



Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

July 9, 2024 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

The Village Council has resumed the in-person regular meeting format. Virtual participation is still available to the public. Please see the last page of the agenda for participation details

AGENDA

- I. CALL TO ORDER / ROLL CALL**
- II. PLEDGE OF ALLEGIANCE**
- III. AGENDA: Requests for Deletion / Emergency Additions**
- IV. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS**
 - A. Presentation on Sunset Beach Drive Boat Anchoring Area - TAB 1**
- 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.)
- VI. MAYOR / COUNCIL COMMUNICATIONS**
 - A. Request for Council Direction to Initiate Staff Review of Comp Plan Build-out Limit (Councilman Gregg) - TAB 2**
- VII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**
 - A. Staff update regarding Council direction at the June 11 Regular Meeting to provide additional information related to restoration funds expenditures, including whether they are supporting the goal of no net loss of tropical hardwood hammock within the village, as described in Village Code Section 30-1615, Transplantation and Restoration Standards.**
- VIII. CONSENT AGENDA**
 - A. Approval of Minutes: TAB 3**
 - Legislative Agenda Workshop - June 11, 2024
 - Regular Council Meeting - June 11, 2024
 - Land Use Council Meeting - June 13, 2024 (Marne McGrath, Village Clerk)

- B. Resolution Approving a First Amendment to Work Authorization #4 Between MT Causley, LLC and Islamorada, Village of Islands - **TAB 4** (Sheila Denoncourt, Chief Building Official)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A FIRST AMENDMENT TO WORK AUTHORIZATION NO. 4 BETWEEN M. T. CAUSLEY, LLC, AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE GENERAL SUPPORT SERVICES TO THE BUILDING SERVICES DEPARTMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT TO WORK AUTHORIZATION NO. 4; 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 Reimbursement of Legal Fees to Mark Gregg for Defense of Ethics Complaint - **TAB 5** (John Quick, Interim Village Attorney)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING THE PAYMENT OF \$360.00 TO MARK GREGG FOR REIMBURSEMENT FOR LEGAL SERVICES PERFORMED BY MESSER CAPARELLO, P.A. RELATING TO THE REPRESENTATION OF COUNCILMEMBER GREGG IN HIS OFFICIAL CAPACITY AS A COUNCILMEMBER; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

IX. END OF CONSENT AGENDA

X. RESOLUTIONS

- A. Resolution Accepting a Land Donation and Ratifying the Quit Claim Deed - **TAB 6** (Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ACCEPTING AND APPROVING A QUIT CLAIM DEED FROM DAVID C. BOTTRALL, INDIVIDUALLY AND AS TRUSTEE FOR THE LESLIE E. TASSELL TRUST, FOR THE ACQUISITION OF CERTAIN REAL PROPERTY; PROVIDING FOR CONFLICTS AND FOR AN EFFECTIVE DATE.

- B. Resolution Determining the Proposed Millage Rate for Fiscal Year 2024-2025, Establishing the Current Year Rolled-Back Rate, and the Date, Time, and Place for the First and Second Budget Hearings - **TAB 7** (Lisa Lynch, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, DETERMINING THE PROPOSED MILLAGE RATE FOR FISCAL YEAR 2024-2025;

ESTABLISHING THE CURRENT YEAR ROLLED-BACK RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND BUDGET HEARINGS AS REQUIRED BY STATE LAW; DIRECTING THE FINANCE DIRECTOR AND VILLAGE MANAGER TO PROPERLY FILE THE CERTIFICATION OF TAXABLE VALUE VIA E-TRIM; DIRECTING THE VILLAGE CLERK TO TRANSMIT THIS RESOLUTION TO THE MONROE COUNTY PROPERTY APPRAISER PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE

- C. Resolution Rescinding Resolution No. 24-05-33 and Approving Recommendation and Agreement for Plantation Tropical Preserve Gazebo Project - **TAB 8** (Peter Frezza, Environmental Resources Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RESCINDING RESOLUTION NO. 24-05-33 AND APPROVING THE FINAL RANKINGS AND RECOMMENDATIONS OF THE RFP 24-08 EVALUATION COMMITTEE FOR SELECTION OF A CONTRACTOR FOR THE PLANTATION TROPICAL PRESERVE 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

- D. Resolution Approving the Payment for a Law Enforcement Patrol Boat to be Purchased by the Monroe County Sheriff's Office - **TAB 9** (Robert Cole, Village Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE OF A LAW ENFORCEMENT PATROL BOAT FOR LOCAL LAW ENFORCEMENT USE BY THE MONROE COUNTY SHERIFF'S OFFICE PURSUANT TO THE CONTRACT FOR LOCAL POLICE SERVICES; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE

- E. 2nd Quarter 2024 Residential Market Rate Building Permit System Allocations (BPAS) - **TAB 10** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM ("BPAS") RANKINGS AND AWARDED RESIDENTIAL BUILDING PERMIT

ALLOCATIONS FOR QUARTER 2 OF 2024; AND PROVIDING AN EFFECTIVE DATE

- F. Resolution Approving Piggybacking Purchase of 2025 Freightliner Rescue Re-mount - **TAB 11** (Terry Abel, Fire Chief)

RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION/ FLORIDA ASSOCIATION OF COUNTIES & FLORIDA FIRE CHIEFS' ASSOCIATION AUTOMOTIVE CONTRACT NO. FSA223-VEF17.0: FIRE RESCUE VEHICLES, BOATS & EQUIPMENT AND APPROVING THE PURCHASE OF A 2025 FREIGHTLINER M2 AEV TYPE I AMBULANCE REMOUNT FROM EMERGENCY TACTICAL RESCUE VEHICLES FOR THE VILLAGE FIRE RESCUE DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

XI. ORDINANCES

- A. Ordinance Establishing a Temporary Moratorium on the Acceptance of New Administrative Relief Applications - **First Reading - TAB 12** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE OF NEW ADMINISTRATIVE RELIEF APPLICATIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR A TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; 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 to Eliminate Bufferyards in Residential Zoning Districts - **First Reading - TAB 13** (Daniel Parabok, Environmental Planner)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE V "SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS", DIVISION 6 "LANDSCAPING STANDARDS", SECTION 30-816 OF THE VILLAGE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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 Amending Chapter 30 "Land Development Regulations" Article II "Rules of Construction and Definitions" Relating to Fronting - **Second Reading - TAB 14** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE II "RULES OF CONSTRUCTION AND DEFINITIONS", SECTION 30-32 OF THE VILLAGE CODE RELATING TO FRONTING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

XII. MOTIONS

- A. Motion to Consider Appointment of Matt Bellinger to the Nearshore Water Regulations Citizens Advisory Committee - **TAB 15** (Peter Frezza, Environmental Resources Manager)

Motion to Consider Appointment of Matt Bellinger to the Nearshore Water Regulations Citizens Advisory Committee

- B. Motion to Consider Appointment of Jerald O'Cathey to the Historic Preservation Commission - **TAB 16** (Marne McGrath, Village Clerk)

Motion to Consider Appointment of Jerald O'Cathey to the Historic Preservation Commission

XIII. AFTER ACTION REPORT

- A. July 9 After Action Report - **TAB 17**

XIV. ADJOURNMENT

Options for Viewing the Village Council Meeting:

The public is encouraged to watch the meeting on Monroe County's MCTV Comcast Channel 77. Alternatively, the public may view the meeting streamed live on the Village website from their personal computer, tablet or phone via the following link:

https://www.islamorada.fl.us/departments/communications/live_village_broadcast_meeting.php

Option 1: Email your comments.

1. Public comment should be submitted via email to: public.comment@islamorada.fl.us
2. The email should contain "Public Comment" in the subject line.
3. The name and address of the submitter shall be included in the email.
4. Public comment should be submitted by 9 a.m. the day before the meeting. Public comment will be sent to the Village Councilmembers for consideration prior to the meeting. Public comments will not be read during the meeting.

Option 2: Call in During the Meeting.

1. If phoning in, dial 305-224-1968 and enter the webinar **ID: 911 0656 4166** followed by #. When the Mayor opens public comment pertaining to the agenda item you are interested in dial *9 to be recognized by the Zoom meeting monitor. The Monitor will call you by the last four digits of your phone number. **Please be sure to unmute your phone when you are called upon.**

2. If watching online via Zoom: Open the Zoom webinar link <https://zoom.us/j/91106564166> and follow the prompts to join the webinar. When the Mayor opens public comment use the “raise your hand” feature to be recognized by the meeting monitor. Public comments will be heard in the order in which they are received.

ADA Assistance:

These meetings are open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the ADA Coordinator at (305) 664-6448 or by email at ADA@islamorada.fl.us at least 48 hours before the scheduled meeting



Council Communication

To: Mayor and Village Council
From: Peter Frezza, Environmental Resources Manager
Date: July 9, 2024
SUBJECT: **Presentation on Sunset Beach Drive Boat Anchoring Area - TAB 1**

Background:

At the regularly scheduled Village Council meeting on June 11, 2024, the Village Council discussed the emerging issue of a new "party boat" raft area off of the Sunset Drive beach on Lower Matecumbe and potential disturbances to residents. The Village Council requested that staff place this item on the July agenda for further discussion and raise the idea of a potential new vessel exclusion zone/swim area. Staff will make a brief presentation on the subject with items to consider and step for a path forward if the Council wishes to further investigate establishing a new vessel exclusion / swim area in this location.

Analysis:

n/a

Budget Impact:

At this time there is no budget impact. An estimate on the potential budget for this project will be given in the presentation.

Staff Impact:

At this time there is no staff impact.

Recommendation:

n/a

Attachments: 1. Sunset Dr. beach boats presentation 070924 RVCM

Sunset Beach Drive Boat Anchoring Area Discussion

Regular Village Council Meeting

July 9, 2024





The 2023 Florida Statutes

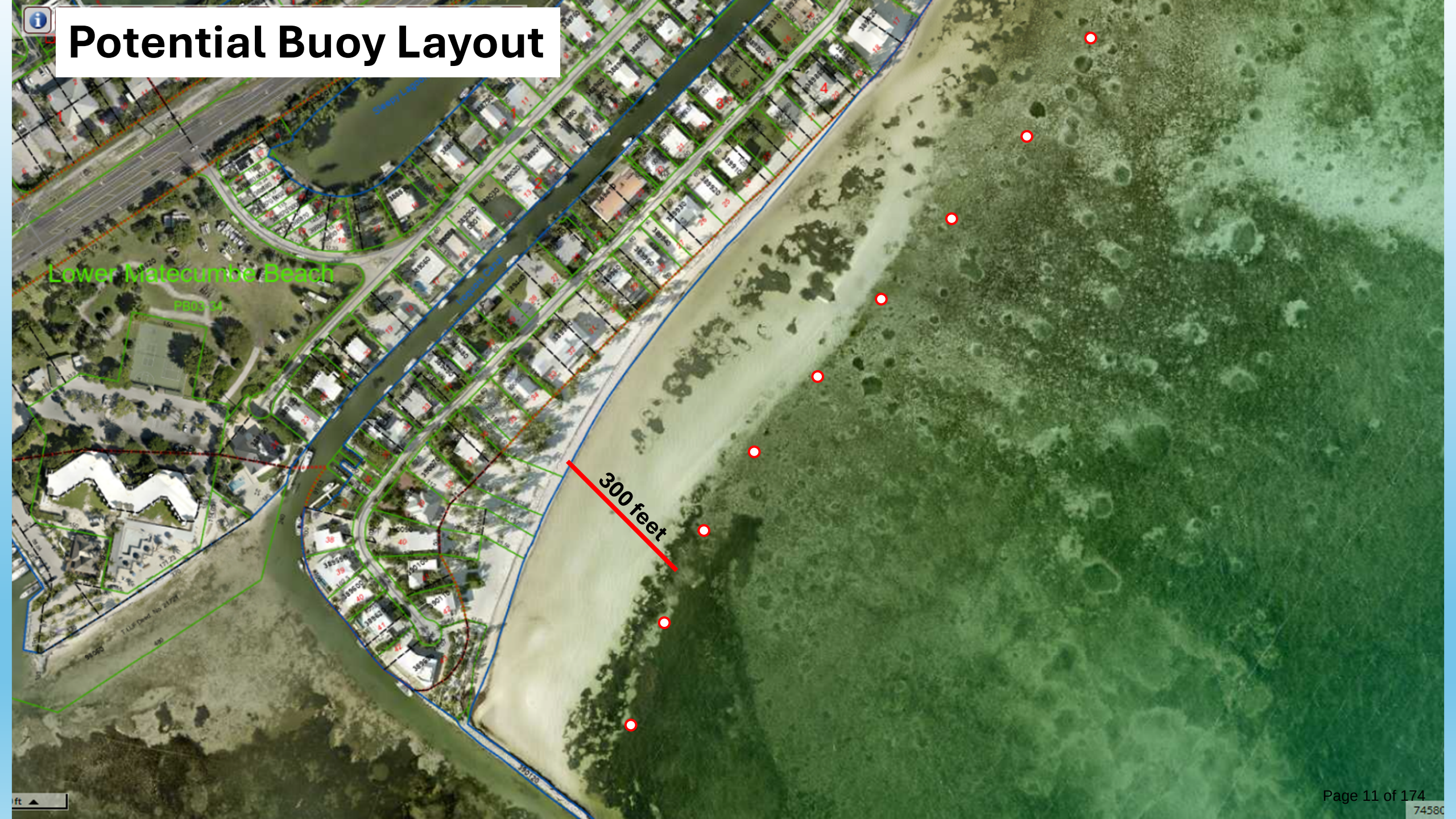
327.46 Boating-restricted areas.

(1) Boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public.....

In accordance with F.S. Section 327.46, the Village has the authority to create certain boating restricted areas, including a vessel exclusion zone/ public swim area, provided that such an area is not established for private purposes or for shoreline protection.



Potential Buoy Layout



Vessel Exclusion Buoy



Considerations

- **Needs to be to protect the safety of the public; Cannot be for private purposes**
- **Would be a complete vessel exclusion - paddle boards, kayaks included**
- **Does the Use justify the Need**
- **Flats fishing concerns**
- **Viewscape**
- **Costs - upfront though installation ~ \$80,000-\$100,000;
maintenance and enforcement costs after that**
- **Environmental concerns – more buoys, drilling - hard bottom, impacts to benthic resources – seagrass and coral**
- **Permitting challenges**
- **Enforcement**

A Process Moving Forward

- **Public Input**
- **Village Council Decision & Staff Direction**
- **Ordinance creating a new vessel exclusion zone/ swim area**
- **Design and Permitting of zone and buoys**
- **Contractor Procurement**
- **Installation**
- **Enforcement**



Council Communication

To: Mayor and Village Council
From:
Date: July 9, 2024
SUBJECT: **Request for Council Direction to Initiate Staff Review of Comp Plan Build-out Limit (Councilman Gregg) - TAB 2**

Background:

Councilman Gregg requested that this discussion item be placed on the agenda for Council to consider whether to direct staff and legal counsel to proceed with review and analysis of Comprehensive Plan build-out provisions in Chapter 1: Future Land Use Element.

Analysis:

While this task is included in the scope of services to be provided by a professional consultant leading a public process focused on updating our Comprehensive Plan (Comp Plan), Councilman Gregg believes there is merit in moving this discussion forward ahead of the Comp Plan update process.

Budget Impact:

Legal counsel fees not estimated at this time.

Staff Impact:

The amount of time and effort associated with conducting research and analysis have not been estimated at this time.

Recommendation:

Attachments: 1. Comp Plan Buildout - Councilman Gregg

Contiguous Vacant Lots. Lots can be combined into larger single parcels where they share common boundaries. Potential for combining contiguous lots increases when common ownership exists. Lots were identified for contiguity and ownership. Findings from this analysis indicate that 167 cases arise where contiguous vacant lots are held in common ownership. The number of lots that could be combined into a single parcel affects 307 lots or parcels. This analysis did not include the number of vacant lots in common ownership with an adjacent developed lot. The impacts generated from residential development can be reduced by placing one unit or home on contiguous lots that are combined into a single parcel. The Village should consider adopting a policy limiting one single family home to vacant residential lots that can be legally combined. Any potential legal issues arising from such a policy should be reviewed by the Village Attorney.

Summary of Vacant Lot Analysis. In summary, the Village's 1,455 vacant parcels represent 575 acres. In total, 24% lie within the VE flood zone, while 44% of all vacant land is classified as having native vegetation. Therefore, 66% of all vacant parcels experience some form of constraint to development. Most lots are relatively small for development purposes, and only 15 vacant parcels larger than five acres in size remain. Available land is limited for development or public facilities that require more than five acres. Based on the evaluation of vacant lands, sufficient sites remain to accommodate the growth recommendations proposed in this element. However, sufficient vacant sites remain to accommodate projected population growth to 2020 within Islamorada, Village of Islands.

Availability of Public Facilities and Services to Service Undeveloped Lands **§9J-5.006(2)(a), F.A.C.)**

Pursuant to §9J-5.006(2)(a), F.A.C., this section describes existing public facilities and services within Islamorada, Village of Islands. The Transportation Element and Public Facilities Element of this Comprehensive Plan provide detailed analysis of transportation, wastewater management, potable water and stormwater management systems, and solid waste collection and disposal, including available capacity and the ability of these facilities to service existing and future development.

Transportation Reserve Capacity. In brief, concurrency management requires that as a minimum, the local government shall provide a program which ensures that development orders and development permits are issued in a manner that, at the time of their issuance, will not result in a reduction in the levels of service below the adopted level of service standards for the affected facility. New development is not to be approved by a local government if the traffic conditions fall below the adopted level of service standard. Under growth management policy in Monroe County's Year 2010 Comprehensive Plan, and proposed policy for Village adoption, if the overall level of service for US 1 falls below the LOS C standard, then no additional land development will be allowed in the Florida Keys.

The methodology for measuring level of service in the Keys was developed by the US 1 LOS Task Force, and was adopted by the Monroe County Board of County Commissioners. It is proposed that the Village adopt the same levels of service and methodology for transportation as the County. Annually, a report is prepared for the Florida Keys by an FDOT funded consultant to track LOS and reserve capacities.

In this methodology, the difference between the segment travel speeds and the LOS C standard is the reserve speed, which is converted into an estimated reserve capacity of additional traffic volumes and corresponding additional development that can be permitted. If the travel speed falls below the LOS C standard, additional trips equivalent to 5% of LOS C capacity are allowed, to accommodate a limited amount of land development, until traffic speeds are measured again the following year or until remedial actions are implemented. According to URS Greiner, Inc., the segments of US 1 that fall below LOS C standards are candidates for being designated either backlogged or constrained by FDOT.

Presently, all segments of U.S. 1 within the Village operate between LOS B and D. According to URS Greiner, Inc., despite an annual increase in traffic volumes, LOS on three out of five highway segments improved between 1992 and 1999. The remaining two segments remained the same. The overall LOS standard proposed in the Comprehensive Plan is LOS C. Based on data found within the *US 1 Arterial Travel Time and Delay Study (1999)*, available capacity for U.S. 1 varies among each of the four islands, according to the following table.

TABLE 1-11: PROPOSED RESIDENTIAL AND NON-RESIDENTIAL PHASING SCHEDULE

YEAR		RESIDENTIAL UNITS			COMMERCIAL SPACE
Program Year	Calendar Year	Market Housing	Affordable Housing	Total Units	Square Feet
1	2001	18	4	22	1,434
2	2002	18	4	22	1,434
3	2003	16	4	20	1,434
4	2004	7	7	14	1,434
5	2005	7	7	14	1,434
6	2006	7	7	14	1,434
7	2007	7	7	14	1,434
8	2008	7	7	14	1,434
9	2009	7	7	14	1,434
10	2010	7	7	14	1,434
11	2011	7	7	14	1,434
12	2012	7	7	14	1,434
13	2013	7	7	14	1,434
14	2014	7	7	14	1,434
15	2015	7	7	14	1,434
16	2016	7	7	14	1,434
17	2017	7	7	14	1,434
18	2018	7	7	14	1,434
19	2019	7	7	14	1,434
20	2020	7	7	14	1,434
TOTAL		171	131	302	28,680

Source: Solin & Associates, Inc., 2000

Similar to the existing ROGO program, building permits will likely be issued according to a scoring system that ranks the applications according to how they comply with and further the goals, objectives and policies of the Village Comprehensive Plan. However, residential applications will be reviewed and ranked under either the market or affordable/workforce category. Those submitting under the affordable category may also be ranked with the market category. Therefore, a person working in the Village could be issued a permit under the affordable category if not ranked high enough under the market category.

Non-Residential Rate of Growth. The proposed non-residential rate of growth is designed to allow a minimum amount of additional non-residential floor space – not land – based upon demands created by the additional residential development and considering private property rights. Land assigned for commercial uses appears under the Mixed Use (MU) category on the FLUM.

Non-residential floor area was calculated by comparing traffic impacts of general commercial with residential uses. One thousand square feet of general commercial will generate approximately 40 trips per day, while a single family home generates 9.56 trips per day. Four single family units generate similar impacts to 1,000 square feet of commercial. In the limited commercial development scenario, six residential units are substituted for 1,434 square feet of commercial, reducing the annual residential allotment from 20 in 2003 to 14 units in 2004.

New non-residential construction would be limited to no more than 28,680 square feet, permitted over the twenty-year planning period, allowing no more than 1,434 square feet in any given year. For most new non-residential development 1,434 square feet is insufficient to accommodate necessary floor area. However, the Village should apply this allocation as an incentive to promote commercial redevelopment within the Upper Matecumbe and Plantation Key Village Activity Centers and to encourage the use of transfer of development rights from sender areas into the Village Activity Centers.

At least every two years, the Village should evaluate growth and development impacts placed on existing and projected public facilities and the transportation network. If LOS deficiencies occur as a result of new or anticipated development, new development should be placed under a moratorium until the Comprehensive Plan is amended to eliminate the deficiencies.

Implementing Limited Growth. A Building Permit Allocation System by itself may not be able to fulfill the Village's vision and goals towards management growth. Other programs are also necessary to address private property rights issues or to successfully accomplish objectives and policies. To achieve quality of life and reflect carrying capacity constraints, the Village will need to implement a program for retiring the remaining development rights within the Village, including through land acquisition, facilitate the transfer of development rights to redevelop, with a focus of revitalization on the Village Activity Centers on North Plantation Key and Upper Matecumbe Key. Combining a BPAS with other growth management activities would develop a stronger framework for the Village to control growth.

