Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING
Amended Agenda

November 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

Building Official Sheila Denoncourt led the Pledge of Allegiance. Mayor Pinder asked for a moment of silence to acknowledge the unrest overseas.

III. AGENDA: Requests for Deletion / Emergency Additions

Vice Mayor Sharon Mahoney:

- Move the Discussion Items in VIII. C. to the end of the November 9 agenda.

Council Member Elizabeth Jolin:

- Pull Tab 10 and 14 from the Consent Agenda

Council Member Henry Rosenthal:

- Pull Tabs 9 and 13 from the Consent Agenda
- Add a discussion about the Fills to the December 12 agenda.

Discussion ensued about how long before the meeting was best to amend the agenda. It was noted that the current requirement of 24 hours before the meeting may put online viewers at a disadvantage if they do not review the agenda again after the 24-hour deadline has elapsed.

IV. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

A. Publix/Village Reusable Bag Initiative (Council Member Rosenthal)

Council Member Henry Rosenthal noted he has been working for the past few years to eliminate plastic bag usage.

He announced reusable bags were complete and available at the Islamorada Publix. Bags were distributed to the audience and Council by Publix staffers Kevin and Vivian.

B. Richard Clark-Monroe County Transit Director - **TAB 1**

Monroe County Transit Director Richard Clark provided an overview of the County's transit goals.

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:
Van Cadenhead
Brandon Davis
George Scott
Sue Miller
Angel Borden
Deb Gillis
Joe Wischmeier

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

VI. CITIZENS' ADVISORY COMMITTEE REPORTS & APPOINTMENTS

A. Nearshore Water Regulations Advisory Committee Report- Chair Dianne Harbaugh **- TAB 2**

Chair Harbaugh summarized recent Committee initiatives.

Council Member Elizabeth Jolin asked for discussion of an idle speed zone in Tavernier Creek. Interim Village Attorney John Quick noted it would be added to the December agenda.

B. Workforce/Affordable Housing Committee Report - Chair Paige Presnell **- TAB 3**

Chair Presnell summarized recent initiatives of the Committee.

VII. MAYOR / COUNCIL COMMUNICATIONS

A. Discussion Regarding 186 S. Airport Road (Council Member Rosenthal)

Council Member Henry Rosenthal noted Brandon Davis had approached him regarding reconsideration of the recent quasi-judicial decision concerning his property at 186 S. Airport Road. He asked if the Council would consider rehearing Mr. Davis' case as he may have additional information. Mr. Davis had indicated that since the quasi-judicial hearing, he had a habitat determination by well-known local Biologist Phil Frank, who categorized the property as disturbed.

Interim Village Attorney John Quick noted it was not appropriate to supplement a closed quasi-judicial record. Mr. Quick further noted that the Council's rules require a motion for reconsideration must be made at the same meeting that the item was considered.

There was not a consensus of the Council to reconsider the matter.

Discussion ensued after Vice Mayor Sharon Mahoney suggested potentially looking at an updated development code that the County uses for habitat classifications. There was a consensus to compare Environmental Standards in the Village Code with Monroe County and consider updates for more consistency with the County.

Interim Village Manager Ed Koconis indicated the County and Village Planning Departments would discuss the options.

B. Discussion Regarding Council Compensation Referendum (Vice Mayor Mahoney)

Vice Mayor Sharon Mahoney reiterated her request to change the proposed Council compensation increase to $1,500 from $2,000. Interim Village Attorney John Quick noted he would bring a revised ordinance back for Council consideration.

C. New Manager Job Description and Pay Scale Drafted by Weiss Serota (Council Member Jolin)- **TAB X**

Council Member Elizabeth Jolin requested Weiss Serota update the Village Manager job description and draft a reasonable pay scale for Council input.

D. Discussion Regarding Tea Table (Council Members Rosenthal and Gregg)

Council Member Mark Gregg noted he had received an email from a contractor who worked on the island years ago and discovered human remains while digging a swimming pool. The composer of the email stated Local Historian Irving Eyster was called out at the time to assess the find and recommended reburying the remains and digging the pool elsewhere on the property.

