



Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

March 30, 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 05:34 PM

II. PLEDGE OF ALLEGIANCE

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

III. AGENDA: Requests for Deletion / Emergency Additions

Mayor Joseph B. Pinder III asked the Council if they had any additions or deletions to the agenda.

Vice Mayor Sharon Mahoney added discussion items for the Fills and the April 11 meeting to be heard during Mayor/Council Communications.

Council Member Elizabeth Jolin requested the Council respond to Mr. Wischmeier during Public Comment and give him 5 minutes to speak on his concerns about the Crooked Palm distillery, and encouraged the use of workshops as a communication tool between council, public, and staff.

Council Member Henry Rosenthal expressed concern about items on the Consent Agenda.

IV. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

A. Islamorada's Vulnerability Assessment - Update by Erin Deady

Erin Deady who was working on the Village's Resilient Florida planning grant summarized the particulars of the Vulnerability Assessment and addressed

questions of Council.

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, Frank Derfler, Sally Horsfall Eaton, Sue Miller, and Joan Scholz.

Joe Wischmeier expressed concern about the approval process for the Crooked Palm distillery.

Village Attorney John Quick noted there were few options to re-examine the issue after the 30 day appeal period granted by ordinance had expired.

VI. CITIZENS' ADVISORY COMMITTEE REPORTS & APPOINTMENTS

A. LPA Report by Deb Gillis

Local Planning Agency Chair Deb Gillis noted the Committee considered several ordinances at its most recent meetings. Ms. Gillis summarized the recommendations and noted the April 10 meeting had been cancelled. Council Member Elizabeth Jolin asked staff to include committee reports in their council materials. She suggested integrating LPA recommendations into agenda items to Council..

VII. MAYOR / COUNCIL COMMUNICATIONS

Discussion about the Fills

Vice Mayor Sharon Mahoney noted the Fills have been an issue for years. She reported that she asked Carlos Garcia of Islamorada Social to create a survey to determine what residents want for the area.

Village Manager Ted Yates noted that consulting firm CPH distributed a survey for public input on the Fills and interviewed a number of residents about their opinions in

2021.

Village Attorney John Quick noted that if the Council held a workshop to review the survey results, it couldn't make any decisions as that is not permitted outside a publicly noticed Special Call or Regular Council Meeting.

Discussion about April 11 Special Call Village Council Meeting

Vice Mayor Sharon Mahoney expressed concern about voting on a number of items slated for the April 11 Special Call agenda without a workshop for public input. She suggested holding a workshop for public input prior to the April 11 Special Call Village Council Meeting.

It was noted that the two quasi-judicial hearings had been publicly noticed and would need to be held at the Special Call meeting as well as the second reading of the Committee ordinance and other business items. Village Attorney John Quick indicated the remaining ordinances would be first readings and could be either voted on with an opportunity for a public input workshop between the first and second readings or hold a separate workshop and then vote at a Regular Village Council Meeting.

VIII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Strategic Plan - Discussion and proposed timeline for Council workshops

Village Manager Ted Yates noted it was challenging to get all of the Council together and suggested breaking up strategic planning into small bits rather than two full days. He noted his preference for scheduling a series of workshops.

Update on SB 102

Village Attorney John Quick noted SB 102 was signed by Governor DeSantis and would become effective July 1. He noted it was a 55 page law, with lots of pre-emption issues and near the end addresses the 300 affordable housing allocations. He indicated there was a provision in the bill to overturn the 3rd DCA opinion.

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.

Mayor Joseph B. Pinder III opened public comment at 7:57 p.m.

Speakers included Sue Miller, Van Cadenhead, Joe Wischmeier, and Joan Scholz.

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

Village Manager Ted Yates indicated that many of the Consent Agenda items had already been approved in the budget, but required Council approval because they were over \$25,000.