The following growth management activities are recommended for implementation by the Village:

- Direct Development/Redevelopment to Village Activity Centers
- Establish Concurrency Management
- Establish Building Permit Allocation System
- Establish a Program to Retire Development Rights, Including a Land Acquisition Program
- Establish a Transfer of Development Rights (TDR) Program

Non-profit activities that clearly serve the public (such as schools, city and county administrative and life safety and maintenance services, buildings used for the management of national and local natural resources, etc.) should be exempt from the limitation placed on growth, provided that they do not adversely impact levels of service or hurricane evacuation times. The Land Development Regulations should specifically define the public and semi-public uses that qualify for exemption from the BPAS.

The Building Permit Allocation System should incorporate incentives that support these three other components of limited growth. Once the framework has been established, the administrative procedures for managing the program can be determined. A monitoring program may also be necessary if criterion involve affordable/workforce housing promotion or infrastructure improvements. In such situations, a mechanism must be in place to assure that developer commitments are implemented and are consistent with the terms of the BPAS. A framework for limited growth is described below.

*Build?
out.*

Building Permit Allocation System. Based on the data and analysis performed for the Future Land Use Element, no more than 396 additional residential units (or an equivalent mix of residential and non-residential development) should be constructed during the twenty-year horizon date of the Comprehensive Plan. New non-residential construction would be limited to no more than 28,680 square feet.

At least every two years, the Village should evaluate growth and development impacts placed on existing and projected public facility and transportation capacities. If level of service deficiencies occur as a result of new or anticipated development, new development should be placed under a moratorium until the Comprehensive Plan is amended to include improvements that eliminate such deficiencies or the Village re-evaluates and possibly amends its level of service standards.

*** **Residential Phasing.** No more than fourteen residential units per year can be constructed under the proposed program through year 2020. New residential development should not exceed 302 units over the twenty-year planning period. The Village should hold this development level as its maximum build-out condition.

The total of 302 units includes the existing 44 ROGO applications for future additional development. ROGO applicants, if deemed compliant with all codes, should be phased over a three-year period. Upon award of the ROGO permits, the Village should lower the number to 20 units per year, reduced to 14 per by converting residential units to commercial activities.

The Housing Element of the Comprehensive Plan indicates that affordable housing is available based on household income levels. During the public participation process, a number of residents voiced concerns regarding the manner in which ROGO addresses affordable housing. Inequities within the current system make it unattractive. Available housing for employees is an economic issue for the Village and businesses community. Housing located

close to work can reduce traffic on U.S. 1 and frontage roads. Although affordable housing is available according to the Housing Element, the Village has indicated an interest to reserve an equal share of the BPAS units to affordable housing.

Non-Residential Phasing. The BPAS converts housing units to non-residential floor area, resulting in minimal change to impacts generated by new development. After the first three years, the ROGO schedule converts six units per year to non-residential floor area. This conversion allows up to 28,680 square feet of new non-residential development. Spread over the twenty-year planning period, allowing no more than 1,434 square feet could be developed in any given year.

Non-residential floor area was calculated by comparing traffic impacts of general commercial with residential uses. One thousand square feet of general commercial will generate approximately 40 trips per day, while a single-family home generate 9.56 trips per day. Four single family units generate similar impacts to 1,000 square feet of commercial. For the scenario allowing limited non-residential development, six residential units will be substituted for 1,434 square feet of commercial, reducing the annual residential allotment from 20 to 14 after the ROGO applications are issued.

Four residential units, based on 9.56 trips per day, equals 38.24 trips. Forty trips per 1,000 square feet of general commercial generate an average of 40 daily trips. Therefore, 956 commercial square feet generates 38.24 daily trips, or an amount equivalent to the daily trips generated by four residential units. Four divided into 956 is 239. One residential unit is equivalent in traffic impacts to 239 square feet of general commercial floor area. Six residential units are equivalent to 1,434 square feet of general commercial (i.e., $6 \times 239 = 1,434$).

For most new commercial development, 1,434 square feet is insufficient to accommodate necessary floor area but adequate to construct small office or retail commercial buildings. However, the Village should apply the non-residential allocation as an incentive to promote commercial redevelopment within the two business districts and to encourage the use of transfer of development rights from sender areas into the business districts.

Concurrency Management. Based on Florida's concurrency management requirements, capacity must be available to meet the public facilities needs generated by any, and all future growth and development. The rate of growth can be managed to assure that adequate public facilities and services including transportation, potable water, stormwater, wastewater, and recreational facilities are provided according to the Village's adopted level of service standards, the public's ability to fund infrastructure capacity improvements, and such facilities can be managed in a manner that protects natural resources from development impacts. The primary purpose of the Monroe County ROGO program is to manage growth in order to promote public safety associated with the evacuation of the Florida Keys prior to a hurricane event. Growth management programs that control the rate of construction can also be based upon the ability of a local government to provide public services and facilities demanded by the impacts generated from potential new development. Currently a hurricane evacuation study is under preparation for the Keys. Not knowing what findings will arise from this study, the Village should develop a system that also addresses the Village's ability to support public services and facilities while maintaining adopted level of services set forth within the Comprehensive Plan. Furthermore, the Village should evaluate the Comprehensive Plan and the BPAS after the Monroe County Carrying-Capacity Study has been completed.

Retirement of Development Rights and Land Acquisition Program and Tracking System. The Village should establish a comprehensive program to retire development within the Village and a land acquisition program to protect indigenous environmental resources and promote equitable treatment of private property rights. Potential acquisition lands will be evaluated according to environmental quality as well as potential development impacts that will adversely affect the ecosystem and burden the Village's infrastructure capacities.

The relative feasibility of acquiring each site within the Village that is designated for Conservation (C) on the Future Land Use Map, and other potential acquisition lands, shall be assessed based on its physical and biological function and value, including value for recreation. Using this assessment as a rationale for projecting available funding, a capital investment program for acquisition of environmentally sensitive lands and reduction of development rights will be prepared. The program should include a tracking system for continued monitoring and evaluation.

Transfer of Development Rights (TDR) Program. Redevelopment and new development should be encouraged to locate within Village Activity Centers, to be defined in the Land Development Regulations. The Village will prepare a TDR program to encourage the relocation of development from specified sender sites to receiver sites, based on criteria to be

TABLE 1-10: FUTURE LAND USE PROFILE, 2020

FUTURE LAND USE CATEGORY	PARCELS	ACREAGE	% OF TOTAL ACREAGE
Residential Conservation (C)	158	387.6	10.6%
Residential Low (RL)	268	302.7	8.3%
Residential Medium (RM)	268	302.7	8.3%
Residential High (RH)	84	120.7	3.3%
Mixed Use (MU)	682	388.8	10.7%
Industrial (I)	11	24.3	0.7%
Conservation (C)	315	1,272.9	35.0%
Mariculture (M)	1	9.5	0.3%
Recreation and Open Space Facilities (RO)	10	76.4	2.1%
Public and Semi Public Services (PS)	74	109.1	3%
Airstrip (A)	68	19.1	.5%
TOTAL	1939	3550.8	99.80%

Note: 115 acres of roads and 424 acres of submerged lands are not counted in the above calculations.

Source: Islamorada, Village of Islands Community Planning and Development Services Department, 2000

BUILDING PERMIT ALLOCATION SYSTEM

Overview of the Existing System

Until Islamorada, Village of Islands adopts its Comprehensive Plan, development and growth in the Village will continue to be influenced by a rate of growth ordinance (ROGO) developed by Monroe County. ROGO was created to control the rate of population growth in order to ensure safe and timely evacuation of the Florida Keys prior to the landfall of a hurricane. Through ROGO, population growth is controlled through fixed annual limitations on new residential construction. The current County allocation system applies only to new dwelling units (houses, apartments, mobile homes, hotel and motel rooms, campgrounds, live-aboard vessels and institutional-residential uses). Commercial development is currently under a temporary moratorium and is not yet governed by a permit allocation system. The Village enforces this Building Permit Allocation System until such time a new system is adopted by the Village Council and acknowledged by the Florida Department of Community Affairs. Sixty-four (64) residential building permit applications are presently filed with the Village under ROGO.

Designed to meet the growth management needs of Monroe County, ROGO governs new construction across the entire unincorporated jurisdiction of Monroe County. Issues addressed within the County's ordinance must consider development trends and environmental conditions applicable to specific sub-areas of the County. Since the policies and criteria associated with the County ROGO were intended to apply to the entire unincorporated areas of the County, many ROGO policies and criteria are not applicable to the Village or may not bear relevance to local conditions, interests, and values. Therefore, the ROGO system of ranking building permit applications can yield an outcome inconsistent with the Village's growth management objectives.

Currently, ROGO allows up to 22 residential units to be constructed each year within the Village. If this growth rate were continued through the horizon date of the Comprehensive Plan (2020), 440 new residential units could be constructed above the Village's current housing stock. While ROGO does not phase commercial development because of an existing moratorium, the Village will need to assess the future need for additional commercial development. Two issues should be taken into consideration regarding the Village's approach to managing future growth and development. First, based on Florida's concurrency management requirements, capacity must be available to meet the public facilities needs generated by all future growth and development. Second, land must be available to accommodate not only new development but also the public serviced necessary to support it.

Once the Village has identified the maximum development potential compatible with its desired quality of life and its ability to provide services, the administrative component of a Building Permit Allocation System (BPAS) can be developed. However, the allocation system by itself may not be able to fulfill the Village's vision and goals towards growth management and limited development. Other programs may also be necessary to address private property rights issues or to successfully accomplish objectives and policies. Combining a BPAS with other growth management activities would develop a stronger framework for the Village to control growth and development within its jurisdiction while observing private property rights.

Limited Growth Approach

The rate of growth can be managed to assure that adequate public facilities and services are provided according to the Village's adopted level of service standards, the public's ability to fund infrastructure capacity improvements, and the ability to minimize adverse impacts that public facilities place on natural resources. Understanding that the Village's Comprehensive Plan focuses on maintaining the existing quality of life, the Village proposes to manage the rate of both residential and commercial development based on the ability to protect environmental quality, and provide transportation, potable water, wastewater, stormwater management and recreation and open space facilities at the adopted levels of service. While Monroe County's Rate of Growth Ordinance was primarily designed to address hurricane evacuation, the intent of the Village's methodology is to implement the Village's vision and the Comprehensive Plan growth management goals, objectives and policies.

As the Comprehensive Plan serves as the foremost regulatory legislation used by the Village, new development should be managed throughout the planning period of the Comprehensive Plan. Therefore, the maximum amount of growth and development deemed compatible with the Comprehensive Plan should be managed through year 2020. A twenty-year schedule is proposed for timing development impacts with the Village's ability to manage public facilities and to maintain environmental quality of remaining indigenous natural resources.

Proposed Future Rate of Growth

The future growth rate for Islamorada, shown in Table 1-11: Proposed Residential and Non-Residential Phasing Schedule, is based upon the Village's character and implements the Village's vision statement. The rate of growth is also based upon the Village's ability to provide public facilities and services according to adopted level of service standards coupled with the availability, or lack thereof, of capital funding to provide such facilities and services.

Residential Rate of Growth. The current ROGO program allows up to 22 residential units (18 market rate and 4 affordable units) to be constructed each year within the Village. If this growth rate continues through the horizon date of the Comprehensive Plan (2020), 440 new residential units could be constructed above the Village's current housing stock. The proposed system recommends a residential and commercial development mix equal in impact to 396 residential dwelling units. The Village should hold this development level of 396 units as its maximum build-out condition.

The following scenario presumes that the remaining 64 ROGO applications will be permitted through 2003. Thereafter, the new system replaces the current ROGO, with 332 units available for future development. Fourteen residential units per year can be constructed under the proposed program through year 2020. The proposed Building Permit Allocation System establishes two application pools. One pool accommodates the general housing market, open to any one who applies.

Available housing for employees is an economic issue for the Village and businesses community. Housing located close to work can reduce traffic on U.S. 1 and frontage roads. The new system promotes housing affordability for employees or business owners located within the Village, to encourage employees to live near the place of employment, thus reducing traffic impacts. Though eligible to submit applications for ranking among all applications, only qualifying employees or business owners participating in the local economy and business community will be considered in a second pool of applications. This workforce category assures that new affordable housing will be available for those employed within the Village. The County's ROGO system allows an applicant to pass over another if they have the financial resources to purchase land or to meet other scoring criteria. The proposed system equitably helps those participating in the local workforce from being passed over by someone with the wealth to obtain additional points in a scoring system. If an affordable building permit allocation is not issued within a designated time, it should be carried over into the subsequent application review period, remaining available to support the local workforce. The allocation proposed in the BPAS assigns over forty percent of future housing units to the affordable category.

HOUSING ANALYSIS

(§9J-5.010(2), F.A.C.)

This subsection presents an analysis of housing trends and characteristics pursuant to 9J-5.010(2), F.A.C.

Update of 1990 Housing Inventory

An analysis of land use distribution, land consumption trends, vacant lands and environmental constraints to their development potential was conducted to determine the projected housing needs, using the following methodology.

Housing Needs. The projected population determines housing needs. The additional land required to meet the identified future housing needs will be based on the number of housing units per acre and the projected number of new units needed.

1. **Summary of Projected Housing and Population.** Table 3-15 shows the projected residential housing needs based upon population projections. The Village has a 1990 population of 6,767 and 3,122 total households with an average of 2.16 persons per household. The projected population for 2020 is 8,163 with 3,766 households, based on 2.16 persons per household.

TABLE 3-15: RESIDENTIAL HOUSING PROJECTIONS

YEAR	POPULATION (PPU X OU)	PERSONS PER UNIT ¹ (OU / POP)	OCCUPIED UNITS ² (OU / TU)	TOTAL UNITS ³
1990	6,767	2.16	3,122	4,912
1995	7,462	2.16	3,455	5,417
2000	7,749	2.16	3,575	5,624
2005	7,875	2.16	3,633	5,718
2010	7,972	2.16	3,678	5,788
2015	8,068	2.16	3,722	5,858
2020	8,163	2.16	3,766	5,928

¹ Persons/unit based on 1990 data – actual number 2.16752028

² Based on 1990 data (% of total units) – actual number 0.635586319

³ Based on new housing construction and COs issued; projections based on 22 units/yr through 2002, 20 units for 2003, and 14 units/yr. thereafter

Sources: 1990 US Census of Population and Housing; Islamorada, Village of Islands Department of Community Planning and Development Services, 2000

2. **Projected Housing Units.** The number of projected housing units is based upon the maximum number of units that can be permitted under the ROGO system. Between 1998 and 2000, there was an estimated 50 unit increase based upon 28 units in 1998-99 and 22 units in 1999-2000 allowed under ROGO. For the years 2000 through 2002, 22 units per year are assumed, with 20 units per year for 2003, and 14 units per year thereafter as permitted under the current ROGO system. Therefore, the Village is projecting an additional 302 new units between 2000 and 2020.
- a. **Projected Housing Units by Type.** Table 3-16 shows the projected housing demand by type of unit. The projected housing units are based upon the percentage of single family, multi-family, and mobile units remaining the same as in 1990.

TABLE 3-16: ESTIMATED AND PROJECTED DWELLING UNITS BY STRUCTURE TYPE

DWELLING UNITS	1990		UNITS BY YEAR					
	NUMBER	PERCENT	1995	2000	2005	2010	2015	2020
Single Family	2,927	59.59%	3,228	3,351	3,408	3,449	3,491	3,532
Multi-Family	1,374	27.97%	1,515	1,573	1,599	1,619	1,638	1,658
Mobile Homes/Others ¹	611	12.44%	674	700	711	720	729	737
Total Dwelling Units	4,912	100.00%	5,417	5,624	5,718	5,788	5,858	5,928

¹ Includes mobile homes, trailers, houseboats, railroad cars, campers and vans



Council Communication

To: Mayor and Village Council
From:
Date: July 9, 2024
SUBJECT: Staff update regarding Council direction at the June 11 Regular Meeting to provide additional information related to restoration funds expenditures, including whether they are supporting the goal of no net loss of tropical hardwood hammock within the village, as described in Village Code Section 30-1615, Transplantation and Restoration Standards.

Background:

Councilman Gregg had expressed concern at the June 11 Regular Meeting that restoration funding collected pursuant to Village Code Section 30-1615 was being allocated to an ornamental landscaping project at the Founders Park Community Center and asked for additional information regarding how the funding is used, how it should be used, and whether it is achieving its intended purpose.

Analysis:

Staff will discuss their findings and recommendations.

Budget Impact:

TBD

Staff Impact:

N/A

Recommendation:

Council direction will determine next steps.

Attachments: None



Council Communication

To: Mayor and Village Council
From: Marne McGrath, Village Clerk
Date: July 9, 2024
SUBJECT: **Approval of Minutes: TAB 3**
Legislative Agenda Workshop - June 11, 2024
Regular Council Meeting - June 11, 2024
Land Use Council Meeting - June 13, 2024

Background:

Minutes for June Council meetings are presented for the Council's consideration and approval.

Analysis:

Budget Impact:

Staff Impact:

Recommendation:

- Attachments:**
1. 06 11 2024 Legislative Agenda Workshop
 2. 06 11 2024 Regular Village Council Minutes
 3. 06 13 2024 Land Use Council Meeting Minutes



Islamorada, Village of Islands **VILLAGE COUNCIL WORKSHOP**

June 11, 2024 - 4:30 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 04:30 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

Van Cadenhead led the Pledge of Allegiance.

III. AGENDA

A. Legislative Agenda Workshop

Village Manager Rob Cole provided an overview of legislative advocacy goals to build relationships, open lines of communication, and foster the ability to respond quickly. Mr. Cole noted he spoke to our lobbyists for their input, and conferred with peer communities and partners. Mr. Cole stated that establishing a legislative agenda allows staff to reach out to our lobbyists on short notice and he presented his framework for a legislative agenda to bring back for resolution at the July Council meeting.

He suggested various categories on which the Council may wish to make potential position statements, including:

- Environment
- Affordable and Workforce housing
- Children and Families
- Insurance
- Unfunded mandates
- Infrastructure/Resilience
- Transportation

IV. PUBLIC COMMENT

There were no audience members wishing to speak.

V. ADJOURNMENT

The workshop was adjourned at 5:29 p.m.



Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

June 11, 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 5:38 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

Don Horton led the Pledge and Mayor Pinder said a brief prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

Mayor Pinder introduced incoming Finance Director Lisa Lynch and thanked Human Resources Director Evie Engelmeyer for her service over the past eleven years.

Council Member Mark Gregg:

Suggested removing the Village Manager evaluation as all Council Members had already completed their evaluations. A consensus of Council agreed and the item was removed from the agenda.

Requested to pull Tab 7 to discuss the shrubbery project.

Vice Mayor Sharon Mahoney:

Requested an update on the wastewater discussion. Village Manager Rob Cole noted he was in discussions on the viability of moving wastewater services to the Key Largo Wastewater Treatment District and would present an update at the July meeting.

Council Member Henry Rosenthal:

Requested to pull Tabs 13 and 14 from the Consent Agenda.

Council Member Elizabeth Jolin:

Asked to move Tab B to Thursday's agenda

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.)

Mayor Joseph B. Pinder III opened public comment.

Speakers included:

Roland Moore

Chuck McWhirter

Van Cadenhead

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

Council Member Mark Gregg noted a speaker's comment about Sea Oats Beach and asked for an item to be put on the July agenda for further discussion and to look at potential solutions for the neighbors and protection for the turtles.

Council Member Elizabeth Jolin suggested a broader look at these issues village-wide and asked to look for a solution to the ongoing noise problem.

V. CITIZENS' ADVISORY COMMITTEE REPORTS & APPOINTMENTS

A. Nearshore Water Regulations Citizens Advisory Committee Report - Dianne Harbaugh, Chair - TAB 1

Chair Dianne Harbaugh noted the Committee met on April 30 and heard an update from the sheriff's department, and expressed concern about the increasing user pressures at the Founders Park breakwater.

B. Workforce Affordable Housing Citizens Advisory Committee Report - Don Horton, Vice Chair - TAB 2

Vice Chair Don Horton discussed the recent 300 early out allocations and expressed concern that as an advisory committee, they were not asked for their input.

Village Manager Rob Cole noted the Committee's report would be shared with Council after appropriate legal review.

C. Parks and Recreation Citizens Advisory Committee Report - Carolyn Wightman, Chair - TAB 3

Chair Carolyn Wightman provided an overview of the summer program and noted they were averaging about 70 participants.

She noted the Committee was prepared to be involved in further evaluation of the improvements at the ballpark.

VI. MAYOR / COUNCIL COMMUNICATIONS

A. Mayoral Appointments of Committee Council Liaisons - TAB A

Village Manager Rob Cole noted that this role was created to serve as a consultative liaison between the committee and the Council. He anticipated liaisons would help provide committees with access to discuss matters with the Council and would validate Council interest in committee priorities. The chair would reach out to the Council Member for resources and annually, the liaison would work with the chair and committee to set work assignments and create a report of their accomplishments for the previous year.

Interim Village Attorney John Quick noted the council liaisons would be making

periodic updates to the Council.

Village Manager Rob Cole noted best practice was that the council members should not attend in person, so that the committees have the freedom to deliberate without their elected official in the room.

Mayor Pinder made the following appointments:

Land Acquisition Advisory Committee - Council Member Mark Gregg

LPA - Council Member Mark Gregg

Workforce/Affordable Housing Citizens' Advisory Committee - Mayor Joseph B. Pinder III

Historical Preservation Committee - Council Member Henry Rosenthal

Near Shore Water Regulation Committee - Vice Mayor Sharon Mahoney

Parks & Recreation Committee - Council Member Elizabeth Jolin

Youth Council - Council Member Elizabeth Jolin

- B. Discussion of Development Review Committee (Council Member Jolin)
- **TAB B**

This item was moved to the June 13 Land Use Council Meeting agenda.

- C. Discussion of Land Acquisition Advisory Committee Draft Action Plan to Retire Development Rights (Council Member Gregg) - **TAB C**

Council Member Mark Gregg expressed concern that the Village may not have an up-to-date action plan to retire development rights. He also asked about the status of the Land Acquisition Advisory Committee, noting the Committee may be able to help with this initiative. Environmental Resources Manager Pete Frezza noted the Committee hadn't met recently, and indicated that a draft action report was revised in 2021, but it wasn't officially adopted by Council.

