

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

Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036
Thursday, March 31, 2022
5:30 PM

CALL TO ORDER / ROLL CALL

Mayor Pete Bacheler called the meeting to order at 5:30 p.m. Acting Village 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. Also present were Acting Village Manager Maria Bassett, Village Attorney Roget Bryan, Planning Director Daniel Gulizio, Acting Village Clerk Stephanie Conde and other pertinent staff.

PLEDGE OF ALLEGIANCE

Councilman David Webb led the Pledge of Allegiance.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

A. Village Manager Candidates – Interview Selection (Colin Baenziger)

Acting Village Manager Maria Bassett opened the item by describing that there had been eight candidates for the Council to choose to interview, but one had withdrawn. She said Council should discuss who their top three candidates are going to be and decide when to interview the candidates. Colin Baenziger of Colin Baenziger and Associates asked the Council how many candidates were going to be interviewed with a suggestion of five. Councilman David Webb said he was having a hard time choosing three. Colin Baenziger encouraged the Council to choose three or four. Vice Mayor Henry Rosenthal said he had been wrong about previous hires and that he wanted to interview five candidates. Councilman Buddy Pinder said he could go either way and that he was having a hard time picking five out of the seven applicants. Councilman Mark Gregg said paper is paper and until the candidates arrive no one can be sure. Mayor Pete Bacheler said each Councilman should name his top three candidates and then they could compare who to interview. Each Councilman named their top three candidates. The majority of Council was in favor of interviewing Ted Blackburn, Joseph Kirby and Thomas Yates. They also agreed to bring in Lee Staab in the event a candidate drops out. Colin Baenziger said he would notify the candidate and asked when a good time would be to interview them.

Acting Village Manager Maria Bassett said with April 15 being Good Friday, and a Regular Village Council meeting set for April 21, the first clear week would be April 25. She said in the last Village Manager search, applicants came to Islamorada, toured the Village Hall and were available for the public to meet in an event held at the Founders Park pool. Councilman Mark Gregg asked whether the candidates' wives could be brought along, and Vice Mayor Henry

Rosenthal said it was an excellent idea. Colin Baenziger said he would confirm the availability of the candidates and coordinate with Acting Village Manager Bassett.

At 5:49 p.m., Mayor Bacheler opened public comment. Ken Phillipson suggested the Council try and find and secure housing in Islamorada because the rents in Islamorada and Tavernier are so high at this time. Van Cadenhead said the Council was not getting off on the right foot because they were considering people they did not know and that they should consider the candidate from Massachusetts because government has existed in Massachusetts since 1775. Angel Borden said the review of the Village Attorney had been lost and that the JOY Center should be paid attention to.

Public comment closed at 5:55 p.m.

B. Wastewater Rate Study Results and Debt Refinancing Options

Acting Village Manager asked Tony Hairston of Raftelis Financial Consultants to give a presentation on the wastewater rate study and debt refinancing options. Tony Hairston said he needed Council direction on refinancing the wastewater debt. His presentation included information on the 2022 wastewater rate study, including a 10-year financial forecast, rate design review, system development charge and Equivalent Dwelling Unit (EDU) policy review. He also talked about the Wastewater Revenue Requirements. He said existing wastewater rates are comparable to charges in other areas, such as the Key Largo Wastewater Treatment District, and that the existing debt service and use is \$1.1 million per year infrastructure funds with 1 percent annual rate indexing. There is no immediate indexing needed based on current market conditions for refunding, he said. Julie Santamaria spoke on behalf of Raftelis and explained refunding and financing assumptions. Tony Hairston talked about debt service coverage projections with debt refunding. Julie Santamaria said she would have better information within a few weeks about a bank loan, and that the Village should pursue refunding of existing wastewater debt and that the Village should develop an annual Equivalent Dwelling Unit review process so that data is current and to improve communication and transparency of EDU calculations. Acting Village Manager Bassett said because of the savings with refinancing, the Village would not have to implement a 1% rate raise per year, and that about a million dollars per year were budgeted of infrastructure funds that come from the extra 1% sales tax passed by Monroe County for wastewater. She said the Village hopes to equalize rates by looking at water flow regularly and that what they are being billed for is sufficient. Vice Mayor Henry Rosenthal said time is of the essence.