ACTION: Motion to approve item IX. 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

- A. Approval of March 2, 2023 Regular Village Council Meeting Minutes
- **TAB 1** (Marne McGrath, Village Clerk)

- B. Resolution Approving New Turf and Landscape Agreement with the Florida Department Of Transportation - **TAB 2**

(A.J. Engelmeier, Public Works Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A NEW TURF AND LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND ISLAMORADA, VILLAGE OF ISLANDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO TAKE NECESSARY ACTION; AND PROVIDING FOR AN EFFECTIVE DATE

- C. Resolution Approving First Amendment to the Maintenance Memorandum of Agreement ("MMOA") For Contract No. E6K84 with Florida Department of Transportation - **TAB 3**

(A.J. Engelmeier, Public Works Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING A FIRST AMENDMENT TO THE MAINTENANCE MEMORANDUM OF AGREEMENT ("MMOA") FOR CONTRACT NO. E6K84, BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND ISLAMORADA, VILLAGE OF ISLANDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO TAKE NECESSARY ACTION; AND PROVIDING FOR AN EFFECTIVE DATE

- D. Resolution Approving Purchase from Airvac, Inc, for Vacuum Pits and Vacuum Pit Components and Ratifying Additional Purchases from Airvac in FY 22-23 - **TAB 4**

(A.J. Engelmeyer, Public Works Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING PURCHASES OF VACUUM PITS AND VACUUM PIT COMPONENTS FROM AIRVAC, INC., RATIFYING OTHER EXPENDITURES INCURRED FROM AIRVAC, INC. FROM THE BEGINNING OF FY 2022-2023 TO DATE, AND AUTHORIZING ADDITIONAL COMPONENT PURCHASES THROUGH THE END OF FY 2022-2023; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; APPROVING A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE

- E. Resolution Approving and Ratifying FY 22-23 Purchases from F. J. Nugent for the Wastewater Department - **TAB 5**

(A.J. Engelmeyer, Public Works Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RATIFYING PURCHASES FROM F. J. NUGENT & ASSOCIATES, INC. FROM BEGINNING OF FY 2022-2023 THROUGH FEBRUARY 28, 2023; AUTHORIZING ADDITIONAL PURCHASES THROUGH THE END OF FY 2022-2023; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; APPROVING A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE

- F. Resolution Approving and Ratifying FY 2022-2023 Payments to Sunbelt Rentals for the Wastewater Department - **TAB 6**

(A.J. Engelmeyer, Public Works Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RATIFYING PAYMENTS TO SUNBELT RENTALS THROUGH FEBRUARY 28, 2023; AUTHORIZING ADDITIONAL PURCHASES THROUGH THE END OF FY 2022-2023; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

- G. Resolution Approving Recommendation to Enter into Continuing Services Agreements for Landscaping, Tree Trimming and Mangrove Trimming - **TAB 7**

(Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RECOMMENDATIONS OF THE RFQ 23-03 EVALUATION COMMITTEE FOR LANDSCAPING, TREE TRIMMING AND MANGROVE TRIMMING SERVICES; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE AND ENTER INTO NON-EXCLUSIVE CONTINUING SERVICES AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE

- H. Resolution Ratifying an Additional Expenditure with Tim Matthews Tree & Landscaping - **TAB 8**

(Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RATIFYING AN EXPENDITURE WITH TIM MATTHEWS TREE & LANDSCAPING INC. FOR COMPLETION OF A RIGHT-OF-WAY PLANTING PROJECT ON PLANTATION KEY; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

- I. Resolution Approving the Piggyback Purchase of Two Trailer-Mounted Message Boards for the Local Law Department - **TAB 9**

(Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION/FLORIDA ASSOCIATION OF COUNTIES CONTRACT NO. FSA20-EQU18.0, HEAVY EQUIPMENT, AND APPROVING THE PURCHASE OF TWO WANCO METRO MATRIX MESSAGE BOARD TRAILERS FOR THE VILLAGE LOCAL LAW DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND FUNDS; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

- J. Resolution of Support for the "Wyland Mayor's Challenge for Water Conservation" - **TAB 10**

(Amanda Merren , Administrative Assistant to the Village Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, IN SUPPORT OF THE "WYLAND MAYOR'S CHALLENGE FOR WATER CONSERVATION;" PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