Council Member Elizabeth Jolin observed that this project should be handled by staff, not volunteers.

Village Manager Rob Cole noted that staff were prepared to assist the Committee and Council Liaison with the action plan as needed. He indicated the need to confirm that we were meeting all the requirements and remarked that we could look at ways move forward.

VII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

- A. Village Manager Evaluation - **TAB D**

This item was removed from the agenda.

- B. Property Disposition Update: Island Silver and Spice Properties, and the Machado Property - **TAB 4**

Village Manager Rob Cole was asked to evaluate village land holdings and suggested a community workshop might help clarify previous conversations and help build a consensus for the use or disposition of the properties.

VIII. CONSENT AGENDA

Mayor Joseph B. Pinder III pulled Tab 6.

Council Member Henry Rosenthal suggested a collective cap on the amount that can be requested in the Consent Agenda. Village Manager Rob Cole noted the Consent

Agenda was a tool to embed routine action items into a single vote of Council. He further indicated that the requested items had already been allocated during the budget approval process.

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.** Approval of Minutes: - **TAB 5**
May 7, 2024 Executive Session
May 7, 2024 Regular Village Council Meeting
May 9, 2024 Land Use Council Meeting
Amended December 12, 2023 Regular Village Council Meeting (Marne McGrath, Village Clerk)

It was noted there was a mistake in the discussion about Form 6 from December 2023 that the Clerk was asking to correct.

Interim Village Attorney John Quick also summarized the preliminary injunction put in place on June 10, 2024. He confirmed that the Commission on Ethics could not enforce the requirement to file Form 6. However, local elected officials must file Form 1 by July 1, 2024.

- B.** Resolution Approving FY 2023-2024 Purchases from Municipal Emergency Services for Services and Supplies - **TAB 8** (Terry Abel, Fire Chief)

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

- C.** Resolution Approving the Purchase of the Thorguard Lightning Prediction and Warning System for Founders Park - **TAB 9** (Maria Bagiotti, Founders Park Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE OF THOR GUARD TG360 LIGHTNING PREDICTION/DETECTION & WARNING SYSTEM FROM THOR GUARD, INC. FOR THE VILLAGE PARKS & RECREATION DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE

- D. Request for Authorization to Dispose of Surplus Vehicle - 2008 Ford F-350 - **TAB 10** (Terry Abel, Fire Chief)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, DECLARING THE 2008 FORD F-350 PICK-UP TRUCK AS SURPLUS PROPERTY; AUTHORIZING DISPOSAL OF THE ASSET; AND PROVIDING AN EFFECTIVE DATE

- E. Resolution Approving Interlocal Agreement with Monroe County for FY 2024-2025 Boating Improvement Funds for the Islamorada Buoy Maintenance Program - **TAB 11** (Mary Swaney, Procurements & Grants Administrator)

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 2024-2025; 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

- F. Resolution Approving Reimbursement of Legal Fees to Joseph B. Pinder III for Defense of Ethics Complaint - **TAB 12** (John Quick, Interim Village Attorney)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING THE PAYMENT OF \$2,610.00 TO JOSEPH B. PINDER III FOR REIMBURSEMENT FOR LEGAL SERVICES PERFORMED BY MESSER CAPARELLO, P.A. RELATING TO THE REPRESENTATION OF MAYOR PINDER IN HIS OFFICIAL CAPACITY AS A COUNCILMEMBER; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- G. Resolution Approving the Purchase of a SPHD Dump Style Premix Heater for the Public Works Department - **TAB 15** (A.J. Engelmeyer, Public Works Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, PIGGYBACKING THE FLORIDA OMNIA PARTNERS CONTRACT NO. 05-77 AND APPROVING THE PURCHASE OF A SPHD DUMP STYLE PREMIX HEATER HOT MIX ASPHALT TRAILER FROM JET – VAC EQUIPMENT COMPANY FOR THE VILLAGE PUBLIC WORKS DEPARTMENT; AUTHORIZING THE VILLAGE

**MANAGER TO EXECUTE NECESSARY DOCUMENTS;
AUTHORIZING THE VILLAGE MANAGER TO EXPEND
BUDGETED FUNDS; PROVIDING FOR A WAIVER OF
COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE
DATE**

- H. Resolution Approving Interlocal Agreement with Key Largo Fire and Emergency Medical Services District - **TAB 16** (Terry Abel, Fire Chief)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA ADOPTING THE INTERLOCAL AGREEMENT BETWEEN THE KEY LARGO FIRE AND EMERGENCY MEDICAL SERVICES DISTRICT AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE LENDING OF FIRE RESCUE EQUIPMENT; 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

- I. Resolution Memorializing the Implementation of Staggered Terms for LPA Members and Extending the Terms of Cheryl Culberson, Lorie LaLonde, and James Rhyne for an Additional Year until May 2026 - **TAB 17** (Marne McGrath, Village Clerk)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, MEMORIALIZING THE EXTENSION OF TERMS FOR LOCAL PLANNING AGENCY MEMBERS CHERYL CULBERSON, LORIE LALONDE, AND JAMES RHYNE THROUGH MAY 2026 TO IMPLEMENT STAGGERED TERMS AS REQUIRED BY ORDINANCE 23-05; AND PROVIDING AN EFFECTIVE DATE

IX. RESOLUTIONS

- A. Resolution Approving Recommendation and Agreement for Founders Park Breakwater Restoration Project - **TAB 6** (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 24-07 EVALUATION COMMITTEE FOR SELECTION OF A CONTRACTOR FOR THE FOUNDERS PARK BREAKWATER RESTORATION 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

Environmental Resources Manager Pete Frezza noted the Village received proposals and Earth Tec Enterprises was ranked first by the evaluation committee. He stated that the breakwater had been eroding for decades and was in dire need of restoration.

In response to a question of Council concerning local preference, Mr. Frezza indicated that the grant they had applied for was a federal grant, which did not allow local preference to be considered. It was determined that Adventure Environmental Inc., tied for the number two selection, had superior prior experience with the Village, a superior proposal, a record of excellent work they have done with the Village, and knowledge of the uniqueness of Islamorada.

A motion was made to approve the resolution with the modification that it is awarding to Adventure Environmental in place of Earth Tech Enterprises for the reasons stated by the Village Attorney.

Mayor Joseph B. Pinder III opened public comment.

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

- B.** Resolution Approving Work Authorizations with Conch Tree & Landscape Professionals 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 CONCH TREE & LANDSCAPE PROFESSIONALS 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

Discussion ensued about using funds intended for hammock restoration on other projects. Village Manager Rob Cole said that staff would research the options.

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 with funding coming from an alternate source item IX.B. 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

- C. Resolution Ratifying Increasing Authorized Purchases from KB Vacuum through the End of FY 2023-2024 - **TAB 13** (A.J. Engelmeyer, Public Works Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RATIFYING INCREASING AUTHORIZED PURCHASES FROM KB VACUUM SOLUTIONS, LLC. THROUGH THE END OF FY 2023-2024; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

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.C. 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

- D. Resolution Approving a Second Amendment to Work Authorization 2 with CHA Consulting for Capital Projects at the NPK Pump Station - **TAB 14** (A.J. Engelmeyer, Public Works Director)

APPROVING A SECOND AMENDMENT TO CONTINUING SERVICES AGREEMENT AND TO WORK AUTHORIZATION NO. 2 BETWEEN CHA CONSULTING, INC., AND THE VILLAGE FOR DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR CAPITAL PROJECTS AT THE NORTH PLANTATION KEY (NPK) PUMP STATION

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 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

- E. Resolution Approving the Recommendation and Agreement for RFP 24-09 Founders Park Master Plan - **TAB 18** (Maria Bagiotti, Founders Park Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE SELECTION AND RECOMMENDATION OF THE RFP 24-09 EVALUATION COMMITTEE FOR THE COMPLETION OF A MASTER PLAN FOR FOUNDERS PARK; 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; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Mike Kroll, President of Miller Legg, explained the company's approach to pickleball courts.

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.E. 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

- F. Resolution Approving FDOT SFY 2024 Public Transit Service Development Program Grant Agreement for Expanded Ridesharing Services - **TAB 19** (Mary Swaney, Procurements & Grants Administrator, Robert Cole, Village Manager)

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

Discussion ensued on whether FreeBee was the right choice for Islamorada. It was noted that Monroe County recently selected FreeBee as their vendor for ridesharing. Once the practice was firmly established, the County likely would take over all ridesharing countywide.

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.F. by Sharon Mahoney 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

- G.** Resolution Approving Agreement for Freebee Ridesharing Services in Conjunction with FDOT SFY24 Public Transit Service Development Grant (Year 1) - **TAB 20** (Mary Swaney, Procurements & Grants Administrator, Robert Cole, Village Manager)

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

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.G. by Henry Rosenthal 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

X. ADJOURNMENT

Council Member Mark Gregg requested moving the August 6 Regular Council Meeting to a different date as he would be unable to attend. Council determined they would select a date at the Thursday meeting.

Council Member Henry Rosenthal moved to adjourn the meeting at 8:28 p.m.

XI. AFTER ACTION REPORT

- A.** June 11, 2024 After Action Report



Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

June 13, 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 05:33 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

Mayor Pinder asked Ty Harris to lead the Pledge of Allegiance and Pastor Tony Hammon started the meeting with a brief prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

Vice Mayor Sharon Mahoney asked to add discussions on Deputy Julian Garcia's upcoming fundraiser and Council Liaisons in Mayor/Council Communications.

Mayor Joseph B. Pinder III asked for the Sojourn quasi-judicial hearing to be moved to the first action item - to be heard after public comment and LPA report.

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.)

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.

V. CITIZENS' ADVISORY COMMITTEE REPORTS & APPOINTMENTS

A. Local Planning Agency Report - Deb Gillis, Chair - TAB A

LPA Chair Deb Gillis provided an update on items recently considered by the Committee.

B. QUASI-JUDICIAL - Ordinance Amendment Considering the Request of Sojourn South LLC to Amend the Future Land Use Map of Parcel 00394480-000108 - First Reading - TAB H (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF TY HARRIS PA AGENT FOR SOJOURN SOUTH LLC, TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM CONSERVATION (C) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON LOWER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00394480-000108, 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.

Moved up to be heard after Tab A due to an audience member who was testifying needed to catch a flight.

It was determined that items H and I were companion items and would be heard together.

The Council was asked to disclose any ex parte communications:

Council Member Mark Gregg - none

Council Member Henry Rosenthal - Sue Miller

Vice Mayor Sharon Mahoney - Ty Harris in the past, no one recently

Mayor Joseph B. Pinder III - Ty Harris in the past, noted he said hello to audience members associated with the property but nothing about the request

Council Member Elizabeth Jolin - none

Planning Director Jennifer DeBoisbriand summarized the request and noted that staff recommends approval.

Ty Harris, on behalf of property owners Neil Schuster and Kerry Marsh, noted most of the property is underwater. Mr. Harris indicated the property owners were happy to comply with the LPA's recommendation for commercial fishing and dockage.

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

Neil Schuster

Owen Marimon

Frank Cabrera

Donna Cabrera
Van Cadenhead

There being no one wishing to provide testimony opposing the request, Mayor Pinder closed public testimony.

After significant Council deliberation, Council Member Mark Gregg moved to approve the request with the amendment to create a commercial fishing special area with limited uses in the commercial fishing zoning district as well as docking facilities with the additional instructions to bring back language to address the docking issues, mangroves and other environmental concerns.

ACTION: Motion to Approve with the amendment to create a commercial fishing special area with limited uses in the commercial fishing zoning district as well as docking facilities with the additional instructions to bring back language to address the docking issues, mangroves and other environmental concerns. item V.B. 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

- C. QUASI-JUDICIAL** - Ordinance Amendment Considering the Request of Sojourn South LLC to Amend the Zoning Map for Parcel 00394480-000108 - **First Reading - TAB I** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF TY HARRIS PA AGENT FOR SOJOURN SOUTH LLC, TO AMEND THE OFFICIAL ZONING MAP FROM CONSERVATION (C) TO COMMERCIAL FISHING (CF) FOR THE SUBJECT PROPERTY, LOCATED ON LOWER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00394480-000108, 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

As companion requests, the quasi-judicial hearing for this item was held during the hearing for the previous item.

Ty Harris requested that the comments he made on the previous item be incorporated into the record for this item.

ACTION: Motion to approve item V.C. 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

VI. MAYOR / COUNCIL COMMUNICATIONS

A. Developmental Review Committee (Council Member Jolin) - MOVED FROM TUESDAY MEETING

Council Member Elizabeth Jolin asked Council's input on creating a Developmental Review Committee. Village Manager Rob Cole noted that the pertinent management staff were already coordinating and providing input on development projects. He suggested adding that review to the council communication to assure the Council and the community that the team has reviewed and approved requests. Council agreed with Mr. Cole's suggestion.

B. Fundraiser for Deputy Julian Garcia (Vice Mayor Sharon Mahoney)

Vice Mayor Sharon Mahoney promoted the upcoming benefit on June 23 at Islander Resort from noon - 6pm for MCSO Deputy Julian Garcia.

C. Council Liaison Discussion (Vice Mayor Mahoney)

Vice Mayor Sharon Mahoney briefly revisited the appointments made at the last meeting asking to liaise with the Land Acquisition Advisory Committee instead of the Near Shore Water Regulation Committee. Council Member Mark Gregg agreed but noted he did not want to serve on Near Shore.

VII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Planning Director Jennifer DeBoisbriand noted she was asked to address the status of Planning items on the After Action Report. She referenced there were overlapping policy decisions that interact with our Comp Plan and that every decision they make comes from the Comp Plan. She referred to the RFP to update the Comp Plan which was currently out and closing July 11. Ms. DeBoisbriand provided a comprehensive overview of the work the department is doing.

Council took up the question of changing the August 6 Regular Village Council Meeting so that Council Member Gregg could attend. It was decided to change that meeting to Wednesday, August 7 and keep the Land Use Council Meeting on Thursday, August 8 as scheduled.

VIII. RESOLUTIONS

A. Reservation of BPAS Affordable Allocations for Woods Avenue Development - **TAB B (Jennifer DeBoisbriand , Planning Director)**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING AUTHORIZATION FOR THE RESERVATION OF BUILDING PERMIT ALLOCATION SYSTEM (BPAS) AFFORDABLE DWELLING UNIT ALLOCATIONS FOR AWARD TO THE PROPOSED WOODS AVENUE DEVELOPMENT; 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.

Lindsey Fast from Habitat for Humanity confirmed that Habitat was prepared to construct 8 single-family one-bedroom/one-bath homes on the property should it become available.

Council Member Elizabeth Jolin made a motion to approve to defer this item and have staff come back with a solution for the early out affordable allocations on this and the Machado properties.

Council agreed to move up the quasi-judicial hearings as people were waiting. Tabs F, G and J were moved up on the agenda to reflect this change.

ACTION:	Motion to Approve to defer and have staff come back with a solution for this and the Machado properties item VIII.A. by Elizabeth Jolin second by Mark Gregg; Motion passed with a 3:2 vote
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal
NAYS:	Sharon Mahoney, Joseph B. Pinder III
ABSTAIN:	None

IX. QUASI-JUDICIAL

- A.** Resolution Considering the Request from MM 82.748 (Dolphins Plus Oceanside Marine Mammal Responder, Inc.) for a Major Conditional Use and an Administrative Variance - **TAB F** (Regine Charles-Bowser, Principal Planner)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF DOLPHINS PLUS OCEANSIDE MARINE MAMMAL RESPONDER, INC. ON BEHALF OF MM 82.748 LLC FOR MAJOR CONDITIONAL USE APPROVAL FOR THE CHANGE OF USE FROM EXISTING RETAIL STORE TO A VETERINARY HOSPITAL "DOLPHINS PLUS MARINE MAMMAL RESPONDERS CENTER" (DPMMR), COMBINED WITH CONSIDERING THE REQUEST FOR

AN ADMINISTRATIVE VARIANCE APPROVAL FOR 8 PARKING SPACES, FOR THE PROPERTY LOCATED AT 82748 OVERSEAS HIGHWAY ON UPPER MATECUMBE KEY WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00404470-000100 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE AND PROVIDING AN EFFECTIVE DATE.

Council was asked to disclose any ex parte communications:

Mayor Joseph B. Pinder III - Ty Harris

Council Member Mark Gregg - Ty Harris

Vice Mayor Sharon Mahoney - Ty Harris

Council Member Henry Rosenthal - no one

Council Member Elizabeth Jolin - no one

Planning Director Jennifer DeBoisbriand stated that staff recommended approval with the ten conditions listed in the packet and, further, sees no issue with the variance of 8 parking spaces.

Ty Harris, on behalf of the applicant, noted they were open to adding a condition to address a potential lot line issue. He indicated that injured wild dolphins are currently euthanized as there is no rescue facility anywhere in the the Keys. The rescue facility will not be open to the public and is not intended to be a long-term rehabilitation facility.

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

There was no one wishing to speak for or against the project.

There being no one wishing to testify, Mayor Pinder closed testimony.

Art Cooper answered questions of Council, noting that the retail space would generate operating costs and that injured dolphins would not be publicly displayed.

ACTION: Motion to approve with additional condition item IX.A. 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

- B.** Resolution Considering the Administrative Appeal Regarding 75131 Overseas Highway - **TAB G** (Jennifer DeBoisbriand , Planning Director)

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, CONSIDERING
ADMINISTRATIVE APPEAL NO. PLADA20240104 FILED BY
BARBARA EDGAR (APPELLANT) RELATING TO AN
ADMINISTRATIVE DECISION AND INTERPRETATION BY THE
DIRECTOR OF PLANNING (RECONSIDERATION OF DWELLING
UNIT DETERMINATION) FOR PROPERTY LOCATED AT 75131
OVERSEAS HWY, HAVING REAL ESTATE NUMBER 00398880-
000000, ON LOWER MATECUMBE KEY; AS LEGALLY
DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE
DATE**

Council was asked to disclose any ex parte communications:

Council Member Mark Gregg - Barbara Edgar
Council Member Henry Rosenthal - Barbara Edgar and her daughter
Mayor Joseph B. Pinder III - Barbara Edgar and her daughter
Vice Mayor Sharon Mahoney - Barbara Edgar
Council Member Elizabeth Jolin - no one

Interim Village Attorney John Quick noted the question at hand was whether the Planning Director had the authority to make a determination on the application. It was noted that the Village Council in 2005 decided to deny the application. However, new information had come to light to prompt Ms. Edgar to reapply. There is no provision in the Village Code to permit staff to override a vote of Council, even if it was many years prior. The question before the Council was not the content of the application, but if they wanted to grant the Planning Director authority to process and decide on the application.

Given the irregularity of the situation, a robust discussion on process took place. Concern was expressed that allowing this may set a precedent. Interim Village Attorney John Quick recommended that regardless of the outcome of this item, Council should direct staff to offer a Code amendment to clarify this type of situation. It was noted that the applicant doesn't have originally permits as they were not required prior to 1960 when this property was constructed.

Applicant Barbara Edgar noted the property was built in 1953 and although they lost some units to a hurricane, her family never gave up the building right to the other three TDRs because her father made adjoining units of the remaining units to increase their size.

Interim Village Attorney John Quick noted the Planning Director could consider newly discovered evidence, and therefore was permitted to make a determination if the Council grants authority. He further noted that it should be emphasized that the authority was for this application only and did not imply or give authority for future similar requests.

Mayor Pinder called for testimony in favor:

Tony Hammon
Van Cadenhead

There was no one wishing to provide testimony in opposition.

Interim Village Attorney John Quick was asked how to solve the current issue and then how to solve it in the future.

- Future - give staff direction to bring back a Code amendment to accommodate these types of issues
- Now - to vote yes is to adopt the resolution giving Planning Director Jennifer DeBoisbriand authority to process the application or deny it without prejudice so that the applicant may apply after the Code has been amended.

ACTION: Motion to Approve granting the Planning Director the authority to decide on this application only item IX.B. by Sharon Mahoney second by Henry Rosenthal;
Motion passed with a 3:2 vote

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

NAYS: Mark Gregg, Elizabeth Jolin

ABSTAIN: None

- C. Public Hearing - 103 Sunshine Blvd Site Plan Notice of Intent to Issue an Approval - **TAB J** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, REQUEST FOR PUBLIC HEARING RELATING TO THE PLANNING DIRECTOR'S NOTICE OF INTENT TO ISSUE SITE PLAN APPROVAL WITH CONDITIONS (PLSPR20230049); FOR PROPERTY LOCATED AT 103 SUNSHINE BLVD, ON PLANTATION KEY HAVING PARCEL NUMBER 00434700-000000; AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE

Council was asked to disclose any ex parte communications:

Mayor Joseph B. Pinder III - no
Council Member Mark Gregg - no
Vice Mayor Sharon Mahoney - Socrates Isambert
Council Member Elizabeth Jolin - Socrates Isambert
Council Member Henry Rosenthal - no

Planning Director Jennifer DeBoisbriand summarized the request and noted that staff recommended denial.

It was clarified that neighbor Paula Albert-Franz requested the hearing. Ms. Albert-Franz testified that the current property owner has rented sections of the property out to various businesses. She noted the negative impact on the neighbors who have to live near the property.

Owner of Ham Seafood, Jose Martinez, was permitted rebuttal. Mr. Martinez noted he was operating a commercial fishery and processing plant. He noted the vehicles and vessels onsite were his and necessary to his operation, as were the freezers and ice makers.

Vice Mayor Sharon Mahoney moved to extend the meeting by 30 minutes at 10:00 p.m.

Mayor Pinder opened testimony to those in favor of issuing the site plan approval: Mr. Martinez's mother

Those in opposition:
Socrates Isambert
Andy Dutton

At 10:30 p.m. Council Member Mark Gregg moved to extend the meeting to 11:00 p.m. as deliberation continued.

