



Minutes
ISLAMORADA, VILLAGE OF ISLANDS
REGULAR VILLAGE COUNCIL MEETING

Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036
Thursday, November 17, 2022

I. CALL TO ORDER

Mayor Pete Bacheler called the meeting to order at 5:30 p.m.

II. ROLL CALL

PRESENT: Councilman David Webb, Councilman Mark Gregg, Councilman Joseph B. Pinder III, Vice Mayor Henry Rosenthal, Mayor Pete Bacheler

ABSENT: None

III. PLEDGE OF ALLEGIANCE

Van Cadenhead led the Pledge of Allegiance.

IV. AGENDA: Requests for Deletion / Emergency Additions

Village Manager Ted Yates noted there are 6 quasi-judicial hearings, all for administrative relief, he noted the presentation would be identical for the individual parcels, Planning Director Dan Gulizio would give the presentation and then highlight the differences.

V. PUBLIC COMMENT – 5:33 p.m.

Speakers included Deb Gillis, Van Cadenhead, Cheryl Meads, Sue Miller, Joe Wischmeier, and Angel Borden.

Vice Mayor Rosenthal suggested allocating no more than \$700.00 for Hurricane Monument Ornaments as requested by Angel Borden during Public Comment. Council agreed to the allocation.

VI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS – 5:51 p.m.

A. Freebee Contract, FDOT Service Development Program Funds

TAB_1

Village Manager Ted Yates and Finance Director Maria Bassett shared data on the costs associated with the Freebee program.

Interim Attorney John Quick provided an update on DeLeon and Avacado street, noted there is a meeting scheduled with property owner's attorney. Sent litigation update to Council and noted it would be sent to incoming Council members as well.

VII. CONSENT AGENDA – 6:14 p.m.

Public comment was opened and there no one wishing to comment was closed at 6:16 p.m.

Moved by Councilman Dave Webb, seconded by Councilman Mark Gregg to adopt:

- A.** Resolution Approving Change Order No.1 with Aqua Waste Repair Inc. for Canal 114 Project

TAB _2

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO THE AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND AQUA WASTE REPAIRS, INC. RELATED TO THE CANAL 114 INJECTION WELL RESTORATION PROJECT; AUTHORIZING THE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF CHANGE ORDER NO. 1; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS AND PROVIDING FOR AN EFFECTIVE DATE

- B.** Resolution Approving Subaward and Grant Agreement between the Village and the Florida Division of Emergency Management for a Watershed Management Plan

TAB _3

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A FEDERALLY FUNDED SUBAWARD AND GRANT AGREEMENT BETWEEN THE VILLAGE AND THE HAZARD MITIGATION GRANT PROGRAM (HMGP); AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE EXPENDITURE OF THE AMOUNT OF 25% OF THE PROJECT COST; APPROVAL OF A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

- C.** Resolution approving the Purchase of One BC100XL Brush Chipper

TAB _4

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE OF ONE (1) BC1000XL BRUSH CHIPPER FOR THE VILLAGE PUBLIC WORKS DEPARTMENT FROM VERMEER SOUTHEAST BY PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA20-EQU18.0; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE

VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

- D.** Resolution Approving the Purchase of One (1) Enclosed Cargo Trailer

TAB_5

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE OF ONE (1) ENCLOSED CARGO TRAILER FOR THE VILLAGE PUBLIC WORKS DEPARTMENT FROM TEXAS TRAILERS BY PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA20-EQU18.0; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman David Webb, Councilman Mark Gregg, Councilman Joseph B. Pinder III, Vice Mayor Henry Rosenthal, Mayor Pete Bacheler

NAYS: None

Motion passes 5 – 0

X. ORDINANCES

- A.** Ordinance Amending Comprehensive Plan Policy 1-2.4.7 "Limit Transient Rental Use of Residential Properties

TAB_6

Planning Director Dan Gulizio presented a summary of the proposed ordinance and noted this is the first reading as a previous version received a 2-2 vote and did not pass. If passed tonight on the first reading it would get rendered to DEO, then it would come back for a second reading after DEO's review.

There are around 30 properties who are active in the program but don't meet the 2007 assessed valuation – anyone with valid rental license as of 12/31/22 can continue to use the 2007 valuation to stay in the program. This ordinance would eliminate the annual review of the program unless a future council makes changes.

