Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

April 9, 2024 - 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 05:35 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

Ken Phillipson and Monroe County Sheriff Rick Ramsey led the Pledge of Allegiance and Mayor Pinder started the meeting with a prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

Council Member Henry Rosenthal asked to pull Consent Agenda Tabs 6 and 9 for discussion.

Village Manager Rob Cole moved Tabs 3 and 4 to Thursday's meeting.

Interim Village Attorney John Quick noted he was required to make a statutory announcement for an Executive Session at 4:00pm on May 7 at the Islamorada Administrative Center and Public Safety Headquarters to discuss the Barley case.

IV. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

A. Monroe County Sheriff Rick Ramsay

Monroe County Sheriff Rick Ramsay presented Mayor Pinder with a refund check for funds contributed by the Village but not used by the Sheriff's Department for policing Islamorada.

B. Glynn Property Acquistion Video

A video produced by IT staffer Frank Muelenberg featured Council Member Gregg and Environmental Resources Manager Pete Frezza sharing information about the recently acquired 90-acre Glynn property.

C. Legislative Session Wrap-up by GrayRobinson **- TAB 1**

Ryan Matthews of GrayRobinson provided an update of the 2024 legislative session.

Discussion was held about setting up the Legislative Workshop before the end of June.

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:
Deb Gillis
Mike Goldberg
Kylie Smith
Van Cadenhead
Sue Miller
Joe Wischmeier
Harold Dalton, President of Madiera Bay HOA
Don Horton

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

VI. MAYOR / COUNCIL COMMUNICATIONS

Interim Village Attorney John Quick spoke on a recent news article concerning an ethics complaint against Mayor Pinder, who had waived his confidentiality in the matter, noting that a recommendation by an Advocate from the Florida Division of Ethics found no probable cause for violation. Mr. Quick also noted that an article about potential FBI investigations and concerns that SD Marine received improper BPAS allocation. He noted he reviewed the Village Code and gave an opinion on the calculations which was in the middle between sides.

Council Member Elizabeth Jolin made a point of order asking we they were having this conversation as these items were not on the agenda. Council Member Henry Rosenthal noted he addressed his situation on his own without getting staff and legal involved and also asked why this topic was being discussed.

A. Discussion about Exploring Possible Sister City Partnership (Mayor Pinder) - **TAB 2**

Interim Village Attorney John Quick introduced noting the Mayor had expressed interest in a Sister City process. He noted it would start with a research phase, where the Villlage would look for cities with similar populations, industries, and historical connections. Council consensus was that they were interested in more information. Mayor Pinder suggested looking at Andros in the Bahamas.

VII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Schedule Executive Session

Interim Village Attorney John Quick made an announcement scheduling an Executive Session on the Barley case to bel held May 7, 2024 at 4:00 p.m. with the Mayor, Council, Manager, Special Counsel, and himself.

B. Discussion of Relocating Public Works Materials and Machinery from Founders Park

Village Manager Rob Cole noted the Public Works Department lacks a permanent location and is using space in Founders Park as a base. He expressed interest in finding a more suitable location noting that with the Founders Park Master Plan coming up it was a good time to find other alternatives. Manager Cole had started a preliminary analysis and asked if there was Council consensus for staff to rent or purchase property to house the Public Works operations, if necessary. There was consensus to explore the options.

VIII. CONSENT 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 Consent Items 5, 7, and 8 item VIII. 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

A. Regular Village Council Meeting Minutes: March 12, 2024 and March 14, 2024 - **TAB 5** (Marne McGrath, Village Clerk)

B. Resolution Approving Work Authorization No. 2 with Stantec Consulting Services, Inc. for Invasive Plant Management Services - **TAB 7** (Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 2 WITH STANTEC CONSULTING SERVICES, INC., FOR INVASIVE PLANT MANAGEMENT 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 WORK AUTHORIZATION NO.2; AND PROVIDING FOR AN EFFECTIVE DATE

C. Resolution Approving Work Authorization No. 7 with CPH, LLC for Founders Park Breakwater Restoration Post-Permit Compliance Monitoring & Reporting - **TAB 8** (Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 7 WITH CPH LLC FOR FOUNDERS PARK BREAKWATER RESTORATION POST-PERMIT COMPLIANCE MONITORING & REPORTING; 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

