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

Founders Park Community Center
Islamorada, FL 33036
Thursday, February 4, 2021
5:30 PM

Hybrid Meeting to Occur Utilizing Communications Media Technology (CMT)
Pursuant to the Centers for Disease Control (CDC), social distancing guidelines established to contain the spread of the COVID-19 virus, the February 4, 2021 Regular Village Council Meeting will be conducted utilizing Communication Media Technology (CMT) via a Zoom video conferencing application.

Coronavirus-related Precaution: Due to the size and configuration of the Founders Park Community Center, which serves as the Council Chambers, and in keeping with CDC and Florida Department of Health guidelines, capacity of the Community Center for Village Council meetings will be limited indefinitely due to the coronavirus pandemic. Only Council Members and essential staff members required to conduct the meetings will be in physical attendance due to the limited capacity. The general public will be able to virtually attend and otherwise participate in Council meetings utilizing the existing Zoom meeting infrastructure. The Village has expanded its Internet bandwidth and Zoom meeting participant level to facilitate participation and comment by the public remotely. Additional information regarding options for viewing the meeting and participation through public comment can be found on the last page of this agenda. If assistance is needed, please contact the Village Clerk's Office at 305-664-6413 no later than 24 hours prior to the meeting.

CALL TO ORDER / ROLL CALL

Mayor Pinder called the meeting to order at 5:37 p.m. Village Clerk Kelly Toth called the roll with the following Councilmembers being present on roll call: Mayor Buddy Pinder, Vice Mayor Pete Bacheler, Councilman Mark Gregg, Councilman David Webb and Councilman Henry Rosenthal. Village Clerk Kelly Toth and Deputy Clerk Stephanie Conde were present. Village Attorney Roget Bryan and Acting Village Manager Maria Bassett, along with other pertinent staff appeared virtually.

PLEDGE OF ALLEGIANCE

Fire Chief Terry Abel led the Pledge of Allegiance. Pastor Tony Hammon blessed the meeting with a prayer.

VIRTUAL MEETING PROCEDURES

Village Attorney Roget Bryan provided the virtual meeting procedures explaining how the public could view the meeting and participate through public comment.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Introduction: Monroe County Commissioner David Rice

Monroe County Commissioner David Rice congratulated the Council regarding their election to Council. He commented about the availability of the Monroe County Land Authority and its usefulness in property acquisitions and referenced the Windley Key achievable housing project; and commented about supporting each other during the legislative session.

Presentation Regarding Freebee Electric Vehicle Services

Jason Spiegel, Freebee Cofounder and Managing Partner provided background information to the new Council regarding Freebee's services and goals. He commented regarding their efforts to address COVID-19; and noted that in 2020 they reduced CO_2 emissions by preventing 29,790,058 grams or 32.83 tons of CO_2 from entering the environment. He recommended replacing the GEM vehicle with a Tesla X as it would provide reduced wait times, higher ridership, would not be restricted to specific roads, and could travel at higher speeds. He stated the vehicle would be replaced at no cost to the Village.

Councilman Gregg commented in support of the Freebee service noting its usefulness to the residents. Councilman Webb asked for demographics that identified tourists/residents and individuals with a vehicle and those without a vehicle. Mr. Spiegel stated he had demographics and would provide the report to the Council. The Mayor also expressed support for the service.

Mayor Pinder opened public comment.

Lisa Siegel inquired about the cost of an 8-passenger golf cart and opined about the costs of electric vehicles.

Mayor Pinder closed public comment.

Councilman Gregg suggested the Village replace outgoing vehicles with electric vehicles in the future.