Tony Hairston said he would have more information in 30 days regarding an RFP and a bank loan, and a public offering would take longer with banks and paperwork and disclosure requirements. Acting Village Manager Maria Bassett said the other thing staff will be working on is looking at the account information management system to see if it can calculate EDUs of non-residential customers based on flow and then if there are differences in what those nonresidential customers are being billed, a policy in addition to the utility policy could be brought forth to Council in order to make possible billing adjustments.

Public comment on the item opened at 6:32 p.m. Don Horton said he had heard Key Largo had a \$12 million surplus and that in the agreement, there was supposed to be a rate study each year. He suggested doing as Key Largo does and with affordable housing, there should be a way to meter four-plex units as an example to see if they compare to the water usage of a single-family residence. Van Cadenhead sang a song about fluidity. Ken Phillipson said if the Council could hold true to the promise of making North Plantation Key rates lower that would be great. Deb Gillis said the idea was to try and hold the rates as low as possible and that the Council should plan for the future.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Deb Gillis gave a report on the LPA meeting that happened on Monday, March 28, 2022, and said there was a 5-0 recommended approval for the ordinance regarding private clubs.

PUBLIC COMMENT

General public comment opened at 6:47 p.m. Ken Phillipson believes Council approved donations to charities are wrong because taxpayers do not get to choose which charities the Council donates to. Phyllis Mitchell said a great historical event is going to be revived next month in Islamorada, the Indian Key Festival, thanks to the Friends of the Islamorada State Parks and History and Discovery Center at the Islander Resort on April 30, 2022. Angel Borden said she was concerned over how many exceptions were being made by the Council. Robert Moser wanted more information on the accessory dwelling unit item which was originally discussed in 2018. Van Cadenhead appreciated the newspaper ad which had featured the full Council agenda.

AGENDA: Requests for Deletion / Emergency Additions

Mayor Pete Bacheler asked for requests for deletions/emergency additions. Councilman David Webb said he wanted to speak about moving the May 12, 2022, meeting because of a conflict. Vice Mayor Henry Rosenthal requested to pull Tab 5 from the consent agenda. There were no other additions.

CONSENT AGENDA

Councilman Mark Gregg made a motion to approve the consent agenda, seconded by Councilman David Webb. The Consent agenda passed 5-0.

TAB 3: Minutes of the March 10, 2022, Regular Village Council Meeting

TAB 4: Resolution Approving Work Authorization No. 5 with Wood Environment & Infrastructure Solutions, Inc. for Construction Administration and Engineering Inspection Services for Derelict Vessel Removal Activities

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 5 WITH WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC. FOR CONSTRUCTION ADMINISTRATION AND ENGINEERING INSPECTION SERVICES FOR DERELICT VESSEL REMOVAL ACTIVITIES; 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 pulled from the consent agenda.

TAB 5: Approval of Professional Federal Lobbying Services Agreement with Thorn Run Partners

A RESOLUTION OF THE V ILLAGE C OUNCIL OF ISLAMORADA, V ILLAGE OF ISLANDS, FLORIDA, APPROVING THE AGREEMENT FOR PROFESSIONAL FEDERAL LOBBYING SERVICES BETWEEN THORN RUN PARTNERS AND ISLAMORADA, VILLAGE OF ISLANDS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE P ROFESSIONAL SERVICES AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Roget Bryan read the resolution and told Council about the renewal of the agreement with federal lobbyist Thorn Run Partners. Attorney Bryan said the agreement would be for another two years with no rate increase and the Village uses state-level lobbyists along with federal lobbyists, which are important in terms of federal money for water quality improvements. Vice Mayor Henry Rosenthal said he had pulled the item off the consent agenda because he was not up to speed as to the services provided by the lobbyists at \$66,000 per year. He was concerned about someone changing identities and still representing the Village, but that he would follow Attorney Bryan's recommendation. Attorney Bryan said Thorn Run Partners provides excellent service. Councilman David Webb said the federal lobbyist Jim Davenport is the steward of federal funds that come to Islamorada and Attorney Bryan said yes, as well as federal issues. Councilman Webb asked how much the Village received in federal dollars and Attorney Bryan said \$6 million in the last FQWIP funding cycle, with about \$2 million being designated for Islamorada. He said Islamorada has been receiving steadily \$750,000 to \$2.5 million depending on how it is appropriated as it makes its way through Congressional appropriation. Councilman David Webb made a motion to approve the agreement, seconded by Vice Mayor Henry Rosenthal.

