



Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

March 2, 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 05:30 PM

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 Elizabeth Jolin led the Pledge of Allegiance.

Mayor Joseph B. Pinder III began the meeting with a prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

Council Member Elizabeth Jolin added a discussion to consider holding two Council meetings per month to Mayor/Council Communications as item VI C.

Council Member Henry Rosenthal added a discussion on Consent Agenda item G, the resolution supporting HB 363 and SB 336.

The following agenda items were moved to other spots on the agenda:

Moved FCAA Executive Director Greg Veliz to the first presentation

Moved up Committee Report by Parks and Recreation Chair Dianne Harbaugh after presentations

Moved Resolution Approving an Agreement with Sea & Shoreline, LLC for Canal 116 Backfill - Tab 11 to after the Consent Agenda

IV. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

- A.** Presentation by Mel Montagne, Fair Insurance Rates Monroe (FIRM), regarding legislative priorities for the March 2023 legislative session as they relate to property and flood insurance in Monroe County

Mel Montagne, Fair Insurance Rates Monroe (FIRM), summarized the organization's current legislative priorities.

- B.** Lobbyist Update by Gray Robinson

Ryan Matthews and Joseph Salvberg of Gray Robinson provided an update on the upcoming legislative session and shared appropriation requests on behalf of the Village.

- C.** Water Main Project Update by FKA

Greg Veliz, Florida Keys Aqueduct Authority Executive Director, presented a report on the upcoming water pipe project which will replace 4 miles of 36" water pipe and may impact traffic in Islamorada from March 2023 - April 2024.

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.)

Speakers included Van Cadenhead, Brian Lindback, Joe Wischmeier, Deb Gillis, Angel Borden, Beth Kuminstein, Cheryl Meads, Tom Raffanello, and Robert Moser.

Mayor Pinder asked Attorney Quick about divisive comments made by an audience member. Village Attorney John Quick noted the Council can create content neutral comment guidelines, such as noting that statements made during public comment must be germane to the Village.

VI. MAYOR / COUNCIL COMMUNICATIONS

- A.** Preliminary Information Regarding External Auditor and Establishment of Auditor Selection Committee - **TAB 1**

Finance Director Maria Bassett noted there was a specific process that must be followed and that an Auditor Selection Committee must be appointed to move forward with going out to bid. She noted staff participation in the process should be at a minimum. She asked the Council to consider how many members would like to serve on the Auditor Selection Committee. Ms. Bassett noted there must be at least three members, and one must be a member of the legislative body. She indicated that members should have knowledge of basic municipal finance and an audit background. The council can seek assistance from another community's finance director or engage a professional finance consultant. Members of the Audit Selection Committee are not required to be residents of the Village.

Village Manager Ted Yates noted it may be prudent to go out to bid as the Village has had the same auditors for ten years. He announced he would move forward forming the committee and those wishing to serve should express their interest to him.

Additional Discussion Item added during the meeting - Council Member Elizabeth Jolin initiated a discussion about possibly holding two meetings per month in the interest of

shortening the length of Council meetings. Ideas included holding meetings on consecutive days, placing planning items on one agenda, and holding Special Call Village Council meetings as needed. Village Manager Ted Yates suggested that time-consuming items such as ordinances and quasi-judicial planning items could be done on the day before the regular Council meeting.

Council request for meeting date changes

Council Member Elizabeth Jolin requested moving the June 15 RVCM to June 8

Mayor Joseph B. Pinder III requested moving the March 23 RVCM to March 30

Vice Mayor Sharon Mahoney requested moving the October 19 RVCM to October 12

There were no objections to the requests and the new meeting dates were confirmed.

B. Vacation Rental Fees

Vice Mayor Sharon Mahoney asked the Council to consider changing vacation rental fees to be based on the number of bedrooms rather than a standard fee. Village Manager Ted Yates noted staff would review the request.