UNFINISHED BUSINESS

Update Regarding the Pedestrian Bridge Meeting with FDOT

This item was heard at 5:58 p.m. Councilman Rosenthal requested to speak before the Mayor's update. Councilman Rosenthal commented about the 2016 FDOT feasibility study findings; emails from staff to FDOT regarding public objections, a request to FDOT to provide information to the public to help minimize objections, a request that FDOT provide a presentation to Council, election candidates claiming the project could be halted, a request that FDOT confirm its commitment to the project and that FDOT provide their conclusions of the studies and analysis conducted that justified the project. Councilman Rosenthal commented about the content of the emails between FDOT staff and the conclusions of the study that did not justify the project. The emails questioned whether there was another guidance document /directive that led FDOT to move forward and indicated that FDOT staff received a request from "CO" to build the bridge because of a request from the Village; the emails noted two resolutions were received from the Village and that the decision to proceed with the permanent bridge in August 2017 was based on the discussion with local public officials. Councilman Rosenthal commented about a January 13, 2017 email from the Village Manager to Council, which included the Feasibility Study, that indicated Councilman Forster might have additional information to provide based on his recent trip. He commented about a February 3, 2017 email to State Representative Holly Raschein that followed up on the pedestrian project that was approved almost a year ago by FDOT, noted the change in FDOT leadership and opined that FDOT's obligation remained. Councilman Webb asked if Councilman Rosenthal's presentation was going to lead to a resolution of a different type, noting the Village had already sent a letter to the Governor. Councilman Rosenthal explained the purpose of his presentation. Councilman Webb asked if Councilman Rosenthal had documentation that identified who on Council directed staff to send the emails and expressed concern about innuendos without documentation. Councilman Rosenthal stated he did have the documentation and proceeded with his presentation. Councilman Webb asked where the presentation was going unless Councilman Rosenthal's proposal at the end of his presentation was to censure the former Councilman and/ or former Florida legislatures. Councilman Rosenthal finished with the remainder of his presentation and made a motion to instruct the Village Attorney to send a letter to the Secretary of the Florida Department of Transportation with a copy to the Governor demanding that they unconditionally cease and desist any further construction on the bridge. He also asked the Council to instruct the Village Attorney to file a civil action against FDOT to enjoin them from building the bridge if they refused to heed the Village's demand. Councilman Rosenthal's motion failed for lack of a second. Councilman Gregg opined that Councilman Rosenthal had weaponized the feasibility study to the discredit of Village staff and maybe others in the community which would lead to division. He opined that that was not the way forward, that the Council could not beat-up staff as it was not their decision. Councilman Gregg stated that if that was what he heard then he thought it was wrong and noted that if he was wrong in his understanding (of the presentation) then he apologized. Councilman Webb restated his concern about innuendos without documentation. Councilman Rosenthal stated he had the documentation. Councilman Webb stated that Councilman Rosenthal should have provided the documentation that identified the Councilman that provided the direction to staff because it left the impression that staff acted unilaterally. Councilman Rosenthal apologized for not including names.

At 6:18 p.m. Mayor Pinder provided an update regarding his conversation with FDOT District Six Secretary Jim Wolfe. He noted to date, the Village had not received a response from the Governor regarding the letter from the Village. He reported that he asked that the Secretary explain how the decision was made to construct the bridge after the 2016 Feasibility Study results were released and noted that he did not get an answer to his question. He reported that Mr. Wolfe talked about how much money had been spent on the project and noted Mr. Wolfe sent a follow-up email to the Mayor which was forwarded to all Councilmembers; that Mr. Wolfe asked about negotiating to which the Mayor responded he could not negotiate as he was only one of five Councilmembers; and that Mr. Wolfe stated he would be making a recommendation to the Governor about the project. Mayor Pinder commented that he had asked that conversations between staff and FDOT be documented if he was to be the signer on the letter to the Governor. He reported that Mr. Wolfe had spoken with State Representative Jim Mooney and Monroe County Commissioner Mike Forster. Mayor Pinder noted that he had spoken with Jim Mooney as well as Monroe County Mayor Michelle Coldiron. Mayor Pinder suggested sending a follow-up letter to the Governor and suggested that Councilman Webb be the point-person to handle related calls. Webb expressed concern that the Mayor did not have a staff member present when the call with FDOT took place and that the Mayor did not receive an answer to his question regarding FDOT's decision to construct the bridge. Councilman Webb suggested the second letter to the Governor should request that the Governor instruct FDOT to explain why the project was approved when the feasibility study stated the bridge was not warranted. Councilman Webb noted that all the conversations and discussions that took place regarding the pedestrian bridge would not be uncovered; that two things help make decisions which was actionable information and the remainder being noise noting much of what was presented was not actionable. He stated the only actionable item was the Feasibility Study that indicated there was no justification to build the bridge. He stated that if he were to be the point-person he would not communicate anything to FDOT that had not been discussed and approved by Council. Councilman Webb stated he had looked into other options should the Village not receive an answer to their inquiry and explained that the Florida Inspector General was responsible for uncovering fraud, malfeasance, and misappropriations among other things. He expressed support for sending another letter to the Governor requesting the Governor to direct FDOT to communicate with the Village clearly about why the decision was made in opposition to their own Feasibility Study. He opined that the Village should receive a response to their letter by the next meeting otherwise the Village should send a letter to the Office of the Inspector General.