ACTION:	Motion to deny 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

X. ORDINANCES

- A.** Ordinance Extension of the Temporary Moratorium on Market Rate Residential BPAS Applications - **Second Reading - TAB C** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, EXTENDING THE TEMPORARY MORATORIUM ESTABLISHED PURSUANT TO ORDINANCE NO. 23-10 RELATING TO THE ACCEPTANCE OF NEW MARKET RATE RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATIONS (WITH OR WITHOUT LAND DEDICATIONS); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; 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.**

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.A. 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

- B.** Ordinance Amendment Relating to Variances from Minimum Lot Area Requirements - **First Reading - TAB D** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, "LAND DEVELOPMENT REGULATIONS," OF ARTICLE IV, "ADMINISTRATIVE PROCEDURES," SECTION 30-221, "VARIANCES IN GENERAL," OF THE VILLAGE CODE RELATING TO VARIANCES FROM MINIMUM LOT AREA REQUIREMENTS WHERE WORKFORCE/AFFORDABLE HOUSING IS PROVIDED; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; 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 APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF COMMERCE.

Planning Director Jennifer DeBoisbriand summarized the ordinance and noted that staff and the LPA recommended approval.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Chris Sante

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

Council Member Mark Gregg moved to extend the meeting for another 15 minutes as deliberations continued.

ACTION: Motion to deny item X.B. by Elizabeth Jolin second by Henry Rosenthal;

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

- C. Ordinance Amending Chapter 30 "Land Development Regulations" Article II "Rules of Construction and Definitions" Relating to Fronting - **First Reading - TAB E** (John Quick, Interim Village Attorney, Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE II "RULES OF CONSTRUCTION AND DEFINITIONS", SECTION 30-32 OF THE VILLAGE CODE RELATING TO FRONTING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Council Member Gregg declared his intention to abstain from the vote on this issue.

Interim Village Attorney John Quick noted the LPA voted not to approve the ordinance as presented and suggested a different definition of fronting to mean the "boundary line of the front of a parcel touching a specified location." He clarified that fronting could be further defined as where a driveway comes out.

ACTION:	Motion to Approve Attorney Quick's modification of the language and to include an explanatory diagram item X.C. by Elizabeth Jolin second by Henry Rosenthal; Motion passed with a 4:0 vote
AYES:	Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	Mark Gregg

XI. ADJOURNMENT

Council Member Henry Rosenthal voted to adjourn the meeting at 11:08 p.m.



Council Communication

To: Mayor and Village Council
From: Sheila Denoncourt, Chief Building Official
Date: July 9, 2024
SUBJECT: **Resolution Approving a First Amendment to Work Authorization #4
Between MT Causley, LLC and Islamorada, Village of Islands - TAB 4**

Background:

At its regular meeting on June 14, 2018, the Village Council passed and adopted Resolution No. 18-06-47, thereby approving non-exclusive continuing services agreements (CSAs) for general support services for the Building Services Department with two firms that provided proposals in response to Request for Proposals (RFP 18-12), which the Village published on March 16, 2018. M. T. Causley, Inc. ("MTC"), was one of the two firms that responded, and the Village has been actively utilizing MTC's services under the CSA to supplement permanent staff positions and perform inspections and provide plans examiner services since 2018. The CSA was effective on June 19, 2018, to remain in effect for five years through June 18, 2023. On October 25, 2022, the Village Council adopted Resolution No. 22-10-113, changing the termination of the CSA so that the effective term continues unless either party provides 30 days' written notice to terminate.

Efforts to fill two open positions have been unsuccessful. In order to provide adequate services to the Village residents, additional support from MT Causley is necessary. Funds are available in salaries to cover the additional costs should the increase exceed the budgeted amount for professional services.

Analysis:

Work Authorization No. 4 provides for a maximum not to exceed \$400,000.00 as compensation for the performance of services. Expenditures through May 31, 2024, under Work Authorization No. 4 total \$352,051.01. Compensation for the performance of services from June 1, 2024, through September 2024 is not anticipated to exceed \$183,000.00.

Adoption of the proposed Resolution would approve the First Amendment to Work Authorization No. 4 to increase the maximum not to exceed cost for service under the Work Authorization from \$400,000.00 to \$535,000.00.

Budget Impact:

Payments to MTC would continue to be reflected in the Professional Services account in the Building Fund with a primary revenue source of Building Permit Fees. The FY 2023-2024

approved budget for Professional Services in the Building Services Fund includes \$833,00.00. A year-end budget amendment will be presented to the Village Council at a future meeting to increase the budget for this account, as needed, based upon actual costs incurred.

Staff Impact:

The Village's Chief Building Official would be responsible for scheduling MTC inspectors each week and monitoring costs incurred against the not-to-exceed limit.

Recommendation:

Staff recommends that the Village Council adopt the attached Resolution, thereby approving a First Amendment to Work Authorization No. 4 under the CSA with MTC.

Attachments: 1. Resolution
 2. Exhibit A

RESOLUTION NO. 24-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A FIRST AMENDMENT TO WORK AUTHORIZATION NO. 4 BETWEEN M. T. CAUSLEY, LLC, AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE GENERAL SUPPORT SERVICES TO THE BUILDING SERVICES DEPARTMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT TO WORK AUTHORIZATION NO. 4; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on March 18, 2018, Islamorada, Village of Islands (the "Village"), published a Request for Proposals for General Support Services for the Building Services and Code Compliance Departments (RFP 18-12); and

WHEREAS, on June 14, 2018, the Village Council of Islamorada, Village of Islands (the "Village Council") adopted Resolution No. 18-06-47, thereby approving the final rankings and recommendations of the RFP 18-12 Selection Committee whereby M. T. Causley, LLC ("MTC"), was selected to provide building support services to the Village; and

WHEREAS, the Village subsequently entered into a Continuing Services Agreement (the "Agreement") with MTC for building support services effective June 19, 2018, for a five (5) year period; and

WHEREAS, on May 20, 2021, the Village Council adopted Resolution No. 21-05-43, thereby approving Work Authorization No. 1 between the Village and MTC to provide building support services for fiscal year 2020-2021; and

WHEREAS, on November 18, 2021, the Village Council adopted Resolution No. 21-11-106, thereby approving Work Authorization No. 2 between the Village and MTC to provide building support services for fiscal year 2021-2022; and

WHEREAS, on October 25, 2022, the Village Council adopted Resolution No. 22-10-113, thereby approving a First Amendment to the Agreement thereby changing the term of the agreement to remain effective unless either party provides thirty (30) days written notice to terminate; and

WHEREAS, on October 25, 2022, the Village Council adopted Resolution No. 22-10-114, thereby approving Work Authorization No. 3 between the Village and MTC to provide building support services for fiscal year 2022-2023; and

WHEREAS, on March 2, 2023, the Village Council adopted Resolution No. 23-03-25, thereby approving a First Amendment to Work Authorization No. 3 under the Agreement to add a rate for Remote Structural Plan Review Services; and

WHEREAS, the Village and MTC desire to enter into a First Amendment to Work Authorization No. 4 under the Agreement to provide building support services for fiscal year 2023-2024 in an amount not to exceed Five Hundred Thirty Five Thousand Dollars (\$535,000.00); and

WHEREAS, the Village Council finds that approval of a First Amendment to Work Authorization No. 4 with MTC is in the best interest of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. **Approval of Work Authorization.** The Village Council hereby approves the First Amendment to Work Authorization No. 4 between MTC and the Village, a copy of which is attached as Exhibit "A," together with such non-material changes as may be acceptable

to the Village Manager and approved as to form and legality by the Village Attorney.

Section 3. Authorization of Village Officials. The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the First Amendment to Work Authorization No. 4.

Section 4. Authorization of Fund Expenditure. Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village's Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to implement the terms and conditions of the First Amendment to Work Authorization No. 4.

Section 5. Execution of Work Authorization. The Village Manager is authorized to execute the First Amendment to Work Authorization No. 4 on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the First Amendment to Work Authorization No. 4 and to execute any extensions and/or amendments to the First Amendment to Work Authorization No. 4, subject to the approval as to form and legality by the Village Attorney.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion to adopt by _____, second by _____.

FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III	_____
Vice Mayor Sharon Mahoney	_____
Councilwoman Elizabeth Jolin	_____
Councilman Mark Gregg	_____

Councilman Henry Rosenthal _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

JOSEPH B. PINDER, III, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND
LEGALITY FOR THE USE AND BENEFIT
OF ISLAMORADA, VILLAGE OF ISLANDS:

JOHN J. QUICK, INTERIM VILLAGE ATTORNEY

**FIRST AMENDMENT TO PROJECT AGREEMENT
BETWEEN
ISLAMORADA, VILLAGE OF ISLANDS
AND
M. T. CAUSLEY, LLC
FOR
WORK AUTHORIZATION NO. 4**

This First Amendment to the Project Agreement for Work Authorization No. 4 (the "First Amendment") is made and entered into this _____ day of _____, 2024, by and between **ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**, a Florida municipal corporation (the "VILLAGE") and **M. T. CAUSLEY, LLC**, A Florida limited liability corporation (the "CONSULTANT").

The VILLAGE and CONSULTANT previously entered into a Project Agreement for Work Authorization No. 4 , effective October 1, 2023 (the "Project Agreement"), pursuant to the provisions contained in the "Continuing Services Agreement" between the VILLAGE and CONSULTANT dated June 19, 2018 (the "Continuing Services Agreement") as amended on November 3, 2022.

This First Amendment restates and duplicates the Project Agreement in all respects other than as reflected in strike-through/add format below reflecting the changes made by this Second Amendment. Other than as set forth in strike-through/add format herein, the terms of the Project Agreement remain the same as set forth previously and in full force and effect as originally written.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth in this First Amendment, the parties hereby amend the Project Agreement as follows:

Section 1. Amendment to Agreement. SECTION 4. amended to read as follows.

SECTION 4. AMOUNT, BASIS AND METHOD OF COMPENSATION

4.1 **Hourly Not-To-Exceed Compensation.** VILLAGE agrees to pay CONSULTANT as compensation for performance of all services described in Exhibit "1" AT CONSULTANT'S HOURLY RATES, UP TO A MAXIMUM AMOUNT NOT TO EXCEED \$400,000 \$535,000.00, FOR CONTRACT TIME for THE 2023-2024 FISCAL YEAR.

Section 2. No Further Modifications. All other terms and conditions of the existing Agreement not in conflict or superseded by this First Amendment shall remain in full force and effect as if set for the herein.

Section 3. Effective Date. This First Amendment shall be effective upon execution by all parties.

IN WITNESS WHEREOF, the parties execute this Second Amendment on the respective dates under each signature: The Village, signing by and through its Village Manager, attested to by its Village Clerk, and by CONSULTANT by and through its principal.

Attest:

ISLAMORADA, VILLAGE OF ISLANDS

Marne McGrath, Village Clerk

By: _____
Robert Cole, Village Manager

Date: _____

M. T. CAUSLEY, LLC

By:

Matthew K. Causley
President

Date

Witness



Council Communication

To: Mayor and Village Council
From: John Quick, Interim Village Attorney
Date: July 9, 2024
SUBJECT: **Resolution Approving Reimbursement of Legal Fees to Mark Gregg for Defense of Ethics Complaint - TAB 5**

Background:

In or about 2023, a complaint was initiated with the Florida Commission on Ethics against Councilmember Gregg in connection with his official capacity as a member of the Village Council for alleged ethics violations. On December 6, 2023, the Florida Commission on Ethics rendered an order dismissing the complaint "for failure to constitute a legally sufficient complaint."

The Village Code provides for the reimbursement of legal fees for the successful defense of an ethics complaint. In addition, Florida common law also allows for the reimbursement of legal fees for the successful defense of a matter arising out of and/or in connection with the performance of Councilmember Gregg's official duties and serves a public purpose.

Additional information about Councilmember Gregg's attorney on this matter, Mark Herron, can be found here: <https://lawfla.com/lawyers/mark-herron/>

Analysis:

The attached resolution approves the payment of \$360.00 to Mark Gregg for reimbursement of legal expenses incurred with Messer Caparello, P.A., in connection with its successful representation in the ethics complaint filed against Councilmember Gregg in his official capacity as a councilmember.

Budget Impact:

The payment to Councilmember Gregg would be expensed to the Village Council Professional Services expenditure account in the General Fund. If needed, a budget amendment would be presented to the Village Council at the end of the fiscal year to address any budget overage in this account.

Staff Impact:

The Finance Department will process the payment of \$360.00 to Mark Gregg for reimbursement of legal services relating to the representation of Councilmember Gregg in the now dismissed ethics matter.

Recommendation:

Staff recommends adoption of the attached resolution, thereby approving the payment of \$360.00 to Mark Gregg for reimbursement of legal services relating to the now dismissed ethics matter.

- Attachments:**
1. Resolution for Reimbursement of Legal Fees re Council Member Gregg Ethics Complaint
 2. 23223 Public Report and Order Dismissing Complaint
 3. 2023-12-11 November inv - MGregg Herron
 4. 2023-11-8 Oct inv - MGregg

RESOLUTION _____

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING THE PAYMENT OF \$360.00 TO MARK GREGG FOR REIMBURSEMENT FOR LEGAL SERVICES PERFORMED BY MESSER CAPARELLO, P.A. RELATING TO THE REPRESENTATION OF COUNCILMEMBER GREGG IN HIS OFFICIAL CAPACITY AS A COUNCILMEMBER; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in or about 2023, an ethics complaint was filed against Councilmember Gregg with the Florida Commission on Ethics in connection with his official capacity as a member of the Village Council; and

WHEREAS, on or about December 6, 2023, the Florida Commission on Ethics rendered an order dismissing the complaint "for failure to constitute a legally sufficient complaint"; and

WHEREAS, Florida common law allows for the reimbursement of legal expenses in connection with the defense of a matter challenging actions taken in an official capacity in certain circumstances; and

WHEREAS, former Councilmember Gregg incurred \$360.00 in legal fees relating to a matter involving his official capacity as a Village official; and

WHEREAS, the Village Council finds the fees to be reasonable and agrees to pay for such legal fees and authorizes the Village Manager to take all steps necessary to effectuate the intent and purpose of this Resolution; and

WHEREAS, the Village Council finds that the ethics complaint here arises out of and/or is in connection with performance of Councilmember Gregg's official duties and serves a public purpose; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

**NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, AS FOLLOWS:**

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Payment of Legal Fees Approved.** The Village Council hereby approves payment of \$360.00 to Mark Gregg for reimbursement of expenses for legal services performed by Messer Caparello, P.A. in connection with their representation of Councilmember Gregg in his official capacity as a councilmember.

Section 3. **Authorization.** The Village Manager is hereby authorized to take all steps necessary to effectuate the intent and purpose of this Resolution.

Section 4. **Effective Date.** This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this ____day of July, 2024.

Motion to adopt by _____. Seconded by _____.

Remainder of this page intentionally left blank.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilman Mark Gregg _____

Councilwoman Elizabeth Jolin _____

Councilman Henry Rosenthal _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

JOSEPH B. PINDER III, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS:

JOHN J. QUICK, VILLAGE ATTORNEY

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

COMMISSION ON ETHICS

In re MARK GREGG,

Respondent.

Complaint No. 23-223

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

On Friday, December 1, 2023, the Commission on Ethics met in its executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees. No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency, based on the following analysis:

1. This complaint was filed by Cheryl Meads of Hobe Sound, Florida.
2. The Respondent, Mark Gregg, allegedly serves as a member of the Islamorada Village Council in Islamorada, Florida.
3. The complaint first alleges that the Respondent did not disclose his salary from the Islamorada Village Council on his CE Form 1's, Statement of Financial Interests, for the years 2021 and 2022. The complaint also alleges that the Respondent's CE Form 1's for 2019, 2020, 2021, and 2022 list a promissory note for "Acquisition Title, Jim and Diane Lupino" under Part D – Intangible Personal Property and list Acquisition Title, LLC under Section A – Primary Sources

of Income but alleges that there is no listing for Acquisition Title on Sunbiz.¹ The complaint further alleges that the information listed on the Respondent's CE Form 1's signifies that the Respondent and attorney James Lupino, who appears in front of the Islamorada Village Council, have an ongoing financial connection. The complaint alleges that the Respondent did not disclose his financial relationship with Mr. Lupino and recuse himself from a vote to Amend Islamorada's Future Land Use Map from Residential Medium to Mixed Use for a certain parcel of real property, which request Mr. Lupino brought before the Village Council on behalf of his client. The complaint alleges that the Respondent also made a motion to approve the request for the change in land use at the meeting.

4. The allegations regarding the Respondent's CE Form 1's fail to indicate a possible violation of Section 112.3145, Florida Statutes. The requirement with regard to listing one's primary sources of income in Part A is that "[a]ll sources of income in excess of 5 percent of the gross income received during the disclosure period . . . excluding public salary." § 112.3145(3)(a)1., *Fla. Stat.* As a result, the Respondent did not violate Section 112.3145, Florida Statutes, by not listing his income from the Islamorada Village Council. He also did not violate the statute by listing a business entity that allegedly is not listed on Sunbiz as a primary source of income as the only requirement is that one list one's "sources of income." *See* § 112.3145(3)(a)1., *Fla. Stat.* There is no requirement that the source be listed on Sunbiz.² As such, the allegations in

¹ <http://search.sunbiz.org>, commonly referred to as "Sunbiz" is the Florida Department of State's Division of Corporations webpage where one can search for various business entities.

² The complaint also alleges that the Respondent's CE Form 1's for 2019, 2020, 2021, and 2022 include numerous errors and omissions "including but not limited to" the ones mentioned in paragraph 3 above. The complaint process is not designed to serve as a general review or audit function for disclosure filings. Therefore, only the errors the Complainant mentioned will be reviewed for purposes of this complaint.

paragraph 3 above are not sufficient to open an investigation under Section 112.3145, Florida Statutes.

5. Section 112.3143, Florida Statutes, is also implicated by allegations in the complaint. Section 112.3143(3)(a), Florida Statutes, states:

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

Section 112.3143(3)(a), Florida Statutes, as it relates to the allegations in paragraph 3, prohibits a local public officer from voting on a matter if it would inure to his or her special private gain or loss or that he knows would inure to the special private gain or loss of a relative, a business associate, or a principal by whom the public officer is retained, in which case, the public officer shall abstain and state to the assembly the nature of his or her interest in the matter from which he or she is abstaining from voting prior to the vote's being taken and, subsequently, file a memorandum.³ There are no allegations that a vote on the rezoning would inure to the Respondent's special private gain or loss. The complaint does not allege sufficient facts to establish that the Respondent and Mr. Lupino are business associates as that term is defined in

³ See also Section 112.3143(4), Florida Statutes, which applies to appointed public officers.

Section 112.312(4), Florida Statutes, or that Mr. Lupino is the Respondent's principal. Therefore, the complaint is insufficient to initiate an investigation under Section 112.3143, Florida Statutes.

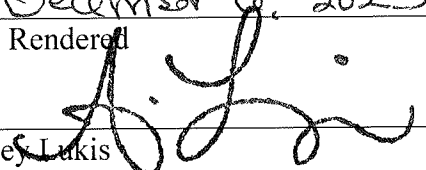
6. Section 112.313(7)(a), Florida Statutes, is also implicated by allegations in the complaint. Section 112.313(7)(a), Florida Statutes, provides, in relevant part:

No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee . . . ; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

The first clause of this provision prohibits a public officer or employee from contracting with or being employed by any entity that does business with or that is regulated by his or her agency. The second clause of Section 112.313(7)(a) prohibits a public officer or employee from having or holding any employment or any contractual relationship that would create a continuing or frequently recurring conflict between the public officer's or employee's private interests and the performance of the officer's or employee's public duties or that would impede the full and faithful discharge of the officer's or employee's public duties. The complaint does not allege that Mr. Lupino is doing business with the Village or that he is regulated by the Village. The complaint alleges that Mr. Lupino's *client* is requesting the zoning change, which matter would be subject to the regulation of the Village. Since Mr. Lupino is not doing business with the Village and he is not regulated by the Village, his appearance before the Village Council would not create a prohibited conflict of interest under the first part of Section 112.313(7)(a), Florida Statutes, for the Respondent. Mr. Lupino's appearing before the Village Council also would not constitute a violation of the second part of Section 112.313(7)(a), Florida Statutes. See CEO 88-11.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on Friday, December 1, 2023.

December 6, 2023
Date Rendered

Ashley Lukis
Chair, Florida Commission on Ethics

AL/kbh

cc: Mark Herron, Esq., Attorney for Respondent
Cheryl Meads, Complainant

MESSER CAPARELLO, P.A.
2618 CENTENNIAL PLACE
TALLAHASSEE, FLORIDA 32308
TELEPHONE (850)222-0720
E.I.N. 59-2921100

MARK GREGG
189 EAST RIDGE RD.
ISLAMORADA FL 33036

Page: 1
12/11/2023
Account No: 6392-27739
Invoice No: 497825

ETHICS 23-223

Fees

			Hours	
12/06/2023	MH	Reviewed Public Report and Order Dismissing Complaint; reviewed email memorandum to Mark Gregg re same; reviewed email memorandum from Mark Gregg re same;	0.20	
		For Current Services Rendered	0.20	60.00

	Recapitulation	Hours	Rate	Total
<u>Timekeeper</u> MARK HERRON		0.20	\$300.00	\$60.00

Total Current Work	60.00
--------------------	-------

Previous Balance	\$300.00
------------------	----------

Balance Due	<u>\$360.00</u>
-------------	-----------------

Please Remit	<u>\$360.00</u>
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ALL INVOICES DUE UPON RECEIPT.
TO PAY ONLINE USE THE FOLLOWING LINK:
<https://messercaparello.securepayments.cardpointe.com/pay?total=0.00>
THANK YOU FOR YOUR PROMPT PAYMENT.

MESSER CAPARELLO, P.A.
2618 CENTENNIAL PLACE
TALLAHASSEE, FLORIDA 32308
TELEPHONE (850)222-0720
E.I.N. 59-2921100

MARK GREGG
189 EAST RIDGE RD.
ISLAMORADA FL 33036

Page: 1
12/11/2023
Account No: 6392

PLEASE INCLUDE THIS PAGE WITH PAYMENT

Previous Balance	Fees	Expenses	Advances	Payments	Balance
6392-27739 ETHICS 23-223					
300.00	60.00	0.00	0.00	0.00	<u>\$360.00</u>

ALL INVOICES DUE UPON RECEIPT.
TO PAY ONLINE USE THE FOLLOWING LINK:
<https://messercaparello.securepayments.cardpointe.com/pay?total=0.00>
THANK YOU FOR YOUR PROMPT PAYMENT.

