Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

February 9, 2023 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

MINUTES

I. CALL TO ORDER / ROLL CALL

Mayor Joseph B. Pinder III called the meeting to order at 5:31 p.m.

PRESENT: Council Member Mark Gregg, Council Member Elizabeth Jolin, Council Member Henry Rosenthal, Vice Mayor Sharon Mahoney, Mayor Joseph B. Pinder III,

ABSENT:

II. PLEDGE OF ALLEGIANCE

Council Member Mark Gregg led the Pledge of Allegiance and Mayor Joseph B. Pinder III led a prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

Council Member Henry Rosenthal added a discussion about HB363 to Council Communications.

IV. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

A. South Atlantic Fishing Environmentalists, Artificial Reefs, Jon Reynolds

Jon Reynolds, South Atlantic Fishing Environmentalists, asked the Village to be the permit holder of an artificial reef project his organization is spearheading. Village Manager Ted Yates noted his intent to discuss the proposition further with Monroe County.

V. PUBLIC COMMENT

(This is general public comment. It provides an opportunity for the public to speak about matters not scheduled elsewhere on the agenda. The mayor opens public comment on agenda items throughout the meeting.)

Mayor Joseph B. Pinder III opened public comment at 5:55 p.m.

Speakers included Van Cadenhead, Frank Derfler, Sue Miller on behalf of the Islamorada Community Alliance, Joan Scholz, Barry Wray, Joe Wischmeier, Angel Borden, Joel Reed, Alina Davis, Logan Malson, Greg Sullivan, Michael O'Reilly, and Lindsay Fast.

There being no one else wishing to speak, Mayor Pinder closed public comment.

VI. CITIZENS' ADVISORY COMMITTEE REPORTS

A. Parks and Recreation Citizens Advisory Committee Update from Carolyn Wightman

Chair Carolyn Wightman summarized recent and upcoming events of the Committee.

VII. MAYOR/COUNCIL COMMUNICATIONS

A. HB 363 Discussion (Henry Rosenthal) - **added at the table during the meeting in Agenda Additions and Deletions.**

Council Member Henry Rosenthal referenced HB 363 sponsored by Rep. Mooney regarding single-use plastic bags. He noted he had been working with Publix to remove them, and supported the legislation.
He requested a letter of support be sent to Rep. Mooney and Senate leaders. The consensus was to add the item to the next agenda to allow Council to review the proposed legislation.

Council Member Henry Rosenthal requested updates on the Fills and bus shelters. Village Manager Ted Yates noted he had been in communication with Monroe County and he was informed there were plans in the works to provide a bus line throughout the Keys. Regarding the Fills, Mr. Yates noted staff had reached out to District 6 for a pre-construction meeting.

Council Member Henry Rosenthal appointed Roland Moore to fill the late Jorge Carbera's seat on the Historical Preservation Commission.
Council Member Elizabeth Jolin appointed James Rhyne to the Local Planning Agency.

VIII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Request for Attorney-Client Shade Session Pursuant to Florida Statute § 286.011(8)(a) for the Matter of Mary L. Barley, et al. v. Village of Islamorada, Monroe County Circuit Court Case No. 23-CA-000034-P.

Village Attorney John Quick announced a lawsuit had been filed on February 2 and requested advice concerning litigation in Monroe County Circuit Court Case 23-CA000034-P. He asked for an executive session of the Council to be held on March 2 at 3 p.m.

Council Member Mark Gregg expressed concern about a propane tank located on the public right of way that was the subject of the lawsuit. Attorney Quick noted he would speak to the plaintiff's attorney regarding the tank.

B. Woods Avenue Affordable Housing Project

Village Manager Ted Yates summarized the history of the project, noting awards to Gorman for the Woods Avenue property and Habitat for Humanity for the property on Gardenia.

Village Manager Ted Yates noted he had reached out to Gorman and it didn't appear they wanted to relinquish the property, nor are they developing it. He noted that Habitat for Humanity is prepared to move forward with developing the Woods Avenue property. Council expressed concern that any development be geared towards rental uses rather than home ownership.

C. Ending of Solid Waste Removal Contract

Discussion ensued on whether to renegotiate with Waste Management or go out to bid. Some concern was expressed that there may not be enough competition in the Keys to make an RFP feasible. It was noted that if Waste Management did not bid and no other companies wished to expand their footprint to Islamorada, it could leave residents without solid waste removal. At Council's request, Village Attorney John Quick noted he could look into a hybrid model to continue negotiating with Waste Management and go out to bid.

