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

Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036
Thursday, April 29, 2021
5:30 PM

Hybrid Meeting Occurred Utilizing Communications Media Technology (CMT)
Pursuant to the Centers for Disease Control (CDC), social distancing guidelines established to contain the spread of the COVID-19 virus, the Regular Village Council Meeting was conducted utilizing Communication Media Technology (CMT) via a Zoom video conferencing application.

Coronavirus-related Precaution: Due to the size and configuration of the Founders Park Community Center, which serves as the Council Chambers, and in keeping with CDC and Florida Department of Health guidelines, capacity of the Community Center for Village Council meetings is limited indefinitely due to the coronavirus pandemic. Only Council Members and essential staff members required to conduct the meetings were in physical attendance due to the limited capacity. The general public was able to virtually attend and participate in Council meetings utilizing the Zoom meeting infrastructure. Additional information regarding options for viewing the meeting and participation through public comment were provided on the last page of the agenda and on the Village website.

CALL TO ORDER / ROLL CALL

Mayor Pinder called the meeting to order at 5:32 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 David Webb and Councilman Henry Rosenthal. Village Clerk Kelly Toth and Deputy Clerk Stephanie Conde were also present. Village Attorney Roget Bryan and Acting Village Manager Maria Bassett, along with other pertinent staff appeared virtually.

PLEDGE OF ALLEGIANCE AND INVOCATION

Assistant Fire Chief Jason Lyman led the Pledge of Allegiance. Pastor Tony Hammon offered the prayer for the meeting.

VIRTUAL MEETING PROCEDURES

Village Attorney Roget Bryan provided the virtual meeting procedures.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Proclamation: Mote Marine Laboratory Coral Restoration Day
Mayor Buddy Pinder read a proclamation proclaiming May 14, 2021, as Mote Marine Laboratory Coral Restoration Day. Dr. Michael Crosby, President and CEO of Mote Marine Laboratory and Aquarium, expressed his gratitude for the proclamation and commented about the organization's programs, grants and funding efforts, educational outreach efforts, the 90% success rate they have had with the planted corals; their new land-based coral nursery at Bud and Mary's Marina; and the historical decline of coral reefs.

COVID-19 Update by Monroe County Florida Department of Health Administrator, Bob Eadie and Direction from Council Regarding Suspension of Large Events

This item was heard at 5:45 p.m. Bob Eadie, Monroe County Florida Department of Health Administrator, provided a COVID-19 update reporting an outbreak at the Key West high school had recently occurred; there were more cases of variants of the virus; incidence of new infections has remained low; hospitalizations have been low; vaccination rate was approaching 50% for individuals 60 years of age and older and 80% for individuals that were 65 years of age or older; and noted that the CDC had issued new mask guidelines.

Mayor Pinder asked if the Monroe County deadline pertaining to wearing masks was still June 1st. Mr. Eadie confirmed that it was. Councilman Rosenthal asked if a May 31st outdoor event by the Matecumbe Historical Trust would be appropriate. Mr. Eadie replied that he thought the event could occur if people were required to wear masks and suggested that people be asked to socially distance that were not family members. Mayor Pinder noted that it would be a relatively small gathering. He stated that he thought people could go ahead and plan for events occurring after July 1 but that protective measures should be taken.

Councilman David Webb noted Village events were postponed until June 1st and asked Mr. Eadie if a Fourth of July event would be appropriate. Mr. Eadie said yes, tell the Rotary they should plan for the event; suggested the Council consider events occurring before July 1st; and suggested protocols should be in place to protect people at events occurring after July 1.

Mayor Pinder announced that vaccines were available at CVS, Walgreens and Publix and expressed his gratitude to the fire department for their vaccine efforts.

Vice Mayor Pete Bacheler noted that the Council had not decided if the Village's event suspension was going to continue to July 1st or end sooner. Councilman Webb stated the Council was going to discuss event suspension at the May Council meeting, that he was comfortable leaving it in place and suggested Mr. Eadie provide another update at the May meeting. Council agreed to leave the current suspension in place until further discussion at the May Council meeting.

Mayor Pinder opened public comment. The caller did not provide comment. Mayor Pinder closed public comment.

Councilman Mark Gregg announced that he was replacing John Timura with Elizabeth Jolin on the Near Shore Water Regulation Citizens' Advisory Committee. Councilman Rosenthal encouraged the public to contact the Village Clerk if they were interested in serving on a committee.

UNFINISHED BUISNESS

TAB 1: Update and Discussion Regarding Marina Office Options

This item was heard at 6:01 p.m. Acting Village Manager Maria Bassett provided the update. She recapped the discussion from the April 8, 2021, Village Council meeting. She stated that following their discussion, the Council would be asked to consider one of two options: Option 1 would be to terminate the agreement with Advanced Modular and the Village begin a competitive bid process for a design-build contractor to construct a concrete dock office. She noted that, in the interim, a

Conex would be ordered to serve as the temporary office until the concrete structure could be completed; that if the agreement with Advanced Modular was terminated, the Village would owe them $10,500 for costs incurred to date; that the responsibility for project management and initiation of a new bid process would be that of the new Village Manager, as it was not something she could undertake as the Acting Village Manager and Finance Director due to preparations needed for the prior year financial audit and the fiscal year 2021-2022 budget preparations. Ms. Bassett explained that Option 2 would be to continue with Advanced Modular and stated staff would provide a resolution with updated cost information for Council ratification. Ms. Bassett noted that Gary Willis, President of Advanced Modular, was in virtual attendance to answer any questions the Council had.

Ms. Bassett explained that Building Official Sheila Denoncourt had reached out to a local contractor for an estimate to build a concrete structure and that the contractor provided an estimate of $204,000 for a 600 square-foot structure. She stated Ms. Denoncourt was attending virtually to answer questions pertaining to considerations associated with the information she received from the contractor as well as the impacts associated with FEMA flood map changes.

As an example of escalating construction costs, she commented that the Village had recently submitted a grant application to the Monroe County Tourist Development Council (TDC) for improvements to the Dog Park and that the estimates, with no vertical construction, were approximately $200,000. Ms. Bassett noted that the fire safe room construction project, that began in 2018 and was 75% grant funded by FEMA, had experienced construction cost increases which had tripled to nearly $1.8 million from the original estimate of $600,000.