Councilman Gregg expressed support for Councilman Webb to act as the point person. He stated he supported another letter to the Governor provided that Council consulted with the Village Attorney who served as the Village's legislative representative noting that politics were involved and suggested obtaining input from the Village's lobbyists. The Mayor stated he had asked the Village Attorney about Councilman Gregg's suggestion and stated Councilman Webb could do that. Council agreed that they wanted to see the letter that the Mayor would signing. Councilman Rosenthal explained that the purpose of his presentation was to inform the public of what they were not apprised of and that he did not want to point the finger at individual staff members which was why he referred to them in the broader sense. Councilmembers expressed unanimous support for Councilman Webb to be the point-person.

Councilman Webb asked requested a motion to send a second letter to the Governor asking for a response to how the decision was made to go forward against the findings of the Feasibility Study. Councilman Gregg asked that the letter be crafted with consultation from the Village Attorney and Village Lobbyists. Councilman Henry Rosenthal made a motion to send a letter to the Governor. Vice Mayor Pete Bacheler seconded the motion. Council voted and the motion passed 5-0.

Village Attorney Roget Bryan confirmed the question to be asked in the letter which was how the decision was made to move forward with the pedestrian bridge against the findings of the 2016 Feasibility Study versus the 2017 correspondence.

Mayor Pinder opened public comment.
Cheryl Meads commented that she had gone through the lobbyist's records provided to her via a public records request and noted that the answers Councilman Webb sought were in those emails.

The following individuals spoke in favor of the pedestrian bridge: Van Cadenhead, Amanda Phair, Mary Delsi Cortez with Katie Rascov and Malory Leboeuf, and Alyssa Adrian.

Comments made in favor pertained to the previous Council having provided direction to staff on several occasions; the "cherry-picked" email communications that were referenced; the numerous meetings about the pedestrian bridge; protecting people that were crossing the highway; the safety aspects of the bridge would lend itself to increased events at Founders Park; the unknown costs associated with stopping the project which the taxpayers would have to pay; that the bridge was initially going to be a temporary bridge which could not be done so the Council moved to a permanent bridge; the Montessori School had children crossing twice a day nine months out of the year; traffic backing up when a police officer was used for crossings; and a suggestion to reduce the size of the events at Founders Park.

The following individuals spoke in opposition to the pedestrian bridge: Lisa and Julian Siegel, Ed Davidson, Joan Scholz, Nick Mulick, Don and Alina Davis, Mark Wolff, Peter Pavelic, Don Horton, Colleen Mullaney, Vic Weiger, and Jill Miranda Baker.

Comments made in opposition pertained to the feasibility study results and lack of discussion regarding the study; the increased projects costs; an opinion that the project was not vetted by the community; the bridge conflicting with community character; every taxpayer in Florida would be paying for the bridge; facts about the bridge that were hidden from the public; people taking responsibility for their own safety; concerns about parking should the bridge be built; a suggestion to shuttle people across the highway with electric vehicles; and a suggestion to construct an event related stop light with crosswalk.

John Fernandez commented about two-year Council terms, the all-new Council and school crossings. Mayor Pinder closed public comment.

Mayor Pinder noted that he was still willing to go to Tallahassee. Councilman Gregg requested a copy of the presentation that Councilman Rosenthal read from.

PUBLIC COMMENT

Van Cadenhead commented about the previous agenda item. Mayor Pinder noted that traffic backed up in December and January when there were no events at Founders Park. Mayor Pinder closed public comment.

AGENDA: Requests for Deletion / Emergency Additions

Councilman Mark Gregg added a discussion regarding appeal of the FEMA flood map changes; Acting Village Manager Maria Bassett added two items: discussion regarding the lobster mini season working group and a discussion about Advanced Disposal requests.

CITIZENS' ADVISORY COMMITTEE UPDATES

Mayor Pinder appointed Audrina Ennis to the Achievable Housing Citizens' Advisory Committee.

Parks & Recreation Citizens' Advisory Committee Update- Chair Wightman

This item was heard at 7:19 p.m. Parks & Recreation Citizens' Advisory Committee Chair Carolyn Wightman provided an update to Council regarding the various Founders Park classes, clubs and events; employment opportunities at Founders Park; park entrance fee policy which would continue under the current conditions; the existing 2007 park usage policy; and expressed gratitude toward the parks staff for all their efforts.