It was noted that the property had formerly housed both indigenous peoples and military personnel. Staff were asked to inform the owner of the property, and to determine what steps should be taken moving forward. Interim Village Manager Ed Koconis indicated that staff was looking into the situation.

Council Member Henry Rosenthal expressed concern about the recent change to the flood zone designation of the property. He indicated that a procedure should be implemented for future requests to amend the flood zones.

E. Strategic Plan and Accomplishments (Council Member Gregg)- **TAB Y**

Council Member Mark Gregg expressed his appreciation for Monroe County Strategic Planner Kimberly Matthews coming on as Interim Village Manager in January. He noted that Ms. Matthews had the expertise to help the Village get started on strategic planning initiatives. A consensus of Council agreed.

VIII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Update on November 14, 2023 Village Manager Interview Process

Interim Village Manager Ed Koconis suggested an interview process to interview the 10 - 12 applicants still interested via Zoom. A consensus of Council would select three questions that would then be provided to each applicant in advance, with all answering the same three questions.

It was noted that the nine questions formulated by Council Member Rosenthal's team had already been asked of the applicants during initial phone calls to the applicants.

After the interviews, the Council would narrow down the field to no more than five for final in-person interviews. Mr. Koconis indicated that HR Director Engelmeyer would reach out to Council with potential dates for the in-person interviews.

ACTION:	Motion to Approve in-person interviews for finalists in January item VIII.A. by Joseph B. Pinder III second by Mark Gregg; Motion passed with a 4:1
AYES:	Mark Gregg, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	Elizabeth Jolin
ABSTAIN:	None

B. Introduction of Monroe County Senior Director of Strategic Planning & Director of Libraries Kimberly Matthews

Interim Village Manager Ed Koconis introduced Monroe County Senior Director of Strategic Planning & Director of Libraries Kimberly Matthews who would serve as the next Interim Village Manager. Ms. Matthews summarized her strategic planning experience and noted that she looked forward to working with the Islamorada team.

IX. HEARD PRIOR TO CONSENT AGENDA

A. Resolution Approving Second Sixty (60) Day Extension of Employee Interchange Agreement with Monroe County - **TAB 14** (John Quick, Interim Village Attorney)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A RENEWAL OF THE EMPLOYEE INTERCHANGE AGREEMENT WITH MONROE COUNTY, FLORIDA FOR AN ADDITIONAL SIXTY (60) DAYS; AND PROVIDING 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 IX.A. 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. 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 recessed for a break at 8:06 p.m. and reconvened at 8:22 p.m.

Tab 14 was heard prior to the Consent Agenda.

It was clarified that Tabs 9, 10 and 13 were removed from the Consent Agenda and moved to Resolutions.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Sue Miller

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

ACTION:	Motion to approve the consent agenda item X. by Mark Gregg second by Elizabeth Jolin; Motion passed with a 4:1
AYES:	Mark Gregg, Elizabeth Jolin, Sharon Mahoney, Joseph B. Pinder III
NAYS:	Henry Rosenthal
ABSTAIN:	None

A. Meeting Minutes: - **TAB 4**
Special Call Land Use - July 20, 2023
Regular Village Council Meeting - July 27, 2023
Budget Workshops #1 and #2 - August 2 & 3, 2023
Special Call Village Council Meeting - August 3, 2023
Regular Village Council Meeting - August 17, 2023
Regular Village Council Meeting - September 7, 2023
Budget Hearing #1 - September 12, 2023
Budget Hearing #2 - September 19, 2023
Special Call Land Use - September 21, 2023
Regular Village Council Meeting - September 28, 2023
Freebee Workshop - October 3, 2023
Village Manager Selection Process Meeting - October 3, 2023
Regular Village Council Meeting - October 10, 2023 (Marne McGrath, Village Clerk)

B. Resolution Approving FY 2023-2024 Expeditures through an Agreement with Ben Few & Company, LLC, to Provide Insurance and Risk Management Services and a First Amendment to the Agreement to Provide for Updated Terms - **TAB 5** (Maria Bassett, Finance Director)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING FISCAL YEAR 2023-2024 EXPENDITURES THROUGH AN AGREEMENT BETWEEN BEN FEW & COMPANY, LLC, AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE INSURANCE AND RISK MANAGEMENT SERVICES; APPROVING A FIRST AMENDMENT TO THE AGREEMENT TO PROVIDE FOR UPDATED PROVISIONS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