She asked Gary Willis, President of Advanced Modular, to provide an update on the status of the modular unit. Mr. Willis stated there was often a misconception about modular structures; explained that the modular structure was factory built and would meet Florida Building Codes (FBC); that due to the proximity of the structure, Advanced Modular exceeded the requirements of the FBC by using a higher wind requirement than necessary and by using the higher Exposure D category requirement which made the structure more durable; and reported that he had been building the modular structures for 32 years and had never had one come apart in a hurricane. He explained that the modular would look similar to the other buildings in the park, would be similar in color, and would have lap siding and a metal roof. He explained that a significant cost to building the structure was due to having to raise the building ten feet six inches above sea level, which required the building to be elevated on pilings. Mr. Willis noted that any building at this site would have to be elevated. Councilman Rosenthal inquired about the size and cost of the structure. Ms. Bassett stated the building would be 600 square feet (20x30) and was approximately $300 a square foot. Building Official Sheila Denoncourt stated a concrete structure was approximately $340 a square foot. Ms. Bassett asked Mr. Willis if he thought there would be any cost increases associated with the modular constructions. Mr. Willis stated that he did not think there would be any increases as he did not remove the structure from the production line because he could add it to his inventory. Councilman Mark Gregg asked how much wood was used in the building's construction, the length of the warranty and the lifespan of the structure. Mr. Willis explained that the structural components of the building were made with wood and that the exterior was Hardie board siding; there was a one-year warranty on the building, but that there were additional longer manufactures warranties; and noted that his modular office, which was built in 1993, looks new because he had kept up with the reasonable maintenance of the structure. He stated that they owned numerous modular buildings that were over 30 years old. Vice Mayor Pete Bacheler asked what the wind load was on the building. Mr. Willis stated the wind load was 180 with exposure D and that they had also used the High-Velocity Hurricane Zone (HVHZ) requirements. Vice Mayor Bacheler asked Ms. Bassett about the two options she mentioned earlier. Ms. Bassett restated the options. Chief Building Official Sheila Denoncourt noted there would be time constraints if the Council chose to build a structure on site noting the bid documents, building design, and permitting would have to occur before the new flood maps became effective because the site location would be in a new flood zone. Ms. Bassett noted the Council could choose to build and elevate the structure at the site, but that it would cost more especially due to the elevation requirements. Ms. Denoncourt stated the timeline would not be as big of a concern if the Council approved elevating the structure instead of flood proofing it. Ms. Bassett opined that the $204,000 estimate for a concrete structure does not seem accurate based on what she has seen with the Village's other construction projects. She stated the Village would have to go through an objective bid process and could not simply select a local contractor.

Councilman David Webb noted that the modular structure met all code requirements for windstorm and because it would be elevated it would meet flood requirements. He asked what the timeline was for an "occupied" structure should the Village proceed with the modular and Mr. Willis stated the end of July. Councilman Webb expressed concern about delaying the project, the escalating costs for building materials, suggested a lift could be installed if it were aesthetically pleasing and noted he was in favor of option two. Ms. Denoncourt noted the limitations associated with platform lifts if this was considered in lieu of a ramp.

Councilman Mark Gregg expressed his preference for concrete structures stating it was a longer-term investment; there was more maintenance associated with wood structures; that generally there was a higher cost per square foot when building smaller structures; the rough estimates he received for a concrete structure were about $250 per square foot; and that lifts allowed for design flexibility. He suggested that there was a third option which was to continue with Advanced Modular while the Village obtained more precise estimates. Mayor Pinder stated that the prices he had seen for concrete structures was closer to $400,000 and noted the Advanced Modular price included the sewer hookup. Vice Mayor Bacheler noted that if the Village proceeded with the modular structure there would be no need to have an interim Conex unit.

Mayor Pinder opened public comment.

Linda Giordano stated that she lives in a modular built in 2005 and that when you enter her home you cannot tell that it is modular; that all the modular structures on her block had done well during the past hurricanes; and that they rock during hurricanes.

Mayor Pinder closed public comment.

Councilman David Webb moved to adopt option two. Vice Mayor Pete Bacheler seconded the motion. Council voted and the motion passed 3-2 with Councilman Gregg and Councilman Rosenthal voting in opposition.

Ms. Bassett stated that she would bring a resolution and amendment to Council at the May 20th Village Council meeting.

PUBLIC COMMENT

Mayor Pinder opened public comment.

Don Horton commented regarding the building services discussion item under the Mayor / Council Communications section of the agenda because he was not going to be available when the item was heard. He spoke in support of outsourcing the services noting it would relieve the burden the department was under.

Harry Appel, President of Save-A-Turtle of the Florida Keys, stated he was informed by Sandi Williams that there would not be a turtle barrier installed at Sea Oats Beach. Councilman Gregg stated he had worked with Sandi to determine a solution and that he would add it as a discussion item at the end of the agenda. Mr. Appel asked Councilman Gregg to keep him and Sandi informed about what was discussed.

Mayor Pinder closed public comment.

AGENDA: Requests for Deletion / Emergency Additions

Councilman Webb added a discussion regarding the Dade County transit bus that serves Monroe County. Vice Mayor Bacheler added a discussion regarding Councilmember term limits. Councilman Gregg added discussion regarding the turtle barrier on Sea Oats Beach.

CITIZENS' ADVISORY COMMITTEE UPDATES

Parks & Recreation Citizens' Advisory Committee Update
This item was heard at 6:38 p.m. Parks and Recreation Committee Chairwoman Carolyn Wightman reported the committee received a presentation from Environmental Resources Manager Pete Frezza regarding the projects in the environmental areas of the parks such as Green Turtle Hammock; received a report about the Tourist Development Council (TDC) grant application for improvements to the Dog Park; received an update on the Founders Park programs and events noting the freediving program was now in effect at the pool; and stated park staff was preparing for the summer recreation programs. Ms. Wightman reported that the committee discussed the Islamorada Community Entertainment (ICE) agreement. She stated that there appeared to be some confusion as the agreement with ICE pertained mostly to the construction of the amphitheater. She said the committee was clear that any arrangement with ICE should not conflict with existing Founders Park regulations; that as the committee understood it, ICE was simply another event applicant; that under their agreement they had the option of having two events a year, although they would be under the existing park regulations; that the committee did not see anything in the agreement that conflicted with existing park usage; that it was unclear what the finances would be that were identified in the agreement, as ICE was simply an applicant that had events at the park just like the Rotary and the Chamber of Commerce. Ms. Wightman stated that ICE provided services to the park free of charge such as guiding people through the application process and assisting with audio/visual needs. She stated the committee had no objections to having a continuing relationship

with ICE; that ICE's contributions had been positive; their events were within the guidelines of normal park usage; and that they were subject to the same guidelines as other applicants.