Mayor Pete Bacheler opened public comment. Deb Gillis said in her time on the Council, there was always an effort to receive FQWIP funding and that Thorn Run and Partners and Jim Davenport had done a sufficient job. Ken Phillipson said he had also worked with Mr. Davenport and that he was instrumental in the Village getting what it needs.

The motion passed unanimously.

ORDINANCES

TAB 6: First Reading: Ordinance Amending Chapter 30, Land Development Regulations to Establish Provisions for Private Membership Clubs and Associated Parking Facilities

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS RELATED TO PRIVATE MEMBERSHIP CLUBS, NON-CONTIGUOUS PARKING AREAS, AND FLOOR AREA RATIO; PROVIDING FOR THE

REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

Village Attorney Roget Bryan read the ordinance. Planning Director Daniel Gulizio gave an overview of the ordinance and said there were three private membership clubs operating in the Village. He said during the review of the application from the Islamorada Fishing Club, "private membership club" was not recognized in the existing land development regulations. He described the purpose of the ordinance and its four amendments and said it is subject to referral to the Department of Economic Opportunity.

At 7:13 p.m. Mayor Bacheler opened public comment. Van Cadenhead said the ordinance would take a load off the Islamorada Fishing Club.

Councilman David Webb made a motion to approve, seconded by Councilman Mark Gregg.

Vice Mayor Henry Rosenthal asked what the difference would be between a restaurant having parking down the street vs. a private club. Mayor Pete Bacheler said the term private club was not in the code, so the Village could not take care of the application. Vice Mayor Rosenthal said his question was what is the difference between someone opening a restaurant and a private club, to which Planning Director Dan Gulizio said the only circumstance was regarding the Village Center and an existing condition was being addressed. Councilman Webb asked would it be fair to say, if we do not do this, then the Islamorada Fishing Club would not be able to use the parking that they need to continue? Planning Director Dan Gulizio said that was correct. Councilman Mark Gregg said to Vice Mayor Rosenthal that a private club is not open to the public so the parking requirements are different, and that this is a problem that is pervasive in the code. He said the code needed to be changed because of the omission of private clubs.

The motion passed 5-0.

QUASI-JUDICIAL

TAB 7: A Resolution Considering the Request of Islamorada Fishing Club TAB A (Vinnie Feola, Agent) for a Variance to Reduce the Shoreline Setback Requirement for Principal Structures for Property Located at 104 Madeira Road (Islamorada Fishing Club) (File No.: PLVAR20210052)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF ISLAMORADA FISHING CLUB FOR A VARIANCE FROM THE PROVISIONS OF SECTION 30-1542(1)(A), TO ALLOW FOR A REDUCTION IN THE SHORELINE SETBACK FROM 20 FEET TO TWO (2) FEET FOR PRINCIPAL STRUCTURES FOR PROPERTY LOCATED AT 104 MADEIRA ROAD ON UPPER MATECUMBE KEY, WITHIN THE VC (VILLAGE CENTER) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00399380-000000, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (File No.: PLVAR20210052)

Village Attorney Roget Bryan read the resolution. Witnesses were sworn in by Acting Village Clerk Stephanie Conde. Attorney Roget Bryan asked for exparte communications related to Tab 7. Councilman David Webb said he had exchanged emails with Joe Roth. Vice Mayor Rosenthal said he had had discussion with the manager of the Fishing Club. Councilman Buddy Pinder said he had not had any exparte communications since the last meeting. Councilman Mark Gregg said he had no exparte communications. Mayor Bacheler said he had spoken with Joe Roth.

