.

Proposed Moratorium on Acceptance of "In-Lieu Fees" for Affordable Housing Mitigation

Mayor Pete Bacheler opened public comment at 8:32 p.m.

Speakers included Angel Borden, Deb Gillis, and Sue Miller.

Mayor Pete Bacheler closed public comment at 8:40 p.m.

Village Council, Staff, and Committee Appointee Business Interest Disclosure (Councilman Webb)

Discussion was not held.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

ARPA Funding Update (8:43 p.m.)

Mayor Pete Bacheler opened public comment at 8:49 p.m.

Speakers included Van Cadenhead, Angel Borden, and Don Horton.

Mayor Pete Bacheler closed public comment at 8:56 p.m.

After explanation from Maria Bassett, Acting Village Manager/Finance Director, regarding American Rescue Plan Act funds remitted to the Village in a first tranche and funds due the Village from a second tranche totaling \$3,163,893.00, Council directed staff to use ARPA funds to replenish \$800,000.00 to the Affordable Housing Fund and \$2,363,893.00 to the Capital Project Fund for land purchases made from March 3, 2021, through March 31, 2021, related to potential affordable/workforce housing development or another public purpose.

Tab X – Separation Agreement with Village Attorney Roget Bryan (8:57 p.m.)

Mayor Pete Bacheler opened public comment at 9:11 p.m.

There was no one wishing to speak.

Mayor Pete Bacheler closed public comment at 9:11 p.m.

Mayor Pete Bacheler made a motion to approve the separation agreement with Roget Bryan. Vice Mayor Henry Rosenthal seconded the motion. Motion passes 4-0.

Mayor Pete Bacheler made a motion to authorize staff to prepare an agreement with Weiss Serota to serve as interim village attorney. Councilman Buddy Pinder seconded the motion. Motion passes 4-0.

II. ADJOURNMENT – 9:14 p.m.

Vice Mayor Henry Rosenthal made a motion to adjourn. Mayor Pete Bacheler seconded the motion.



Marne McGrath, Village Clerk

Video of meeting: <https://view.earthchannel.com/PlayerController.aspx?&PGD=ismrada&eID=474>

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 May 12, 2022	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 May 12,, 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, _____ ;
- ☐ 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:

Tabs 12, 13, and 14 of the agenda for the May 12, 2022 Islamorada Village Council meeting each propose a land dedication to increase the permit applicants' scores in our permit application system (BPAS) in which I am also an permit applicant. I will abstain from voting to avoid the appearance of a conflict as per F.S. 286.013.

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.

May 12, 2022

Date Filed

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.

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* * * * *

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MG 5/12/22

APPOINTED OFFICERS (continued)

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- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
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Tabs 15 and 16 of the agenda for the May 12, 2022 Islamorada Village Council meeting involve a vote affecting our permit application system (BPAS) in which I am also an permit applicant. I will abstain from voting to avoid the appearance of a conflict as per F.S. 286.013.

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