TAB 2: Village Council's Annual Review of Citizens' Advisory Committees

This item was heard at 6:45 p.m. Village Clerk Kelly Toth explained the purpose of the annual review of Citizens' Advisory Committees. Councilman David Webb expressed his gratitude to the individuals that served on committees. He commented about his experience on the Water Quality Improvement committee and suggested the Council review the committee resolutions and ordinances to determine if there were requirements that were unnecessary or burdensome.

Councilman Gregg expressed his support for Councilman Webb's suggestion. He opined that there had been communication issues between some of the committees and Council in the past and suggested the Councilmembers could become more involved with the Committees opining that the committees would become more effective. He suggested Councilmembers could "adopt" one or two committees and become Council liaisons to those Committees. Councilman Gregg stated he wanted to discuss this in the future. Mayor Pinder expressed support for Councilman Webb's suggestion.

Village Clerk Kelly Toth confirmed that the Council did not wish to make any changes to the committee at this time. She stated that she would provide the committee resolutions and ordinances to Council at a future meeting so that they could discuss whether they wanted to make any changes to those documents.

CONSENT AGENDA

TAB 3: Minutes of the April 8, 2021 Regular Village Council Meeting

Councilman Henry Rosenthal stated that he had made a motion at the last meeting to rescind a vote noting that he was not opposed to what they were voting for, but that it was a housekeeping measure because Council had taken something out of order.

Mayor Pinder opened public comment; no comment was offered.

Vice Mayor Pete Bacheler made a motion to approve the consent agenda. Councilman David Webb seconded. The Council voted all in favor. The motion passed 5-0.

QUASI-JUDICIAL

Village Attorney Roget Bryan provided the quasi-judicial statement. Village Clerk Kelly Toth swore-in the witnesses.

TAB 4: First Reading of an Ordinance Requesting a Zoning Map Amendment by Petition of Boy Scouts of America (AEC Build, Agent) for Property Located at Approximately MM 72.8 on Lower Matecumbe Key, RE# 00391010-000000 and 003911020-000000- File No. PLMA20200208

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF AEC BUILD ON BEHALF OF BOYS SCOUTS OF AMERICA TO AMEND THE OFFICIAL ZONING MAP FROM THE RESIDENTIAL SINGLE FAMILY (R1) ZONING DISTRICT TO THE RESIDENTIAL DUPLEX (R2) ZONING DISTRICT FOR

PROPERTY LOCATED AT APPROXIMATELY MILE MARKER 73.8 WITH REAL ESTATE NUMBER 00391020-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

This item was heard at 6:54 p.m. Village Attorney Roget Bryan read the title of the ordinance and requested the Council disclose ex parte communications. Mayor Buddy Pinder disclosed that he had spoken with Mike Johnson, Ty Harris and a Boy Scout's staff member about topics other than the proposed development item; that his son was an Eagle Scout and that he was a Troop Master for Boy Scouts Troop 914. Councilman Henry Rosenthal disclosed that he had spoken with Ted Blackburn, Attorney Chuck Tittle and Sue Miller and stated he had driven by the location. Councilman Mark Gregg stated he had spoken with staff members Ty Harris and Hank Flores and had driven by the location. Vice Mayor Pete Bacheler and Councilman David Webb each stated that they had not had ex parte communications.

Senior Planner Hank Flores presented the staff report recommending approval noting that it had met the requirements of the Comprehensive Plan and Land Development Regulations and had been approved unanimously by the Local Planning Agency.

Councilman Rosenthal asked what could be done on the property without changing the zoning. Mr. Flores reported the current zoning allowed for a single-family residence or four deed restricted affordable housing units. He stated a zoning change to R2 would allow for single family or duplex.

Mayor Pinder invited the applicant to speak. Keith Douglas extended his gratitude to planning staff and the Council. He explained that their request allowed them to build a duplex rather than a single-family home; that the duplex would be market rate which was the same as the four homes previously constructed; and noted that three of the four existing housed families while one of the homes had only one person occupying it, which was the reason for the duplex. He explained that the duplex gave them greater flexibility should they hire other staff that do not require housing for an entire family. Mr. Douglas explained the proposed location was near their warehouse and shop complex and felt it was an appropriate location for a duplex.

Mayor Pinder opened public comment; no comment was offered.

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

RESOLUTIONS

TAB 5: Resolution Approving the Residential Building Permit Allocation System Ranking and Awards, Quarter 1 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 1 OF 2021; AND PROVIDING AN EFFECTIVE DATE

This item was heard at 7:06 p.m. Village Attorney Roget Bryan read the title of the resolution. Councilman Mark Gregg abstained from voting as he had a conflict of interest noting his name appeared on the BPAS award list. Ty Harris, Director of Planning and Development Services, presented the staff report noting there were 71 market rate applications in BPAS and that five market rate allocations were being recommended for award in quarter one.

Councilman David Webb expressed concern regarding the limited number of allocations in the administrative relief, affordable and market rate BPAS pools. He suggested a future agenda to discuss the idea of hiring a consultant to work with the Village to address how the Village could protect itself when 2023 arrived. Mr. Harris stated staff was working on two map layers one of which would identify buildable residential properties without building permits and the second map layer would identify the properties with applications in BPAS. He stated he was hesitant to share his ideas about the 300 affordable units until the lawsuit was settled and commented that there were legislative, planning and strategic purchasing solutions that would provide the best chance for insulating the Village against the worst of the liabilities. He suggested that staff discuss the strategies with each of the Councilmembers individually. Councilman Webb clarified that he was suggesting a Council discussion about assembling a team of individuals, with possible outside legal counsel, to address the 2023 issue. He commented about the recent change to the Bert Harris Act which further expanded the rights of property owners and expressed his desire to have a clear strategy or plan.

Mayor Pinder opened public comment; no comment was offered

Mayor Buddy Pinder made a motion to approve. Vice Mayor Pete Bacheler seconded the motion. Council voted and the motion passed 4-0 with Councilman Mark Gregg abstaining.

