Islamorada, Village of Islands
REGULAR VILLAGE COUNCIL MEETING

September 7, 2023 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

MINUTES

I. CALL TO ORDER / ROLL CALL

Mayor Joseph B. Pinder III called the meeting to order at 05:30 PM

PRESENT: Council Member Mark Gregg, Council Member Elizabeth Jolin, Council Member Henry Rosenthal, Vice Mayor Sharon Mahoney, Mayor Joseph B. Pinder III,

ABSENT:

II. PLEDGE OF ALLEGIANCE

Lighthouse Larry led the Pledge of Allegiance and Mayor Pinder started the meeting with a prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

Mayor Pinder asked Village Attorney John Quick to summarize the recently adopted Council rules of procedures.

Additions/deletions - must occur at least 24 hours before the meeting or must be an emergency - items can be deferred/continued to a different agenda.
He noted two items were added yesterday and appear on the revised agenda.
Public comment changes were summarized as well, noting time limits for speakers did not change except for presentations which have a new ten-minute limit.
Mayor Pinder noted the rules were adopted to streamline meetings.

Council Member Henry Rosenthal:

Pull Item VII F (Mayor/Council Communications - Discussion pertaining to personnel policy)
Asked for the following items to appear on the next agenda - Dan Gulizio employment contract, Former Manager Yates legal action, Glyn Property, 86 Affordable Housing Allocations, Traffic Issues, Island Silver and Spice

Vice Mayor Sharon Mahoney:

Pull Tabs 7 and 8 - she requested formation of a committee to discuss options

Mayor Joseph B. Pinder III:

Next meeting - amend Rules of Procedures to include not using phones except in emergencies.
Added presentation - Item VII C (Alligator Reef Lighthouse)

Council Member Mark Gregg:

Requested clarification of Tabs 7 and 8. Interim Village Manager Bryan Cook summarized that Tab 7 was to accept the grant, and Tab 8 was to amend the current Freebee grant. He noted this is a reimbursement-based grant. We have until early next year to accept the grant.

Finance Director Maria Bassett noted the grant isn't effective until both parties (Village and FDOT) adopt and execute the agreement. Freebee has been hiring drivers. The agreement time frame was intended to sync with the fiscal year. We have applied for year two funding as well.

Vice Mayor Sharon Mahoney indicated that the Freebee survey is still active and collecting responses. She would like to see the results prior to making any decision about the Freebee grant.

ACTION:	Motion to continue tabs 7 and 8 for up to 60 days item III. by Sharon Mahoney 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

IV. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

A. Interlocal Agreement with Monroe County Land Authority for Future Land Acquisition

Environmental Resources Manager Pete Frezza provided background, noting that the Council approved Resolution 23-07-59 asking the Monroe County Land Authority to prioritize the purchase of certain lands within the Florida Bay Forever service area.

Bonefish Holdings LLC (near History of Diving Museum) was selling 9 parcels, all contained in the same sale. He noted the uniqueness for the size and diversity of habitats. His opinion is that this is the highest quality beach berm in the Village. Nothing exists like this anymore in Islamorada. Nearby adjacent properties are publicly owned either by the Village or the State. The sale price is listed at $6.75 million - appraisals came in slightly under $4 million. The Land Authorirty is looking for guidance on whether the Village is willing to make up the difference between the appraised value and asking price.
If the Council agrees to move forward, it goes to the County Board of Commissioners for approval.

Christine from the Monroe County Comprehensive Land Authority noted they represent the county and municipalities. Their interest is conservation. They are trying to get more involved with the communities. They ask the local governments what they can do to support their conservation efforts. This parcel is beyond their normal means, the state made an offer at less than the appraised value. If you're willing to partner on it, they will start working with the seller. The village will cover the difference.

After discussion of the options, Council gave a consensus to move forward.

B. Presentation by the Florida Keys History and Discovery Center

Rich Russell, Chair of the Florida Keys History and Discovery Center Board of Directors summarized their proposal to team with the Village to unite and educate the community. Director Erin Muir summarized the mission of the organization to preserve our community and its past. The museum asked to partner with the Village to eliminate barriers to access by residents who cannot afford a membership and summarized the revenue resources they need to maintain. They aren't able to open the doors to all residents without supplemental income. Offering free memberships to all exhibits and programs. They have been negotiating with Council Member Henry Rosenthal on this partnership. The value would be $480,000 annually, but they are down to around $250K. This program would be outside the charitable donation program. They feel their product is worthy of the Village's investment as they want to build out a 3-5 year strategic plan to create a cultural center.