VII. CITIZENS' ADVISORY COMMITTEE REPORTS & APPOINTMENTS

A. Near Shore Water Regulations Citizens Advisory Committee Update from Dianne Harbaugh

Chair Dianne Harbaugh reported on the activities of the Committee, noting a recommendation to consider a near shore regulation management plan, recommending lobbyists work for derelict vessel removal, and requested law enforcement on the water after 4:30 pm on weekdays and on weekends.

Mayor Joseph B. Pinder III noted Kevin Guthrie, State of Florida Emergency Manager, was sending more enforcement officers but there is a 21 day due process requirement they have to comply with in removing derelict vessels. He noted they have removed over 30 vehicles thus far.

VIII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Village Manager Ted Yates announced the RFP for solid waste would be released on March 6 and noted he was working with District 6 to set up a pre-application meeting to continue moving on the Fills.

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 summarized the items on the Consent Agenda.

Council Member Mark Gregg suggested changing the words "disputed land" to "public right of way" on page 3 of the February 9 Meeting minutes.

Mayor Joseph B. Pinder III opened public comment on the Consent Agenda. There was no one wishing to speak.

ACTION: Motion to approve 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

A. Minutes of January 19, 2023 Regular Village Council Meeting - TAB 2

(Marne McGrath, Village Clerk)

B. First Amendment to Work Authorization No. 3 with M. T. Causley, LLC, to Provide General Support Services to the Building Services Department - TAB 3

(Sheila Denoncourt, Chief Building Official)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A FIRST AMENDMENT TO WORK AUTHORIZATION NO. 3 BETWEEN M. T. CAUSLEY, LLC, AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE GENERAL SUPPORT SERVICES TO THE BUILDING SERVICES DEPARTMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT TO WORK AUTHORIZATION NO. 3; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

C. Fifth Renewal of Engagements for Professional Auditing Services with Mauldin & Jenkins, LLC, for the Fiscal Year Ending September 30, 2022 - TAB 4

(Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; APPROVING THE FIFTH RENEWAL OF ENGAGEMENTS FOR PROFESSIONAL AUDITING SERVICES WITH MAULDIN & JENKINS, LLC, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FIFTH RENEWAL OF THE PROFESSIONAL AUDITING SERVICES ENGAGEMENTS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PROFESSIONAL AUDITING SERVICES ENGAGEMENTS; AUTHORIZING THE EXPENDITURE

OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

- D.** Fire-Dex Turnout Gear Purchase from Municipal Emergency Services - **TAB 5**

(Terry Abel, Fire Chief)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE OF FIRE-DEX TURNOUT GEAR FROM MUNICIPAL EMERGENCY SERVICES FOR THE VILLAGE FIRE RESCUE DEPARTMENT THROUGH PIGGYBACKING LAKE COUNTY CONTRACT #22-730G; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE

- E.** Resolution Approving Recommendation and Project Agreement for SCBA Fill Station Funded Through FEMA Assistance to Firefighters Grant - **TAB 6**

(Terry Abel, Fire Chief)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RANKINGS AND RECOMMENDATIONS OF THE RFP 23-01 EVALUATION COMMITTEE FOR SELECTION OF A CONTRACTOR TO PURCHASE AND INSTALL HIGH PRESSURE BREATHING AIR COMPRESSOR SYSTEM FOR THE ISLAMORADA FIRE RESCUE DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE AN AGREEMENT FOR THE REQUESTED SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE

- F.** FY 2022-2023 Budget Amendment as of January 31, 2023 - **TAB 7**

(Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE VILLAGE'S ADOPTED BUDGET FOR FISCAL YEAR 2022-2023; AND PROVIDING AN EFFECTIVE DATE

- G.** Resolution supporting HB 363 and SB 336 - **TAB 8** (John Quick, Interim Village Attorney)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, IN SUPPORT OF FLORIDA HOUSE BILL 363 AND FLORIDA SENATE BILL 336 EACH RELATING TO THE REGULATION OF SINGLE-USE PLASTIC PRODUCTS; URGING THE STATE LEGISLATURE TO SUPPORT AND PASS SUCH BILLS; PROVIDING FOR TRANSMITTAL AND PROVIDING FOR AN EFFECTIVE DATE

Council Member Henry Rosenthal requested the resolution be sent to the specified legislators via registered letter.