Councilman Gregg expressed support for Councilman Webb's suggestion noting that the Village would be preparing for potential litigation against property owners in the Village.

TAB 6: Resolution Approving Work Authorization No. 2 between Islamorada, Village of Islands and CPH, Inc. for Green Turtle Hammock Improvements Design and Permitting

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 2 WITH CPH INC. FOR GREEN TURTLE HAMMOCK PRESERVE IMPROVEMENTS DESIGN AND PERMITTING; 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

This item was heard at 7:18 p.m. Village Attorney Roget Bryan read the title of the resolution. Environmental Resources Manager Peter Frezza reported that the Green Turtle Hammock property was purchased with funding provided by the State of Florida in 2006; and that the improvements provided increased recreational opportunities and complied with the requirements of the management plan. He reported that the improvements for Phase 3 of the project included an ADA-compliant kayak launch, and ADA-compliant dock and walkway, improved access from the upland area to the waterfront, a waterfront pavilion/observation tower, a restroom and improved parking.

He screenshared renderings provided by CPH, Inc. that identified the two-story accessible pavilion and explained that the upper level of the pavilion met the requirements of the wildlife observation tower which was part of the management plan. Mr. Frezza commented that the improved parking area provided 17 parking spaces. He stated staff was requesting approval of work authorization number two with CPH, Inc. at a cost not to exceed $129,945; that the work authorization would provide for the design and permitting necessary to move toward construction of the project; and identified parks and recreation impact fees as the funding sources for the services and improvements. Discussion ensued between Councilman Rosenthal and Mr. Frezza regarding the acreage of the property with clarification that the submerged water area was calculated into the total acreage which was taken from the Monroe County Property Appraiser's website.

Mayor 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 7: Resolution Approving Change Order No. 1 to Project Agreement between Arbor Tree and Land, Inc. and Islamorada, Village of Islands Related to the Canal Restoration Sediment Removal Services

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO THE AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND ARBOR TREE AND LAND, INC. RELATED TO THE CANAL RESTORATION SEDIMENT REMOVAL SERVICES; AUTHORIZING THE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF CHANGE ORDER NO. 1; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:28. Village Attorney Roget Bryan read the title of the resolution. Environmental Resources Manager Peter Frezza provided background information about the project and explained how the initial estimate was made for the removal of sediment. He reported that the change order was for an estimated additional 6,001 cubic yards of sediment removal; the additional work would result in a not-to-exceed increase of $552,985; that the overall budget, funded by the Stewardship Act Grant, was $1.4 million; and if approved, would leave the project $167,177 under budget. Mr. Frezza recommended approval.

Mayor Pinder stated that Robert Moser, President of the Lower Matecumbe Beach Property Owners Association, had expressed his gratitude and complimented the Village staff's efforts on the management of the canal clean-up project. Councilman Webb commented about the effects on the canal caused by Hurricane Irma and the tremendous effects the clean-up had on the community and inquired about the sediment removal process specifically how the sediment was measured. Mr. Frezza explained the dewatering process; noted the sediment was moved to the offload site where it was placed into dump trucks and hauled to an offsite location; and stated the volume of sediment that was recorded was based on the volume of sediment that was in the dump truck. He reported that they had a thorough method of recording information pertaining to each dump truck that was taken off site which included the amount of sediment, the load in the dump truck and the number of dump trucks that hauled sediment. Greg Corning with Wood Environment Infrastructure Solutions explained that there were two types of dredging technologies hydraulic and mechanical; that the Village was using the mechanical technology; and provided a more in-depth explanation of the sediment removal and measuring process. Councilman Rosenthal asked for a budget update on the remaining four canals. Mr. Frezza reported three canals were completed and two remained; that the vast majority of the work was completed; and noted that the project team met and felt they were at a good place in the budget as they are under budget. Councilman Rosenthal asked if Mr. Frezza had knowledge to support his comments. Mr. Frezza stated that he did. Acting Village Manager Maria Bassett referred to the change order schedule in the agenda package that identified the breakdown estimated for each canal, the increases, revised quantities and quantity increase; stated that the project had been budgeted for in a Special Revenue Fund for the canal debris program; it was 100% funded by Stewardship Act Funds received from the State; that there was a total project budget of $1.4 million; and the project was expected to be completed under the budget amount at about $1.3 million. Mr. Rosenthal asked about the funding for two remaining canals. Ms. Bassett stated they were included in the $1.4 million; that she, Mr. Frezza and Frank Fernandez with ATL had reviewed the budget, went over the projections, computed the costs for the two remaining canals and stated there was sufficient funding. Ms. Bassett noted that Councilman Webb had inquired earlier as to whether there was a mechanism for auditing. Ms. Bassett explained that because the project was grant funded it fell under the single-audit requirement which would be conducted by the Village's auditors. Councilman Gregg inquired about the risk of the Village not being reimbursed. Ms. Bassett explained the grant application process and having submitted higher projected volumes of sediment removal, and that she did not think there was a chance that the Village would have to pay for the project costs. Councilman Gregg expressed concern about the increased costs to remove the additional sediment. Ms. Bassett explained that the Village had already been approved for $1.4 million; opined that the FDEP understood that adjustments are made during these types of projects; and noted that the Stewardship Act Grant program was one of the easier grants to work with from a reimbursement perspective. Councilman Gregg referenced the lengthy amount of time it took when seeking federal reimbursement after Hurricane Irma. Ms. Bassett stated the Village's experience with FEMA reimbursement was pretty positive compared to other local governments and explained that the delay was due to the State.

Mayor 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 8: Resolution Authorizing the Village Manager to Execute Documents and Expend Funds for the Purchase of Overseas Center for Affordable/Workforce Housing Development Utilizing In-Lieu-Of Fees and Discretionary Sales Surtax

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AUTHORIZING THE PURCHASE OF VACANT PROPERTY LOCATED AT MILE MARKER 88.6 ON THE OVERSEAS HIGHWAY (PARCEL ID #00418050-000000) 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; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:48 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager Maria Bassett presented the staff report regarding the purchase of land from Overseas Center, LLC for $850,000. She explained the funding for the purchase would come from the Affordable Housing Fund and the Capital Projects Fund and noted purchasing the lot would remove it from the 2023 vacant lot inventory. Vice Mayor Pete Bacheler stated the owner was a prior client of his but that he did not have a conflict of interest regarding the agenda item. Councilman Rosenthal expressed concern regarding the non-existence of an appraisal; and noted the agreement was not contingent upon an appraisal.