C. Resolution Approving FY 2023-2024 Purchases from Commercial Energy Specialists for Aquatic Facility Supplies and Services - **TAB 6** (Maria Bagiotti, Founders Park Director)
A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING FISCAL YEAR 2023-2024 EXPENDITURES FROM COMMERCIAL ENERGY SPECIALISTS, LLC. TO PROVIDE AQUATIC FACILITY SUPPLIES AND SERVICES TO THE PARKS AND RECREATION DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE

D. Resolution Approving FY 2023-2024 Purchases from Bound Tree for Emergency Medical Services Supplies - **TAB 7** (Terry Abel, Fire Chief)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING FISCAL YEAR 2023-2024 EXPENDITURES THROUGH BOUND TREE MEDICAL, LLC FOR MEDICAL SUPPLIES FOR THE FIRE RESCUE DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE

E. Resolution Approving FY 2023-2024 Expenditures through an Agreement with Professional Emergency Services, Inc. to Provide Medical Director Services and a First Amendment to the Agreement to Provide Updated Terms - **TAB 8** (Terry Abel, Fire Chief)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING FISCAL YEAR 2023-2024 EXPENDITURES THROUGH AN AGREEMENT BETWEEN PROFESSIONAL EMERGENCY SERVICES, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE EMERGENCY MEDICAL SERVICES; APPROVING A FIRST AMENDMENT TO THE AGREEMENT TO PROVIDE FOR UPDATED PROVISIONS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

H. Resolution Approving State of Florida Department of Commerce Grant Agreement HL218 for Two Storage Buildings for Emergency Backup Generators - **TAB 11** (Terry Abel, Fire Chief)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ACCEPTING GRANT AGREEMENT HL218 WITH THE STATE OF FLORIDA DEPARTMENT OF COMMERCE TO PROVIDE REIMBURSEMENT FUNDING FOR CONSTRUCTION OF TWO STORAGE BUILDINGS TO HOUSE EMERGENCY BACKUP GENERATORS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

I. Resolution Adopting the Monroe County Multijurisdictional Program for Public Information (PPI) - **TAB 12** (Megan Rumbaugh, Floodplain/CRS Coordinator)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ADOPTING THE MONROE COUNTY MULTIJURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI); AND PROVIDING FOR AN EFFECTIVE DATE

XI. RESOLUTIONS

F. Resolution Approving Fiscal Year 2023-2024 Purchases from Wastewater Vendors for the Wastewater Department - **TAB 9** (A.J. Engelmeyer, Public Works Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING FISCAL YEAR 2023-2024 EXPENDITURES FROM AIRVAC INC, DONERITE PUMPS, INC., F.J. NUGENT & ASSOCIATES, FORTILINE WATERWORKS, KB VACUUM PUMP SOLUTIONS, LLC, AND SUNBELT RENTALS FOR THE OPERATION AND MAINTENANCE OF THE VILLAGE'S WASTEWATER COLLECTION AND TRANSMISSION SYSTEM; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE

Pulled from the Consent Agenda and moved to Resolutions by Council Member Henry Rosenthal, who noted he provided a vendor's name who may be a less expensive option for supplies. DPW Director Engelmeyer indicated he was aware of the vendor and noted that they only distribute to large suppliers.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Sue Miller

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

ACTION:	Motion to approve item X.F. by Mark Gregg second by Elizabeth Jolin; Motion passed with a 4:1
AYES:	Mark Gregg, Elizabeth Jolin, Sharon Mahoney, Joseph B. Pinder III
NAYS:	Henry Rosenthal
ABSTAIN:	None

G. Resolution Approving Work Authorization No. 15 with WSP USA Environment & Infrastructure, Inc. for Canal 116 Air Curtain Design and Permitting - **TAB 10** (Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 15 WITH WSP USA ENVIRONMENT & INFRASTRUCTURE INC. FOR CANAL 116 RESTORATION AIR CURTAIN 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

Council Member Elizabeth Jolin noted she pulled the item from the Consent Agenda for clarification that there would be a legal document with the property owner who will host the air curtain.