The Council was interested but needed more information and the representatives of the Museum noted they would go back to the Board for a more detailed proposal. Interim Attorney John Quick noted that Weiss Serota has a staff member who specializes in public finance and could review quickly.

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.)

Mayor Joseph B. Pinder III opened public comment.

Speakers included:

Dianne Habaugh
Rob Hazelcorn
Joe Wischmeier
Angel Borden
Alina Davis
Van Cadenhead
Joan Scholz
Deb Gillis
Capt. Ed Davidson
Maureen Graney
Ellie Quigley
Richard Black
Geoffrey Campbell

Chip Jenkins
Sheila Glancy

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

VI. CITIZENS' ADVISORY COMMITTEE REPORTS & APPOINTMENTS

A. Nearshore Water Citizen's Advisory Committee Report - Dianne Harbaugh

Chair Harbaugh shared the activities and initiatives of the committee.

Vice Mayor Sharon Mahoney recessed the meeting at 8:05 p.m. for pizza and birthday cake.

VII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Mayor Joseph B. Pinder III called the meeting back to order at 8:37 p.m.

A. Village Manager Screening and Selection Process

Interim Village Manager Bryan Cook noted that 31 applicants have applied for the Village Manager position thus far. Binders were distributed to the Council for their review. He suggested Council select 5 traits they were looking for in our next manager.

He noted we received one respondent to our RPF for a search firm and that they are more geared towards the finance industry. The options were that we could issue another RFP, reach out to search firms ourselves or piggyback off another community's firm.

The consensus of Council was to individually create a small team of residents of their choosing to help them assess and rank the applicants. It was agreed that after the teams had submitted their preferred candidates to HR Director Engelmeyer, that they would decide then on the next steps.

Interim Village Attorney John Quick noted that because these are small informal groups and not official members of a board, there is no sunshine violation.

B. Charitable Donations Selection Process

Interim Village Manager Bryan Cook noted that the Council had allocated $125,000 to the budget for charitable donations, and indicated the total of requests received is $591,000. He noted that staff categorized the requests into environmental, humanitarian, and other. He further stated that some have been eliminated if they are already receiving in-kind support from the Village.

C. Alligator Reef Lighthouse Support for Village's State and Federal Lobbyist Agendas

Rob Dixon and Lighthouse Larry provided an update on their rehabilitation of the Alligator Reef Lighthouse. They made previous requests for a charitable contribution and were asking that the Village support their efforts by requesting the Village's lobbyists to help them find funding.

The consensus of Council was to accommodate the request.

D. Committee Size and Selection Process

Interim Village Manager Cook noted this item was to follow up on the Committee Appointment Process per Ordinance 23-02 adopted April 11, 2023.

Appointments were decided for all the committees except for the Local Planning Agency and Historical Preservation Committee. It was decided that each Council Member would vote for their preferred seven candidates for the LPA and if there was a consensus, the slate could be appointed at an upcoming meeting. It was noted that the LPA would hear an ordinance to increase the HPC from five seats to seven.

E. Discussion and Request for Direction Regarding Green Turtle Hammock Park Scenic Overlook Pavilion Project/Consideration of Rejecting All Bids Received in Response to RFP 23-11- **TAB 1**

Interim Village Manager Cook noted the Village put out an RFP for this project and received three bids. All were roughly three times more than we expected. It was his recommendation to reject all bids. He noted the options were to reduce the scope of the project; do nothing; or repost the bid at a higher cost. The consensus was to rescope the project and put out a new RFP.

VIII. MAYOR / COUNCIL COMMUNICATIONS

A. Discussion Regarding Addition of the East Ridge Road Boat Ramp to Nightly Closures List (Councilman Gregg)

Council Member Mark Gregg noted there is a boat ramp at the end of East Ridge Road that is next door to his house. It's a Village asset, and he is requesting the ramp be open the same hours as all other village assets. He indicated there is no parking and it is not a standard 50' road, more of a public right of way. He noted the construction of ramp only allows for smaller boats. Trailers scrape on the pavement when boats are put in and out and it has become a noise concern.