Mayor Pinder opened public comment.

Susan Raffanello thanked the Mayor and Councilman Rosenthal for voting against the prior map amendment on the subject property; commented that the Village purchasing the properties identified in tabs 8 and 9 was a solution that benefited the neighbors, the quality of the neighborhoods, and addressed the need for affordable housing.

Linda Giordano spoke in favor of the Village purchasing the property for affordable housing and commented about the wildlife in the canal behind the subject property.

Mayor 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 9: Resolution Authorizing the Village Manager to Execute Documents and Expend Funds for the Purchase of Three (3) Vacant Lots at 88.6 Overseas Highway for Affordable/Workforce Housing Development Utilizing In-Lieu-Of Fees and Discretionary Sales Surtax

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AUTHORIZING THE PURCHASE OF VACANT PROPERTY LOCATED AT MILE MARKER 88.6 ON THE OVERSEAS HIGHWAY (PARCEL ID #00418030-000000, PARCEL ID #00418050-000000, AND PARCEL ID #00418060-000000) 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; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:58 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager Maria Bassett presented the staff report noting the cost of the three parcels was $951,000 and that the properties were previously listed at a higher sales price but that they had recently decreased in price; an appraisal was requested but would not be ready for at least 30 days; noted the contingency in the contract; requested permission to pay up to $951,000 for the parcels; and that if purchased the properties would be added to the properties designated for affordable housing. Vice Mayor Pete Bacheler noted the property owners were prior clients and that he did not have a conflict of interest.

Mayor Pinder opened public comment.

Susan Raffanello echoed her prior comments made during tab 8.

Mayor Pinder closed public comment.

Councilman Gregg asked what would happen if the property came in lower than the asking price. Ms. Bassett stated staff would contact the seller to see if they would accept the appraised value as the sales price; that staff was asking for authorization up to the current list price; and if the seller indicated he would cancel the contract, staff was requesting permission to purchase at the asking price. Village Attorney Roget Bryan stated the agenda item before them was asking to purchase the property at a not-to-exceed amount of $951,000; that if the appraisal came in lower staff would try to negotiate with the seller; staff would advise Council of the final price subject to closing; and stated staff was asking the Council to view the amount as the maximum purchase price for the three parcels. Councilman Gregg commented that he would speak with staff regarding negotiating strategies.

Councilman David Webb made a motion to approve. Mayor Buddy Pinder seconded the motion. Council voted and the motion passed 5-0.

TAB 10: Resolution Amending the Chapter 163 Interlocal Agreement between Islamorada, Village of Islands and the School Board of Monroe County

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND THE SCHOOL BOARD OF MONROE COUNTY PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:05 p.m. Village Attorney Roget Bryan read the title of the resolution and presented the staff report providing background information and the purpose of the amendment.

Mayor 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.

MAYOR / COUNCIL COMMUNICATIONS

The Jennings Rule: Quasi-Judicial Hearings and Ex Parte Communications

This item was heard at 8:08 p.m. Councilman Mark Gregg referenced the memorandum he had the Village Attorney prepare regarding the "Jennings Rule" noting the purpose of the topic was to discuss and improve upon the Village ordinance that addressed quasi-judicial ex parte communications. He provided background information about the property rezoning, that led to the

Jennings court case, noting the appellant claimed that his rights to due process had been violated because he did not have access to the ex parte conversations that occurred between the lobbyists and the commissioners. Councilman Gregg stated the 3rd District Court of Appeal (DCA), which was also over Monroe County, found that the appellant's State and Federal rights to due process had been violated. He commented regarding the current process of disclosing ex parte communications which required the Councilmember disclose whether they had ex parte communications, who they spoke with and the subject matter of the conversation, noting that the process resolved the statutory requirements. He explained that the current process did not resolve the potential constitutional violation of the aggrieved parties right to due process.

Councilman Gregg suggested amending the ordinance to prohibit oral communications with a Councilmember; suggested the communications be submitted in writing to the Councilmember at least two days ahead of the hearing; the communications would be distributed to all of the Councilmembers; they would be made a part of the record; the record would be made available allowing the aggrieved party an opportunity to prepare for the hearing and resolve any allegation of prejudice. He commented that the Council needed to be impartial and that anyone that lobbied them with the intention of swaying their position ahead of time was irreparable prejudice. He stated if the Council agreed, he would like to ask the Village Attorney to prepare an amendment to the ordinance for Council consideration. Councilman Webb confirmed with Councilman Gregg that his suggestion would only apply to quasi-judicial matters. Councilman Gregg identified the various types of quasi-judicial items referenced in the Village Code; noted that a Future Land Use Map amendment (FLUM) was considered legislative; and suggested that when a FLUM and zoning amendment for the same property were scheduled, the Council should air on the side of caution and consider the FLUM quasi-judicial.

Mayor Pinder asked the Village Attorney if he could prepare the amendment. The Village Attorney confirmed his understanding of the requested changes and that he would prepare the item.

Mayor Pinder opened public comment; no comment was offered.

Turtle Barrier at Sea Oats Beach

This item was added to the agenda and heard at 8:19 p.m. Councilman Mark Gregg commented about the turtle nesting season which recently began and noted the turtle barrier at Sea Oats Beach had been removed due to the FDOT project and expressed concern as this would allow for turtles to crawl onto the US-1 Highway. He commented regarding the construction improvements made by FDOT to the beach; prior barrier methods utilized by the Village; the challenges staff was facing implementing a barrier solution with the new concrete improvements; and noted he was trying to raise awareness to develop a feasible solution. Mayor Pinder commented about turtles that had been hit by vehicles in that area in the past and explained how turtles can become disoriented. Vice Mayor Pete Bacheler asked Environmental Resources Manager Peter Frezza how much of the sea nesting area was destroyed. He opined that the road had been saved for the people but the habitat for the turtles was destroyed. Mr. Frezza commented that the area FDOT had completed using the articulating block was no longer a viable turtle nesting habitat mainly because of the road and noted there was sea level rise and erosion from tropical storm events. He explained that typically the beach would migrate inland but that this could not happen due to the road and that it would never be viable sea turtle nesting habitat. Mr. Frezza explained that prior to the road project it was not very good turtle nesting habitat; the turtle nesting was occurring south of area at Sunset; commented that FDOT did not destroy the sea turtle nesting habitat; and stated noted the main issue was turtles attempting to cross the highway and to attempt to stop this from occurring. Councilman Webb asked if the Village could install the screen on the waterside where the sand was located. Mr. Frezza stated placing the barrier on the waterside was not a viable solution because it would get damaged and would require constant maintenance. Councilman Gregg suggested staff obtain permission from FDOT to puncture the fabric so that it did not sever the cables; install rebar; and fasten the barrier to the rebar. Vice Mayor Pete Bacheler inquired about the total distance of the articulating block. Public Works Director A.J. Engelmeyer commented that in the past they installed approximately 4,000 linear feet of silt fence which also included the vacant lot near Sunset Drive. Councilman Rosenthal expressed support for Councilman Gregg's idea and suggested replacing the vegetation. Councilman Gregg stated that was a good long-term solution.