Public comment was opened at 6:27 p.m.

Speakers included Van Cadenhead, Barry Wray, Jesse Sipe, Mike O'Reilly, Donna Rice, Glenn Sharp, and Deb Gillis.

Moved by Councilman David Webb, seconded by Mayor Pete Bacheler to adopt:

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; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND

**PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS
ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY**

AYES: Councilman David Webb, Mayor Pete Bacheler, Councilman Mark Gregg, Councilman Joseph B. Pinder III, Vice Mayor Henry Rosenthal,

NAYS: None

Motion passes 5 – 0

- B.** Ordinance Amending Land Development Regulations Section 30-1295(b)(2) to
Revise Valuation Criteria for Vacation Rental Registration

Moved by Councilman Mark Gregg, seconded by Councilman David Webb to adopt:

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

AYES: Councilman Mark Gregg, Councilman David Webb, Councilman Joseph B. Pinder III, Vice
Mayor Henry Rosenthal, Mayor Pete Bacheler

NAYS: None

Motion passes 5 – 0

XI. QUASI-JUDICIAL – 6:51 p.m.

Interim Village Attorney John Quick noted quasi-judicial hearings provide an opportunity for the public to provide testimony after the applicant and staff have made their presentations on each item. Persons who give testimony are subject to cross-examination. The public is not permitted to cross-examine witnesses. He indicated that all six hearings would be introduced at once but that each request would be moved and voted on individually.

Council disclosed ex parte communications:

Councilman David Webb

- Applicant Brett Ekblom

Councilman Joseph B. Pinder III

- Applicant Brett Ekblom
- Village Manager Ted Yates
- Planning Director Dan Gulizio

Councilman Mark Gregg

- Applicant Brett Ekblom

Mayor Pete Bacheler

- Applicant Brett Ekblom

Vice Mayor Henry Rosenthal

- Applicant Brett Ekblom

Planning Director Dan Gulizio introduced noting that administrative relief is allowed under the BPAS program for anyone in four consecutive annual allocation periods without meeting criteria can apply for administrative relief. He noted the two lots on Wrenn St. are in the targeted acquisition area for the Florida Forever program.

Applicant Brett Ekblom noted he was representing for all six properties. He indicated he had emailed Florida Forever without response and noted he would likely refuse any Florida Forever offer.

7:20 p.m. Mayor Pete Bacheler opened the floor to speakers in favor of granting administrative relief

- Van Cadenhead
- Angel Borden

7:25 p.m. Mayor Pete Bacheler opened the floor to speakers opposed

- Joe Wischmeier

- A.** Property Owner, Islamorada Realty Investment Trust, is seeking administrative relief of one Building Permit Allocation for property located at 36 Park Rd, Upper Matecumbe Key. The property is zoned Residential Single Family (R1).

TAB_7

7:29pm Moved by Councilman Mark Gregg, seconded by Councilman Joseph B. Pinder III to adopt:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY JACQUELYN EKBLOM FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 36 PARK RD,

UPPER MATECUMBE KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman Mark Gregg, Councilman Joseph B. Pinder III, Councilman David Webb, Mayor Pete Bacheler

NAYS: Vice Mayor Henry Rosenthal

Motion passes 4 – 1

- B.** Property Owner, Tommy Wrenn, is seeking administrative relief of one Building Permit Allocation for property located at 137 Indian Mound Trail, Plantation Key. The property is zoned Residential Single Family (R1/R1M). **TAB _8**

Moved by Councilman Mark Gregg, seconded by Councilman Joseph B. Pinder III to adopt:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY TOMMY WRENN FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 137 INDIAN MOUND TRAIL, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman Mark Gregg, Councilman Joseph B. Pinder III, Councilman David Webb, Mayor Pete Bacheler

NAYS: Vice Mayor Henry Rosenthal

Motion passes 4 – 1

- C.** Property Owner, Islamorada Realty Investment Trust, is seeking administrative relief of one Building Permit Allocation for property located at 161 Mohawk Street, Plantation Key. The property is zoned Residential Single Family (R1). **TAB _9**

Moved by Councilman Mark Gregg, seconded by Councilman Joseph B. Pinder III to adopt:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY TOMMY WRENN FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 137 INDIAN MOUND TRL, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman Mark Gregg, Councilman Joseph B. Pinder III, Councilman David Webb, Mayor Pete Bacheler