IX. RESOLUTIONS

A. Resolution Approving Work Authorization No. 3 with Avalon Gardens Inc. for Completion of a Planting Project - **TAB 6** (Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 3 WITH AVALON GARDENS, INC., FOR COMPLETION OF A PLANTING PROJECT AT FOUNDERS PARK AND WITHIN THE VILLAGE RIGHT-OF-WAY AT MM 87; 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 Henry Rosenthal noted he moved the item to Resolutions to ask if there was an overall plan for landscaping funds. Environmental Resources Manager Pete Frezza noted the Village had a healthy landscaping fund and he was creating a list of eligible contractors.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Sue Miller
Deb Gillis

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

DPW Director A.J. Engelmeyer noted this was part of a project on Lower Mat and that an RFP would be going out in 2025. He further noted that FDOT and FKAA were making repairs; it was delayed by FDOT so as not overlap.

ACTION:	Motion to approve item IX.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

B. Resolution Approving Recommendation and Agreement for South Gardenia Street Vacuum Main Improvements - **TAB 9** (A.J. Engelmeyer, Public Works Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE SELECTION AND RECOMMENDATION OF THE RFQ 24-05 EVALUATION COMMITTEE FOR PROFESSIONAL CONTRACTOR SERVICES FOR THE SOUTH GARDENIA STREET VACUUM SEWER MAIN IMPROVEMENTS PROJECT; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO NEGOTIATE AN AGREEMENT FOR THE PROJECT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

DPW Director AJ Engelmeyer introduced the item noting it was a wastewater project to expand the vacuum main. He noted the Village did not use their existing CSA, but put out an RFP and received one bid.

Village Manager Rob Cole asked what was the contributing cause as to why we don't get more bidders for these types of projects. DPW Director Engelmeyer noted our jobs fall into a mid-range, so they were not enticing to small companies, nor to large operators. He further noted that we are perceived as being too far from other locations where most companies work.

Council Member Henry Rosenthal reiterated his request to talk with FKAA and County Wastewater about the potential to assume our services and duties.

Council Member Mark Gregg noted that every time we have a bid and Page is the only bidder, it draws negative comments. He noted that Page has been here for years and specializes in the Village's system.

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.

A consensus of Council asked to put an item on the agenda to discuss looking outside of Islamorada to handle our wastewater.

ACTION:	Motion to approve item IX.B. 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

Mayor Pinder recessed the meeting at 7:42 p.m. and reconvened the meeting at 8:11 p.m.

X. ORDINANCES

A. Ordinance Amending Section 2-236, Purchasing - **Second Reading - TAB 10** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE 2-IV "FINANCE", DIVISION 2-IV-2 "PURCHASING", AMENDING SECTION 2-236 "AUTHORITY OF VILLAGE MANAGER" TO UPDATE THE SIGNING AUTHORITY OF CHECKS; AMENDING SECTION 2-237 "GUIDELINES" TO PROVIDE FOR INCREASED AMOUNTS IN PURCHASING AUTHORITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Interim Village Attorney John Quick introduced the item, noting it would increase the Village Manager's purchasing authority from $25,000 to $50,000 and allow for facsimile signatures on checks in lieu of a manual signature.

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

B. Ordinance Calling for a Referendum to Establish 4-year Staggered Council Member Terms - **Second Reading - TAB 11** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CALLING FOR A REFERENDUM VOTE TO BE HELD WITH THE GENERAL ELECTION ON TUESDAY, NOVEMBER 5, 2024; PROVIDING FOR SUBMISSION TO THE ELECTORS OF A PROPOSED AMENDMENT TO THE VILLAGE CHARTER

PERTAINING TO TERMS OF OFFICE, LENGTH OF TERMS, AND STAGGERING OF TERMS; 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

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

XI. QUASI-JUDICIAL

Interim Village Attorney John Quick read the Quasi-judicial statement noting that all documentation would be made part of the record. Planning Director Jennifer DeBoisbriand asked if the Council was comfortable hearing all four together as they all pertained to the same item. Council and the applicant agreed and Interim Village Attorney John Quick read all four ordinance titles prior to discussion.

Council Member Mark Gregg recused himself as the applicant was a family member. He indicated he would partake in the discussion, but not the vote.

