



Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

June 8, 2023 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

MINUTES

I. CALL TO ORDER / ROLL CALL

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

Brett Ekbloom led the Pledge of Allegiance and Mayor Joseph B. Pinder III started the meeting with a prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

Vice Mayor Sharon Mahoney added discussion items on Committees and Helicopters.

IV. 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

Joan Follmer

Betsy Bullard

Judy Starr

Adam Starr

Joe Wischmeier

Angie Lucas

Phyllis Mitchell

Robert Moser

Ellie Quigley

Mark Page

Don Horton

Susan Raffanello

Sue Miller

V. MAYOR / COUNCIL COMMUNICATIONS

- A. Council Member Rosenthal - Discussion of the Development Services Director
Public comment is requested for this discussion item.

Council Member Henry Rosenthal asked Village Manager Ted Yates about Development Services Director Dan Gulizio's dismissal and requested public comment on this discussion item. Mr. Yates contended the termination was in the best interest of the Village and the Planning Department and declined to comment on his reasons. He noted he viewed it as an opportunity to review the staffing needs of the department but that his intent was not to backfill the position.

Public comment was opened for this discussion item.

Speakers included:

Sue Miller
Joan Scholz
Joe Wischmeier
Don Horton
Dianne Wischmeier
Van Cadenhead
Judy Starr
Adam Starr
Carla Bahn
Dave Petkovich
Chris Trentine
Derek Rodberg
Roger Young
Robert Moser
Deb Gillis
Susan Raffanello
Maria Estrada
Harold Martin

Public comment was closed at 7:17 p.m.

- B. Vice Mayor Sharon Mahoney - Community Survey Update - **ADDED AT THE DAIS DURING ADDITIONS TO THE AGENDA**

Vice Mayor Sharon Mahoney noted she worked with CarlosG of Islamorada Social on these surveys because she wants the community to be involved in the decision-making process.

- C. Vice Mayor Sharon Mahoney - Discussion on Committees - **ADDED AT THE DAIS DURING ADDITIONS TO THE AGENDA**

Vice Mayor Sharon Mahoney encouraged residents to apply for a committee before the application period closed on June 15. She noted that interested residents could apply online and call her with questions.

D. Vice Mayor Sharon Mahoney - Discussion on Helicopters - **ADDED AT THE DAIS DURING ADDITIONS TO THE AGENDA**

Vice Mayor Sharon Mahoney asked about regulations pertaining to the operation of helicopters. Village Attorney John Quick noted there are two aspects of helicopter operations; one is the flight path, which is governed by the FAA, and the other is non-emergency take-offs and landings in the Village, which can be addressed through zoning regulations. Districts zoned for aircraft were the Tavernaero air strip and as major conditional use in the recreation district and the public and semi-public services district.

VI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Update of Page Excavating Audit

Village Attorney John Quick provided an update about Marcum LLC, the company he was talking to for an audit of the wastewater expenses. He noted that as the quote was \$80,000, the amount exceeds the purchasing limits and needs approval from the Council to move forward. Mayor Joseph B. Pinder III, Vice Mayor Sharon Mahoney, and Council Member Elizabeth Jolin affirmed their support for moving forward with the audit. Village Manager Ted Yates noted that Marcum would be doing a financial audit. If an audit were desired to confirm the work performed was necessary, that would entail an engineering audit at additional cost.

B. Village Manager Report Regarding RFP 23-05 Evaluation Committee Recommendations for Solid Waste Contractual Services

Village Manager Ted Yates noted the RFP was posted March 6 to April 11, during which time the Village released seven addendums in response to bidder questions, and extended the submittal deadline twice until May 16. Three proposals were received from Atlantic Trash and Transfer, Island Disposal, and Waste Management Inc of Florida. The Evaluation Committee met on June 6. Due to the community's interest in the evaluation, the Committee met at the Community Center, and Council Member Henry Rosenthal asked the proposers for their input before the Committee shared their scores.

Island Disposal was the top-ranked company scoring 408 points, followed by Atlantic with 393 points, and Waste Management with 320 points. Village Manager Ted Yates noted he would be working with John Quick to negotiate with Island Disposal to bring a contract back for Council's consideration on July 6.