Achievable Housing Citizens' Advisory Committee Update- Donna Wheeler

This item was heard at 7:27 p.m. This Achievable Housing Citizens' Advisory Committee Chair Donna Wheeler provided an update to Council regarding the efforts of former Committee Chair Rebekah Susa who was recently elected to Vice Chair. She reported that the Corradino Group was working on affordable housing monitoring in the Village and had reported to the committee that there were several people applying for grant assistance for the purchase of a home at the Windley Key Habitat for Humanity project. Ms. Wheeler reported on the November 2020 Affordable Housing Survey which had 223 respondents and provided the following survey questions and results:

1. If you are a homeowner, what is the minimum amount of money for which you will consider deed-restricting your home as affordable housing in perpetuity?
   Response: 68 respondents were not homeowners, six respondents stated they would restrict for six months-worth of mortgage payments; 140 responded that they would never deed restrict their home; and six individuals provided other responses.

2. Do you favor Accessory Dwelling Units (ADU) for the creation of new affordable housing in Islamorada?
   Response: 104 respondents said yes; 44 respondents said no; 65 respondents said not enough information but as described they were leaning toward yes; and 17 respondents were leaning toward no.

3. How important do you think it is for Islamorada to focus on providing additional affordable housing?
   Response: 166 respondents felt it was either very or extremely important.

Ms. Wheeler stated the committee would like to continue discussing ADUs and asked the Council to provide staff direction on how to move forward with the ADU's. Councilman Gregg stated staff was contacting the Department of Economic Opportunity (DEO) to get their thoughts on ADU's and was not sure if a response had been received from the DEO.

CONSENT AGENDA

TAB 1: Minutes of the January 14, 2021 Regular Village Council Meeting

Councilman Mark Gregg requested tabs 2, 3, and 4 be pulled from the consent agenda for discussion.

Vice Mayor Pete Bacheler made a motion to approve the remaining consent agenda (Tab 1). Councilman Webb seconded the motion. Council voted and the motion passed 5-0.

TAB 2: Resolution Approving the Purchase of a 2021 GMC Sierra 1500 Truck for the Wastewater Department

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE OF A 2021 GMC SIERRA 1500 TRUCK FOR THE VILLAGE WASTEWATER DEPARTMENT FROM ALAN JAY FLEET SALES BY PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA20-VEL28.0; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 3: Resolution Approving the Purchase of a 2021 GMC Sierra 1500 for the Public Works Department

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE OF A 2021 GMC SIERRA 1500 TRUCK FOR THE VILLAGE PUBLIC WORKS DEPARTMENT FROM ALAN JAY FLEET SALES BY PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA20-VEL28.0; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

Councilman Gregg responded to concerns he had received about the purchase of the vehicles for the Wastewater Department and the Public Works Department explaining that the price of the vehicles was well below manufacturers retail, that the purchase was part of a fleet purchase arrangement and explained how the vehicles were used.

TAB 4: Resolution Approving the 2020 Update of the Local Mitigation Strategy

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ADOPTING THE 2020 UPDATE TO THE LOCAL MITIGATION STRATEGY AS REQUIRED BY STATE AND FEDERAL REGULATIONS IN ORDER TO QUALIFY FOR CERTAIN MITIGATION GRANT FUNDING; AND PROVIDING FOR AN EFFECTIVE DATE

Councilman Gregg commented about the importance of the Local Mitigation Strategy noting that he had begun reading the complete document which was 547 pages and expressed his support for the document.

Councilman Rosenthal commented about the Community Ratings System (CRS) noting that Monroe County and Key West had a score of 5 while Islamorada had a score of 6 noting the difference in price reduction on flood insurance policies between the two scores. He asked what was required to achieve a score of five and asked the Fire Chief to explain. Chief Terry Abel explained that the CRS was addressed by the Building Official and her staff. Acting Village Manager Maria Bassett explained that CRS worked off of a point system and noted that larger organizations such as Monroe County and Key West could obtain points that were not available to smaller organizations like Islamorada and Marathon. The Building Department and Planning Department were working on a flood related ordinance which would improve the Village's CRS points and that staff hoped with the submittal of the next CRS application the village would be scored a five.

Councilman David Webb made a motion to approve Tabs 2, 3 and 4. Councilman Mark Gregg seconded the motion. Council voted and the motion passed 5-0.