Mayor Joseph B. Pinder III opened public comment at 7:44 pm

Speakers included Van Cadenhead, Angel Borden, Barry Wray, Greg Sullivan, Logan Malson, and Deb Gillis.

Village Manager Ted Yates noted he would prepare an RFP for Council's review and determination on how to move forward.

D. Special Call Local Planning Agency Meeting

Village Manager Ted Yates noted several ordinances were to be considered at the Special Call Local Planning Agency meeting occurring on February 13. Director of Development Services Dan Gulizio clarified the LPA's role, which is to look at the consistency with the proposed ordinances and the comprehensive plan. Mr. Yates noted that all ordinances would be considered by Council with an opportunity for public comment before adoption.

Village Manager Yates provided an update on the Florida Class investment's first quarterly report, noting the Village had moved $5,000,000 into the fund for a return of $57,000 in 3 months. As the program is working as intended, he noted they would likely move the full allotted $10,000,000 into the plan.

IX. CONSENT AGENDA

(All items on the Consent Agenda are considered routine by the Village Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event, the item will be moved to the Main Agenda.)

Village Manager Ted Yates provided an overview of the items on the Consent Agenda.

Mayor Joseph B. Pinder III opened public comment at 8:25 p.m.

Speakers included Van Cadenhead, Barry Wray, Joe Wischmeier, Kate Banick, Sue Miller, and Angel Borden.

There being no one else wishing to speak, Mayor Pinder closed public comment.

ACTION:	Motion to approve item IX. by Mark Gregg second by Henry Rosenthal; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

A. Minutes of January 19, 2023 Regular Village Council Meeting - **TAB 1**

B. Resolution Approving Work Authorization No. 11 with WSP USA Environment & Infrastructure, Inc. for Lower Matecumbe Canals Restoration Culvert Project Permitting - **TAB 2**

(Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 11 WITH WSP USA ENVIRONMENT & INFRASTRUCTURE, INC. FOR PROFESSIONAL SERVICES FOR LOWER MATECUMBE CANALS RESTORATION CULVERT PROJECT PERMITTING PHASE; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

C. Resolution Approving an Agreement with Lori Lehr, Inc for Watershed Management Plan - **TAB 3**

(Megan Rumbaugh, Floodplain/CRS Coordinator, Sheila Denoncourt, Chief Building Official, Ted Yates, Village Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN AGREEMENT OF THE RFP 22-15 EVALUATION COMMITTEE WITH LORI LEHR, INC TO CREATE A WATERSHED MANAGEMENT PLAN THAT WILL CHARACTERIZE EXPOSURE AND RISK, BUILD DATASETS, AND IMPROVE PARTICIPATION IN FEMA'S CRS PROGRAM; 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

D. Resolution Approving Engagement of GSG for FY 23-24 Assessment Consultant Services - **TAB 4**

(Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE LETTERS OF AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS, AND GOVERNMENT SERVICES GROUP, INC., FOR SPECIALIZED PROFESSIONAL SERVICES RELATED TO THE MAINTENANCE OF NON-AD VALOREM ASSESSMENT PROGRAMS FOR WASTEWATER, STORMWATER AND SOLID WASTE COLLECTION SERVICES FOR FISCAL YEAR 2023-2024; APPROVING THE WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

E. Resolution Urging Siting of a Second FKAA Reverse Osmosis Plant in or Near Marathon - **TAB 5**

(Joseph B. Pinder III, Mayor)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, EXPRESSING THE COUNCIL'S SUPPORT THE EFFORTS OF THE FLORIDA KEYS AQUEDUCT AUTHORITY TO SITUATE A REVERSE OSMOSIS PLANT IN OR NEAR MARATHON, FLORIDA IN THE MIDDLE KEYS; PROVIDING FOR AN EFFECTIVE DATE.

F. Agreement with Florida Keys Aqueduct Authority - **TAB 6**

(Terry Abel, Fire Chief)

REQUEST FOR APPROVAL OF THE RESOLUTION TO ENTER INTO THE AGREEMENT WITH THE FLORIDA KEYS AQUEDUCT

AUTHORITY FOR INSTALLATION AND MAINTENANCE OF FIRE HYDRANTS

X. ORDINANCES

Mayor Pinder recessed the meeting at 8:47 p.m. and reconvened the meeting at 9:06 p.m.