Assistant Planning Director Hank Flores gave a staff report and said at the Feb. 17, 2022, meeting the Council had tabled a public hearing regarding the item. He said staff recommended approval.

Public comment was opened at 7:24 p.m., with there being two phases, the first phase being people speaking in favor of the ordinance and the second phase being those opposed to the ordinance. Van Cadenhead said he was in favor but cautioned the Council that they were approving the building being much larger and not being able to accommodate parking. He believes a poured concrete roof would be better than a truss roof, and believes it would improve the insurance. Attorney Roget Bryan said the request was specifically for the variance to the shoreline setback. Chris Trentine thanked the Council and said he sits on the board of the Fishing Club. Angel Borden said the Club needs additional space and suggested the Council approve. Vinnie Feola thanked the Council and said it is important that the legacy business continues. John Kocol commended the staff for taking a difficult situation and making it work. Deb Gillis said it was an improvement to the conditions by moving the mean high water line. There was no public comment in opposition to the project.

Councilman Webb made a motion to approve the ordinance, seconded by Councilman Buddy Pinder. There was unanimous approval.

TAB 8: Resolution Considering the Request of Shima Sushi, LLC. for an Alcoholic Beverage Use Permit for Property Located at 88005 Overseas Highway (File No.: PLAB20220037)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF SHIMA SUSHI, LLC. FOR A 2COP ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW BEER AND WINE, ON-PREMISES CONSUMPTION, ON PROPERTY LOCATED AT 88005 OVERSEAS HIGHWAY ON PLANTATION KEY, WITHIN THE HIGHWAY COMMERCIAL (HC) ZONING DISTRICT, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE

Village Attorney Roget Bryan read the resolution. Witnesses were sworn in by Acting Village Clerk Stephanie Conde. Attorney Roget Bryan asked for exparte communications related to Tab 8. Vice Mayor Henry Rosenthal said he had communicated with a previous employee, the owner of the plaza who had worked for him at one time. Assistant Planning Director Hank Flores gave a staff report and said staff had determined the business was in compliance with the Village Code. Business owner and applicant Kelsey Tsang addressed the Council and said she was trying to bring something different to Islamorada as a 31-seat fine dining restaurant. She said for the time being, complementary alcoholic beverages were being served and that she had waited to close the building permit before applying for the beer and wine permit.

Mayor Bacheler opened public comment at 7:39 p.m. There was no public comment.

Mayor Bacheler made a motion to approve, seconded by Councilman David Webb. The motion passed unanimously.

RESOLUTIONS

TAB 9: Resolution Approving Warranty Deed for the Conveyance of Land by Land Dedication Application of Hammer Time Builders Group, Inc. for Property Located at 157 Pueblo Street With RE#: 00420200-000100 for Building Permit: #PRSFC202100947

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AND ACCEPTING A WARRANTY DEED FOR THE CONVEYANCE OF LAND FROM HAMMER TIME BUILDERS GROUP, INC; AUTHORIZING RECORDING OF DEED IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; FINDING AND DETERMINING THAT THE REAL PROPERTY SHALL BE USED FOR MUNICIPAL OR PUBLIC PURPOSES; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:40 p.m. Village Attorney Roget Bryan read the title of the resolution. Assistant Planning Director Hank Flores read a staff report and that staff recommended approval of the request and dedication of land.

Mayor Bacheler opened public comment. Van Cadenhead said when he was on the Local Planning Agency, he had voted for the points system by dedication of land. He believes it is a good way to get in front of takings cases but that it is unfair to those who do not have deep pockets. He said giving someone 10 points to get over someone who has been waiting on the list for a building permit is a sign of the times in Islamorada. Angel Borden said she assumed the lot was buildable and the Village should start building housing for the Village Manager.