X. ORDINANCES - Tab 11 moved to April 11, 2023 Special Call Village Council Meeting

XI. RESOLUTIONS

A. Resolution Approving a Work Authorization with WSP for Canal #147 Backfilling Restoration Project - TAB 12

(Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 12 WITH WSP USA ENVIRONMENT & INFRASTRUCTURE, INC. FOR PROFESSIONAL SERVICES FOR CANAL #147 LOWER MATECUMBE KEY BACKFILLING RESTORATION PROJECT; 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

Village Attorney John Quick noted there was a scrivener's error that had been corrected.

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

ACTION:	Motion to approve item XI.A. 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

B. Resolution Approving an Agreement with Sea & Shoreline, LLC for Canal 116 Backfill - TAB 13

(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**

Environmental Resources Manager Pete Frezza noted this item was tabled at the March 2 Council Meeting with a directive to work with residents. WSP Project Manager Greg Corning presented the scientific data behind the backfill depth recommendation.

Mayor Joseph B. Pinder III opened public comment at 846 p.m.

Representatives from Sea & Shoreline and Adventure Environmental each expounded on their firm's qualifications and experience.

Other speakers included Ron Russell, Beth Bolares, Brendan Bolares, Gary Cardillo, and Dave Boerner, who distributed a handout to the Council.

There being no one else wishing to speak, Mayor Pinder closed public comment at 9:09 p.m.

Discussion ensued amongst the Council and staff.

Council Member Mark Gregg moved to extend the meeting by thirty minutes at 9:58 p.m.

Greg Corning of WSP suggested placing a tidal gauge in the canal for further evaluation of the variations in depth and to re-assess the data.

ACTION:	Motion to table for at least 30 days while the consultant conducts a study monitoring tidal variances. item XI.B. 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

- C.** Resolution Ratifying FY 2021-2022 Payments to Page Excavating, Inc., for Wastewater-related Services - **TAB 14**
(Maria Bassett, Finance Director)

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, RATIFYING EXPENDITURES
INCURRED FROM PAGE EXCAVATING, INC., IN FY 2021-2022;
AUTHORIZING THE VILLAGE MANAGER TO EXPEND
BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE
DATE**

This item was moved to the next Regular Village Council Meeting agenda.

- D. Resolution Approving First Amendment to Continuing Services Agreement with Page Excavating, Inc. - **TAB 15**

(Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A FIRST AMENDMENT TO THE CONTINUING SERVICES AGREEMENT BETWEEN PAGE EXCAVATING, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE PROFESSIONAL CONTRACTOR SERVICES TO THE WASTEWATER DEPARTMENT; 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 FIRST AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was moved to the next Regular Village Council Meeting agenda.

- E. Resolution Approving Work Authorization No. 4 with Page Excavating, Inc., for FY 2022-2023 Wastewater Services -**TAB 16**
(Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 4 BETWEEN PAGE EXCAVATING, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO REPLACE CONCRETE RINGS AROUND VACUUM PIT LIDS AND TO PROVIDE OTHER WASTEWATER SUPPORT SERVICES AS NEEDED; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF WORK AUTHORIZATION NO. 4; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

This item was moved to the next Regular Village Council Meeting agenda.

- F. Resolution Establishing Auditor Selection Committee - **TAB 17**

(Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, PERTAINING TO THE ESTABLISHMENT OF AN AUDITOR SELECTION COMMITTEE; DEFINING THE TERMS AND COMPOSITION; DEFINING THE MEETINGS AND DISQUALIFICATION; DEFINING THE STAFF PARTICIPATION; DEFINING THE GOALS AND OBJECTIVES; DEFINING THE DUTIES AND RESPONSIBILITIES; DEFINING THE SUNSET DATE; AND PROVIDING FOR AN EFFECTIVE

DATE

This item was moved to the next Regular Village Council Meeting agenda.

XII. MOTIONS

XIII. ADJOURNMENT

The meeting was adjourned at 10:09 p.m.