Mayor Pinder opened public comment.

Harry Apell, President of Save-A-Turtle, commented that sea turtles were creatures of habitat and that 25 years after their birth, when they were ready to lay their eggs, they would return within a mile of the beach where they were born; and opined that it was hard to deter the turtles. He stated that he worked with the Alachua County Conservation Trust who had conservation easement funds; that they were restoring beaches in Long Beach with dune systems; they were restoring private beaches and some of the county's conservation lots and were building beaches back to combat sea level rise. Mr. Apell stated he would be in touch with the Council in the future and would try to appropriate some of those funds to perhaps build the beach out 20-30 feet from where it used to be. He stated he would reach out to his peers across the State who had similar issues to obtain solutional information. Mr. Apell reported about their success with soft hardening of the beaches with the installation of sand dunes and sea grass.

Robert Moser suggested a Mangrove restoration program to help retain the sand.

Ed Davidson commented about the sand being redeposited across the highway after Hurricane Irma and questioned where the sand went and why it did not get placed back on Sea Oats Beach. Mr. Frezza stated he had all the information about the sand which had been thoroughly documented and stated he would be happy to talk to Mr. Davidson about the matter. Mr. Frezza stated about half of the sand did go back on to Sea Oats Beach and the rest of the sand was distributed onto beaches in Islamorada.

Mayor Pinder closed public comment.

Village Council Term Limits

This item was added to the agenda and was heard at 8:40 p.m. Vice Mayor Pete Bacheler stated that he would like for the Village Attorney to begin drafting a resolution to modify term limits and staggered terms. He stated he would like a commitment from Council regarding the direction they prefer to go followed by direction to the Village Attorney. Councilman David Webb commented a change would require a referendum; the only feedback Council had received regarding the idea was negative; commented about the learning process for new Councilmembers; the future issues facing the Council; expressed support for staggered terms; suggested the Council needed to engage the community regarding why a change should be considered; and commented that unless there was an open dialogue with the community the Council would end up in the same position as the previous attempts to make a change. Vice Mayor Bacheler agreed with Councilman Webb and stated he was procedurally trying to determine the next step to take in order to move the process along. Village Attorney Roget Bryan explained that Florida Statute and the Village Charter authorized the Council to propose an ordinance with a Charter amendment which would be needed to modify the terms; that the ordinance would be adopted in the same manner as other ordinances; the amendment language would be placed before the voters for referendum; and that a referendum could occur at a General Election, or a Special Election could be requested. He stated, procedurally, once the Council had clear direction regarding what they wanted to consider, staff could prepare an item for discussion, consideration and adoption. He noted if the Council wanted to conduct some type of outreach project it was within their purview to do so. Councilman Rosenthal commented that the voters voted against the longer terms at a previous election by 57% and commented that a Special Election would cost the Village $25,000. Village Attorney Roget Bryan clarified that the ordinance would establish the amendment language that would ultimately go before the voters; that the costs of a referendum are absorbed into the General Election; a Special Election would have costs associated with it; and that statistically, during a General Election, there was higher voter turnout and voter engagement. Councilman Gregg expressed his support for directing the Village attorney to draft something for discussion. Vice Mayor Pete Bacheler commented about the projects that took longer than two years to accomplish; the complete turnover in Councilmembers in 2020; and noted the Council needed to have the time to educate the public about the matter. Councilman Webb commented that he perceived that the pushback from the public was not about the structure, but rather the longer terms. Councilman Webb stated that he completely endorsed the idea of longer staggered terms and opined that the battle was changing the terms from two years. Mayor Pinder asked the Vice Mayor to explain to the Village Attorney what he wanted him to do. The Vice Mayor stated the Council needed the documentation that would help them explain to the public what was meant by extending the terms to three or four-year terms. Village Attorney Roget Bryan stated he could create a draft ordinance for Council's consideration; or could provide a draft memorandum identifying a pathway for three or four-year staggered terms against the backdrop of a forthcoming General Election, how the stagger was created, and what the impacts would be for one or two election cycles. Vice Mayor Bacheler and Councilman Gregg expressed their support for the idea. Councilman Rosenthal suggested there could be two referendum questions one of which would address three-year terms and the other would address four-year terms.

Mayor Pinder opened public comment.

Ed Davidson suggested the Council hold workshops to educate the public.

Mayor Pinder closed public comment.

Miami-Dade County Public Transit

This item was added to the agenda and was heard at 9:00 p.m. Councilman David Webb commented that there were not enough Miami-Dade transit buses to pick up all of the workers in Florida City and Homestead that commuted to work in the Florida Keys. He explained that he had been informed that the buses often pass up the bus stops while displaying signs that indicated the bus was full; and that the employees would then have to call their employer informing them that the bus did not pick them up and that they could not get to work. He said it was relayed to him this has happened before and was suggested to him that Acting Village Manager Maria Bassett might have some experience with the issue; and that the issue required communication with the transit authority to add more buses to the route. Councilman Webb speculated that the transit authority probably reduced the number of buses during the pandemic. He asked if the mayor would request that staff make the proper communications as quickly as possible to request the transit authority add more buses. Acting Village Manager Maria Bassett stated she did not have any experience dealing with the transit authority but would make the contact to determine why there was a shortage of buses.

Mayor Pinder opened public comment.

Susan Raffanello applauded Councilman Webb for bringing the issue up for discussion. She stated it was her understanding that only one bus per hour serviced the Keys and went to Marathon; that the issue had been ongoing for about ten years; and that her colleagues, who had previously served on the transit authority, indicated the issue stemmed from a lack of funding, participation and cooperation from Monroe County. She commented that more buses were needed per hour with better schedules.