RESOLUTIONS

TAB 5: Resolution Approving Final Rankings and Recommendation of the RFP 20-17 Evaluation Committee for Executive Search Firm Services

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RANKINGS AND RECOMMENDATIONS OF THE RFP 20-17 EVALUATION COMMITTEE FOR SELECTION OF AN EXECUTIVE SEARCH FIRM TO FILL THE VILLAGE MANAGER VACANCY; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR THE REQUESTED SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:42 p.m. Village Attorney Roget Bryan read the title of the resolution. Acting Village Manager Maria Bassett presented the staff report noting that the ranking committee recommended executive search firm Colin Baenziger & Associates at a cost of $26,500. Councilman Rosenthal asked who came in second. Ms. Bassett stated Mercer Group, Inc. scored 465 points out of a possible 550 points and Colin Baenziger & Associates scored 501 points. She stated the cost proposals were within a reasonable range which is why the selection was not based solely on cost. Councilman Rosenthal stated that Hilton Head had recently fired the committee's recommendation. Vice Mayor Bacheler asked Councilman Rosenthal why the firm was fired. Councilman Rosenthal stated he did not know and did not think he had to go further with it but thought it was pertinent. Acting Village Manager Maria Bassett located the article online and stated it was the search firm that quit. Councilman Webb confirmed with Ms. Bassett that Colin Baenziger & Associates was the firm that assisted the Village with administration when it was first established. Mayor Pinder noted that the firm also helped with the selection of a village manager.

Councilman Webb recommended the Council hold a workshop to discuss what the Council was looking for in a Village Manager noting that the average tenure of a Village Manager was two to two and a half years. Ms. Bassett confirmed that the Council wanted to have the firm in place before conducting the workshop.

Mayor Pinder opened public comment.
Van Cadenhead commented about the previous selection process; his familiarity with Colin Baenziger & Associates; and expressed support for a workshop.

Jill Miranda Baker asked if the Council wished to form a committee to go through the resumes and make a recommendation to Council prior to the selection.
Mayor Pinder closed public comment.

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

Councilman Gregg, with support from the Mayor, asked that the process be accelerated and asked for Ms. Bassett to communicate with the firm. Ms. Bassett explained that the first item was getting a contract in place and that she would communicate with firm about the need for a workshop.

TAB 6: Resolution Approving Memorandum of Agreement (MOA) between the Florida Department of Transportation (FDOT) and the Village for the Keys Connecting Overseas to Advance Safe Travel (Keys COAST) Connecting Vehicle Pilot Program

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND ISLAMORADA, VILLAGE OF ISLANDS, FOR THE KEYS CONNECTING OVERSEAS TO ADVANCE SAFE TRAVEL (KEYS COAST) CONNECTED VEHICLE PILOT PROJECT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE MOA; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE MOA; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:57 p.m. Village Attorney Roget Bryan read the title of the resolution. Public Works Director A.J. Engelmeyer presented the staff report noting that there was no cost to the Village.

Mayor Pinder opened public comment.
Van Cadenhead commented about the importance of being able to get out of the agreement if the need arose.
Mayor Pinder closed public comment.

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

MAYOR / COUNCIL COMMUNICATIONS

TAB 7: Discussion Regarding Attention Media- Mayor Pinder

This item was heard at 8:02 p.m. Mayor Buddy Pinder commented about the importance of communicating with the public and suggested a social media pilot project with Attention Media LLC that would document each of the Councilmembers activities and would improve transparency.

Councilman Webb spoke in support of a pilot project and commented that he would not support it if it became a mechanism for promoting future council campaigns. He suggested the program be under the jurisdiction of staff specifically the Village Attorney, Acting Village Manager and Public Information Officer. He commented that it would be nice to have videos that would show the public how their tax dollars were being used and suggested Attention Media would provide a wonderful service. Councilman Rosenthal stated he would be more comfortable with a 6-month pilot project rather than a 12-month project. Councilman Webb and Mayor Pinder each disclosed that he had used Attention Media for their Village election campaign.

Mayor Pinder reported that Attention Media had volunteered their time to attend the Florida Bay Forever Round Table and that several attendees were excited about the event video the company had produced.

Councilman Gregg spoke in support of the project, noted the transparency benefits, and that it was an easy way for the public to see how tax dollars were being spent and policies were being put to use. He noted it was valuable that the videos could be broadcast on Comcast channel 77. He suggested that the project should not be limited to Council and should be opened up to Village departments. Councilman Gregg noted that the contract in the agenda books was informative but needed to be reviewed by the Village Attorney. He stated that he had received several comments from the public asking about the contract and suggesting that the service needed to go out for competitive bidding because it exceeded the minimum threshold, but that Council could talk about that as they moved forward. Councilman Gregg commented that it was a neat project that took advantage of technology; and that it should be under the purview of staff which would provide some editorial oversight.