Council was asked to disclose any ex parte communications:
Mayor Joseph B. Pinder III indicated he had none.
Vice Mayor Sharon Mahoney noted she had had several visits from neighbors on the south side and that lots of people had been talking; she specifically recalled Sue Miller and Deb Gillis.
Council Member Elizabeth Jolin noted she had spoken with the applicant before she started building.
Council Member Henry Rosenthal indicated he had spoken to Sue Miller.

Planning Director Jennifer DeBoisbriand introduced the requests noting they were for two newly constructed homes adjacent to Hog Heaven, for which the applicant intended to pursue acquiring vacation rental licenses. She noted the LPA heard the requests on January 8, 2024 voted 6-1 to approve the requested amendments and that staff recommends approval of all four requests.

Applicant Jocelyn Tiedeman noted she bought the properties three years ago, designed the homes that is there today and although not her original intent, she thought they were ideal vacation rental sites. She noted that Windley Key was primarily commercial and not a typical residential neighborhood and that vacation rental licenses were available.

Mayor Pinder called for testimony first from speakers in favor of the requests and then from those opposed:

In support:
Deb Gillis

In opposition:
Sue Miller
Van Cadenhead

Discussion ensued and touched on topics such as restricted parking on the public right of way, impacts of vacation rentals, and general code enforcement throughout the Village.

Interim Village Attorney John Quick noted that if Council wanted to continue the item it was a procedural motion and must be continued to a particular date and place. He further noted that Council Member Gregg can vote on procedural question to continue the item to a future meeting.

ACTION:	Motion to Continue four items to Land Use Meeting to August 8, 2024 at the Council Chambers at 5:30 pm item XI. 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

A. Ordinance Amendment Considering the Request of Windley Cove, LLC. to Amend the Future Land Use Map of Parcel 00405350-000000 - **First Reading - TAB 12** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY COVE, LLC, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405350-000000, AS LEGALLY DESCRIBED HEREIN AND TO ALLOW THE PARCEL TO BE INCLUDED IN POLICY 1-2.11.3:WINDLEY KEY MIXED USE AREA 1; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE

TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

B. Ordinance Amendment Considering the Request of Windley Cove, LLC. to Amend the Zoning Map of Parcel 00405350-000000 - **First Reading - TAB 13** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY COVE, LLC, TO AMEND THE OFFICIAL ZONING MAP FROM RESIDENTIAL SINGLE FAMILY (R-1) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405350-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

C. Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Future Land Use Map of Parcel 00405360-000000 - **First Reading - TAB 14** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY ISLES, LLC, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405360-000000, AS LEGALLY DESCRIBED HEREIN AND TO ALLOW THE PARCEL TO BE INCLUDED IN POLICY 1-2.11.3:WINDLEY KEY MIXED USE AREA 1; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

D. Ordinance Amendment Considering the Request of Windley Isles, LLC to Amend the Zoning Map of Parcel 00405360-000000 - **First Reading - TAB 15** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF WINDLEY ISLES, LLC, TO AMEND THE OFFICIAL ZONING MAP FROM RESIDENTIAL SINGLE FAMILY (R-1) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON WINDLEY KEY, WITH REAL ESTATE NUMBER 00405360-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

XII. SUPPLEMENTARY REPORTS

A. After-Action Report - **TAB 16**

Council Member Elizabeth Jolin expressed interest in the Village putting out an RFP for a consultant to create a strategic plan. Village Manager Rob Cole noted the comp plan does need updating, and it could be an opportunity to dovetail these items. He suggested there may be a way to get the Comp Plan done and add a strategic element, which would include lots of public engagement. Manager Cole noted that staff was working on an RFP for the Comp Plan. Planning Director Jennifer DeBoisbriand indicated that the RFP was very intensive due to the scope of work involved, but it should be going out in May.

It was further noted that the Island Community Church building was on the agenda for a FLUM and Zoning Map amendment at the Thursday Land Use meeting. Direction was given to pursue purchasing the property and Manager Cole noted he would contact them.

Council Member Elizabeth Jolin made a motion to extend the meeting.

Updates were requested for the Fills, baseball field, and noise ordinance. There was a request to add a plan for code enforcement to the after action report.

XIII. ADJOURNMENT

Council Member Henry Rosenthal moved to adjourn the meeting at 10:22 p.m.