



Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

REVISION 2

February 13, 2024 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

MINUTES - CORRECTED

I. CALL TO ORDER / ROLL CALL

Mayor Joseph B. Pinder III called the meeting to order at 5:30 p.m.

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

Fire Chief Terry Abel led the Pledge of Allegiance and Mayor Pinder began the meeting with a prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

Council Member Henry Rosenthal asked to move up Tab 19 (Village Manager position) to be heard after the Consent Agenda.

Tab 4 was removed from the agenda.

IV. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

A. FDOT Landscaping Project Presentation

Monica Rodriguez, FDOT District Landscape Manager, presented an overview of the standalone landscape project which would run from MM 75.024 to 81.44.

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

Frank Derfler

Tom Raffanello, on behalf of the Islamorada Community Alliance

Joe Wischmeier

Joe Jannach

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

VI. MAYOR / COUNCIL COMMUNICATIONS

A. Discussion Regarding Potential Staggering of Councilmember Terms (Councilmember Elizabeth Jolin) **TAB 2**

Council Member Elizabeth Jolin opened a conversation about whether staggering Council terms might stabilize the community. All five seats change at each election. John Quick noted it would require a referendum which could be prepared for the November 2024 ballot and would take effect in 2026 if passed.

A majority of the Council were in favor of four-year staggered terms and Interim Village Attorney John Quick indicated he would prepare an ordinance for the Council's consideration to place the question on the November 5, 2024 ballot.

There was not a majority of Council in favor of eliminating the requirement to run for a specific seat.

B. Clarification of and Staff Direction for Requirement for District Boundary Buffer Requirement, as per Quasi-Judicial Hearing on Variance for 121 Carroll Street Heard on April 11, 2023 (Councilmember Mark Gregg) **TAB 3**

Council Member Mark Gregg noted a past variance request for a district boundary buffer between residential and commercial properties. He requested that the Code be updated to make it an administrative function to not require a boundary buffer on the residential side.

Planning Director Jennifer DeBoisbriand requested clear direction on how to propose the code change. She asked whether the Council wanted this for all residential districts, as they have varying requirements. The Council asked Director DeBoisbriand to analyze the options and make a recommendation.

C. Staff Direction for Offers to Purchase and "Other Relief" for Administration Relief Application Hearings under Village Code Section 30-477(f)(2) and (3) (Councilmember Mark Gregg) **TAB 4**

This tab was removed at the beginning of the meeting.

D. Discussion about the Composition of the LPA (Mayor Buddy Pinder)

Interim Village Attorney John Quick noted the Local Planning Agency is required per state statute, but that statute is silent as to the committee's composition. Discussion ensued and Council consensus was to give direction to Planning Director Jennifer DeBoisbriand to assess LPA processes and related costs and return with a recommendation on how the LPA might be changed.

VII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Request for Direction Regarding Termination of the Lease Agreement for Operation of the Billboard on Windley Key **TAB 5**

Environmental Resources Manager Pete Frezza noted the billboard is on Village property under a current contract with OutFront Media. The term of lease is due to expire at the end of July and the Village has the option to terminate with a 90-day

notice. Staff were looking for a recommendation, noting if the contract were terminated the billboard would be replaced with a planting project.

ACTION: Motion to approve termination of billboard agreement item VII.A. by Henry Rosenthal second by Mark Gregg;
Motion passed with a 5:0 vote

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

NAYS: None

ABSTAIN: None

Planning Director Jennifer DeBoisbriand announced the noise ordinance workshop was being held on February 22 and that the department was taking comments. She encouraged interested members of the public to attend.

VIII. CONSENT AGENDA

Council Member Henry Rosenthal pulled Tabs 7, 8, and 9 which were moved to the end of the resolutions section of the agenda.

ACTION: Motion to approve consent agenda items 6 and 10 item VIII. by Mark Gregg second by Sharon Mahoney;
Motion passed with a 5:0 vote

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

NAYS: None

ABSTAIN: None

- A.** Approval of Meeting Minutes: **TAB 6**
Executive Session - January 9, 2024
Regular Council Meeting - January 9, 2024
Regular Council Meeting - January 11, 2024
Special Call Village Council Meeting - January 17, 2024
Special Call Village Council Meeting - January 22, 2024 (Marne McGrath, Village Clerk)

- B.** Resolution Approving First Amendment to Contractual Services Agreement for Solid Waste Services to allow a Rate Correction for Commercial Rolloff Compactors **TAB 10** (Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE CONTRACTUAL SERVICES AGREEMENT FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE, YARD WASTE AND RECYCLING COLLECTION AND DISPOSAL SERVICES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE

IX. MOTIONS

A. Motion to Approve Path Forward for Village Manager Position **TAB 19**

Council Member Henry Rosenthal noted he moved this item up because it was important and was placed late in the agenda. Interim Village Attorney John Quick noted it was a motion and, per Council's Meeting Procedures motions are on the agenda just before the adjournment.