A. Second Reading: Comprehensive Plan Amendments - Goal 1-2; Policy 1-3.1.1; and Policy 9-1.3.1 - **TAB 7**

(Daniel J. Gulizio, Director of Development Services)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING GOAL 1-2: "DIRECT GROWTH ACCORDING TO THE FUTURE LAND USE MAP SERIES" OF THE COMPREHENSIVE PLAN BY UPDATING THE FUTURE LAND USE ELEMENT; AMENDING POLICY 1-3.1.1: "ESTABLISH A BUILDING PERMIT ALLOCATION SYSTEM (BPAS)" OF THE COMPREHENSIVE PLAN BY UPDATING THE FUTURE LAND USE ELEMENT; AMENDING POLICY 9-1.3.1: "UPDATE AND ADOPT A FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS ANNUALLY" OF THE COMPREHENSIVE PLAN BY UPDATING THE CAPITAL IMPROVEMENTS PROGRAM

Development Services Director Gulizio noted the first reading was held on August 25, 2022 and DEO approved the proposed revisions presented for the second reading.

Mayor Joseph B. Pinder III opened public comment at 9:09 p.m. and there being no one wishing to speak, closed public comment.

ACTION:	Motion to approve item X.A. by Elizabeth Jolin second by Mark Gregg; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

B. Second Reading: Comprehensive Plan Amendment - Policy 1-2.4.7 "Limit Transient Rental Use Of Residential Properties" - **TAB 8**

(Daniel J. Gulizio, Director of Development Services)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-2.4.7 "LIMIT TRANSIENT RENTAL USE OF RESIDENTIAL PROPERTIES" OF THE VILLAGE COMPREHENSIVE PLAN TO REVISE VALUATION CRITERIA FOR TRANSIENT RENTALS

Development Services Director Gulizio noted the first reading was held on November 17, 2022.

Mayor Joseph B. Pinder III opened public comment at 9:11 p.m.

Speakers included Van Cadenhead, Sue Miller on behalf of the Islamorada Community Alliance, Barry Wray, and Angel Borden.

ACTION:	Motion to approve item X.B. by Mark Gregg second by Elizabeth Jolin; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

C. Second Reading: Land Development Regulation Amendment - Valuation Criteria For Vacation Rental Registration - **TAB 9**

(Daniel J. Gulizio, Director of Development Services)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE VI “SPECIFIC USE RESTRICTIONS,” DIVISION 6 “VACATION RENTALS,” SECTION 30-1295(B)(2) OF THE VILLAGE CODE TO REVISE VALUATION CRITERIA FOR VACATION RENTAL REGISTRATION

Development Services Director Gulizio noted the item was related to tab 8.

Mayor Joseph B. Pinder III opened public comment, and there being no one wishing to speak closed public comment.

ACTION:	Motion to approve item X.C. by Mark Gregg second by Sharon Mahoney; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

D. First Reading: Update ARTICLE VII “TOWING”, SECTION 50-100 of The Village Code Relating to Regulations for Wrecker Operations - **TAB 10**

(Ted Yates, Village Manager)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS,

FLORIDA, AMENDING CHAPTER 50 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," ARTICLE VII "TOWING," SECTION 50-100 OF THE VILLAGE CODE RELATING TO REGULATIONS FOR WRECKER OPERATIONS WITHIN THE VILLAGE; SPECIFICALLY AMENDING SECTION 50-100 ENTITLED "REGULATION OF WRECKER OPERATORS WHO PROVIDE TOWING AND STORAGE SERVICES" BY REVISING SPECIFIC TOWING FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Joseph B. Pinder III opened public comment at 9:31 p.m.

Speakers included Mark Wheaton, Van Cadenhead, Sue Miller, and Bill Pruitt.

ACTION:	Motion to approve item X.D. by Mark Gregg second by Elizabeth Jolin; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

XI. RESOLUTIONS

A. Resolution of Support for Full Funding and Completion of Everglades Restoration Projects - **TAB 11**

(Elizabeth Jolin, Council Member)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, IN SUPPORT OF FULL FUNDING FOR AND COMPLETION OF EVERGLADES RESTORATION PROJECTS; URGING MAXIMUM FUNDING FOR EVERGLADES RESTORATION IN THE 2024 FISCAL YEAR FEDERAL BUDGET; URGING STATE LEGISLATURE TO SUPPORT MAXIMUM FUNDING FOR EVERGLADES RESTORATION; PROVIDING FOR TRANSMITTAL AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Joseph B. Pinder III opened public comment at 9:39 p.m.

Speakers included Sue Miller and Joan Scholz.