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 X.G. 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

J. Resolution Approving Agreement with RJS Design Consultants LLC to Provide Professional Services and Project Management for the Founders Park Pool Resurfacing Project - **TAB 13** (Maria Bagiotti, Founders Park Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN AGREEMENT WITH RJS DESIGN CONSULTANTS LLC TO PROVIDE PROFESSIONAL SERVICES AND PROJECT MANAGEMENT FOR THE FOUNDERS PARK POOL RESURFACING PROJECT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT; AUTHORIZING EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE

Council Member Henry Rosenthal pulled the item from Consent to clarify that an expert would be doing the work. Park Director Bagiotti indicated that an expert consultant would be providing the services and noted that it had been 22 years since the last pool resurfacing.

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 X.J. by Sharon Mahoney 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. Resolution to Establish Rideshare Services Selection Panel - **TAB 15** (Ed Koconis, Interim Village Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING A RIDESHARING SERVICE ADVISORY SELECTION PANEL; DEFINING ITS DURATION, COMPOSITION, DUTIES AND

RESPONSIBILITIES; PROVIDING THE PARAMETERS OF STAFF PARTICIPATION; AND PROVIDING FOR AN EFFECTIVE DATE

Interim Village Attorney John Quick noted this item would create the rideshare panel and clarify their duties. He noted that seven people had applied, and that if the Council wished to appoint all seven, the motion should be amended to note seven members instead of five noted in the resolution.

The seven applicants were Jim Lashley; Alina Davis; Judy Hull; Tom Raffanello; Deb Gillis; Sue Miller; and Maria Hamilothoris.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Deb Gillis

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

ACTION:	Motion to approve with the modification from 5 to 7 members and resolution reflect the 7 members listed item XI.A. by Sharon Mahoney second by Henry Rosenthal; Motion passed with a 5:0
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

XII. ORDINANCES

A. Ordinance Calling for a Referendum to Revise Term Limits - **TAB 16**
(John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CALLING FOR A REFERENDUM VOTE TO BE HELD WITH THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION ON TUESDAY, MARCH 19, 2024; PROVIDING FOR SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE VILLAGE CHARTER PERTAINING TO TERM LIMITS; PROVIDING FOR PLACEMENT ON THE BALLOT; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR AUTHORIZATION OF VILLAGE CLERK AND FOR VILLAGE CANVASSING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER/CONFORMITY OF AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Interim Village Attorney John Quick noted the proposed amendment would change the current Charter language. If approved it would specify that instead of term limits of eight consecutive years for Council Members, the term limit would be eight total years, and retroactive for any past council members.

As proposed, the ordinance would place the referendum on the March 2024 Presidential Preference Primary ballot. Discussion ensued regarding whether the March 2024 election would be the best option as it was a closed primary and turnout was likely to be low and may not fully represent the Islamorada electorate. The consensus agreed that the better option would be to place the question on the November 5, 2024 General Election ballot.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Deb Gillis
Angel Borden

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

ACTION:	Motion to Approve the ordinance for the November 2024 ballot item XII.A. by Elizabeth Jolin second by Henry Rosenthal; Motion passed with a 3:2
AYES:	Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney
NAYS:	Mark Gregg, Joseph B. Pinder III
ABSTAIN:	None

XIII. MOTIONS

A. Motion to Consider Appointment of David Petkovich to the Nearshore Water Regulations Citizens Advisory Committee - **TAB 17** (Peter Frezza, Environmental Resources Manager)

A MOTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE APPOINTMENT OF DAVID PETKOVICH TO THE NEARSHORE WATER REGULATIONS CITIZENS ADVISORY COMMITTEE

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

Discussion ensued regarding whether it was appropriate to make committee appointments outside the formal application period. Ultimately, a consensus of Council agreed it was better to make the appointment at this time.

ACTION:	Motion to approve item XIII.A. by Henry Rosenthal second by Elizabeth Jolin; Motion passed with a 3:2
AYES:	Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney
NAYS:	Mark Gregg, Joseph B. Pinder III
ABSTAIN:	None

XIV. ADJOURNMENT

Moved by Council Member Elizabeth Jolin to adjourn at 9:33 p.m.