Council Member Mark Gregg noted he was requesting reconsideration of the January 22 motion not to select Robert Cole. He noted that he had received an overwhelming amount of comments from residents asking for the Council to decide on a Village Manager. Council Member Gregg indicated he was asking for reconsideration based on that community feedback.

Council Member Elizabeth Jolin noted that during Florida Keys Day in Tallahassee, she heard a strong message from Keys officials that what was going on here had to stop.

There was discussion about the importance of regularly evaluating Mr. Cole's performance and whether there may be an opportunity for him to initially serve in an assistant manager role. It was determined to move forward with Mr. Cole as the Village Manager with an opportunity to train with Interim Village Manager Kimberly Matthews. The Council consensus was to have Weiss Serota negotiate the contract.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:

Van Cadenhead
Joe Wischmeier
Deb Gillis
Sue Miller
Don Horton
David White

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

ACTION:	Motion to approve reconsideration of the 1/22 vote item IX.A. by Mark Gregg second by Henry Rosenthal; Motion passed with a 4:1 vote
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney
NAYS:	Joseph B. Pinder III
ABSTAIN:	None

ACTION: Motion to authorize negotiations with Rob Cole to serve as Village Manager item IX.A. by Mark Gregg second by Henry Rosenthal;
Motion passed with a 5:0 vote
AYES: Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS: None
ABSTAIN: None

X. RESOLUTIONS

- A.** Resolution Approving Final Ranking and Recommendation of the RFP 23-17 Evaluation Committee and Approval of Native Construction for the Green Turtle Hammock Preserve Pavilion Project **TAB 11** (Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FINAL RANKINGS AND RECOMMENDATIONS OF THE RFP 23-17 EVALUATION COMMITTEE FOR SELECTION OF A CONTRACTOR FOR THE GREEN TURTLE HAMMOCK NATURE PRESERVE SCENIC OVERLOOK PAVILION PROJECT; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE AN AGREEMENT FOR THE REQUESTED SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE

Mayor Pinder called for a recess at 8:28 pm. The meeting reconvened at 8:55 p.m.

Pete Frezza noted the Village rejected the first round of bids and reissued the RFP in November 2023. Two vendors submitted bids, the evaluation committee made a recommendation to select Native Construction for option 1 to construct as designed for \$1.7 million. Mr. Frezza noted the Parks and Recreation Impact Fee can be used as a funding source and two grants can potentially fund up to \$550,000.

Discussion ensued. Mayor Pinder noted the Village was under an obligation to create amenities due to the funding we received to purchase the property. Mr. Frezza noted the project had been in the works for five years.

Mayor Pinder opened public comment.

Speakers included:
Van Cadenhead
Joe Wischmeier

There being no further speakers, Mayor Pinder closed public comment.

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

- B.** Resolution of the Village Council of Islamorada, Florida, authorizing the reconstitution of the Ridesharing Service Selection Advisory Panel and directing readvertising of Request for Proposals 23-18 **TAB 12** (A.J. Engelmeyer, Public Works Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ESTABLISH A RIDESHARING SERVICE ADVISORY SELECTION PANEL; PROVIDING FOR THE RE-ADVERTISING OF THE RFP; DEFINING THE PANELS DURATION, COMPOSITION, DUTIES AND RESPONSIBILITIES; AND PROVIDING FOR AN EFFECTIVE DATE

Interim Village Attorney John Quick noted the resolution in the packet had been updated to replace the original tab. Interim Village Manager Kimberly Matthews indicated she had the authority to reject all the bids and would do so in this case. Ms. Matthews noted a new bid package would be issued, and a new panel selected to evaluate the received RFPs. She stated that accepting a bid through a fatally flawed process would be negligent, and she could not in good conscience present it to the Council as something she would recommend voting for.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Sue Miller
Van Cadenhead
Harold Dalton, President of Madiera Bay HOA

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

Interim Village Attorney John Quick announced that with the rejection of the bids and dissolution of the rideshare panel the members were no longer under the sunshine law and cone of silence.

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

- C. Resolution Approving a First Amendment to Project Agreement Work Authorization No. 1 with Page Excavating, Inc. **TAB 13** (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. 1 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

Public Works Director A. J. Engelmeyer noted the project had not exceeded the budgeted \$350,000 but some issues had come up with breaks from the FDOT project. He stated that some costs could be recouped, but additional funds were needed to get us through.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:

Sue Miller, Islamorada Community Alliance

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

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

- D. Resolution Approving the Work Authorization with Tim Matthews Tree & Landscaping for Planting Projects within the Village **TAB 7** (Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATIONS WITH TIM MATTHEWS TREE & LANDSCAPING, INC FOR COMPLETION OF PLANTING PROJECTS WITHIN THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE WORK AUTHORIZATIONS; AND PROVIDING FOR AN EFFECTIVE DATE

Environmental Resources Manager Pete Frezza indicated for the first part of the project staff recommended going with Tim Matthews. He noted Tim Matthews was a vendor in our landscape library, which was created through an RFQ process. He noted the library was working very well, and gave the Village access to three local

companies who were rotated through for various projects.