MESSER CAPARELLO, P.A.
 2618 CENTENNIAL PLACE
 TALLAHASSEE, FLORIDA 32308
 TELEPHONE (850)222-0720
 E.I.N. 59-2921100

MARK GREGG
 189 EAST RIDGE RD.
 ISLAMORADA FL 33036

Page: 1
 11/08/2023
 Account No: 6392-27739
 Invoice No: 497529

ETHICS 23-223

Fees

			Hours	
10/03/2023	MH	Reviewed email memoranda from Mark Gregg re ethics complaint 23-223; reviewed complaint; conferred by telephone with Mark Gregg re same; prepared email memoranda to Mark Gregg re same; prepared letter to Kerri Stillman (Ethics) et al representation;		
		For Current Services Rendered	1.00	
			1.00	300.00

Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
MARK HERRON	1.00	\$300.00	\$300.00

Total Current Work 300.00

Balance Due \$300.00

Please Remit \$300.00

ALL INVOICES DUE UPON RECEIPT.
 TO PAY ONLINE USE THE FOLLOWING LINK:
<https://messercaparello.securepayments.cardpointe.com/pay?total=0.00>
 THANK YOU FOR YOUR PROMPT PAYMENT.



Council Communication

To: Mayor and Village Council
From: Peter Frezza, Environmental Resources Manager
Date: July 9, 2024
SUBJECT: **Resolution Accepting a Land Donation and Ratifying the Quit Claim Deed - TAB 6**

Background:

In late 2023, Islamorada, Village of Islands (the "Village") staff began communications with David C. Bottrall regarding an easement the Village was seeking on a portion of a property that Mr. Bottrall oversaw as trustee of an estate that owned the property. The property, as shown in Figure 1, is located on Lower Matecumbe between Iroquois Drive and the Overseas Highway. The property is vacant, mostly consisting of mangroves, and has 1365 feet of frontage on the Iroquois Drive canal. The Village has an interest in this property due to a canal restoration project involving a culvert pipe the Village is seeking to install, connecting a system of dead-end canals. During discussions with Mr. Bottrall regarding the easement, he instead offered to convey title to the property to the Village through a donation.

Analysis:

Through good and valuable consideration, Mr. Bottrall quit claimed the property to the Village on May 29, 2024, a recorded copy of which is attached as Exhibit "A" ("Quit Claim Deed").

Budget Impact:

There are back property taxes due on this property in the amount of \$960.47. This would be the only cost associated with acceptance of this land donation.

Staff Impact:

There is no impact on staff associated with the acceptance of this land donation.

Recommendation:

It is recommended that the Village Council adopt the attached Resolution, thereby accepting the conveyance of the property to the Village.

Attachments:

1. Figure 1
2. Resolution - Accepting Title and Ratifying Quit Claim Deed
3. Exhibit A_Quit Claim Deed - Tassell

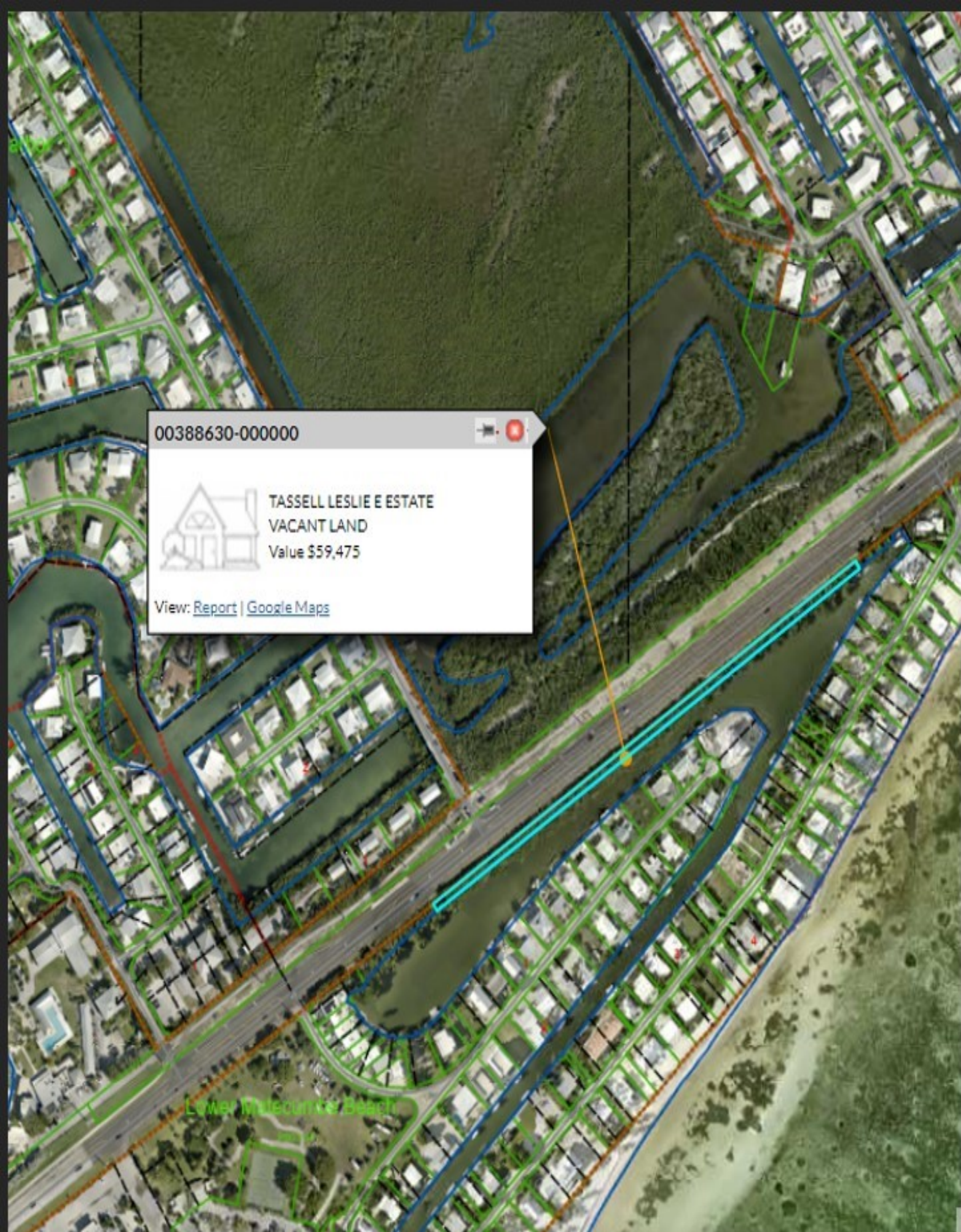


Figure 1. Property location.

RESOLUTION NO. 24-

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, ACCEPTING AND APPROVING
A QUIT CLAIM DEED FROM DAVID C. BOTTRALL,
INDIVIDUALLY AND AS TRUSTEE FOR THE LESLIE E. TASSELL
TRUST, FOR THE ACQUISITION OF CERTAIN REAL PROPERTY;
PROVIDING FOR CONFLICTS AND FOR AN EFFECTIVE DATE.**

WHEREAS, David C. Bottrall individually and as the Trustee of the Leslie E. Tassell Trust ("Trust") (collectively, "Grantor"), and whereby the Trust is the fee owner of the following property described as: Tract B, less and except the Northeasterly 150 feet and less and except the Northwesterly 300 feet of LOWER MATECUMBE BEACH, according to the Plat thereof as recorded in Plat Book 3, Page 34, of the Public Records of Monroe County, Florida (the "Property");

WHEREAS, as part of its canal restoration projects, Islamorada, Village of Islands ("Village") approached the Trust about securing a temporary easement on the Property to conduct and complete certain nearby canal restoration work; and

WHEREAS, in lieu of an easement, the Grantor offered to convey title to the Property to Village; and

WHEREAS, Grantor for good and valuable consideration released the Property and quit claimed it unto the Village, a recorded copy of which is attached as Exhibit "A" ("Quit Claim Deed"); and

WHEREAS, Village staff recommends the Village Council accept title to the Property and ratify the recording of the Quit Claim Deed; and

WHEREAS, the Village Council has determined the acceptance of the Property and ratification of the Quit Claim Deed serves a municipal purpose and is in the best interest of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

Section 1. **Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. **Acceptance of Real Property.** The Village Council hereby accepts the conveyance of the Property to the Village.

Section 3. **Approval.** The Village Council hereby approves and ratifies the Quit Claim Deed, attached as Exhibit "A."

Section 4. **Authorization of Village Officials.** The Village Manager and/or designee and the Village Attorney are authorized to take all actions necessary to implement this Resolution.

Section 5. **Conflicts.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. **Effective Date.** This Resolution shall take effect immediately upon adoption.

[Remainder of this page intentionally left blank.]

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilman Mark Gregg _____

Councilwoman Elizabeth Jolin _____

Councilman Henry Rosenthal _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

JOSEPH B. PINDER III, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS:

JOHN J. QUICK, VILLAGE ATTORNEY

This instrument prepared by and
after recording return to:

John Quick, Esq,
Weiss Serota Helfman Cole & Bierman, P.L.
2800 Ponce de Leon Boulevard, Suite 1200
Coral Gables, Florida 33134

Doc # 2464806 Bk# 3280 Pg# 378

Recorded 6/11/2024 1:58 PM Page 1 of 2

Deed Doc Stamp \$0.70

Filed and Recorded in Official Records of

MONROE COUNTY KEVIN MADOK, CPA

Parcel Id No.: 00388630-000000

QUIT-CLAIM DEED

THIS QUIT CLAIM DEED, executed this 29th day of May 2024, from David C. Bottrall, individually and as trustee of the Leslie E. Tassell Trust dated December 29, 1978, as amended, hereinafter referred to as "Grantor", and Islamorada, Village of Islands, whose mailing address is 86800 Overseas Highway, Islamorada, Florida 33036, hereinafter referred to as "Grantee".

(Wherever used herein, the terms Grantor and Grantee include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of Corporations.)

WITNESSETH, That the said Grantor, for and in consideration of the sum of (\$10.00) TEN DOLLARS, and other good and valuable considerations, in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit claim unto the said Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described property situate, lying and being in Monroe County, Florida, to-wit:

Tract B, less and except the Northeasterly 150 feet and less and except the Northwesterly 300 feet of LOWER MATECUMBE BEACH, according to the Plat thereof as recorded in Plat Book 3, Page 34, of the Public Records of Monroe County, Florida.

NOTE: THIS PROPERTY IS NOT THE HOMESTEAD PROPERTY OF THE GRANTOR.
GRANTOR RESIDES AT THE FOLLOWING PROPERTY ADDRESS:
6862 Maplecrest Dr. SE Grand Rapids, MI 49546

This instrument was prepared without the benefit of a title examination.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behalf of the said Grantee forever.

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

WITNESSES:

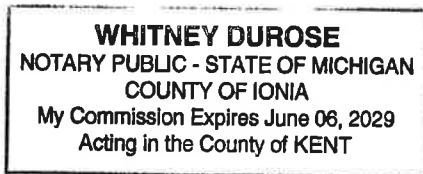
Colton Fair
Print Name: Colton Fair
Address: 6464 28th St SE
Grand Rapids MI 49546

David C. Bottrall
David C. Bottrall
Address: 6862 Maplecrest Drive SE.
Grand Rapids, MI 49546

M/S SWITIN
Print Name: M/S SWITIN
Address: 6464 28th St SE
GRAND RAPIDS MI 49546

STATE OF Michigan)
SS:
COUNTY OF Kent)

The foregoing instrument was acknowledged before me, by means of [☒] physical presence or [] online notarization, this 29th day of May 2024, by David C. Bottrall, individually and as trustee of the Leslie E. Tassell Trust dated December 29, 1978, who (check one) [] are personally known to me or [☒] has produced MI Driver License as identification.



Whitney Durose
Notary Public, State of Michigan
Whitney Durose
Print Name

My Commission Expires: 06.06.2024

This instrument was prepared without the benefit of a title examination.



ATTACHMENT A

RESOLUTION NO. 24-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, DETERMINING THE PROPOSED MILLAGE RATE FOR FISCAL YEAR 2024-2025; ESTABLISHING THE CURRENT YEAR ROLLED-BACK RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND BUDGET HEARINGS AS REQUIRED BY STATE LAW; DIRECTING THE FINANCE DIRECTOR AND VILLAGE MANAGER TO PROPERLY FILE THE CERTIFICATE OF TAXABLE VALUE VIA E-TRIM; DIRECTING THE VILLAGE CLERK TO TRANSMIT THIS RESOLUTION TO THE MONROE COUNTY PROPERTY APPRAISER PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on June 28, 2024, the Honorable Scott P. Russell, CFA, Property Appraiser of Monroe County, Florida, served upon Islamorada, Village of Islands (the "Village"), a "Certification of Taxable Value" certifying to the Village its 2024 taxable value; and

WHEREAS, the Village Council of Islamorada, Village of Islands (the "Village Council") has reviewed the taxable value supplied by the Monroe County Property Appraiser in accordance with Section 200.065, Florida Statutes, et seq; and

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Proposed Millage. The proposed millage rate for FY 2024-2025 is declared to be 3.00 mills, which is \$3.000 per \$1,000.00 of assessed property value within Islamorada, Village of Islands.

Section 3. Rolled Back Rate. The current year rolled-back millage rate computed pursuant to Section 200.065, Florida Statutes, is 2.5297 mills, which is \$2.53 per \$1,000.00 of assessed property value within Islamorada, Village of Islands.

Section 4. Schedule of Budget Hearings. That the date, time and place of the first

(tentative) and second (final) public budget hearings are set by the Village Council as follows:

First (Tentative) Public Budget Hearing

Date: **September 5, 2024**

Time: 5:30 p.m.

Place: Founders Park Community Center
87000 Overseas Highway, Islamorada, FL 33036

Second (Final) Public Budget Hearing

Date: **September 17, 2024**

Time: 5:30 p.m.

Place: Founders Park Community Center
87000 Overseas Highway, Islamorada, FL 33036

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 9th of July 2024 at _____ PM.

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilman Mark Gregg _____

Councilwoman Elizabeth Jolin _____

Councilman Henry Rosenthal _____

JOSEPH B. PINDER III, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS:

JOHN J. QUICK, INTERIM VILLAGE ATTORNEY



ATTACHMENT B

Reset Form

Print Form

CERTIFICATION OF TAXABLE VALUE

DR-420
R. 5/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

Year : 2024		County : Monroe	
Principal Authority : Village of Islamorada Village Of Islands		Taxing Authority : Village of Islamorada Village Of Islands - Operating	
SECTION I : COMPLETED BY PROPERTY APPRAISER			
1.	Current year taxable value of real property for operating purposes	\$ 6,438,165,872	(1)
2.	Current year taxable value of personal property for operating purposes	\$ 73,624,278	(2)
3.	Current year taxable value of centrally assessed property for operating purposes	\$ 0	(3)
4.	Current year gross taxable value for operating purposes <i>(Line 1 plus Line 2 plus Line 3)</i>	\$ 6,511,790,150	(4)
5.	Current year net new taxable value (Add new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, annexations, and tangible personal property value over 115% of the previous year's value. Subtract deletions.)	\$ 60,991,682	(5)
6.	Current year adjusted taxable value <i>(Line 4 minus Line 5)</i>	\$ 6,450,798,468	(6)
7.	Prior year FINAL gross taxable value from prior year applicable Form DR-403 series	\$ 5,829,817,296	(7)
8.	Does the taxing authority include tax increment financing areas? If yes, enter number of worksheets (DR-420TIF) attached. If none, enter 0	☐ YES ☒ NO Number 0	(8)
9.	Does the taxing authority levy a voted debt service millage or a millage voted for 2 years or less under s. 9(b), Article VII, State Constitution? If yes, enter the number of DR-420DEBT, <i>Certification of Voted Debt Millage</i> forms attached. If none, enter 0	☐ YES ☒ NO Number 0	(9)
SIGN HERE	Property Appraiser Certification		I certify the taxable values above are correct to the best of my knowledge.
	Signature of Property Appraiser:		Date :
	Electronically Certified by Property Appraiser		6/28/2024 10:29:52 AM
SECTION II : COMPLETED BY TAXING AUTHORITY			
If this portion of the form is not completed in FULL your taxing authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is not applicable, enter -0-.			
10.	Prior year operating millage levy <i>(If prior year millage was adjusted then use adjusted millage from Form DR-422)</i>	2.7992 per \$1,000	(10)
11.	Prior year ad valorem proceeds <i>(Line 7 multiplied by Line 10, divided by 1,000)</i>	\$ 16,318,825	(11)
12.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value <i>(Sum of either Lines 6c or Line 7a for all DR-420TIF forms)</i>	\$ 0	(12)
13.	Adjusted prior year ad valorem proceeds <i>(Line 11 minus Line 12)</i>	\$ 16,318,825	(13)
14.	Dedicated increment value, if any <i>(Sum of either Line 6b or Line 7e for all DR-420TIF forms)</i>	\$ 0	(14)
15.	Adjusted current year taxable value <i>(Line 6 minus Line 14)</i>	\$ 6,450,798,468	(15)
16.	Current year rolled-back rate <i>(Line 13 divided by Line 15, multiplied by 1,000)</i>	2.5297 per \$1000	(16)
17.	Current year proposed operating millage rate	per \$1000	(17)
18.	Total taxes to be levied at proposed millage rate <i>(Line 17 multiplied by Line 4, divided by 1,000)</i>	\$	(18)

Continued on page 2

19.	TYPE of principal authority (check one)	☐ County	☐ Independent Special District	(19)
		☒ Municipality	☐ Water Management District	
20.	Applicable taxing authority (check one)	☒ Principal Authority	☐ Dependent Special District	(20)
		☐ MSTU	☐ Water Management District Basin	
21.	Is millage levied in more than one county? (check one)	☐ Yes	☒ No	(21)
DEPENDENT SPECIAL DISTRICTS AND MSTUs STOP HERE - SIGN AND SUBMIT				
22.	Enter the total adjusted prior year ad valorem proceeds of the principal authority, all dependent special districts, and MSTUs levying a millage. <i>(The sum of Line 13 from all DR-420 forms)</i>	\$	16,318,825	(22)
23.	Current year aggregate rolled-back rate <i>(Line 22 divided by Line 15, multiplied by 1,000)</i>	2.5297	per \$1,000	(23)
24.	Current year aggregate rolled-back taxes <i>(Line 4 multiplied by Line 23, divided by 1,000)</i>	\$	16,472,876	(24)
25.	Enter total of all operating ad valorem taxes proposed to be levied by the principal taxing authority, all dependent districts, and MSTUs, if any. <i>(The sum of Line 18 from all DR-420 forms)</i>	\$	0	(25)
26.	Current year proposed aggregate millage rate <i>(Line 25 divided by Line 4, multiplied by 1,000)</i>	0.0000	per \$1,000	(26)
27.	Current year proposed rate as a percent change of rolled-back rate <i>(Line 26 divided by Line 23, minus 1, multiplied by 100)</i>		-100.0000 %	(27)
First public budget hearing		Date :	Time :	Place :
SIGN HERE	Taxing Authority Certification		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.	
	Signature of Chief Administrative Officer :			Date :
	Title :		Contact Name and Contact Title :	
	Mailing Address :		Physical Address :	
	City, State, Zip :		Phone Number :	Fax Number :

Instructions on page 3



Council Communication

To: Mayor and Village Council
From: Lisa Lynch, Finance Director
Date: June 28, 2024
SUBJECT: **RESOLUTION DETERMINING THE PROPOSED MILLAGE RATE FOR FISCAL YEAR 2024-2025, ESTABLISHING THE CURRENT YEAR ROLLED-BACK RATE, AND THE DATE, TIME, AND PLACE FOR THE FIRST AND SECOND BUDGET HEARINGS**

BACKGROUND:

By June 1 of each year, property appraisers in the State of Florida are required to provide local governments their estimated property values in accordance with F.S. Section 200.065 for budget planning purposes for the next fiscal year. By July 1 of each year, property appraisers are required to distribute the Certification of Taxable Value via a DR-420 form. Pursuant to F.S. Section 200.065, the local governments have thirty-five (35) days from the date of service of the DR-420 form (due by July 22nd) to furnish the applicable property appraiser's office with the proposed millage rate, the current year rolled-back rate, and the date, time and place at which a public hearing will be held to consider the proposed millage and tentative budget (a first budget hearing).

On June 1, 2024, the Monroe County Property Appraiser provided Islamorada, Village of Islands, (the "Village") with its estimated taxable value in accordance with F.S. Section 200.065 for budgetary planning purposes. The Property Appraiser also established a shortened deadline of July 22, 2024, for the Village to provide its proposed millage rate for reflection on 2024 TRIM notices and its date, time, and location for the first/tentative public hearing. On June 28, 2024, the Monroe County Property Appraiser's Office provided E-TRIM web portal access to the Village's 2024 DR-420 form, which must be completed and submitted by July 22, 2024.

Attachment A is a resolution that may be revised according to the results of decisions made at the July 9, 2024, regular Village Council meeting. The resolution as currently drafted would pass and adopt a proposed millage rate of **3.000** for the TRIM notices and identify Thursday, September 5, 2024 beginning at 5:30 p.m. as the tentative date and time for the first/tentative budget hearing. The second / final budget hearing would be tentatively held on Tuesday, September 17, 2024, beginning at 5:30 p.m.

Attachment B is a draft 2024 DR-420, the E-TRIM document through which the 2024 property valuation information was conveyed. The form tentatively reflects the proposed millage rate of **3.000** for discussion purposes. **3.000** is the same rate adopted for the prior two years. Based on the 2024 valuations provided on the draft DR-420, the rolled-back rate is **2.5297**. A rate of 3.0 mills is **18.59%** above the rolled-back rate.

ANALYSIS:

In establishing the proposed millage rate for the 2024 TRIM notices, the objective is to set a rate that results in net ad valorem tax revenue sufficient to cover anticipated general fund expenditures in the coming fiscal year. If the Village does not set a proposed millage rate at a high enough level, then the Village would incur costs associated with noticing property owners of its intention to adopt a millage rate higher than the proposed millage rate reflected on the 2024 TRIM notices that are mailed in August by the Tax Collector's Office. Setting a higher rate provides the Village Council with some latitude in determining its final rate for adoption.

The 2024 gross taxable value provided by the Monroe County Property Appraiser's Office is **\$6,511,790,150**. The Village's 2023 gross taxable value reflected on the 2023 DR-420 was \$5,782,676,529. The Village's taxable value for budgeting purposes per the DR-420s has increased \$729,113,621 from the prior year.