Councilman Buddy Pinder made a motion to approve, seconded by Mayor Pete Bacheler. The motion passed unanimously. Councilman Mark Gregg asked Planning Director Dan Gulizio how many land dedications the Village accepts, to which Gulizio said there is a maximum six market rate allocations that can be used with a land dedication.

TAB 10: Resolution Approving Final Ranking and Recommendation of the RFP 22-02 Evaluation Committee for Selection of a Contractor to Complete the Founders Park Path Replacement Project.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RANKINGS AND RECOMMENDATIONS OF THE RFP 22-02 EVALUATION COMMITTEE FOR SELECTION OF A CONTRACTOR TO COMPLETE THE FOUNDERS PARK PATH REPLACEMENT PROJECT; 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

This item was heard at 7:46 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager Maria Bassett said an RFP had been issued as there are some issues with the Founders Park path with roots growing into the asphalt and missing parts of the path. Two bids

were received with Affordable Asphalt being the recommended contractor with a 15 percent contingency. The bid price was \$181,000 and there was \$100,000 budgeted in the capital project fund and \$56,000 coming from the Tourist Development Council.

Mayor Pete Bacheler opened public comment. There was none.

Mayor Pete Bacheler made a motion to pass the resolution, seconded by Councilman Buddy Pinder. The motion passed unanimously.

TAB 11: Resolution Approving Fourth Amendment to Agreement Between Islamorada, Village of Islands, Florida, and Advanced Disposal Services Solid Waste Southeast, Inc.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FOURTH AMENDMENT TO THE AGREEMENT BETWEEN ADVANCED DISPOSAL SERVICES SOLID WASTE SOUTHEAST, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE RESIDENTIAL AND COMMERCIAL SOLID WASTE, YARD WASTE AND RECYCLING COLLECTION AND DISPOSAL SERVICES (EXCLUDING COMMERCIAL RECYCLING AND ROLL-OFF SERVICES); AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:49 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager Maria Bassett said the amendment was the fourth amendment to the agreement with Advanced Disposal Services. She said the amendment does not have a financial impact on the contract but adds language allowing a commercial customer, if they have a compactor, to have their compacted garbage be picked up once per week as opposed to three times per week. The amendment also legitimizes an existing arrangement with three HOAs where they are currently paying a non ad valorem assessment for solid waste services but they have a commercial level of services. The amendment would allow the HOAs to be removed from the non ad valorem tax roll for solid waste and then they would pay for commercial services directly to Advanced Disposal. Councilman David Webb said his only concern was the ability of the HOA to assess its members for the money to be collected and his concern was whether Waste Management would continue to pick up the waste if the money was not being collected from the HOAs by the Village.

Mayor Bacheler opened public comment at 7:53 p.m. Bryce Hill, treasurer of Islamorada South Condo Association said the bill from Waste Management had gone up drastically and that the condo association was being double billed. Acting Village Manager Bassett said there would be a non ad valorem assessment refund, taking the properties off the tax roll, so it would be the responsibility of the HOA to pay for the level of service. Dr. Harold Dalton, president of the HOA at Madeira Bay, described the history of the HOA with Waste Management. He requested that an investigation be made to go back as far as possible. Acting Village Manager Maria Bassett said the intention is to look at when the cost increase under Waste Management's billing.

Mayor Bacheler opened public comment at 7:59 p.m. Van Cadenhead said he wondered if the HOAs were aware that when they go from ad valorem collection to commercial that the time of pickup would change to 6 a.m. Angel Borden said the amendment had already been covered and was

taking place in the current contract. She said roll-off containers were not regulated, causing an inflated cost to a commercial business. She believes commercial customers will be charged whether or not the containers are full.