NAYS: Vice Mayor Henry Rosenthal

Motion passes 4 – 1

- D.** Property Owner, Islamorada Realty Investment Trust, is seeking administrative relief of one Building Permit Allocation for property located at 206 Harbor Drive, Plantation Key. The property is zone Residential Single Family (R1/R1M). **TAB_10**

Moved by Councilman Mark Gregg, seconded by Councilman Joseph B. Pinder III to adopt:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA REALTY INVESTMENT FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 206 HARBOR DR, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman Mark Gregg, Councilman Joseph B. Pinder III, Councilman David Webb, Mayor Pete Bacheler

NAYS: Vice Mayor Henry Rosenthal

Motion passes 4 – 1

- E.** Property Owner, Native Rental Properties LLC, is seeking administrative relief of one Building Permit Allocation for property located at 60 Wrenn St, Plantation Key. The property is zone Residential Single Family (R1/R1M). **TAB_11**

7:36 p.m.

Moved by Councilman Mark Gregg, seconded by Vice Mayor Henry Rosenthal to table for 6 months for an opportunity to review any potential offer for sale for conservation purposes, then approve after 6 months as long as the property is not used for building, but he can use the permit for any other property he owns.

AYES: Councilman Mark Gregg, Vice Mayor Henry Rosenthal

NAYS: Councilman Joseph B. Pinder III, Councilman David Webb, Mayor Pete Bacheler

Motion failed 3 – 2

Moved by Councilman Joseph B. Pinder III, seconded by Mayor Pete Bacheler to adopt:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY NATIVE RENTAL PROPERTIES LLC FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 60 WRENN ST, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman Joseph B. Pinder III, Councilman David Webb, Mayor Pete Bacheler

NAYS: Councilman Mark Gregg, Vice Mayor Henry Rosenthal

Motion passes 3 – 2

- F.** Property Owner, Islamorada Realty Investment Trust, is seeking administrative relief of one Building Permit Allocation for property located at 80 Wrenn Street, Plantation Key. The property is zone Residential Single Family (R1/R1M). **TAB _12**

Moved by Councilman Mark Gregg, seconded by Vice Mayor Henry Rosenthal to table for 6 months for an opportunity to review any potential offer for sale for conservation purposes, then approve after 6 months as long as the property is not used for building, but he can use the permit for any other property he owns.

AYES: Councilman Mark Gregg, Vice Mayor Henry Rosenthal

NAYS: Councilman Joseph B. Pinder III, Councilman David Webb, Mayor Pete Bacheler

Motion failed 3 – 2

Moved by Mayor Pete Bacheler, seconded by Councilman David Webb to adopt:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA REALTY INVESTMENT TRUST FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 80 WRENN ST, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Mayor Pete Bacheler, Councilman David Webb, Councilman Joseph B. Pinder III

NAYS: Councilman Mark Gregg, Vice Mayor Henry Rosenthal

Motion passes 3 – 2

XII. RESOLUTIONS – 7:50 p.m.

- A.** 3rd Quarter Residential Market Rate Building Permit Allocations (BPAS) **TAB _13**

Councilman Gregg abstained due to conflict of interest with family member on BPAS list.

Mayor Pete Bacheler moved to table the item, Vice Mayor Henry Rosenthal seconded.

AYES: Vice Mayor Henry Rosenthal

NAYS: Mayor Pete Bacheler, Councilman Joseph B. Pinder III, Councilman David Webb

Motion fails 3 – 1

Mayor Pete Bacheler opened public comment at 7:56 pm

Speakers included Van Cadenhead, Xavier Jorge, Richard Black, Angel Borden, and Deb Gillis.

Mayor Bacheler closed public comment at 8:03 p.m.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM ("BPAS") RANKINGS AND AWARDED RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 3 OF 2022; AND PROVIDING AN EFFECTIVE DATE

AYES: Councilman Joseph B. Pinder III, Councilman David Webb, Mayor Pete Bacheler

NAYS: Vice Mayor Henry Rosenthal

Motion passes 3 – 1

B. 2023 Building Permit Allocation System (BPAS) Distribution Schedule

TAB_14

Public comment was opened at 8:17 p.m.