For purposes of calculating the rolled-back rate, an adjusted current year taxable value in the amount of **\$6,450,798,468** is provided. The adjusted current year taxable value does not include taxable value for new construction and other additions that have occurred since the previous year.

BUDGET IMPACT:

The millage rate of **3.000** would be established for discussion purposes only and has no budget impact on Village residents and property owners or on Village operations at this time. Through discussions and direction at budget workshops, the FY 2024-2025 millage rate and budget will be finalized for official adoption at public hearings scheduled in September on the dates to be decided by the Village Council.

STAFF IMPACT:

There would be no impact to staff by adopting a proposed millage rate of **3.000** for FY 2024-2025.

RECOMMENDATION:

It is recommended that the Village Council adopt the Resolution at Attachment A, thereby establishing a proposed millage rate of **3.000** for 2024 TRIM notices that will be distributed to property owners in August and identifying FY 2024-2025 budget hearing dates.



Council Communication

To: Mayor and Village Council
From: Peter Frezza, Environmental Resources Manager
Date: July 9, 2024
SUBJECT: **Resolution Rescinding Resolution No. 24-05-33 and Approving Recommendation and Agreement for Plantation Tropical Preserve Gazebo Project - TAB 8**

Background:

Islamorada, Village of Islands (the "Village"), has been completing physical improvements to the Plantation Tropical Preserve ("PTP") as outlined in the management plan for this village-owned property. A final component to be completed at PTP includes a small community gazebo and picnic area and associated sidewalk connection to the parking lot. Construction of these amenities would complete the development of this property per the management plan and requirements by the Florida Department of Environmental Protection, which provided the funding for the purchase of this property. The conceptual site plan components of a 14' x 22' covered gazebo was presented at a community open house on the property on January 20, 2022, and to the Village Council at a regularly scheduled meeting on February 17, 2022. Following these publicly held forums, the conceptual site plan was created, and then the design was finalized. Two pages from the design plans and a rendering are attached to illustrate the improvements to be completed.

Analysis:

On March 11, 2024, the Village issued RFP 24-08 to solicit proposals from qualified firms to furnish all necessary supervision, labor, tools, parts, and equipment required to complete the Plantation Tropical Preserve Gazebo Project, (the "Project"). RFP 24-08 was issued in accordance with Sec. 2-327(b) and (c)(4) of the Village's Purchasing Guidelines in the Village Code of Ordinances. The RFP was published on DemandStar.com and on the Village's website from March 11, 2023, through the submittal deadline of April 11, 2024, and notices were posted on the Village's Facebook page and in a local newspaper.

The Village received a total of two (2) proposals in response to RFP 24-08. The proposals received were from CBT Construction and Development Inc. and Native Construction Contracting Inc. To evaluate and rank the proposals, an Evaluation Committee (the "Committee") was established. Cost is not the only factor considered during an evaluation. Consideration is also given to each firm's organization, experience with similar projects, qualifications and proposed timeline for completion of the project.

The two responsive proposals were reviewed and scored by the Committee in a publicly noticed meeting on April 16, 2024. A maximum of 105 points were available in the scoring system per Committee member including the 5 points available for local preference, for a total maximum score by the Committee of 315 points. The Committee ranked the proposals as

follows according to the criteria and point system provided in the RFP.

<u>Rank</u>	<u>Proposer/Firm Name</u>	<u>Points</u>	<u>Cost Proposal</u>
1	CBT Construction & Development Inc.	290	\$147,503.39
2	Native Construction Inc.	276	\$184,528.10

Following discussion and calculation of the scoring, the committee members agreed with making a recommendation to Council to approve CBT Construction & Development Inc. ("CBT") for the project.

At their regularly scheduled meeting on May 7, 2024, the Village Council passed and adopted Resolution No. 24-05-33, thereby approving the ranking of the evaluation committee and an authorization to the Village Manager and Village Attorney to enter into an agreement with CBT for the project at a cost not to exceed \$147,503.39. The direction though during the Village Council discussion was for staff to investigate construction of a tiki hut in place of the gazebo as designed and for a reduction in overall project cost. The motion was made for staff to bring back recommendations on how to move forward with the project following these investigations.

An estimate on a comparably sized tiki hut was obtained and numerous discussions ensued with the owner and estimator at CBT about cost-saving measures for the project. Village staff also removed the picnic tables and trash/recycling cans from the project scope in another attempt to reduce costs. CBT's cost for those items was \$15,375.00. Village staff likely can procure and install these for a lower cost. A different model drinking fountain was selected which also resulted in a significant cost reduction. It was communicated by CBT to staff that a replacement of the gazebo with the tiki hut could result in a cost reduction between \$10,000 and \$15,000 for the project. Village staff are not recommending the construction of a tiki hut due to the ongoing maintenance and bi-annual fire preventative services that are needed for tiki huts. Withholding the costs of the picnic tables and trash/recycling cans, CBT was able to reduce their overall project cost by \$23,128.39. A revised proposal was submitted by CBT to Village staff for construction of the project at a cost not to exceed \$109,000.00

Adoption of the proposed Resolution would approve the ranking of the RFP 24-08 Evaluation Committee and the recommended selection of CBT for the project. The Resolution would also authorize the Village Manager and Village Attorney to enter into an agreement with CBT for the requested services in substantially the form of Agreement provided as an Exhibit "1" to the proposed resolution and authorizes the Village Manager to expend budgeted funds. The proposal from CBT is provided as Exhibit "A" to the Agreement.

Budget Impact:

Staff have determined that the use of Parks and Recreation Impact Fees are allowable and very appropriate uses of these funds for new capital facilities such as the Plantation Tropical Preserve Project. It should be noted that the revised contract cost came in at the budgeted \$110,000. However, there were additional design soft costs of \$15,876 that were not anticipated and that have already been paid for this project. Should we proceed with this project as previously directed, this project's available FY 2023-24 budget is \$94,124 (original budget of \$110,000, less current year to date expenditures of \$15,876). If we proceed with the project as proposed, an additional transfer from the Impact Fee Fund - Committed for Parks and Recreation in the amount of \$14,876 would be required. The Impact Fee Fund - Committed for Parks and Recreation has an estimated fund balance of \$1,286,400 and would

be reduced to \$1,271,524 if such additional transfer is directed for the project. The picnic tables and trash/recycling bins removed from the contract and being purchased by staff will be charged to the Public Works account for park maintenance and infrastructure.

Staff Impact:

The Village Attorney would move forward with finalizing the Agreement for services. Village staff, including the Environmental Resources Manager, Public Works Director, and Review Engineer would communicate with CBT to coordinate the timing of the services and inspect the work during the Project. The Village Finance Department would track expenditures.

Recommendation:

It is recommended that the Village Council adopt the attached Resolution, thereby approving the selection of CBT to complete the Plantation Tropical Preserve Gazebo Project as originally designed and with this revised, reduced cost. Adoption of the attached Resolution also authorizes the Village Manager and Village Attorney to enter into an Agreement for the Project and authorizes the Village Manager to expend budgeted funds.

- Attachments:**
1. Design Plans and Rendering
 2. Resolution_RFP 24-08_PTP Gazebo project_070924
 3. Exhibit 1_Form of Agreement_Plantation Tropical Gazebo Project
 4. Exhibit A_CBT Revised Proposal - PTP_061224



PERMIT: 202301060

LK4420BF1UDBFRKEVG ELKAY OUTDOOR EZH2O
 UPPER BOTTLE FILLING STATION, BI-LEVEL
 PEDESTAL WITH PET STATION NONFILTER,
 NONREFRIGE FREEZER/RESIST EVERGREEN OR
 APPROVED ALTERNATE

REFER TO CIVIL DRAWINGS
FOR ELEVATIONS, TYP.

EXISTING TREE TO REMAIN,
APPROX. LOCATION, V.I.F.

PERMIT SCOPE:
14' x 22' WOODEN GAZEBO, FOUNDATION AND CONNECTING SIDEWALK IDENTIFIED AS EAST SIDE
ALL OTHER WORK SHOWN NOT INCLUDED IN THIS PERMIT

③ PROPOSED FLOOR PLAN - EAST SIDE
1/4" = 1'-0"

① SITE PLAN - EAST SIDE
1" = 50'-0"



THIS DOCUMENT REPRESENTS THE IDEAS AND EFFORTS OF CSA CENTRAL, INC. IT SHALL BE USED ONLY BY AUTHORIZED PERSONS AND SHALL NOT BE REPRODUCED OR EXHIBITED WITHOUT WRITTEN CONSENT OF CSA CENTRAL, INC.

CLIENT:

ISLAMORADA, VILLAGE OF ISLANDS
86800 OVERSEAS HIGHWAY
ISLAMORADA, FL 33036

IN ASSOCIATION WITH:

100% Submission

FEBRUARY 03, 2023

[illegible]

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DISCIPLINE 1
PRIME PROFESSIONAL

FELIX FUENTES

RAFAEL A. TORRENTE

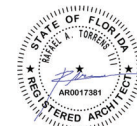
STAFF DESIGNER:
JENNIFER L. GUNDEL, AIA, LEED AP

Q.C. AUDITOR:

PRINCIPAL CAD TECH

PROFESSOR

PROFESSIONAL



PROJEC

Plantation Tropical
Preserve

DATE	ISSUE DESCRIPTION

DRAWING INFORMATION:

SHEET TITLE:

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SCALE:

SCALE:

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DELIVERY DATE

PRINT DATE 8-7

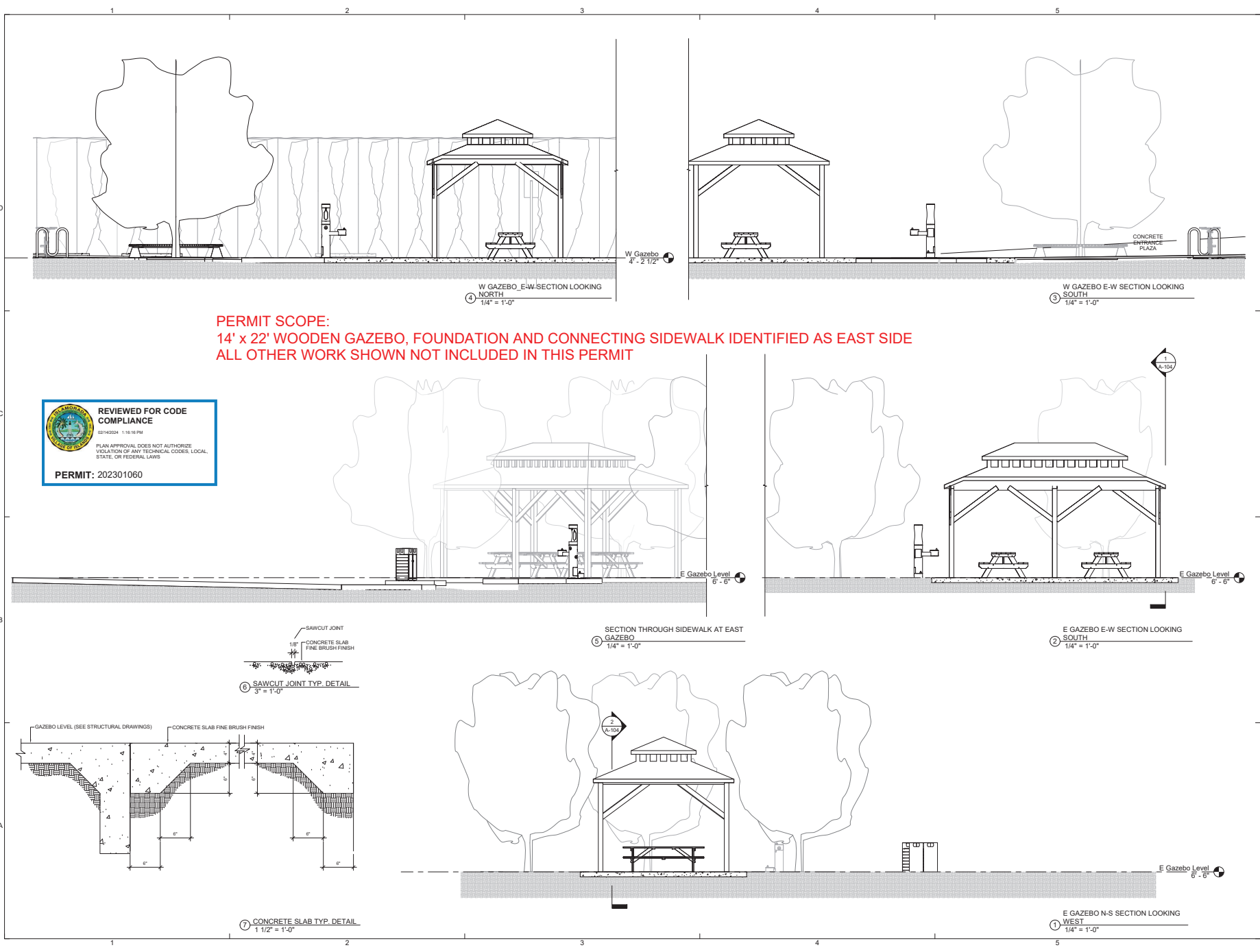
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PERMIT SCOPE:
14' x 22' WOODEN GAZEBO, FOUNDATION AND CONNECTING SIDEWALK IDENTIFIED AS EAST SIDE
ALL OTHER WORK SHOWN NOT INCLUDED IN THIS PERMIT



CSAGROUP
EST. 1986
CSA Central, Inc.
CSA Group | 1400 NW 107th Ave., Suite 205
Miami, FL 33172-2746
Tel: (305) 481-5484
Fax: (305) 481-5484
Web: www.csagroup.com

THIS DOCUMENT REPRESENTS THE IDEAS AND EFFORTS OF CSA CENTRAL, INC. IT SHALL BE USED ONLY BY AUTHORIZED PERSONS AND SHALL NOT BE REPRODUCED OR EXEMPTED WITHOUT WRITTEN CONSENT OF CSA CENTRAL, INC.

CLIENT:
ISLAMORADA VILLAGE OF ISLANDS
8800 OVERSEAS HIGHWAY
ISLAMORADA, FL 33036

IN ASSOCIATION WITH:

100% Submission

FEBRUARY 03, 2023

REV.	DATE	DESCRIPTION

DISCIPLINE INFORMATION:
FIRM: PROFESSIONAL
FIRM NUMBER: 0000000000
PROFESSIONAL OF RECORD: [Signature]
Designer: [Signature]
Staff Designer: [Signature]
Checker: [Signature]
Professional Engineer: [Signature]

PROFESSIONAL'S STATEMENT:



PROJECT:

Plantation Tropical Preserve

DATE	ISSUE DESCRIPTION

DRAWING INFORMATION:
SHEET TITLE:

ARCHITECTURAL SECTIONS AND DETAILS

AS SHOWN

DELIVERY DATE:	PROJECT NUMBER:
PRINT DATE & TIME:	DELIVERED:
1/30/2024 2:45:01 PM	
DRAWING / MODEL LOCATION:	

SHEET NO. **A-104**
23 OF 23



RESOLUTION NO. 24-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RESCINDING RESOLUTION NO. 24-05-33 AND APPROVING THE FINAL RANKINGS AND RECOMMENDATIONS OF THE RFP 24-08 EVALUATION COMMITTEE FOR SELECTION OF A CONTRACTOR FOR THE PLANTATION TROPICAL PRESERVE 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

WHEREAS, Islamorada, Village of Islands (the "Village") owns the 3.7-acre Plantation Tropical Preserve ("PTP") located on Plantation Key, which was purchased with grant assistance from the Florida Communities Trust ("FCT") for the purposes of environmental preservation and recreational development; and

WHEREAS, pursuant to the restrictive covenants set forth in the acquisition documents for PTP, the Village has been completing design and development of site improvements to support public outdoor recreation and environmental interpretation of PTP; and

WHEREAS, the Village has completed the design and permitting of a community gazebo and associated sidewalk for the property; and

WHEREAS, the Village is in need of an independent contractor to complete the construction of this work; and

WHEREAS, on March 11, 2024, the Village issued Request for Proposals (RFP) 24-08 to solicit proposals from qualified firms to construct the Plantation Tropical Preserve Gazebo Project

(the "Project"); and

WHEREAS, RFP 24-08 was issued in accordance with Sec. 2-327(b) and (c)(4) of the Village's Purchasing Guidelines in the Village Code of Ordinances; and

WHEREAS, the Village received a total of two (2) proposals in response to RFP 24-08. The proposals received were from CBT Construction and Development, Inc. ("CBT"), and Native Construction Contracting Inc.; and

WHEREAS, on May 7, 2024, the Village Council adopted Resolution No. 24-05-33, thereby approving a Project Agreement with CBT for the Project in an amount not to exceed One Hundred Forty-Seven Thousand Five Hundred Three Dollars and Thirty-Nine Cents (\$147,503.39); and

WHEREAS, the Village Council subsequently advised staff to investigate construction of a tiki hut in replacement of the gazebo as designed to reduce costs and provide recommendations; and

WHEREAS, the Village Council, upon recommendation of the Village Manager, desires to rescind Resolution No. 24-05-03 and approve a Project Agreement with CBT for the Project in an amount not to exceed One hundred Nine Thousand Dollars (\$109,000.00); and

WHEREAS, the Village Council finds that approval and selection of CBT for the Project is in the best interest of the Village and its residents.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and incorporated into this Resolution by this Reference.

Section 2. **Rescinding Resolution 24-05-33.** The Village Council of Islamorada, Village of Islands, hereby rescinds Resolution 24-05-33, thereby rescinding approval of the original

Project Agreement for CBT for the Project.

Section 3. **Approval of Selection.** The Village Council hereby approves the selection of CBT Construction and Development, Inc. to construct the Project. Although this item was procured through a competitive bidding process, in an abundance of caution the Village Council also hereby waives competitive bidding pursuant to Section 2-328(a) of the Village Code only to the extent it is deemed necessary.

Section 4. **Authorization of Village Officials.** The Village Manager or designee and the Village Attorney are authorized to negotiate an agreement with CBT Construction and Development, Inc. substantially in the form attached hereto as Exhibit "1", for an amount not to exceed One hundred Nine Thousand Dollars (\$109,000.00) to construct the Project.

Section 5. **Execution of Agreement.** The Village Manager is authorized to execute the Agreement with CBT Construction and Development, Inc. on behalf of the Village, to execute any required documents to implement the terms and conditions of the Agreement, and to execute any extension or amendments to the Agreement, subject to approval as to form and legality by the Village Attorney.

Section 6. **Authorization of Fund Expenditures.** Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village's Purchasing Procedures Ordinance, the Village Manager is hereby authorized to expend budgeted funds for the Project.

Section 7. **Effective Date.** This Resolution shall become effective immediately upon its adoption.

Remainder of the page intentionally left blank.

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilman Mark Gregg _____

Councilwoman Elizabeth Jolin _____

Councilman Henry Rosenthal _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

JOSEPH B. PINDER III, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS:

JOHN J. QUICK, VILLAGE ATTORNEY

AGREEMENT

THIS IS AN AGREEMENT, dated the day of , 2024, between:

ISLAMORADA, VILLAGE OF ISLANDS

a Florida municipal corporation, hereinafter "**VILLAGE**,"

and

and **CBT CONSTRUCTION AND DEVELOPMENT INC.**

a Florida Corporation, authorized to do business in the State of Florida, hereinafter
"CONTRACTOR."

WITNESSETH:

In consideration of the mutual terms and condition, promises, covenants, and payments hereinafter set forth, VILLAGE and CONTRACTOR agree as follows:

Article I. PREAMBLE

In order to establish the background, context and form of reference for this Agreement and to generally express the objectives, and intentions, of the respective parties herein, the following statements, representations and explanations shall be accepted as predicates for the undertakings and commitments included within the provisions which follow and may be relied upon by the parties as essential elements of the mutual considerations upon which this Agreement is based.

Section 1.01 The VILLAGE is in need of an independent experienced contractor to provide construction services for the construction of the community gazebo and associated concrete walkway and other site improvements at the Plantation Tropical Preserve in a timely and responsive timeframe (the "Project").

Section 1.02 On March 11, 2024, the VILLAGE issued Request for Proposals No. 24-08 for the Project, including all Exhibits and Addenda (the "RFP").

Section 1.03 On April 11, 2024, the VILLAGE received a proposal from CONTRACTOR, for completion of the Project as expressed in the RFP.

Section 1.04 The evaluation committee evaluated and ranked the proposal in accordance with the RFP and determined that CONTRACTOR was a the highest ranked, responsive and responsible proposer for the Project.

Section 1.05 On May 7, 2024, the Village Council of Islamorada, Village of Islands (the "Village Council") adopted Resolution No. 24-##-##, awarding the RFP to CONTRACTOR and authorizing the Village to negotiate and execute this Agreement with CONTRACTOR for the Project.

Section 1.06 VILLAGE and CONTRACTOR desire to enter into this Agreement for the completion of the Project in accordance with the RFP and on the schedule set forth in ARTICLE 3 entitled "TIME FOR COMPLETION".

Article II. SCOPE OF WORK

Section 2.01 CONTRACTOR shall furnish all necessary expertise, personnel, tools, materials, equipment, and supervision, to perform all of the work for the Project described in the RFP, and the Proposal, a copy of which is attached hereto and specifically made a part of this Agreement as Exhibit "A".

Section 2.02 CONTRACTOR hereby represents to VILLAGE, with full knowledge that VILLAGE is relying upon these representations when entering into this Agreement with CONTRACTOR, that CONTRACTOR has the professional expertise, experience, and personnel to perform the services to be provided by CONTRACTOR for the Project pursuant to the terms of this Agreement.

Section 2.03 CONTRACTOR assumes professional and technical responsibility for performance of its services to be provided hereunder in accordance with applicable recognized professional standards.

Section 2.04 None of the work or services under this Agreement for the Project shall be subcontracted by CONTRACTOR, unless CONTRACTOR obtains prior written consent from the VILLAGE. Approved subcontractors shall be subject to each provision of this Agreement and CONTRACTOR shall be responsible and indemnify the VILLAGE for all subcontractors' acts, errors or omissions.