Councilman Buddy Pinder went over the commercial agreement and compared it to the agenda packet information. He said the agreement should be left as is. Village Attorney Roget Bryan said whether a dumpster or compactor was being used, the contract said pickups were happening three times per week. The amendment would be to reduce the amount of pickups if necessary. Jason Neal of Waste Management described the difference between picking up dumpsters and compacters and said that three pickups per week was overkill when it comes to compacters. Dealing with food waste, stretching pickups beyond a week would cause problems with odor. Councilman Buddy Pinder said his question was whether anything could be done for half-full containers. Mr. Neal said the way that is addressed is buying the proper sized compacter.

Councilman David Webb made a motion to pass the resolution, seconded by Mayor Pete Bacheler. Councilman Buddy Pinder and Vice Mayor Henry Rosenthal voted against the resolution. Motion passed 3-2.

TAB 12: Resolution Approving Amendment One to Agreement with Transportation Solutions and Lighting, Inc. and Islamorada, Village of Islands for Design and Installation of Lighting System at the Arts and Cultural District

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FIRST AMENDMENT TO AGREEMENT BETWEEN TRANSPORTATION SOLUTIONS AND LIGHTING, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, FOR DESIGN AND INSTALLATION OF LIGHTING SYSTEM AT THE ARTS AND CULTURAL DISTRICT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 8:19 p.m. Village Attorney Roget Bryan read the title of the resolution. Public Works Director A.J. Engelmeyer gave an overview of the project history and said the item had been tabled at the March 10, 2022 meeting. The total increase in price was \$99,810 for 29 GFI outlets. Councilman Mark Gregg said he wanted to move forward. Councilman Buddy Pinder said he had wanted to make the project solar. Vice Mayor Henry Rosenthal was in support. Councilman David Webb said the commitment was made and half of the total cost had been expended but a public-private partnership should be explored with the businesses at the Art Walk. Acting Village Manager Maria Bassett said the funding for the project was through the local government discretionary sales surtax.

Public comment opened at 8:26 p.m. Van Cadenhead said a very small area was getting the benefit of a half million dollars of taxpayer money, and that the businesses in the Arts District should be paying the bill. Angel Borden said the businesses should be paying the light bill. She believes the taxpayers should not be responsible.

Councilman David Webb made a motion to approve, seconded by Mayor Pete Bacheler. Motion passed unanimously.

At 8:31 p.m., Council took a break. The meeting resumed at 8:46 p.m.

TAB 13: Consideration of Resolution Approving a Renewal Agreement for FreeBee Ridesharing Services

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING EXECUTION OF AN AGREEMENT WITH BEEFREE, LLC., d/b/a FREEBEE; 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 AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

Village Attorney Roget Bryan read the resolution. Acting Village Manager Maria Bassett described the history of the agreement, which began in 2019 to provide electric vehicle transportation to users. The original service utilized golf carts but they could not go over the bridges. Now, FreeBee provides two larger electric vans and one Tesla. With the new agreement FreeBee would use two Teslas and one van. The monthly cost would increase by \$2,000.

Public comment opened at 8:50 p.m.

Ken Phillipson said the service was an expensive proposition, that kids ride it to school, residents use it and for \$350,000 that Islamorada cannot afford it. Sue Miller gave a comparative analysis of the Village's contract with Key Biscayne and said more thorough review of the contract was needed. Van Cadenhead believes the service is heavily used, which he is in favor of, but he wanted to keep the current number of vehicles and agreement amount in place. John Kocol said the residents should not have to pay for FreeBee and asked the Council if they really want to be in the transportation business. Joe Saint Alden via Zoom thanked Sue Miller for her analysis and said the Village should look at the contract more closely for a better deal. Angel Borden said keeping the agreement with FreeBee is not logical or good for the Village. Deb Gillis said the Village needs transportation services, as they are an important part of what needs to happen.