Mr. Gregg noted the opening of Sun Outdoors is catalyst for the request, as they direct their residents to that ramp. The Village has erected a swing gate at Blackwood Lane ramp to lock during the holidays, and he is asking for the same thing at that location.

Discussion ensued regarding various public nuisances throughout the Village and whether an opportunity exists to cumulatively address them as a whole.

Council Member Mark Gregg moved to extend the meeting for 30 minutes at 10:00 p.m.

B. Discussion Regarding whether to hold a Special Election to Decide whether to Change the Length of Council Terms, Staggered Terms, and Council Pay (Councilwoman Jolin)

Council Member Elizabeth Jolin suggested a host of charter amendments involving the Village Council election process.

Staggered terms, term limits, Council compensation, campaign spending limit, and removing seat assignments were discussed.

Interim Village Attorney John Quick noted he would prepare an ordinance for first reading at next meeting. He noted if the initiatives passed the County needs the amendments by December 10, 2024 for placement on the March Presidential Preference ballot.

C. Discussion Regarding Modifying the Purchasing Policies and Procedures to Increase Purchasing Authority (Councilwoman Jolin)

Council Member Elizabeth Jolin noted Finance Director Maria Bassett would work on this and bring it back for Council consideration at a future meeting.

D. Discussion Regarding Hiring In-House Village Attorney (Councilwoman Jolin)

Council Member Elizabeth Jolin requested a discussion about whether to hire an in-house attorney or officially retain Weiss Serota as our attorney. Interim Village Attorney John Quick noted the budget for in-house legal with assigning various projects to Weiss Serota was comparable in price to retaining Weiss Serota as our official counsel and that having a team to fall back on allows for multiple projects to be addressed simultaneously.

Council Member Mark Gregg moved to extend the meeting for 30 minutes at 10:30 p.m.

E. Discussion Regarding Proposed Redevelopment of Cemex Property (Councilwoman Jolin)

Discussion ensued regarding whether the Village should take a position on the Cemex redevelopment. No official position was taken at this time.

F. Discussion Regarding Amending Section 13.8 Personnel Policy to Allow Rehire of Former Employees Whose Employment was Involuntarily Separated (Councilman Rosenthal) - **REMOVED DURING ADDITIONS/DELETIONS TO THE AGENDA**

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.)

Mayor Joseph B. Pinder III opened public comment.

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

ACTION:	Motion to approve item IX. by Elizabeth Jolin 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

A. Resolution Amending Resolution No. 23-04-44 Pertaining to the Establishment of an Auditor Selection Committee- **TAB 2** (Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING RESOLUTION NO. 23-04-44 PERTAINING TO THE ESTABLISHMENT OF AN AUDITOR SELECTION COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE

B. Resolution Approving Work Authorization No 1. With Tim Matthews Tree & Landscaping for Completion of a Planting Project at the Key Tree Cactus Preserve- **TAB 3** (Peter Frezza, Environmental Resources Manager)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 1 WITH TIM MATTHEWS TREE & LANDSCAPING, INC FOR COMPLETION OF PLANTING PROJECT AT KEY TREE CACTUS NATURE PRESERVE; 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 WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

C. Resolution Approving Work Authorization No. 13 with WSP for Canal 116 Restoration Project Construction Engineering Inspections and Administration Services- **TAB 4** (Peter Frezza, Environmental Resources Manager)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 13 WITH WSP USA ENVIRONMENT & INFRASTRUCTURE INC. FOR CANAL 116 RESTORATION PROJECT CONSTRUCTION ENGINEERING INSPECTIONS AND ADMINISTRATION SERVICES; 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 WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

D. Resolution Approving Work Authorization No. 14 with WSP for Canal 132 Restoration Project Design and Permitting Services- **TAB 5** (Peter Frezza, Environmental Resources Manager)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 14 WITH WSP USA ENVIRONMENT & INFRASTRUCTURE INC. FOR CANAL 132 RESTORATION PROJECT DESIGN AND PERMITTING SERVICES; 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 WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

E. Resolution Approving Letter of Engagement with Michael J. Pawelczyk to Provide Code Compliance Hearing Officer Services- **TAB 6** (Bryan Cook, Interim Village Manager)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE LETTER OF ENGAGEMENT BETWEEN MICHAEL J. PAWELCZYK AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE SERVICES OF CODE COMPLIANCE HEARING OFFICER; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE ENGAGEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LETTER OF ENGAGEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

X. ORDINANCES

There were no ordinances to be considered.