X. ORDINANCES

A. Ordinance concerning appointments for Village Boards, Commissions, and Committees - TAB 9

(John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION” CREATING A NEW ARTICLE V TO BE ENTITLED “VILLAGE BOARDS, COMMITTEES AND COMMISSIONS”, SECTIONS 2-329 THROUGH 2-335; AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS”, ARTICLE III “DECISION MAKING AND OTHER ADMINISTRATIVE BODIES”, DIVISION 3 “LOCAL PLANNING AGENCY”, SECTION 30-103 OF THE VILLAGE CODE RELATING TO APPOINTMENT, REMOVAL, TERMS, AND VACANCIES; AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS”, ARTICLE VII “ENVIRONMENTAL REGULATIONS”, DIVISION 7 “HISTORIC AND ARCHAEOLOGICAL SITES”, SECTION 30-1693 RELATING TO THE HISTORIC PRESERVATION COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

It was noted that the proposed ordinance was the result of a discussion at the February 9, 2023 Council meeting for committee members to be appointed by a majority of the council, rather than a single member. The Local Planning Agency discussed the issue at its February 13, 2023 meeting and unanimously opposed passage of the ordinance.

Council Member Mark Gregg moved to extend for thirty minutes at 10:24 pm.

The general consensus of the Council was that making this change may lead to more interest by residents who want to serve but don't personally know a Council Member to appoint them. Council Member Henry Rosenthal supported leaving the process the way it was.

Mayor Joseph B. Pinder III opened public comment.

Speakers included Van Cadenhead and LPA Chair Deb Gillis, who spoke about why the LPA voted against this measure.

ACTION: Motion to approve item X.A. for a trial period of two years by Elizabeth Jolin second by Sharon Mahoney;
Motion passed with a 4:1

AYES: Mark Gregg, Elizabeth Jolin, Sharon Mahoney, Joseph B. Pinder III

NAYS: Henry Rosenthal

ABSTAIN: None

XI. QUASI-JUDICIAL

A. Administrative Appeal - Transfer of Development Rights - TAB 10

(Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20230036 FILED BY SMITH HAWKS, PL (AGENT) ON BEHALF OF WHAT A GOOD CATCH LLC (APPELLANT) RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING (DENIAL OF A TRANSFERABLE DEVELOPMENT RIGHT) FOR PROPERTY LOCATED AT 81912 OVERSEAS HWY (REAL ESTATE NUMBER 00399300-00000) AND 82601 OLD HIGHWAY (REAL ESTATE NUMBER 00401260-000000), ON UPPER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting reconvened at 9:37 pm.

Council amended the agenda to hold the quasi-judicial hearing next.

Village Attorney John Quick gave the quasi description and process overview

Ex part communication disclosures:

Vice Mayor Sharon Mahoney, Council Member Elizabeth Jolin, and Council Member Mark Gregg had no communications to disclose.

Mayor Joseph B. Pinder III disclosed he spoke with Jim Mooney and Ty Harris months ago. Council Member Henry Rosenthal disclosed he spoke with the applicant.

Planning Director Jennifer DeBoisbriand presented the staff report clarifying the department's denial of the application. She noted that the Code presumes that the decision of the Planning and Development Services staff was correct and that a decision can only be overturned due to an error of fact or law. She expressed concern about setting a precedent for similar properties now that the BPAS program was coming to an end.

Bart Smith on behalf of the applicant, What a Good Catch, LLC, noted the request was for a residential home. It was noted they had applied for BPAS but don't expect to get one before the program closes. Mr. Smith noted his client wished to appeal the denial and asked the Council to approve the application suggesting an error was made while evaluating habitat. His client offered to enhance the hammock area through additional planting to increase the size of the conservation easement as a condition of approval. Mr. Smith suggested this could satisfy the comprehensive plan requirements and the Village biologist. He noted their plan protects

the environment and balances the rights of the property owner.