Vice Mayor Bacheler stated his only concern was that the item appeared to be a no-bid contract and that he really wanted to know why the service was not out for bid. He expressed strong support for the idea as long as it was under the watchful eye of the Village Attorney, Village Manager, Public Information Officer and Department Heads. He stated he liked the idea of the project but that he wanted to make sure that the Village was not going to be paying $5,000 a month without there being a competitive bid. Mayor Pinder commented that it was a pilot project, the owner of the company was a local, that he had spoken with the Acting Village Manager/ Finance Director and Village Attorney and suggested the Council waive competitive bidding. The Mayor stated he wanted to vote on the item tonight and that the Village Attorney had informed him that the item could come back with a resolution at the next meeting. Councilman Webb stated he would support waiving competitive bidding for a pilot project but would argue that competitive bidding was needed if the Village elected to continue with social media services beyond the pilot project. Councilman Webb stated he understood that the Mayor wanted Council consensus to direct staff to review the contract for the pilot project and bring it to Council at the next meeting and could then discuss if competitive bidding could be waived and vote on it at the next meeting. The Mayor confirmed his understanding to which Councilman Webb expressed his support.

Carlos Garcia, with Attention Media, provided background information about the digital marketing company and how they created awareness for their clients and noted the importance of content distribution. He stated they networked with other cities to glean best practices; that they would create content and produce it on a weekly basis; that the goal was to reach more people and create a greater awareness; that no content would be produced for items/topics/issues that would be discussed at Council meetings; that content would be archived and noted how quickly closed captioning occurred on You Tube.

Councilman Gregg expressed his support and stated he wanted to see a contract at the next meeting. He suggested deferring the decision on the waiver of competitive bidding until Council had seen an approved contract. He stated it was extremely important as it was the first time the Council had discussed the subject, that it would give the viewers an opportunity to digest the subject and it would give the public confidence that the topic was being considered in the Sunshine. Councilman Webb stated that he was not assuming a waiver of competitive bidding would be voted on during their current discussion; that he understood the purpose of the tab and Carlos's comments were to explain how the company could enhance communications for the Village;

expressed his support for a pilot program; and stated the duration of the pilot project could be discussed at the next meeting. Mr. Garcia explained that the agreement was just a standard agreement and that he fully expected the Village Attorney would make changes.

The Mayor confirmed with the Village Attorney that there was consensus to bring the item back at the next meeting. Acting Village Manager Maria Bassett inquired about the contract deliverables and asked how that would be quantified due to the value of the contract. She stated this was information that should be included in the contract's scope of work. Carlos Garcia commented that it was not about the number of pictures or videos they would produce or events they would attend. He stated the key metrics were the number of people they were reaching in the community 6-12 months from now, whether there was more participation and community engagement in the meetings. He explained that their product and services were content driven. Councilman Webb commented that Mr. Garcia was providing the measure of success and suggested that the Acting Village Manager and staff develop at least a shell matrix of production.

Mayor Pinder opened public comment.
Van Cadenhead spoke in support of a pilot project; noted the contract amount was $5,000 a month; suggested a 3-month pilot project; and noted conflicting sections of the contract.

Larry Barr stated that he thought it was outrageous that the Council would spend $60,000 to promote the Councilmembers and their activities and noted the availability of newspapers and Council meetings on Comcast. He stated the videos would allow the Council to promote their political positions.
Mayor Pinder closed public comment.

TAB 8: Discussion and Update Regarding the Fills

This item was heard at 8:34 p.m. Acting Village Manager Maria Bassett reported that the Village currently had a Request for Proposals open to engage the services of a consultant to assist the Village in developing a management plan for the Fills in order to comply with the requirements of the lease agreements with FDOT and FDEP. She provided a recent history of efforts to control activities and uses at the Fills; explained that in 2019 the Village entered into short-term lease agreements with FDEP and FDOT for specific areas of the Fills; that in April 2020 Council adopted a resolution approving a 5-year lease agreement with FDEP; and that in June 2020 Council adopted a resolution to approve and implement a 5-year lease with FDOT. Ms. Bassett explained the lease agreements allowed the Village to undertake management activities at the Fills and that the agreements required the Village to provide master or management plans which would convey the desired management activities and related improvements meant to facilitate management of the Fills. She explained that the Village had issued the RFP to for a consultant to assist with development of the master / management plans but noted that FDOT and FDEP would need to approve the plans before the Village would be able to begin any improvements. Ms. Bassett stated this was the first step in moving forward on efforts to manage the Fills; that matters related to the Fills would be brought to Council for input and or approval; and that as the master /management plan was developed, the consultant will confer with the Council which would provide an opportunity for comment and public input. She noted that on July 30, 2020 the Council approved elements of a master plan suggested by staff and specifically approved the cable barrier design for installation at the Fills upon approval by FDEP and FDOT. Ms. Bassett stated staff was available to answer any questions regarding the historical elements of the Fills effort.