Jason Spiegel, FreeBee Managing Partner, gave an overview of the services provided by FreeBee and said the Teslas are recommended because they get double the amount of battery as the vans do. He said Islamorada is paying one of the lowest rates in the State of Florida for FreeBee services. Vice Mayor Henry Rosenthal said he wanted total coverage of the Village seven days a week. He wants to work with Mr. Spiegel on enhancing services. Councilman Buddy Pinder asked about the expenses of the vans versus the Teslas. Councilman Mark Gregg proposed extending the contract by 30 days and having staff work with Spiegel to find a way to keep the service affordable. Spiegel asked whether it would be enough time, but that he was agreeable.

Mayor Pete Bacheler made a motion to extend the contract for 30 days to allow further research. Acting Village Manager Maria asked for clarification on the hours requested by Council, to which Vice Mayor Henry Rosenthal said he would like to have a meeting with her and Mr. Spiegel. Ms. Bassett said she would also reach out to the risk manager. Councilman David Webb seconded Mayor Bacheler's motion. The motion passed unanimously.

MAYOR / COUNCIL COMMUNICATIONS

TAB 14: Discussion on Extension of Residential BPAS Allocations

Village Attorney Roget Bryan said the discussion of extending BPAS had begun in December 2021 with the understanding that hard deadlines were approaching in 15-18 months. He said staff outlined extending BPAS of nonresidential commercial square footage, market rate, and affordable allocations. Planning Director Daniel Gulizio gave background information and said there were 33 market rate allocations remaining for 2022 and 2023, 22 for 2022 and 11 for 2023 along with seven (7) affordable allocations for 2022 and three (3) in 2023. Mr. Gulizio said it was important to discuss how to allocate the remaining development credits and whether to extend the timing. He described the breakdown of allocations should the extension be put in place to 2025. He said it is important for those in the queue at this time, and it is also important for the taxpayers. Planning Director Dan Gulizio said there are also a minimum 291 vacant parcels remaining outside of the allocation period and Monroe County estimates 1,070 vacant parcels. Acquisition of development rights, a real estate transfer tax, and land use steps to minimize the total number of developable parcels are all options. Councilman Mark Gregg told Planning Director Dan Gulizio that the Council had voted to allocate 22 market rate units for the 2022 calendar year with the Code requiring it be done by December 1, 2021. He asked what would happen if the Council did nothing, to which Planning Director Dan Gulizio explained the options and said the Code requires a 30-day deferral period after the conclusion of the quarter, which is at the end of April. A resolution would be brought back in May to allocate the first quarter's credits. The other option would be to allocate five credits proposed in December. Councilman David Webb said the Village may already be over-built, and just because there are 33 allocations left, it does not mean they have to be used.

Public comment was opened at 9:50 p.m. Richard Black via Zoom believes anyone in the queue at this time should receive their allocations. Sue Miller feels the decision is not easy and that extending the allocations to match the County's timeline is best so that the Village does not face it alone. Van Cadenhead is a proponent of sticking to 2023 and ripping off the band-aid, but that being in sync with the County may be a good idea as the government put the Village in this situation. Deb Gillis is not favor of extending the timeline but said if the Council chooses to extend it, it should match the County. Joe Saint Alden agreed with Sue Miller and said it makes sense to extend the timeline. Village Attorney Roget Bryan said the County's unilateral decision to extend the timeline to 2026 was relevant from a policy and timing standpoint. Planning Director Dan Gulizio said he would like to bring back more information in 30 days in terms of buildable and non-buildable lots and said to the Council that they could not do anything until May anyway. He suggested allowing staff to get more data from mapping and alternatives and then the allocation schedule decision could be made in May. Councilman David Webb asked if the Council would be in favor of tabling the item until May. Mayor Pete Bacheler made a motion to table the item until May, seconded by Councilman Mark Gregg for discussion. Councilman Gregg said it is a horrible idea to extend the BPAS allocation schedule because of the 33 people

in the queue who have done everything they are supposed to do. He believes the longer the Village stretches this out, the more expensive it will be. Vice Mayor Henry Rosenthal said he is in favor of extending to 2026. Mayor Pete Bacheler said there are three takings claims going on right now. He is not in favor of extending the timeline to 2026 because those in the queue have paid their dues. Mayor Pete Bacheler made a motion to table the item until May, seconded by Councilman Mark Gregg. Motion passed 5-0.