Moved by Council Member Mark Gregg to extend the meeting for 30 minutes at 10:00 pm.

Director of Development Services Daniel J. Gulizio noted the question before the Council was whether the TDR denial should be overturned. He indicated that staff are in the process of looking at amendments to the TDR ordinance and expect to have a draft within 30 days. Mr. Smith conferred with his client, and indicated that they were willing to delay consideration of the request for two Council meetings to give staff time to work on ordinance amendments.

ACTION: Motion to table item XI.A. to the April 13 Meeting 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

XII. RESOLUTIONS

A. Resolution Approving an Agreement with Sea & Shoreline, LLC for Canal 116 Backfill - TAB 11

(Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RANKINGS AND RECOMMENDATIONS OF THE RFP 22-16 EVALUATION COMMITTEE FOR SELECTION OF A CONTRACTOR TO COMPLETE THE CANAL 116 BACKFILL RESTORATION 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

Tab 11 was moved up on the agenda to be considered after the Consent Agenda.

Environmental Resources Manager Pete Frezza provided an overview of the process to evaluate submissions and selection criteria, and noted very close scoring between the first and second place contractors, with a difference of 3 points out of 300 between Sea & Shoreline and Adventure Environmental Inc.

Mayor Joseph B. Pinder III opened public comment.

Speakers included Gary Cardillo, Dave Boerner and Greg Tolpin of Adventure Environmental Inc.

Public comment closed 8:40 p.m.

Village Attorney John Quick clarified that if the Council preferred to award the project to Adventure Environmental it would be appropriate to reject Sea & Shoreline's bid.

Environmental Resources Manager Pete Frezza noted that the scope of the project had already been reduced to accommodate a resident's request and that the benefit of restoring the canal would be greatly diminished if the depth were reduced any more.

Council Member Mark Gregg suggested the item be tabled to the March 30 meeting with a direction to staff to work with homeowners further and the second bidding contractor to see if there can be a compromise that is both environmentally beneficial and satisfactory to the neighbors as far as their quality of life. If that can't be done by the next meeting, the council can vote on terminating the project.

ACTION: Motion to table item XII.A. 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

B. Resolution Approving Payment of Legal Fees For Defense of Criminal Action Against Former Councilmember Webb - TAB 12

(John Quick, Interim Village Attorney)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING THE PAYMENT OF \$11,675.29 TO KUEHNE DAVIS LAW, P.A., FOR LEGAL SERVICES RELATING TO THE REPRESENTATION OF FORMER COUNCILMEMBER DAVID WEBB IN HIS OFFICIAL CAPACITY AS A COUNCILMEMBER; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Mark Gregg moved to extend the meeting to 11:30 pm.

Village Attorney John Quick provided an overview of the County regulations that have been adopted by reference by the Village noting the code provides for legal defense of a board member if the case is successfully defended.

Van Cadenhead spoke during public comment.

ACTION: Motion to approve item XII.B. by Mark Gregg second by Elizabeth Jolin;
Motion passed with a 4:0
AYES: Mark Gregg, Elizabeth Jolin, Sharon Mahoney, Joseph B. Pinder III
NAYS: None
ABSTAIN: Henry Rosenthal

- C.** Resolution Approving Recommendation and Project Agreement for Marina Decking Replacement Project - **TAB 13** (Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RANKINGS AND RECOMMENDATIONS OF THE RFP 23-02 EVALUATION COMMITTEE FOR SELECTION OF A CONTRACTOR FOR THE MARINA DECKING REPLACEMENT PROJECT; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE AN AGREEMENT FOR THE REQUESTED SERVICES; 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. There being no one wishing to speak, Mayor Pinder closed public comment.

ACTION:	Motion to approve item XII.C. 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

XIII. ADJOURNMENT

Council Member Henry Rosenthal moved to adjourn the meeting at 11:15pm.