Village Attorney John Quick was asked to address a communication from one of the proposers which was brought to his attention as a potential violation of the Cone of Silence. This communication did not fall within one of the seven exceptions permitted under the Cone of Silence, thereby requiring disqualification of the Atlantic proposal.

C. Completion of Dog Park and discussion on dedication.

Village Manager Ted Yates noted there had been requests to rename the dog

park in memory of former Council Member and Monroe County Commissioner Mike Forster. Council discussion ensued and there was disagreement about approving the request. Council Member Jolin offered an alternate idea to memorialize Mr. Forster's contributions to the community, perhaps naming the Village's new charitable giving program after him.

Mayor Joseph B. Pinder III asked audience member Tony Hammon to speak on Mr. Forster's legacy. As the floor had been opened to Mr. Hammon, Mayor Pinder permitted Van Cadenhead and Deb Gillis to share their thoughts as well.

- D.** Request to Extend Agreement for Freebee Ridesharing Services
Pending FDOT SFY 2024 Public Transit Service Development
Program Grant Agreement - **TAB 1** ()

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, APPROVING A REVOCABLE
LICENSE AGREEMENT WITH BEEFREE, LLC., d/b/a FREEBEE
RELATED TO ELECTRIC VEHICLE CHARGING STATIONS;
AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE
TERMS AND CONDITIONS OF THE AGREEMENT;
AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE
AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Manager Ted Yates noted that we applied for a grant last year and to be able to accept it we need to have an increase in service hours.

- E.** FY 2023-2024 Budget Calendar - **TAB 2**

Finance Director Maria Bassett summarized the upcoming budget calendar dates for the Council to select dates to hold the budget meetings. Ms. Bassett noted on June 1 a letter was sent to all property owners giving a preliminary taxable value. At the July 6 meeting, the Council will be asked to pass a resolution to adopt a millage rate to create an estimated tax rate that residents will see in the November tax bill.

- F.** Discussion of Village Manager's Contract

Council Member Elizabeth Jolin noted she asked Village Attorney John Quick to report on the various options the Council has regarding the Village Manager's contract. Mr. Quick noted the contract automatically renews on August 1 unless the Council takes action to prevent the renewal.

- G.** Quasi-judicial testimony via Zoom - **ADDED AT THE DAIS DURING
THE MEETING**

Village Attorney John Quick noted he had inquiries as to why quasi-judicial testimony was not permitted via Zoom and indicated that our Village Charter mandates in-person testimony only.

VII. 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 Consent Agenda items.

Mayor Joseph B. Pinder III opened public comment at 9:02 pm

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

ACTION: Motion to approve item VII. 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 Regular Village Council Meeting Minutes for April 11, 2023; April 13, 2023; May 4, 2023; and the May 4, 2023 Planning Code Workshop - **TAB 3**

(Marne McGrath, Village Clerk)

B. Resolution changing the name of the Achievable Housing Citizens' Advisory Committee to the Workforce/Affordable Housing Citizens' Advisory Committee - **TAB 4**

(John Quick, Interim Village Attorney)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AMENDING RESOLUTION NO. 12-01-06 PERTAINING TO THE ACHIEVABLE HOUSING CITIZENS' ADVISORY COMMITTEE; CHANGING THE TITLE OF THE COMMITTEE TO THE WORKFORCE/AFFORDABLE HOUSING CITIZENS' ADVISORY COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE

C. Resolution Approving the First Amendment to Work Authorization No. 9 with WSP for Water Quality Monitoring and Construction Administration and Oversight of the Canal 114 Restoration Project - **TAB 5**

(Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A FIRST AMENDMENT TO WORK AUTHORIZATION NO. 9 WITH WSP USA ENVIRONMENT & INFRASTRUCTURE, INC. FOR WATER QUALITY MONITORING AND CONSTRUCTION

ADMINISTRATION AND OVERSIGHT OF THE CANAL 114 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 AMENDMENT TO THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