Councilman Webb stated the entirety of the Fills was an FDOT right-of-way and FDOT did not require public access to any part of the Fills; that if parking were added to the Fills people would slow to look for parking spots which would slow the flow of traffic; that the traffic was horrendous in the area; that he was not in favor of spending money on infrastructure that would become FDOT property; that he would support improvements to the boat ramp; and that he would not be in favor of what the prior Council was considering for the Fills.

Councilman Gregg stated he agreed with most of Councilman Webb's comments. He commented that FDOT did not own the entirety of the Fills noting the boat ramp area was owned by FWC and the Village had a lease for the boat ramp area; that the Village obtained leases to gain control of the Fills to address the problems that were occurring there; and that improvements were part of the price the Village would pay for the privilege of controlling the area for the Village's benefit. Councilman Gregg suggested a workshop to discuss the particulars of the Fills plan noting it would provide an opportunity for public input. He referenced an email he received with an attachment that included the FDOT 2014 plan for the Fills and suggested it was a good starting point for the Council. Councilman Webb commented that at one point, FDOT had offered to install a fence on both sides the entire length of the right-of-way; that the issue was the uncontrolled, disrespectful use of the Fills and that he did not think it appropriate to have Village staff clean up human waste, garbage, diapers etcetera for people that did not know how to respect a National Marine Sanctuary; and that he had great concern regarding the advisability of creating parking places for vehicles that would have to pull over from a 45-50 mile per hour highway to access a small parking spot. Councilman Webb noted the previous Council had allotted $500,000 for the initial infrastructure improvements.

Councilman Rosenthal expressed that the leases could be in jeopardy if the management plans were not submitted in time. Public Works Director A.J. Engelmeyer explained that all of the rights-of-way were owned by FDOT and a portion was leased to FDEP and then subleased to the Village. The Village Attorney explained that the ramp was owned by FWC and the agency had no plans to improve the ramp. The Village Attorney explained that there was no action required of the Council regarding the agenda item. Council consensus was to continue to move forward with the Fills effort.

Mayor Pinder opened public comment.
Van Cadenhead commented in support of moving forward; to use caution regarding infrastructure on land that was not owned by the Village; and limiting parking in the area.

Joan Scholz commented in support of a management plan and her clean-up efforts.
Mayor Pinder closed public comment.

Agenda Additions:

Discussion Regarding FEMA Flood Maps

This item was heard at 8:58 p.m. Councilman Mark Gregg explained that FEMA was upgrading the flood maps to address climate change; that changes could have catastrophic financial impacts on property owners; the Village was part of an appeal process and had hired the services of Woods

Hole Group, who was also hired by Monroe County, to assist with the appeals process. He stated he wanted the Council to direct staff to ask the Woods Hole Group to target the Village's needs specifically rather than as part of a larger group that included other areas of Monroe County. He explained that a 1.6-foot difference was proposed by FEMA and commented about the impacts on property owners. Councilman Webb noted that the issues were much larger than the change to the flood maps noting the impacts of the Biggert-Waters Flood Insurance Reform Act. Vice Mayor Bacheler commented about the building he is a part owner in noting that the proposed changes would make the structure non-conforming which would cause the flood insurance rates to increase which would ultimately cause the rents to increase for people living in the building. He opined that the issues were much greater than could be imagined noting the numerous renters and people with low incomes. Acting Village Manager Maria Bassett stated the Woods Hole Group would be providing an update at the February 25, 2021 Village Council meeting and that she thought the appeal deadline was March 18, 2021. Village Attorney Roget Bryan clarified that Monroe County, Marathon and Islamorada each had independent contracts with Woods Hole Group who was preparing their appeals. He explained that Woods Hole Group was looking for inconsistencies in the risk modeling method used by FEMA and identifying areas that may require additional map adjustments.

Mayor Pinder opened public comment.
Robert Moser, Lower Matecumbe, commented that the appeal Woods Hole Group was working on for the Village did not include his neighborhood; and asked what property owners could do if they were not included in the Village's appeal.