XI. QUASI-JUDICIAL

There were no quasi-judicial hearings to be held.

XII. RESOLUTIONS

A. Resolution Approving FDOT SFY 2023 Public Transit Service Development Program Grant Agreement for Expanded Freebee Ridesharing Services- **TAB 7** - **REMOVED DURING ADDITIONS/DELETIONS TO THE AGENDA** (Mary Swaney, Procurements & Grants Administrator, Maria Bassett, Finance Director)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ACCEPTING THE GRANT AWARD FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION; APPROVING THE GRANT AGREEMENT G2M67 BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE REIMBURSEMENT FUNDING FOR PUBLIC TRANSPORTATION DEVELOPMENT THROUGH EXPANSION OF THE FREEBEE PROGRAM; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE

B. Resolution Approving a Renewal Agreement for Freebee Ridesharing Services in Conjunction with FDOT SFY 2024 Public Transit Service Development Program Grant- **TAB 8** - **REMOVED DURING ADDITIONS/DELETIONS TO THE AGENDA** (Mary Swaney, Procurements & Grants Administrator, Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING EXECUTION OF AN AGREEMENT WITH BEEFREE, LLC., d/b/a FREEBEE WITH EXTENDED SERVICE HOURS; 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 AGREEMENT; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING AN EFFECTIVE DATE

C. Resolution Approving the Selection of Professional Contractor Services for the Wastewater System Resulting from RFQ 23-10 and Corresponding Continuing Services Agreement- **TAB 9** (A.J. Engelmeyer, Public Works Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE SELECTION AND RECOMMENDATIONS OF THE RFQ 23-10 EVALUATION COMMITTEE FOR PROFESSIONAL CONTRACTOR SERVICES FOR WASTEWATER SYSTEM; APPROVING PROFESSIONAL SERVICES AGREEMENTS FOR CONTRACTOR SERVICES FOR THE VILLAGE WASTEWATER SYSTEM; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Joseph B. Pinder III opened public comment.

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

Discussion ensued to ensure that practices would be put into place to control costs.

ACTION:	Motion to approve item XII.C. by Elizabeth Jolin second by Mark Gregg; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

D. Resolution Approving a First Amendment to Work Authorization No. 4 between Page Excavating, Inc., and the Village- **TAB 10** (A.J. Engelmeyer, Public Works Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A FIRST AMENDMENT TO WORK AUTHORIZATION NO. 4 BETWEEN PAGE EXCAVATING, INC. AND ISLAMORADA, VILLAGE OF ISLANDS, INCREASING THE NOT-TO-EXCEED AMOUNT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FIRST AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Joseph B. Pinder III opened public comment.

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

ACTION:	Motion to approve item XII.D. by Elizabeth Jolin second by Mark Gregg; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

E. Resolution Opposing Consolidation of 16th and 11th Judicial Circuits- **TAB 11** (John Quick, Interim Village Attorney)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, EXPRESSING OPPOSITION TO CONSOLIDATION OF JUDICIAL CIRCUITS, SPECIFICALLY THE CONSOLIDATION OF THE 16TH AND 11TH JUDICIAL CIRCUITS

It was noted that the State has been exploring the consolidation of judicial circuits which would have huge negative impacts on Monroe County.

The Clerk was directed to forward the resolution to the committee for its upcoming public hearing.

Council Member Mark Gregg moved to extend the meeting for 15 minutes at 10:55 p.m.
Mayor Joseph B. Pinder III opened public comment.

Speakers included:

Van Cadenhead
Angel Borden
Joe Wischmeier

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

ACTION:	Motion to approve item XII.E. by Henry Rosenthal second by Joseph B. Pinder III; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

XIII. MOTIONS

There were no motions to be considered.

XIV. ADJOURNMENT

Council Member Henry Rosenthal moved to adjourn the meeting at 11:01 p.m.