Article III. TIME FOR COMPLETION

Section 3.01 The CONTRACTOR shall commence work as directed by the VILLAGE and in accordance with a Project Timeline. The Project Timeline shall be based upon the timeline as stated in Exhibit "A" to this Agreement as may be modified and agreed upon during negotiation of this Agreement and provided as Exhibit "B". CONTRACTOR shall complete all work in a timely manner in accordance with the Project Timeline or be subject to liquidated damages pursuant to Section 3.03.

Section 3.02 Anything to the contrary notwithstanding, minor adjustment to the Project timeline for completion approved by VILLAGE in advance, in writing, will not constitute a delay by CONTRACTOR. Furthermore, a delay due to an Act of God, fire, lockout, strike or labor dispute, riot or civil commotion, act of public enemy or other cause beyond the control of CONTRACTOR shall extend this Agreement for a period equal to such delay and during this period such delay shall not constitute a delay by CONTRACTOR.

Section 3.03 VILLAGE and CONTRACTOR recognize that time is of the essence with respect to the completion of the Project and VILLAGE would suffer financial loss if the Project is not completed within the time specified in the timeline for completion set forth in Exhibit "A" as

mention above, subject to adjustments of such timeline as approved by the Village as provided in the RFP and Proposal. VILLAGE and CONTRACTOR also recognize the expense and difficulties involved in proving with reasonable certainty the actual loss or damage suffered by VILLAGE if the Project is not completed on time. Accordingly, in lieu of requiring any such proof, VILLAGE and CONTRACTOR agree that, as liquidated damages for delays, or early termination of the Agreement, CONTRACTOR shall pay VILLAGE, in addition to any other damages and/or remedies to which VILLAGE may be entitled, the dollar amount equal to six one hundredths of a percent (0.06%) per day of total Contract Price (as defined below) for each calendar day within the first fifteen (15) days after the final completion date set forth in the timeline where the CONTRACTOR fails to reach final completion in accordance with the RFP and Proposal attached hereto as Exhibit "A" or in the event of early termination of the Agreement, for each calendar day within the first fifteen (15) days from termination to the stated completion date. For each calendar day after the first fifteen days following the final completion date provided in the timeline where the CONTRACTOR fails to reach final completion in accordance with the RFP and Proposal the VILLAGE shall be entitled to the dollar amount equal to one tenth of one percent (0.1%) per day of total Contract Price until the CONTRACTOR achieves final completion with respect to a delay or in the event of earlier termination of the Agreement, for each calendar day after the first fifteen days from termination to the stated final completion date, the Village shall be entitled to the dollar amount equal to one tenth of one percent (0.1%) per day of total Contract Price. CONTRACTOR further agrees that the amount of liquidated damages assessed pursuant to this paragraph is reasonable and does not constitute a penalty. Although the parties recognize the difficulty of proving the loss or damage suffered by the VILLAGE due to delay or early termination, the CONTRACTOR acknowledges and agrees that the amount of liquidated damages approximate the loss anticipated at the time of execution of this Agreement.

Article IV. CONTRACT PRICE, GUARANTEES AND WARRANTIES

Section 4.01 The VILLAGE hereby agrees to pay CONTRACTOR for the faithful performance of this Agreement, for work completed in accordance with the Proposal attached hereto as Exhibit "A", and as directed by VILLAGE. Prices for work completed by the CONTRACTOR shall be as reflected in Exhibit "A". A total contract price hereto is referred to as Contract Price and shall not exceed **One Hundred Nine Thousand Dollars (\$109,000.00)**.

Section 4.02 The VILLAGE will make payments to CONTRACTOR for completed and proper work and in the amounts stated in Exhibit "A" in accordance with the Local Government Prompt Payment Act in Chapter 218, Florida Statutes.

Section 4.03 The CONTRACTOR shall guarantee all portions of the Project against poor workmanship and faulty materials for a period of twelve (12) months after final payment and shall immediately correct any defects which may appear during this period upon notification by VILLAGE.

Section 4.04 The CONTRACTOR shall specify warranty duration and guidelines, inclusions, and exclusions for all products.

Section 4.05 The making and acceptance of the final payment shall constitute a waiver of all claims by the CONTRACTOR other than those arising from requirements of the specifications.

Section 4.06 CONTRACTOR is prohibited from placing a lien on the Village's property. This prohibition applies to; inter alia, all sub-contractors and suppliers and labors.

Article V. CONTRACTOR'S LIABILITY INSURANCE

Section 5.01 The CONTRACTOR shall not commence work under this Agreement until CONTRACTOR has obtained all insurance required under this Article and such insurance has been approved by the VILLAGE nor shall the CONTRACTOR allow any Subcontractor to commence work on his sub-contract until all similar such insurance required of the subcontractor has been obtained and approved.

Section 5.02 Certificates of insurance, reflecting evidence of the required insurance, shall be filed with the VILLAGE prior to the commencement of the work. These Certificates shall contain a provision that coverage afforded under these policies will not be canceled until at least thirty (30) days prior written notice has been given to the VILLAGE. Policies shall be issued by companies authorized to do business under the laws of the State of Florida.

Section 5.03 Financial Ratings of the insurers must be no less than "A" in the latest edition of "Bests Key Rating Guide", published by A.M. Best Guide.

Section 5.04 Insurance shall be in force during the term of this Agreement. In the event the insurance certificate provided indicates that the insurance shall terminate and lapse during the period of this Agreement, then in that event, the CONTRACTOR shall furnish, at least thirty (30) days prior to the expiration of the date of such insurance, a renewed certificate of insurance as proof that equal and like coverage for the balance of the period of the Agreement and extension thereunder is in effect. The CONTRACTOR shall not continue to work pursuant to this contract unless all required insurance remains in full force and effect.

Section 5.05 Comprehensive General Liability insurance to cover liability bodily injury and property damage. Exposures to be covered are as follows: premises, operations, products/completed operations, and certain contracts. Coverage must be written on an occurrence basis, with the following limits of liability:

- (a) Workers' Compensation Insurance – as required by law;
- (b) Comprehensive General Liability Insurance, including Premises Operation, Products and Completed Operations, Blanket Contractual Liability, Personal Injury Liability, Expanded Definition of Property Damage - \$1,000,000 combined single limit;
- (c) Automobile Liability Insurance - \$1,000,000 per occurrence, \$1,000,000 per Accident for bodily injury and \$1,000,000 per accident for property damage; and

Contractor shall obtain all necessary endorsements to support these requirements.

The insurance provided by the contractor shall apply on a primary basis. Any insurance, or self-insurance, maintained by the Village shall be excess of, and shall not contribute to, the insurance provided by proposer.

The insurance maintained by the contractor shall apply on a first dollar basis without application of a deductible or self-insured retention. The contractor shall pay on behalf of the Village or the Village's council members, officials, officers, agents and employees any deductible or self-insured retention applicable to a claim against the Village or the Village's council, officials, officers, agents and employees.

Section 5.06 The CONTRACTOR shall hold the VILLAGE, its agents, and employees, harmless on account of claims for damages to persons, property or premises arising out of CONTRACTOR's negligent operations in completing the Project and name the VILLAGE as an additional insured under their policy.

Section 5.07 The VILLAGE reserves the right to require any other insurance coverage it deems necessary depending upon the exposures.

Article VI. PROTECTION OF PROPERTY

Section 6.01 At all times during the performance of this Agreement, the CONTRACTOR shall protect the VILLAGE's property and properties adjoining the Project site from all damage whatsoever on account of the work being carried on pursuant to this Agreement.

Article VII. CONTRACTOR'S INDEMNIFICATION

Section 7.01 The CONTRACTOR agrees to release the VILLAGE from and against any and all liability and responsibility in connection with this Agreement and the matters contained herein. The CONTRACTOR further agrees not to sue or seek any money or damages from VILLAGE in connection with this Agreement except with respect to payment for services rendered with respect to this Agreement.

Section 7.02 The CONTRACTOR agrees to indemnify, defend and hold harmless the VILLAGE, its trustees, elected and appointed officers, agents, servants and employees, from and against any and all claims, demands, or causes of action of whatsoever kind or nature, and the resulting losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees, sustained by the VILLAGE or any third party arising out of, or by reason of, or resulting from the CONTRACTOR's negligent acts, errors, or omissions with respect to this Agreement.

Section 7.03 If a court of competent jurisdiction holds the VILLAGE liable for certain tortuous acts of its agents, officers, or employees, such liability shall be limited to the extent and limit provided in 768.28, Florida Statutes. This provision shall not be construed as a waiver of any right or defense that the VILLAGE may possess. The VILLAGE specifically reserves all rights as against any and all claims that may be brought.

Section 7.04 Nothing in this Agreement shall be deemed or treated as a waiver by the VILLAGE of any immunity to which it is entitled by law, including but not limited to the VILLAGE's sovereign immunity as set forth in Section 768.28, Florida Statutes.

Article VIII. INDEPENDENT CONTRACTOR

Section 8.01 This Agreement does not create an employee/employer relationship between the parties. It is the intent of the parties that the CONTRACTOR is an independent contractor under this Agreement and not the VILLAGE's employee for all purposes, including but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, the State Workers Compensation Act, and the State unemployment insurance law. The CONTRACTOR shall retain sole and absolute discretion in the judgment of the manner and means of carrying out the CONTRACTOR's activities and responsibilities hereunder provided. This Agreement shall not be construed as creating any joint employment relationship between the CONTRACTOR and the VILLAGE and the VILLAGE will not be liable for any obligation incurred by CONTRACTOR, including but not limited to unpaid minimum wages and/or overtime premiums.

Article IX. CHANGES TO SCOPE OF WORK AND ADDITIONAL WORK

Section 9.01 The VILLAGE may request changes that would increase, decrease or otherwise modify the Scope of Work to be provided under this Agreement as described in Article II of this Agreement. Such changes or additions to the Project must be in accordance with the provisions of the Code of Ordinances of the VILLAGE and must be contained in a written amendment, executed by the parties hereto, with the same formality and with equality and dignity prior to any deviation from the terms of this Agreement, including the initiation of any additional or extra work to the Project. Each amendment shall at a minimum include the following information on the Project:

PROJECT NAME
PROJECT DESCRIPTION
ESTIMATED PROJECT COST
ESTIMATED COST FOR ADDITION OR CHANGE TO PROJECT
ESTIMATED PROJECT COMPLETION DATE

Section 9.02 In no event will the CONTRACTOR be compensated for any work which has not been described in a separate written agreement or amendment executed by the parties hereto.

Article X. TERM AND TERMINATION

Section 10.01 This Agreement may be terminated by either party for cause, or the VILLAGE for convenience, upon ten (10) days written notice by the VILLAGE to CONTRACTOR in which event the CONTRACTOR shall be paid its compensation for services performed to termination date. In the event that the CONTRACTOR abandons this Agreement or causes it to be terminated, the

CONTRACTOR shall indemnify the VILLAGE against any loss pertaining to this termination up to a maximum of the full Contract Price. All finished or unfinished documents, data, studies, plans, surveys, and reports prepared by CONTRACTOR shall become the property of VILLAGE and shall be delivered by CONTRACTOR to VILLAGE.

Section 10.02 This Agreement shall take effect as of the date of execution as shown herein below and continue for such time as is contemplated by the VILLAGE.

Article XI. CONTRACT DOCUMENTS

Section 11.01 CONTRACTOR and VILLAGE hereby agree that the following Exhibits, which are attached hereto and made a part thereof, are fully incorporated herein and made a part of this Agreement, as if written herein word for word: this Agreement; including CONTRACTOR's Proposal in response to the RFP as set forth and incorporated into this Agreement as Exhibit "A"; the RFP as incorporated into this Agreement and all other addendums and exhibits thereto including Exhibit "D" to the RFP, MEASUREMENT AND PAYMENT, attached hereto as Exhibit "C". In the event there is a conflict between the terms of the RFP, CONTRACTOR'S Proposal, and this Agreement, the terms of this Agreement shall prevail.

Article XII. MISCELLANEOUS

Section 12.01 Legal Representation. It is acknowledged that each party to this Agreement had the opportunity to be represented by counsel in the preparation of this Agreement and, accordingly, the rule that a contract shall be interpreted strictly against the party preparing same shall not apply due to the joint contribution of both parties.

Section 12.02 Assignments. This Agreement, or any interest herein, shall not be assigned, transferred, or otherwise encumbered, under any circumstances, by CONTRACTOR without the prior written consent of VILLAGE. For purposes of this Agreement, any change of ownership of CONTRACTOR shall constitute an assignment which requires VILLAGE approval. However, this Agreement shall run to the VILLAGE and its successors and assigns.

Section 12.03 Records. CONTRACTOR shall keep books and records and require any and all subcontractors to keep books and records as may be necessary in order to record complete and correct entries as to personnel hours charged to this engagement, and any expenses for which CONTRACTOR expects to be reimbursed, if applicable. Such books and records will be available at all reasonable times for examination and audit by VILLAGE and shall be kept for a period of three (3) years after the completion of all work to be performed pursuant to this Agreement. Incomplete or incorrect entries in such books and records will be grounds for disallowance by VILLAGE of any fees or expenses based upon such entries.

Section 12.04 Public Records. VILLAGE is a public agency subject to Chapter 119, Florida Statutes. To the extent that CONTRACTOR is acting on behalf of VILLAGE pursuant to Section 119.0701, Florida Statutes, CONTRACTOR shall:

- (a) Keep and maintain public records that ordinarily and necessarily would be required to be kept and maintained by VILLAGE were VILLAGE performing the services under this Agreement;
- (b) Provide the public with access to such public records on the same terms and conditions that the County would provide the records and at a cost that does not exceed that provided in Chapter 119, Florida Statutes, or as otherwise provided by law;
- (c) Ensure that public records that are exempt or that are confidential and exempt from public record requirements are not disclosed except as authorized by law; and
- (d) Meet all requirements for retaining public records and transfer to VILLAGE, at no cost, all public records in possession of the CONTRACTOR upon termination of this Agreement and destroy any duplicate public records that are exempt or confidential and exempt. All records stored electronically must be provided to the VILLAGE.

IF CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 305-664-6412, Clerk@islamorada.fl.us, or by mail: Village Clerk, 868800 Overseas Highway, Islamorada, FL 33036.

Section 12.05 Ownership of Documents. Reports, surveys, plans, studies and other data provided in connection with this Agreement are and shall remain the property of VILLAGE.

Section 12.06 No Contingent Fees. CONTRACTOR warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the CONTRACTOR, to solicit or secure this Agreement, and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for CONTRACTOR, any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this Agreement. For the breach or violation of this provision, the VILLAGE shall have the right to terminate the Agreement without liability at its discretion, to deduct from the contract price, or otherwise recover the full amount of such fee, commission, percentage, gift or consideration.

Section 12.07 E-Verify. CONTRACTOR shall comply with Section 448.095, Fla. Stat., "Employment Eligibility," including the registration and use of the E-Verify system to verify the work authorization status of employees. Failure to comply with Section 448.095, Fla. Stat. shall result in termination of this Contract. Any challenge to termination under this provision must be filed in the Circuit Court no later than 20 calendar days after the date of termination. If this Agreement is terminated for a violation of the statute by CONTRACTOR, CONTRACTOR may not be awarded a public contract for a period of 1 year after the date of termination.

Section 12.08 Scrutinized Companies.

- (a) CONTRACTOR certifies that it and its subconsultants are not on the Scrutinized Companies that Boycott Israel List. Pursuant to Section 287.135, F.S., the City may immediately terminate this Agreement at its sole option if the CONTRACTOR or its subconsultants are found to have submitted a false certification; or if CONTRACTOR, or its subconsultants are placed on the Scrutinized Companies that Boycott Israel List or is engaged in the boycott of Israel during the term of the Agreement.
- (b) If this Agreement is for more than one million dollars, CONTRACTOR certifies that it and its subconsultants are also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in Section 287.135, F.S. Pursuant to Section 287.135, F.S., the City may immediately terminate this Agreement at its sole option if CONTRACTOR, its affiliates, or its subconsultants are found to have submitted a false certification; or if CONTRACTOR, its affiliates, or its subconsultants are placed on the Scrutinized Companies with Activities in Sudan List, or Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria during the term of the Agreement.
- (c) CONTRACTOR agrees to observe the above requirements for applicable subcontracts entered into for the performance of work under this Agreement.
- (d) As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize the above-stated contracting prohibitions then they shall become inoperative.

Section 12.09 Notice. Whenever any party desires to give notice unto any other party, it must be given by written notice, sent by registered United States mail, with return receipt requested, addressed to the party for whom it is intended and the remaining party, at the places last specified, and the places for giving of notice shall remain such until they shall have been changed by written notice in compliance with the provisions of this section. For the present, the CONTRACTOR and the VILLAGE designate the following as the respective places for giving of notice:

VILLAGE:	Village Manager Islamorada, Village of Islands 86800 Overseas Highway Islamorada, Florida 33036
Copy To:	Village Attorney Islamorada, Village of Islands 86800 Overseas Highway Islamorada, Florida 33036
CONTRACTOR:	Christopher Trentine/President CBT Construction and Development, Inc. 87889 Overseas Hwy., Islamorada, FL 33036

Section 12.10 Binding Authority. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

Section 12.11 Exhibits. Each Exhibit referred to in this Agreement forms an essential part of this Agreement. The exhibits if not physically attached should be treated as part of this Agreement and are incorporated herein by reference.

Section 12.12 Headings. Headings herein are for convenience of reference only and shall not be considered on any interpretation of this Agreement.

Section 12.13 Severability. If any provision of this Agreement or application thereof to any person or situation shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, and the application of such provisions to persons or situations other than those as to which it shall have been held invalid or unenforceable shall not be affected thereby, and shall continue in full force and effect, and be enforced to the fullest extent permitted by law.

Section 12.14 Governing Law. This Agreement shall be governed by the laws of the State of Florida with venue lying in Monroe County, Florida.

Section 12.15 Disputes. Any claim, objection, or dispute arising out of the terms of this Agreement shall be litigated in the Sixteenth Judicial Circuit Court in and for Monroe County.

Section 12.16 Extent of Agreement. This Agreement together with Contract Documents and Exhibits, attached hereto, as amended herein above represents the entire and integrated agreement between the VILLAGE and the CONTRACTOR and supersedes all prior negotiations, representations or agreements, either written or oral.

Section 12.17 Waiver. Failure of the VILLAGE to insist upon strict performance of any provision or condition of this Agreement, or to execute any right therein contained, shall not be construed as a waiver or relinquishment for the future of any such provision, condition, or right, but the same shall remain in full force and effect.

[CONTRACT DOCUMENTS FROM RFP SHALL BE INSERTED IN AGREEMENT]

[SIGNATURE PAGE TO AGREEMENT]

IN WITNESS WHEREOF, the parties have executed this Agreement on the respective dates under each signature: The VILLAGE, signing by and through its Village Manager, attested to by its Village Clerk, duly authorized to execute same, and by CONTRACTOR, by and through its President, duly authorized officer to execute same.

VILLAGE

ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA

By: _____
Robert Cole, Village Manager

AUTHENTICATION:

Marne McGrath, Village Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, ONLY

John J. Quick, Village Attorney

CONTRACTOR

WITNESS:

Print Name:_____

By:_____

Print Name:_____

Title:_____

Date:_____

ATTEST:

SECRETARY

STATE OF FLORIDA)
COUNTY OF _____)

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20____ (year) by _____ (name of person making the statement) as _____ (title) of _____ (company name), who __ is personally known to me or __ has provided Florida Driver's License as identification.

NOTARY PUBLIC

My Commission Expires:

Exhibit "A"

FORM OF CONTRACTOR'S PROPOSAL

Exhibit "B"

PROJECT TIMELINE

Exhibit A

Released by Charles Daniels on Jun 12, 2024

Released



87889 Overseas Highway • Islamorada, FL 33036 • Phone: 305-852-3002

Peter Frezza

Job Address:
Overseas Hwy
Tavernier, FL 33070

Print Date: 6-12-2024

Tropical Preserve - 90000 O/S Hwy

I would like to extend my sincere gratitude to you for considering CBT Construction and Development for your upcoming project. We appreciate the opportunity to bid on this project and demonstrate our expertise and commitment to excellence in construction services.

At CBT Construction and Development, we take great pride in our ability to deliver high-quality and reliable construction services to our valued clients. Our team of professionals comprises experienced and skilled individuals who are dedicated to ensuring that every project is completed to the highest standards.

We understand the significance of selecting the right contractor for your project, and we are confident that we possess the necessary skills and expertise to not only meet but exceed your expectations. Our primary goal is to work closely with you, understand your unique needs, and deliver a finished product that precisely aligns with your specifications and requirements.

Thank you once again for considering CBT Construction and Development for your project. It would be our honor to collaborate with you and demonstrate our unwavering commitment to excellence in construction services.

Please do not hesitate to contact us if you have any questions or require any additional information. We are here to assist you in every way possible.