- D.** Resolution Approving Revocable License Agreement with Beefree, LLC, d/b/a Freebee, for Charging Stations - **TAB 6**

(Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A REVOCABLE LICENSE AGREEMENT WITH BEEFREE, LLC., d/b/a FREEBEE RELATED TO ELECTRIC VEHICLE CHARGING STATIONS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

- E.** Resolution Approving Interlocal Agreement with Monroe County, Florida, for Fiscal Year 2023-2024 Boating Improvement Funds not to exceed \$14,000.00 for the Islamorada Buoy Maintenance Program - **TAB 7**

(Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY, FLORIDA, AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE REIMBURSEMENT FUNDING FROM BOATING IMPROVEMENT FUNDS DURING FISCAL YEAR 2023-2024; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

VIII. ORDINANCES

- A.** Second Reading: Update ARTICLE VII "TOWING", SECTION 50-100 of The Village Code Relating to Regulations for Wrecker Operations - **TAB 8**

(Ted Yates, Village Manager)

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

Village Manager Ted Yates noted the first reading of the ordinance was held on February 9, 2023

Mayor Pinder opened public comment.

Van Cadenhead shared his thoughts.

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

ACTION: Motion to approve item VIII.A. by Henry Rosenthal second by mark gregg;

Motion passed with a 5:0

AYES: Sharon Mahoney, Elizabeth Jolin, mark gregg, Henry Rosenthal, Joseph B. Pinder III

NAYS: None

ABSTAIN: None

IX. RESOLUTIONS

- A.** Resolution Approving Recommendations of the Evaluation Committee and Negotiation of a Contractual Services Agreement for Residential and Commercial Solid Waste, Yard Waste and Recycling Collection and Disposal Services - **TAB 9**

(A.J. Engelmeyer, Public Works Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RECOMMENDATIONS OF THE RFQ 23-05 EVALUATION COMMITTEE FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE, YARD WASTE AND RECYCLING COLLECTION AND DISPOSAL SERVICES; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE A CONTRACTUAL SERVICES AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE

Village Attorney John Quick noted a procedural point indicating the resolution was created before the Evaluation Committee met, so there were some blanks to fill in.

Village Manager Ted Yates reiterated the scoring that Island Disposal was first, Atlantic was second but was disqualified, as Attorney Quick had noted, and Waste Management scored third and was now second due to Atlantic Trash's disqualification.

Mayor Pinder opened public comment at 9:13 pm

Speakers included:

Frank Lavin
Van Cadenhead
Deb Gillis
Joe Wischmeier
Sue Miller
Robert Moser

Brian Lindback from Island Disposal shared their plan to be ready to serve at the beginning of 2024.

Jason Neal and Greg Sullivan of Waste Management promoted their services, noting their history with the Village and the readiness of additional fleet if needed.

Council Member Mark Gregg extended the meeting for 30 minutes at 9:57 p.m.

Discussion ensued and Village Manager Ted Yates noted that a ten-year contract was more advantageous if Island Disposal is selected.

ACTION: Motion to approve to accept the recommendation ranking island disposal first and waste management second item IX.A. by Henry Rosenthal second by Sharon Mahoney;
Motion passed with a 4:1

AYES: Sharon Mahoney, mark gregg, Henry Rosenthal, Joseph B. Pinder III

NAYS: Elizabeth Jolin

ABSTAIN: None

B. Resolution Approving and Ratifying FY 2022-2023 Purchases from KBVacuum and DoneRite Pumps - TAB 10

(Kristiana Patience, Public Works Coordinator)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RATIFYING PURCHASES FROM KB VACUUM PUMP SOLUTIONS, LLC., AND FROM DONERITE PUMPS FOR FY 2022-2023 THROUGH MAY 16, 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**

Village Manager Ted Yates noted there is a \$25,000 spending threshold above which Council approval is required. The requested resolution ratifies purchases for emergency repairs performed throughout the closing fiscal year.

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

ACTION: Motion to approve item IX.B. by Mark Gregg second by Sharon Mahoney;

Motion passed with a 5:0

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

NAYS: None

ABSTAIN: None

X. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:41 pm.