Larry Barr expressed concern regarding the map changes and potential financial impacts on property owners. He commented about the requirements associated with having to rebuild a storm-damaged structure; and noted the flooding issues at Sea Oats Beach and flood damage from storms in New Jersey.

Don Horton commented that Islamorada had mostly stayed within the same flood zone since 1989. He explained that with the change from National Geodetic Vertical Datum (NGVD) to North American Vertical Datum (NAVD) there was a new methodology for calculating elevations and as a result the Village was losing 1.6 feet. He commented that he was building a new house, that because of the change, would be considered non-conforming and subject to the fifty-percent rule like many homes built before 1975; and that the flood maps he reviewed were incorrect in many areas. He commented that one property he looked at had a 12-foot elevation and was being recategorized to a VE zone and was also being placed in a new zone called the Coastal AE zone noting that the Coastal AE zone had the same basic building requirements as the VE zone. Mr. Horton opined that the change to NAVD would jeopardize over 50% of the houses in Islamorada.
Mayor Pinder closed public comment.

Councilman Gregg commented on his personal experience with changes to the flood map on his property that caused a substantial increase to his flood insurance; that he hired a coastal engineer and ultimately had to file for a Letter of Map Revision with FEMA that was approved which lowered his flood insurance rates. He commented that Monroe County had an excellent webpage that addressed the preliminary flood maps.

Councilman Webb noted the comment made by Robert Moser and asked if there were coastal sections in Islamorada that were not being reviewed as part of the appeal. Village Attorney Roget Bryan explained that it was not the totality of the Village but that several areas were identified and were being reviewed. He explained that individual property owners could still request a Letter of Map Revision from FEMA and that he was not certain if Mr. Moser's neighborhood was part of the appeal but that he would check with the Building Official.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Agenda Additions:

Discussion Regarding the Lobster Mini Season Working Group

This item was heard at 9:21 p.m. Acting Village Manager Maria Bassett commented that Marathon Commissioner John Bartus and Monroe County Commissioner Michelle Coldiron were starting a Lobster Mini Season Working Group and had requested a councilmember and staff member participate in the group. She stated that Environmental Resources Manager Peter Frezza and Councilman Mark Gregg expressed an interest in joining in the group. She stated that she wanted to confirm that participation by these individuals was acceptable. Councilmembers expressed their approval.

Update Regarding Advanced Disposal Requests

This item was heard at 9:23 p.m. Acting Village Manager Maria Bassett explained that Advanced Disposal, which was purchased by Waste Management, had requested to begin commercial collection services at 5:00 a.m. verses 6:00 a.m. She stated they proposed starting on February 8th and suggested the Village could try the change for a month to determine if there are any issues with the earlier start time. Ms. Bassett reported that Advanced Disposal had challenges staffing the local office and at times forwarded their calls to a call center in Palm Beach. She explained that Advanced Disposal was requesting to begin using an Arizona call center that would provide customer service 24 hours a day, seven days a week and proposed trying the call center for a month and asked if the Council was okay with the changes. Councilman Gregg noted that Advanced Disposal was contractually obligated to provide an in-person staff member and noted his support to supplement this requirement with the Arizona call center but to maintain an in-person staff member. Mayor Pinder agreed with Councilman Gregg noting waste collection issues he had experienced and the difficulty he had contacting the company. Ms. Bassett stated that she believed the waste removal company was being managed more closely by Waste Management. Mayor Pinder asked the Acting Village Manager about the contractual requirements. Ms. Bassett stated she pulled the language from the contract and sent it to the Waste Management Governmental Relations contact who had contacted her and requested that he modify the language as he foresaw the change in service. She stated that she was not sure that their intent was to close a local office and that in the meantime she was proposing a trial basis. She noted that she was not certain that a trial period was possible. Ms. Bassett noted that as a backup to the office, the Village received phone calls from the public. Council expressed agreement with a trial period but did not support letting them off the hook from their contractual obligation.

Councilman Webb asked if the Council had an interest in starting the meetings earlier in the day perhaps at 2:30 or 3:30 p.m. Discussion ensued regarding the fact that there would always be someone that would miss the meeting, the benefits of Zoom and recorded meetings, and the early meetings when the Council was first formed. The Mayor suggested the topic could be discussed at a later date.

ADJOURNMENT

Councilman Henry Rosenthal made a motion to adjourn. Vice Mayor Pete Bacheler seconded the motion. The meeting adjourned at 9:32 p.m.

Approved by Council February 25, 2021.

Kelly S. Toth

Kelly S. Toth, CMC
Village Clerk