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 IX.D. by Elizabeth Jolin second by Mark Gregg;

Motion passed with a 5:0 vote

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

NAYS: None

ABSTAIN: None

- E.** Resolution Approving Work Authorization No. 6 with CPH, LLC. for Construction Observation and Construction Engineering and Inspection of the Founders Park Breakwater Restoration **TAB 8** (Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 6 WITH CPH LLC FOR FOUNDERS PARK BREAKWATER CONSTRUCTION OBSERVATION AND CONSTRUCTION ENGINEERING AND INSPECTION; 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

Environmental Resources Manager Pete Frezza noted staff was close to issuing an RFP for breakwater reconstruction and suggested using the engineer of record, CPH, for this project.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:

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

ACTION: Motion to approve item IX.E. by Mark Gregg second by Elizabeth Jolin;

Motion passed with a 5:0 vote

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

NAYS: None

ABSTAIN: None

- F. Resolution Approving Update to Council Procedures to Create Process for Annual Legislative Priorities **TAB 9** (John Quick, Interim Village Attorney)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, UPDATING PROCEDURES FOR THE VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE

Interim Village Attorney John Quick noted that Council and staff's attendance at Florida Keys Day in Tallahassee revealed the need for legislative priorities and strategic planning to be built into the Council's processes.

The proposed amendment to the Council Procedures would have the Village Manager set up a workshop no later than June 30th of each year to set priorities for the Council. The approved direction would then be sent to the lobbyists to direct their efforts on the Village's behalf.

A strategic plan workshop would be held by January 30th of each year. By building the process into the Council's meeting procedures, the process is memorialized for future Councils.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Van Cadenhead

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

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

XI. ADJOURNMENT

It was moved to adjourn the meeting at 9:36 p.m. and continue Tabs 14 - 18 and 20 to Thursday, February 15, 2024.

XII. ORDINANCES

- A. ~~Ordinance Amending the Village Code to Create Section 2-33 "Reimbursement of Legal Expense in Defense of Officials"~~ **Second Reading - TAB 14 - CONTINUED TO 2/15 AGENDA** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE II "OFFICERS AND

EMPLOYEES,” DIVISION 1 “GENERALLY” BY CREATING SECTION 2-33 “REIMBURSEMENT OF LEGAL EXPENSE IN DEFENSE OF OFFICIALS”; PROVIDING FOR THE REIMBURSEMENT OF DEFENSE OF OFFICIALS; DEFINITIONS; REQUEST AND APPROVAL; AUTHORIZATION; RESERVATION OF RIGHTS AND IMMUNITIES; APPLICABILITY; MALICIOUS, FRIVOLOUS OR GROUNDLESS ALLEGATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

- B.** ~~Ordinance Amending Section 22-64 First Time Home Buyer Down Payment – Second Reading – TAB 15~~ **CONTINUED TO 2/15 AGENDA** (Jennifer DeBoisbriand , Planning Director, John Quick, Interim Village Attorney, Maria Bassett, Finance Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 22 "HOUSING", ARTICLE III "FIRST TIME HOME BUYER DOWN PAYMENT", AMENDING SECTION 22-64; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF COMMERCE

- C.** ~~Ordinance Amending Section 2-121, Appeals of Code Enforcement Orders – First Reading – TAB 16~~ **CONTINUED TO 2/15 AGENDA** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE III "CODE COMPLIANCE," DIVISION 2 "ADMINISTRATION AND ENFORCEMENT", SECTION 2-121 "APPEALS OF ORDER"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

- D.** ~~Ordinance Calling for a Referendum to Revise Term Limits – First Reading – TAB 17~~ **CONTINUED TO 2/15 AGENDA** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CALLING FOR A REFERENDUM VOTE TO BE HELD WITH THE REGULAR VILLAGE ELECTION ON NOVEMBER 5, 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;

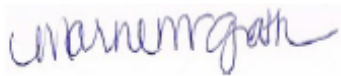
**PROVIDING FOR AUTHORIZATION OF VILLAGE CLERK AND
FOR VILLAGE CANVASSING BOARD; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN THE
CHARTER/CONFORMITY OF AMENDMENT; REPEALING
ORDINANCE NO. 24-02; AND PROVIDING FOR AN EFFECTIVE
DATE**

XIII. MOTIONS

- A.** ~~Consideration to Appoint Angel Borden to the Historic Preservation Committee~~ **TAB 18 CONTINUED TO 2/15 AGENDA**
- B.** ~~Motion to Adopt the Resolution Approving Third Sixty (60) Day Extension of Employee Interchange Agreement with Monroe County~~ **TAB 20 CONTINUED TO 2/15 AGENDA**

XIV. SUPPLEMENTARY REPORTS - TAB 21

- A.** After-Action Report
- B.** FY 23-24 Weiss, Serota Billing Summary
- C.** FY 23-24 Council & Staff Travel - Scheduled & Completed



Marne McGrath, Village Clerk