Speakers included Deb Gillis, Xavier Jorge, and Richard Black.

Mayor Pete Bacheler closed public comment at 8:21 p.m.

Moved by Councilman David Webb, **seconded by to adopt: DW, MG - all ayes**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE TOTAL AMOUNT OF NONRESIDENTIAL FLOOR AREA AND RESIDENTIAL DWELLING UNITS, QUARTERLY ALLOCATIONS, AND THE DISTRIBUTION OF ALLOCATIONS BETWEEN CATEGORIES OF THE BUILDING PERMIT ALLOCATION SYSTEM FOR 2023; AND PROVIDING AN EFFECTIVE DATE

AYES: Councilman Mark Gregg, Councilman Joseph B. Pinder III, Councilman David Webb, Vice Mayor Henry Rosenthal, Mayor Pete Bacheler

NAYS: None

Motion passes 5 – 0

- C. Resolution Accepting Grant Award LPA0422 from the DEP for Stewardship Act Funding for Canal 116 Project – 8:25 p.m.

TAB _15

Public comment opened at 8:27 pm and closed

Moved by Councilman David Webb, seconded by to adopt: DW MG -

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING DEP AGREEMENT NO. LPA0422 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE VILLAGE RELATED TO FLORIDA KEYS STEWARDSHIP ACT FUNDING; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL STEPS NECESSARY TO FINALIZE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman David Webb, Councilman Mark Gregg, Councilman Joseph B. Pinder III, Vice Mayor Henry Rosenthal, Mayor Pete Bacheler

NAYS: None

Motion passes 5 – 0

- D. Resolution Approving Wade Trim Work Authorization No. 3 to Provide General Engineering Services and Wastewater Utility-Related Engineering Services for FY 2022-2023 – **8:30 p.m.**

TAB _16

Public comment was opened at 8:32 p.m.

Speakers included Sue Miller and Angel Borden.

Public comment was closed at 8:34 p.m.

Moved by Councilman David Webb, seconded by Councilman Mark Gregg to adopt:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RATIFYING AND APPROVING WORK AUTHORIZATION NO. 3 BETWEEN WADE TRIM, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE GENERAL ENGINEERING SERVICES AND WASTEWATER UTILITY-RELATED ENGINEERING SERVICES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF 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

AYES: Councilman Mark Gregg, Councilman David Webb, Councilman Joseph B. Pinder III, Vice Mayor Henry Rosenthal, Mayor Pete Bacheler

NAYS: None

Motion passes 5 – 0

- E.** Resolution Approving Use and Occupancy Agreement with the Florida Department of Transportation for Parcel 729 (Right-Of-Way at Anne's Beach) and Establishing the Public Purpose **8:44 p.m.**

TAB _17

Mayor Pete Bacheler opened public comment at 8:45 p.m. and there being no one wishing to speak closed public comment at 8:45 p.m.

Moved by Councilman Joseph B. Pinder III, seconded by Councilman David Webb to adopt:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A USE AND OCCUPANCY AGREEMENT FOR THE ANNE'S BEACH RIGHT-OF-WAY (PARCEL 729) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Councilman Joseph B. Pinder III, Councilman David Webb, Councilman Mark Gregg, Vice Mayor Henry Rosenthal, Mayor Pete Bacheler

NAYS: None

Motion passes 5 – 0

Council expressed its gratitude for working together to serve the community over the past two years.

XIV. ADJOURNMENT – 8:53 p.m.



Marne McGrath, Village Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Gregg Mark H		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Village Council, Islamorada, Village of Islands	
MAILING ADDRESS 189 East Ridge Road		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Islamorada	COUNTY Monroe	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED November 17, 2022		NAME OF POLITICAL SUBDIVISION: Islamorada, Village Council	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Mark H. Gregg, hereby disclose that on November 17, 2022, 20 ____ :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, Jocelyn and Brian Tiedemann ;
- _____ inured to the special gain or loss of my relative, _____ ;
- _____ inured to the special gain or loss of _____, by
whom I am retained; or
- _____ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Tab 13 shown on the agenda of the November 17, 2022 Islamorada Village Council Meeting proposes building permit allocations for the Islamorada BPAS program. I have an application in the BPAS program as well as my relatives Jocelyn and Brian Tiedemann.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

November 17, 2022

Date Filed

Signature 

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.