Joan Scholz commented the issue had been a long-standing issue; that she was a former assistant champion cross-country coach at Coral Shores High School and that the students could not get home at 9 p.m. at night because the buses were full which meant the students would have to decide whether to play their sports and maybe get home at 9 p.m. or stay and take their chances. She stated she had had conversations with the bus system, and they were very responsive; and that they would allow the students to stand in the aisle of the bus.

Mayor Pinder closed public comment.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Discussion Regarding Outsourcing Inspections and Plan Review Services

This item was heard at 9:07 p.m. Acting Village Manager Maria Bassett reported that the Building Official had identified areas of concern or potential voids within the building department in order to ensure the Village met its obligations to the development community with regard to building permit issuance. She explained that the Building Official confirmed that M.T. Causley could expand their current services to more of an outsource arrangement; identified some of the staffing needs of the department; noted a maximum dollar threshold would be established as well as the number of staffing hours needed; that some of the staff positions would be replaced with contract staff which would offer the Village more scheduling flexibility on a long-term basis; the cost increase was estimated to be less than $200,000 annually over the current costs, if maximum hours were required; M.T. Causley would be responsible for the wages, benefits, training, uniforms and vehicles for the contracted staff; that this may result in elimination of Village staff and information would be provided to Council about who was affected and any type of severance package that might be offered; and noted that Monroe County and the City of Marathon had similar staffing arrangements.

Ms. Bassett stated staff was seeking Council authorization to negotiate the contract and would then return to Council with an agreement for Council consideration and approval.

Councilman Webb stated he understood the necessity; noted the pros and cons of outsourcing; and suggested that the agreement could be structured to cover a specific period which would allow the new Village Manager time to get acclimated without having to immediately address a staffing issue. He stated he had inquired about past outsourcing and was informed that there were often long delays before inspections occurred. He suggested that if inspection services were included in the agreement, the Village should be mindful of the language regarding the performance that would be required. Mayor Pinder asked Chief Building Official Sheila Denoncourt to comment about the current M.T. Causley inspector. Ms. Denoncourt stated that the contracted inspector was also the department's primary structural plans examiner; that he had been a contract employee servicing the Village for almost two years; and that many contractors thought he was a direct employee of the Village. She explained that using the contracted staff as 40-hour a week employees they would essentially be an extension of the Village; and that she had not heard any negative remarks about the current contracted M.T. Causley inspectors and plans examiners regarding their qualifications or ability to do their job. She opined that using them on a part-time basis there could be more of a disconnect, but that by using them full-time with them working every day, they basically were Village employees. Councilman Gregg stated he too had spoken with the Chief Building Official as well as local contractors who had concerns and expressed agreement with Councilman Webb's comments; he noted the Village did outsource after Chief Building Official Gerry Albertson passed away unexpectedly and that at that time there was a disconnect; he expressed agreement with Ms. Denoncourt's opinion regarding the potential for problems to arise when you did not have the same person working each day or working intermittently; noted that there was an ongoing and developing relationship between the building inspectors and the development community; noted that his conversation with the Building Official gave him confidence that a disconnect would not occur; expressed his confidence in the abilities of the Chief Building Official Sheila Denoncourt because she ran the department, he had heard great comments about her, and that if she believed outsourcing was the best course of action, then he had to agree until he heard otherwise. Mayor Pinder noted that if there was an issue with a contract employee the Building Official could contact M.T. Causley. Ms. Denoncourt noted that contracted services provided greater flexibility should there be any issues.

Mayor Pinder opened public comment.

Mike Causley, President of M.T. Causley Inc., commented that he grew up in the Keys and owns a home in Islamorada; that his company started Islamorada's building department when the Village incorporated; and that he set up the City of Marathon's building department. He explained that Ms. Denoncourt was able to choose her contracted staff noting that if someone did not work out, she could select another individual; that the company was cognizant of the importance of the role that individual personalities played in contractual arrangements; and that he had received calls from Village contractors requesting inspections on a private provider basis which was not economical for them.

Mayor Pinder closed public comment.

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

At 9:24 p.m. Council took a brief recess with the meeting resuming at 9:28 p.m.

TAB 11: Discussion Regarding Village Agreement with Islamorada Community Entertainment, Inc.

This item was heard at 9:28 p.m. Acting Village Manager Maria Bassett provided historical information regarding what led to the 2005 agreement with Islamorada Community Entertainment (ICE). She explained pursuant to the agreement, ICE was required to complete construction of the Founders Park amphitheater; explained that the construction project had stalled resulting in litigation which ultimately led to the contractual relationship with ICE; noted that ICE contributed almost $300,000 of the $925,000 construction project; in return for completing the amphitheater project, the Village allowed ICE to operate the facility for events to raise funds for the non-profits programs which provided scholarships to children for art and music education; and noted the agreement became effective November 7, 2006 for a 15-year term and would expire November 6, 2021 and required written notice of termination, by either party, by May 11, 2021. Ms. Bassett further explained that ICE was willing to continue the current relationship with the Village and manage use of the amphitheater; suggested that regardless of whether the Council continued the relationship with ICE, the agreement in its current form should be terminated; and noted that a confirmation from Council was needed pursuant to the terms of the agreement.

Ms. Bassett stated staff needed direction as to whether they should provide the Council with a simplified operating agreement with ICE; or to interact with ICE in the same manner as all other non-profit organizations seeking to utilize the amphitheater and park for fundraising events. She explained that if the Council chose the latter option, staff would need to seek a vendor to assist with the audio/visual setup needs when events occurred, noting that was a service ICE provided under the operating agreement. She noted that Dave Feder was available should the Council have questions and invited the Founders Park Director, Maria Bagiotti to comment. Ms. Bagiotti expressed her gratitude to Mr. Feder and ICE for their assistance over the years and for the events they had conducted; noted that ICE had assisted by acting in a liaison capacity for park regarding events; and noted ICE held two events a year.

Mayor Pinder opened public comment.

Ed Davidson, speaking on behalf of the Islamorada Community Alliance, stated he preferred to hear Council's discussion before providing his comments. Council began their discussion with public comment coming later.