TAB 15: Fills Follow-up (Henry Rosenthal)

Vice Mayor Henry Rosenthal said he is in favor of removing the orange cones and cement barriers at The Fills. He is in favor of three areas for parking with a 30-minute limit. He said Memorial Day weekend would be a prime test as to whether it was the right or wrong decision. Councilman David Webb asked Monroe County Sheriff's Office Captain Derek Paul to the podium for data and asked whether he believes removing the cones was necessary. Captain Paul said since a year ago, with the cones in place, the Sheriff's Office had dealt with 231 parking complaints, and he was not sure if the area would be manageable if the cones were removed. To date, Paul said 67 citations had been given. Acting Village Manager Maria Bassett said it is not just the Sheriff's Office that would have to increase staff in the area, but the Village also. Public comment opened at 11:05 p.m. Sue Miller said she is sick and tired of looking at cones and waiting, since 2000, for something to be done at The Fills. Angel Borden said 67 tickets is nothing and the cones should be removed because they look crappy. Van Cadenhead said the Council needs to make a decision and come up with a solution, and that he believes a collective consensus of opinion to do something about it should have been made a long time ago. Joe Saint Alden via Zoom said the cones need to be removed. Deb Gillis said if the cones are removed, the frustration due to mayhem that went on before will return, and that the bad season is coming. Councilman Buddy Pinder seconded Vice Mayor Rosenthal's motion. Councilman David Webb said law enforcement professionals did not suggest removing the cones, so why would they move forward with removing the cones.

The motion failed 2-3.

TAB 16: Accessory Dwelling Unit Pilot Program (Mark Gregg)

Councilman Mark Gregg said given the late hour, he would prefer to push Tab 16 and Tab 17 to the April 21, 2022 meeting. Council agreed.

TAB 17: Discussion of Proposed Moratorium on Acceptance of "In-Lieu Fees" for Affordable Housing Mitigation (Mark Gregg)

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Councilman David Webb asked if the May 12 meeting could be moved to May 19 or May 5. Attorney Roget Bryan suggested discussing it at the April 21 meeting.

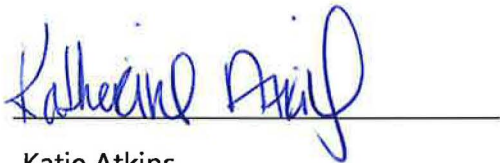
Status of Demolition of Former Island Silver & Spice Building at 81941 Overseas Highway and Future Use (Requests to Use for Parking). Acting Village Manager Maria Bassett said the event organizer of the Indian Key Festival had asked whether visitors could park at the Island Silver &

Spice lot, and coincidentally there were other requests to utilize the parking lot. She asked Council for direction. Councilman David Webb said the Village does not have to commit to anything, and it would be a huge benefit for event organizers, but there needs to be minimum improvements such as paving and a chain link fence to limit liability. Mayor Pete Bacheler said the lot is an eyesore. Councilman Mark Gregg said he would like to be protected with an insurance certificate and he would prefer valet-only, but was in support of the community using the lot while the Village decides what to do with the property. Vice Mayor Henry Rosenthal agreed with Councilman Gregg. Councilman Buddy Pinder said if the lot is going to be paved there should be bids. Public Works Director A.J. Engelmeyer said paving was not an option because it would be considered an improvement, which would mean the property would have to be brought up to Code with stormwater and so forth. Deb Gillis said she cuts through the lot every now and then and some patching needed to be done because people and cars can get hurt in the lot. Angel Borden said the lot is paved but is in bad deterioration. She said she thought it was not going to be a parking lot.

ADJOURNMENT

At 11:32 p.m., Councilman Mark Gregg made a motion to adjourn, seconded by Mayor Pete Bacheler. The meeting adjourned.

Approved by Council April 21, 2022.



Katie Atkins
Public Information Officer