ACTION:	Motion to approve item XI.A. by Sharon Mahoney second by Elizabeth Jolin; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

B. Resolution Requesting That the Monroe County Land Authority Prioritize Purchase of the Attached List of Properties within the Village for the Purposes of Habitat Protection and Conservation, As Well As Density Reduction Which Reduces the Potential for Other Issues within the Village and Resell the Properties to the State of Florida, Florida Forever Program - **TAB 12**

(Peter Frezza, Environmental Resources Manager)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, REQUESTING THAT THE MONROE COUNTY LAND AUTHORITY PRIORITIZE PURCHASE OF THE ATTACHED LIST OF PROPERTIES WITHIN THE VILLAGE FOR THE PURPOSES OF HABITAT PROTECTION AND CONSERVATION, AS WELL AS DENSITY REDUCTION WHICH REDUCES THE POTENTIAL FOR OTHER ISSUES WITHIN THE VILLAGE AND RESELL THE PROPERTIES TO THE STATE OF FLORIDA, FLORIDA FOREVER PROGRAM; PROVIDING FOR TRANSMITTAL OF THIS RESOLUTION TO THE LAND AUTHORITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Joseph B. Pinder III opened public comment at 9:50 p.m.

Speakers included Van Cadenhead, Simon Gutierrez, and Angel Borden.

Council Member Mark Gregg made a motion to extend the meeting for 30 minutes at 9:58 p.m.

ACTION:	Motion to approve item XI.B. by Mark Gregg second by Sharon Mahoney; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

C. Resolution Approving Agreement for Flood Proofing and Emergency Electrical Back-Up for Pump Stations - **TAB 13**

(A.J. Engelmeyer, Public Works Director)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN AGREEMENT WITH ZABATT POWER SYSTEMS TO PROVIDE STRUCTURE FLOOD PROOFING AND EMERGENCY ELECTRICAL BACK-UP POWER CONNECTIONS FOR SIX WASTEWATER VACUUM PUMP STATIONS, AND PURCHASE OF THREE TRAILER MOUNTED DIESEL GENERATORS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE

Mayor Joseph B. Pinder III opened public comment at 10:03 p.m.

Deb Gillis spoke on the item.

ACTION:	Motion to approve item XI.C. by Sharon Mahoney second by Henry Rosenthal; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

D. Resolution on Charitable Contribution Policy for Council - **TAB 14**

(Ted Yates, Village Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, REGARDING POLICIES AND PROCEDURES FOR THE FUNDING OF NON-PROFIT ORGANIZATIONS AND GOVERNMENTAL ENTITIES; PROVIDING FOR A FORM OF APPLICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

Village Manager Ted Yates summarized the proposed process and policy, noting Council should allocate funds to the budget for the program.

Mayor Joseph B. Pinder III opened public comment at 10:27 p.m.

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

Discussion ensued, with two changes proposed to be added to the resolution language. The first was in Section 2 to remove the eligibility of other governmental entities and the second was in Section 6 to modify the limitations on the funds to allow them to be used for salaries or administrative expenses and costs as long as it is with the express written consent of the Village.

Mayor Joseph B. Pinder III made a motion to extend the meeting for 30 minutes.

Attorney John Quick reconfirmed the motion to adopt the resolution included two modifications - first to remove the eligibility of other governmental entities and second to modify the limitations on the funds to allow them to be used for salaries or administrative expenses and costs as long as it is with the express written consent of the Village.

ACTION:	Motion to approve item XI.D. by Mark Gregg second by Elizabeth Jolin; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None

ABSTAIN: None

E. Resolution for Purchase of 2024 Freightliner - **TAB 15**

(Terry Abel, Fire Chief)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION/FLORIDA ASSOCIATION OF COUNTIES & FLORIDA FIRE CHIEFS' ASSOCIATION AUTOMOTIVE CONTRACT NO. FSA20-VEF14.01 AMBULANCE & OTHER EQUIPMENT AND APPROVING THE PURCHASE OF A 2024 FREIGHTLINER M2 CUSTOM AEV TYPE I AMBULANCE FROM EMERGENCY TACTICAL RESCUE VEHICLES FOR THE VILLAGE FIRE RESCUE DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Joseph B. Pinder III opened public comment at 10:44 p.m. and there being no one wishing to speak closed public comment.

ACTION:	Motion to approve item XI.E. by Sharon Mahoney second by Henry Rosenthal; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

XII. ADJOURNMENT

The meeting was adjourned at 10:45 p.m.