Councilman Mark Gregg provided historical information about the amphitheater construction project; noted the agreement was created due to that issue; opined that the document was not an appropriate document to extend; and noted that the Village had a good working relationship with ICE and spoke in support of staying engaged with ICE.

Dave Feder, President of Islamorada Community Entertainment, expressed agreement with Councilman Gregg. He explained that his recent discussion with the Acting Village Manager and Founders Park Director was to not renew the current agreement; provided historical information about ICE and the amphitheater; and noted that the Friends of the Amphitheater organization, which he was part of, raised most of the money to construct the amphitheater. He explained that in 2007 Founders Park developed a special events policy which superseded all of ICE's rights to produce shows and that they made a collective decision as a board to not request their money back. They decided to act as a liaison to the park to help other organizations help navigate the slightly complex project of putting an event together which included planning, insurance, public safety, awareness of the noise ordinance and setup locations. He explained that ICE also does programs in conjunction with Founders Park such as movies where they provide their infrastructure and training for park staff; and they assist with other events regarding the safe setup and operation of audio/visual equipment. Mr. Feder stated that even though their agreement arrangement was changed due to the 2007 event policy, they continued to maintain liability insurance and provided financial audits for about eight or ten years when they were advised by the Village Manager it was not necessary and were told they could provide 990's. He stated they conducted two events a year one of which always lost money. Mr. Feder stated that even if they did not have an agreement, they would still assist the park as they did not need a formal agreement. He stated that they did not receive any special favors from the Village; they paid for use of the park just like any other non-profit would; noted the only thing they did differently than other non-profits was to provide their service free of charge to the Village which they were happy to continue doing. Mr. Feder noted that there was some "who-ha" going on in town about transparency and stated they would be glad to take care of that, but that it had been a non-relevant point since 2007.

Councilman Webb extended his gratitude to Mr. Feder for everything ICE did for the community and asked if ICE provided grants or other contributions outside of Islamorada or Monroe County with money that may have been generated at the park. Mr. Feder reported that they once donated some used sound equipment to a children's charity; and that they had also assisted local students that were away at college or a dance camp that needed financial assistance for an educational program noting that the money went out of town, but that Upper Keys kids received the money. Vice Mayor Pete Bacheler spoke in support of a short-term simplified agreement and noted that he liked everything that ICE did for the community. Councilman Mark Gregg expressed his gratitude to Mr. Feder and expressed support for modernizing an agreement with ICE. Mayor Buddy Pinder expressed that he would like to do a contract or operating agreement and that he would like to continue their involvement in the community. Councilman Henry Rosenthal expressed his gratitude to Mr. Feder; suggested ICE could do a lot of good with a lesser contract; suggested the Parks & Recreation Committee could work with ICE to represent the Village's interest a little more, which he would support.

Mayor Pinder opened public comment.

Ed Davidson, speaking on behalf of the Islamorada Community Alliance, expressed concern regarding financial transparency suggesting it was absolutely mandatory; commented that the organization raised funds utilizing Founders Park which was used to pay for expenses; commented that Mr. Feder group was on ICE's payroll; opined there was no accountability and that other groups, such as the Upper Keys Rotary, provided financial accountability about what is done with the monies that are raised; commented regarding the financial requirements of the existing contract and the importance of the financial documents; and noted comments that were made during the Parks & Recreation Committee meeting regarding financial records.

Joe Roth stated he was a two-time President of the Upper Keys Rotary Club that holds the annual Gigantic Nautical Flea Market at Founders Park and clarified that never once did they provide financial documents to the Village as to where their funds go; and noted that with a quick internet search you can locate ICE's 990 form which will provides the financial information. He commented regarding the "defaults and breeches" section of the contract noting that the Village could have called them in default of the agreement but that it was waived for whatever reason. He opined that too much emphasis was being placed on the financial documents when the information was easy to obtain; stated Mr. Feder and ICE had done a great job; that he had no reason to believe that Mr. Feder and ICE were in this to do anything but good for the community and the kids; and expressed his support for the Village moving forward with ICE.

Mayor Pinder closed public comment.

Councilman David Webb stated that there was almost unanimous agreement that the Council did not want to renew the existing contract; expressed that he was not happy that a 501c3 organization in the community was providing a service and not being compensated; suggested that the Village notify ICE that the existing agreement was not going to be renewed; investigate what the Village wants to do going forward to address participation and services that are being provided and what was needed; and suggested requesting staff prepare a continuing services agreement. Mayor Pinder expressed his support for terminating the existing agreement and preparing an updated contract.

At 9:58 p.m. Councilman Webb made a motion to extend the meeting 15 minutes. Councilman Mark Gregg seconded the motion.

Village Attorney Roget Bryan confirmed that staff needed direction to terminate the existing agreement; staff could engage with ICE regarding a continued relationship and would bring a recommendation to Council. Acting Village Manager Maria Bassett agreed and noted the threshold of the Village's purchasing policy. Councilman Henry Rosenthal commented about having been in the entertainment business; and opined that this was a major profit center that the Village was not capitalizing on. Mayor Pinder stated it was suggested that the existing agreement be terminated, which Councilman Rosenthal agreed with; and that it would be brought in house and staff would bring forward suggestions such as an operating agreement with ICE. Councilman Rosenthal expressed agreement. Councilman Webb clarified that he was not suggesting it (the services) be brought in house noting that there were services ICE provided that Village staff did not have the structure to provide, and that those services should be formalized via a continuing services agreement or other formal manner. Councilman Webb asked Councilman Rosenthal if he was suggesting the Village conduct events at Founders Park to generate profit as he was not in favor of the suggestion as it was a family park. Councilman Rosenthal suggested residents would be exempt from being charged, noted there were lots of outside visitors and that it was a profit center the Village was not taking advantage of. Councilman Webb stated he did not support the idea. Councilman Gregg agreed with Councilman Webb and spoke in support of modernizing an agreement with ICE.

Dave Feder stated that ICE’s events were free but received money via donations; that the amphitheater was never meant to be a venue for large, ticketed events or to raise money for any other cause than for the community; and noted that the idea was for multiple things to be going on in the park at one time such as swimming and using the ball fields.

ADJOURNMENT

Councilman David Webb made a motion to adjourn. Councilman Mark Gregg seconded the motion. The meeting adjourned at 10:08 p.m.

Approved by Council June 9, 2021.

Kelly S. Toth

Kelly S. Toth, CMC
Village Clerk