3600 - Plumbing Package

Items	Description	Unit Price
Drinking Fountain Selection	- Simplified push button activation. - Vandal-resistant bubbler and spout. - Durable Rotocast construction with granite finish. The Global Industrial™ Outdoor Drinking Fountain with Bottle Filler in rotocast granite finish is a fantastic addition for a variety of outdoor grounds. This versatile unit can be stationed in recreational areas, school campuses, office complexes, golf courses, and more. The complete setup features two unique areas for hydration: one drinking fountain with a vandal-resistant bubbler and one bottle filling station that helps reduce the use of plastic bottles. Plus, no electrical power is required, keeping maintenance to a minimum. Anchor kit is included. - Rotocast granite is strong and durable yet lighter to handle than traditional stone units. - Attractive granite finish blends well outdoors. - Anti-theft screws secure components together. - Quick refilling with laminar flow spout provides minimal splash. - Fountain is rated for inlet water pressure of 20-105 PSI. - ADA compliant.	\$2,875.00

3600 - Plumbing Package Total:**\$2,875.00****3600.1 Plumbing Fixture Allowance (\$)****3600.1 Plumbing Fixture Allowance (\$) Total:****\$0.00****1300 - Demo**

Items	Description	Unit Price
Site Clearing and Debris Removal	Clear and removal of all required materials and vegetation to establish worksite and proper required conditions.	\$3,750.00

1300 - Demo Total:**\$3,750.00**

2100 - Shell Package

Items	Description	Unit Price
Slab, Sidewalk, and Receptacle Pad	All labor and materials to install slab, sidewalk, and receptacle areas.	\$10,000.00
Grading to Meet Elevations Allowance	Allowance to grade site as required to meet elevations as noted in the plans	\$10,000.00
Gazebo Installation	All labor and materials required to assemble and install the specified gazebo.	\$23,750.00

2100 - Shell Package Total: \$43,750.00

3600 - Plumbing Package

Items	Description	Unit Price
Plumbing Package	All labor and materials to install new drinking/bottle filling station	\$2,500.00

3600 - Plumbing Package Total: \$2,500.00

6100 - Landscaping Allowance (\$)

Items	Description	Unit Price
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Items	Description	Unit Price
Gazebo Selection	14 x 22 Standard Wood Pavilion Kit Pine Wood 1 No Floor Send ABU66 Post Mounting Brackets & Concrete Lags #1 Kiln Dried Pressure Treated Pine Wood 6- 6x6 Straight Decorative Wrapped Square Posts,Dbl 2x8 Headers,Standard Support Corner Braces AB Martin Metal Roof (Color TBD) over Dbl 2x6 P.T.Pine Rafters w/ a Natural Pine1x6 Tongue & Groove Roof Underlay and 1x3 Roof Lath w/ Pagoda Metal Pre Cut Sent Along to be attached at time of assembly Custom Pavilion Pagoda Roof CWF Natural Pine Clear Wood Sealer Stamped & Sealed Engineered Drawings For Florida w/ Hurricane Hardware and Foundation Plan Please allow approx 3 weeks for plans to be drafted and emailed out. Fabrication Does Not Start until Plans are Approved	\$31,125.00
Picnic Table Selection		\$0.00
Trash/Recycling Selection		\$0.00

6100 - Landscaping Allowance (\$) Total:

\$31,125.00

9000 - General Conditions

Items	Description	Unit Price
General Conditions		\$25,000.00

9000 - General Conditions Total:

\$25,000.00

Total Price: \$109,000.00

- All labor and materials are included in the above price. All materials and subcontractors have a 20% margin included in the price. Excludes permitting, truss strap schedules, plans, surveys, certificates of elevation, expenses to obtain permits, certificates of occupancy, and all other paperwork required by the building department.

- The prices are based on the specifications of the plans provided to CBT Construction and Development Inc. If there are any changes by the owner, county, contractor, or any subcontractor before or during the project, the owner will be notified and charges will be assessed to the owner.
- CBT Construction and Development Inc is not liable for any changes outside the engineered plans insisted on by the owner. Any requests for additional insurance, insurance with clauses, and any other request for insurance not currently carried by CBT Construction and Development Inc will be issued at an extra cost.
- Proposals are valid for **90 Days.**

I confirm that my action here represents my electronic signature and is binding.

Signature:

Date:

Print Name:



Council Communication

To: Mayor and Village Council
From: Robert Cole, Village Manager
Date: July 9, 2024
SUBJECT: **Resolution Approving the Payment for a Law Enforcement Patrol Boat to be Purchased by the Monroe County Sheriff's Office - TAB 9**

Background:

Islamorada, Village of Islands (the "Village") contracts with the Monroe County Sheriff's Office (the "MCSO"), and the Monroe County Board of County Commissioners (the "BOCC") for local police services. The local police services include law enforcement patrol and rescue on coastal waters.

In January 2024, local MCSO staff coordinated with Village staff to issue Invitation to Bid ("ITB") 24-01 for a Boat and Trailer to replace a patrol boat that is past its useful life. No responsive bids were received in response to ITB 24-01 and the Interim Village Manager gave direction to the Islamorada District Captain request the MCSO utilize its procurement processes to purchase the needed patrol boat.

Analysis:

The MCSO received three responsive quotes for patrol boats meeting the specifications required and recommends the purchase of the vessel quoted at the lowest cost, a 28-foot Tournament from Contender Boats, Inc., in the amount of One Hundred Ninety Seven Thousand and Nine and 00/100 Dollars (\$197,009.00).

The boat being authorized for purchase shall be titled to and insured solely by the MCSO. At the end of its useful life, or upon MCSO no longer providing marine services to Islamorada, Village of Islands, the Village shall have the option, in its sole discretion, to take title to the boat.

Budget Impact:

The Sheriff's Office Bureau of Administration informed the Village that the excess fund balance for fiscal year 2023-2024 will likely cover about \$150,000 of the purchase price. The excess fund balance consists of the funds paid by the Village for local police services through the annual contract that are not utilized for the services provided. If the excess fund balance at year-end is below \$197,009.00, the MCSO would send an invoice to the Village in December 2024 for the remaining balance.

Staff Impact:

There is no staff impact.

Recommendation:

It is recommended that the Village Council adopt the proposed resolution approving the purchase price to be paid to the MCSO for the purchase of the patrol vessel.

- Attachments:**
1. Resolution Regarding Rescue Boat
 2. Exhibit_1-Contender 28T

RESOLUTION NO. 24-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING REIMBURSEMENT/PURCHASE FROM THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE PURCHASE OF A LAW ENFORCEMENT PATROL BOAT FOR LOCAL LAW ENFORCEMENT USE BY THE MONROE COUNTY SHERIFF'S OFFICE; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the "Village") contracts with the Monroe County Sheriff's Office (the "MCSO"), and the Monroe County Board of County Commissioners (the "BOCC") for local police services; and

WHEREAS, the local police services include law enforcement patrol and rescue on coastal waters; and

WHEREAS, in January 2024, local MCSO staff coordinated with Village staff to issue Invitation to Bid 24-01 for a Boat and Trailer to replace a patrol boat that is past its useful life; and

WHEREAS, after no responsive bids were received in response to ITB 24-01, the Interim Village Manager gave direction to the Islamorada District Captain to request the MCSO utilize its procurement processes to purchase a patrol boat and transfer ownership to the Village; and

WHEREAS, the MCSO received three responsive quotes for patrol boats meeting the specifications required; and

WHEREAS, the MCSO recommends the purchase of the vessel quoted at the lowest cost, a 28-foot Tournament from Contender Boats, Inc., in the amount of One Hundred Ninety-Seven Thousand and Nine and 00/100 Dollars (\$197,009.00) attached hereto as Exhibit "1"; and

WHEREAS, the MCSO further recommends that the MCSO maintain ownership of the vessel until such time as the Village requests title in order to maintain insurance coverage that is available only to Sheriff's Offices; and

WHEREAS, the Village Council finds that approval of reimbursement to the BOCC for the purchase price of the vessel from Contender Boats, Inc. is in the best interest of the Village and its residents.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and incorporated into this Resolution.

Section 2. **Authorization of Reimbursement/Payment.** The Village Manager and/or his designee are authorized to coordinate with the Monroe County Sheriff's Office, for the reimbursement/purchase price for purchase of the vessel in an amount not to exceed One Hundred Ninety-Seven Thousand and Nine and 00/100 Dollars (\$197,009.00).

Section 3. **Waiver of Competitive Bidding.** In accordance with Section 2-328(b) of the Village Code, the Village Council waives the competitive bidding purchasing provisions of the Village Code for the purchase and reimbursement for the patrol vessel.

Section 4. **Authorization of Fund Expenditures.** Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village's Purchasing Procedures Ordinance, the Village Manager is hereby authorized to expend budgeted funds to reimburse Monroe County for the purchase.

Section 5. **Effective Date.** This Resolution shall become effective immediately upon its adoption.

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilman Mark Gregg _____

Councilwoman Elizabeth Jolin _____

Councilman Henry Rosenthal _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

JOSEPH B. PINDER III, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS:

JOHN J. QUICK, INTERIM VILLAGE ATTORNEY

CONTENDER Boats, Inc.

Exhibit "1"

CONTENDER

CONFIRMING ORDER

Date 05/31/2024 Page 1

Order Number
CBI08683

SOLD TO: MONROE COUNTY SHERIFF'S OFFICE
5525 COLLEGE ROAD
KEY WEST, FL. 33040

SHIP TO:
MONROE COUNTY SHERIFF'S OFFICE
5525 COLLEGE ROAD
KEY WEST, FL. 33040

Confirm to: CHIEF MIKE RICE

Order Entered	F.O.B.	Sold at Retail	Salesman
8/24/2023	Homestead, FL	MCSO	Collins

Financial Terms

Part ID	Quantity	Description	Item Amount	Amount
		28' TOURNAMENT w/TWIN YAMAHA 300HP IDES (V6) GRAY (includes trim tab upgrade)		153,762.00
		w/300 HP (4 STROKE) TWIN YAMAHA IDES GRAY ENGINES (25") (*FACTORY RIGGED PACKAGE: SS Props & Binnacle Controls, (1) Heavy Duty Marine Battery ea. Engine, (1) Fuel Filter ea. Engine, Helm Master EX Steering, Instrumentation and Electronic Controls, Key Switches, Rigging Harnesses, Hour Meter, Engine Installed on Transom (Turn Key)		
280000	1	28' TOURNAMENT		
CL5	1	YAMAHA CL5 DISPLAY		
500001-1	1	PROPS FOR ENGINE		
F300XSB#	1	300 HP YAMAHA ENGINE V6 4.2L IDES (RH) (25") GRAY		
LF300XSB#	1	300 HP YAMAHA ENGINE V6 4.2L IDES (LH) (25") GRAY		
		Options		43,247.00
		>>>> CABIN AND ELECTRICAL <<<<<		
100023	1	BATTERY w/SWITCH (ADDITIONAL)	463.00	
100022	1	BILGE PUMP w/SWITCH (ADDITIONAL) ...Ultra Safety Systems Float Switch	525.00	
		>>>> CONSOLE OPTIONS <<<<<		
100093-6	1	CONSOLE, 28' TOURNAMENT w/LED DOME LIGHT (FULL SIDE ENTRY DOOR)	0.00	

THE DEALER CERTIFIES THAT ALL INFORMATION CONTAINED IN THE CONFIRMING ORDER IS CORRECT, UNLESS OTHERWISE NOTED AND INITIALED. ANY DISCREPANCIES ABOVE NOTED AND INITIALED BY THE DEALER MUST BE FAXED BACK TO CONTENDER BOATS FOR CORRECTION. THE CORRECTED CONFIRMING ORDER WILL THEN BE FORWARDED BACK TO THE DEALER.

Thank You For Your Order

DEALER SIGNATURE DATE

1820 S.E. 38th Avenue
Homestead, FL 33035

CONTENDER Boats, Inc.

DEALER COPY

TEL: 305.230.1600
FAX: 305.230.1700

CONTENDER Boats, Inc.

CONFIRMING ORDER

CONTENDER

Date 05/31/2024 Page 2

Order Number
CBI08683

SOLD TO: MONROE COUNTY SHERIFF'S OFFICE
5525 COLLEGE ROAD
KEY WEST, FL. 33040

SHIP TO:
MONROE COUNTY SHERIFF'S OFFICE
5525 COLLEGE ROAD
KEY WEST, FL. 33040

Confirm to: CHIEF MIKE RICE

Order Entered 8/24/2023	F.O.B. Homestead, FL	Sold at Retail MCSO	Salesman Collins
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Financial Terms

Part ID	Quantity	Description	Item Amount	Amount
100781	1	SWITCH PANEL MOVED UP ON DASH	0.00	
		>>>> CUSTOM TOPS <<<<<		
100003	1	T-TOP, HARD TOP, SPORT (FIBERGLASS) DRIFTWOOD w/ WHITE TOP COLOR	16,247.00	
110005	1	ENCLOSURE, THREE SIDED POLYCARB (ISAN GLASS) WITH PORT/STBD WINGSWEBLON - DRIFTWOOD w/ WHITE TOP COLOR	2,780.00	
100108	2	LIGHT, SPREADER LIGHT, ON T-TOP (ea. ADDITIONAL)	494.00	
		>>>> FISHING ACCESSORIES <<<<<		
100060	1	LIVEWELL, PLUMBING 1100 GPH (EA.) High Performance w/1100 gph.	0.00	
100071A	4	ROD HOLDERS, GUNNEL - STD	0.00	
		>>>> ENHANCEMENT & CONVENIENCE <<<<<		
100130	1	CLEAT, BOW (POP-UP)	0.00	
100128c	2	CLEATS, POP-UP, MID SHIP (UPGRADE) DELETE HAWSE PIPE	202.00	
100028	1	FRESH WATER SYSTEM	0.00	
1000012-1	1	LADDER, GARELICK BUILT IN TRANSOM - PORT SIDE	713.00	

THE DEALER CERTIFIES THAT ALL INFORMATION CONTAINED IN THE CONFIRMING ORDER IS CORRECT, UNLESS OTHERWISE NOTED AND INITIALED. ANY DISCREPANCIES ABOVE NOTED AND INITIALED BY THE DEALER MUST BE FAXED BACK TO CONTENDER BOATS FOR CORRECTION. THE CORRECTED CONFIRMING ORDER WILL THEN BE FORWARDED BACK TO THE DEALER.

Thank You For Your Order

DEALER SIGNATURE _____ DATE _____

1820 S.E. 38th Avenue
Homestead, FL 33035

CONTENDER Boats, Inc.

DEALER COPY

TEL: 305.230.1600
FAX: 305.230.1700

CONTENDER Boats, Inc.

CONFIRMING ORDER

CONTENDER

Date 05/31/2024 Page 3

Order Number
CBI08683

SOLD TO: MONROE COUNTY SHERIFF'S OFFICE
5525 COLLEGE ROAD
KEY WEST, FL. 33040

SHIP TO:
MONROE COUNTY SHERIFF'S OFFICE
5525 COLLEGE ROAD
KEY WEST, FL. 33040

Confirm to: CHIEF MIKE RICE

Order Entered 8/24/2023	F.O.B. Homestead, FL	Sold at Retail MCSO	Salesman Collins
----------------------------	-------------------------	------------------------	---------------------

Financial Terms

Part ID	Quantity	Description	Item Amount	Amount
110014	1	UNDER GUNNEL LIGHTINGRED	2,031.00	
		> > > > NAVIGATION < < < <		
100049	1	COMPASS HIGH SPEED	0.00	
HMAX000200	1	HELM MASTER EX, TWIN XTO/IDES FULL MANEUVERABILITY Std. with Tilt steering and Power steering. Placement will be determined on what console is ordered and on some models 3rd aft in deck livewell will not be available.	8,246.00	
100145-A	1	NAVIGATION LIGHT	0.00	
100056b	1	STEERING WHEEL, STAINLESS STEEL w/ KNOB (STD)	0.00	
100050	1	TRANSDUCER INSTALLATION - ONLY(THRU HULL) *TRANSDUCER MUST BE PROVIDED	924.00	
100039	1	TRIM TABS (ELECTRIC) 12 x 12	0.00	
100042	1	TRIM TABS, KIEKHAEFER PUMPS & RAMS (UPGRADE)		
HMAX000201	1	TWIN XTO/IDES DIGITAL ELECTRIC STEERING (DES) Std. with Tilt steering and Power steering. Placement will be determined on what console is ordered and on some models 3rd aft in deck livewell will not be available.	0.00	
		> > > > SEATING OPTIONS < < < <		
10081	1	LEANING POST, MINI, FIXED BACK w/ (4) Rod Holders, Folding Footrest, Cooler Base and Back Rest	2,417.00	

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Thank You For Your Order

DEALER SIGNATURE _____ DATE _____

1820 S.E. 38th Avenue
Homestead, FL 33035

CONTENDER Boats, Inc.

DEALER COPY

TEL: 305.230.1600
FAX: 305.230.1700

CONTENDER Boats, Inc.

CONFIRMING ORDER

CONTENDER

Date 05/31/2024 Page 4

Order Number
CBI08683

SOLD TO: MONROE COUNTY SHERIFF'S OFFICE
5525 COLLEGE ROAD
KEY WEST, FL. 33040

SHIP TO:
MONROE COUNTY SHERIFF'S OFFICE
5525 COLLEGE ROAD
KEY WEST, FL. 33040

Confirm to: CHIEF MIKE RICE

Order Entered 8/24/2023	F.O.B. Homestead, FL	Sold at Retail MCSO	Salesman Collins
----------------------------	-------------------------	------------------------	---------------------

Financial Terms

Part ID	Quantity	Description	Item Amount	Amount
		> > > > STANDARD OPTIONS < < < < <		
1A	1	FISH COLOR on LOGOBLACK	0.00	
1B	1	LETTER COLOR on LOGOLIGHT GREY	0.00	
1115	1	PLEXI & TRIM, WHITE	0.00	
1115-A	1	RUB RAIL, WHITE	0.00	
		> > > > UPHOLSTERY COLORS < < < < <		
		CUSHIONS EXTERIOR		
100624P	1	CUSHION EXTERIOR PRIMARY COLORMYSTIC WHITE (VOYAGER 42277100)	0.00	
		> > > > GEL COAT COLORS < < < < <		
		HULL, DECK, LINER & CONSOLE COLORS		
100124	1	HULL SIDE COLORWHITE (NRX-683731)	0.00	
100024	1	HULL BOTTOM COLORWHITE (NRX-683731)	0.00	
100325	1	DECK (CAP) COLORWHITE (NRX-683731)	0.00	
100425	1	LINER & FISH BOX COLORWHITE (NRX-683731)	0.00	
100426	1	CONSOLE COLORWHITE (NRX-683731)	0.00	
100427	1	CONSOLE LINER (SPORT ONLY)WHITE (NRX-683731)	0.00	

THE DEALER CERTIFIES THAT ALL INFORMATION CONTAINED IN THE CONFIRMING ORDER IS CORRECT, UNLESS OTHERWISE NOTED AND INITIALED. ANY DISCREPANCIES ABOVE NOTED AND INITIALED BY THE DEALER MUST BE FAXED BACK TO CONTENDER BOATS FOR CORRECTION. THE CORRECTED CONFIRMING ORDER WILL THEN BE FORWARDED BACK TO THE DEALER.

Thank You For Your Order

DEALER SIGNATURE _____ DATE _____

1820 S.E. 38th Avenue
Homestead, FL 33035

CONTENDER Boats, Inc.

DEALER COPY

TEL: 305.230.1600
FAX: 305.230.1700

CONTENDER Boats, Inc.

CONTENDER

CONFIRMING ORDER

Date 05/31/2024 Page 5

Order Number
CBI08683

SOLD TO: MONROE COUNTY SHERIFF'S OFFICE
5525 COLLEGE ROAD
KEY WEST, FL. 33040

Confirm to: CHIEF MIKE RICE

SHIP TO:
MONROE COUNTY SHERIFF'S OFFICE
5525 COLLEGE ROAD
KEY WEST, FL. 33040

Order Entered 8/24/2023	F.O.B. Homestead, FL	Sold at Retail MCSO	Salesman Collins
----------------------------	-------------------------	------------------------	---------------------

Financial Terms

Part ID	Quantity	Description	Item Amount	Amount
100429	1	LIVE WELLWHITE (NRX-683731)	0.00	
100430	1	HULL SIDE COLOR TO CHINE	0.00	
		> > > > CUSTOM ITEMS (POR) < < < <		
CUS001	1	ELECTRONICS PACKAGE & INSTALL 1243XSV GMR 18 xHD B75M and Sionyx camera	9,815.00	
		Total Order Amount		197,009.00

THE DEALER CERTIFIES THAT ALL INFORMATION CONTAINED IN THE CONFIRMING ORDER IS CORRECT, UNLESS OTHERWISE NOTED AND INITIALED. ANY DISCREPANCIES ABOVE NOTED AND INITIALED BY THE DEALER MUST BE FAXED BACK TO CONTENDER BOATS FOR CORRECTION. THE CORRECTED CONFIRMING ORDER WILL THEN BE FORWARDED BACK TO THE DEALER.

Thank You For Your Order

DEALER SIGNATURE _____ DATE _____

1820 S.E. 38th Avenue
Homestead, FL 33035

CONTENDER Boats, Inc.

DEALER COPY

TEL: 305.230.1600
FAX: 305.230.1700

CONTENDER Boats, Inc.

CONTENDER

CONFIRMING ORDER

Date 05/31/2024 Page 6

Order Number
CBI08683

SOLD TO: MONROE COUNTY SHERIFF'S OFFICE
5525 COLLEGE ROAD
KEY WEST, FL. 33040

Confirm to: CHIEF MIKE RICE

SHIP TO:
MONROE COUNTY SHERIFF'S OFFICE
5525 COLLEGE ROAD
KEY WEST, FL. 33040

Order Entered	F.O.B.	Sold at Retail	Salesman
8/24/2023	Homestead, FL	MCSO	Collins

Financial Terms

Description	Item Amount	Amount
Discounts		(4,485.00)
Special Discount (-2.5%) Gov't Sales	(4,485.00)	
Net Order Amount		192,524.00

THE DEALER CERTIFIES THAT ALL INFORMATION CONTAINED IN THE CONFIRMING ORDER IS CORRECT, UNLESS OTHERWISE NOTED AND INITIALED. ANY DISCREPANCIES ABOVE NOTED AND INITIALED BY THE DEALER MUST BE FAXED BACK TO CONTENDER BOATS FOR CORRECTION. THE CORRECTED CONFIRMING ORDER WILL THEN BE FORWARDED BACK TO THE DEALER.

DEALER SIGNATURE _____ DATE _____

Thank You For Your Order

1820 S.E. 38th Avenue
Homestead, FL 33035

CONTENDER Boats, Inc.

DEALER COPY

TEL: 305.230.1600
FAX: 305.230.1700



Council Communication

To: Mayor and Village Council
From: Jennifer DeBoisbriand , Planning Director
Date: July 9, 2024
SUBJECT: **2nd Quarter 2024 Residential Market Rate Building Permit System Allocations (BPAS) - TAB 10**

Background:

Pursuant to Section 30-475 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands (the "Village"), the Village Council is required to take action after reviewing the Building Permit Allocation System (the "BPAS") Evaluation Report.

Pursuant to Resolution 24-05-37, adopted on May 7, 2024, seven (7) market rate residential allocations were made available for 2024 through the BPAS, including five (5) market rate "with land dedication" and two (2) market rate "without land dedication" available for distribution in Quarter 2 of 2024. At the close of Quarter 2, 2024, sixty-one (61) applications for market rate residential permit allocations were in the BPAS queue awaiting building permit allocation awards.

Pursuant to Section 30-476(a)(4) of the Code, a landowner may voluntarily dedicate to the Village a vacant, buildable lot or buildable land as part of an application to the BPAS in order to receive ten (10) additional points toward the BPAS score. On June 23, 2022, the Village Council passed and adopted by individual resolution, the following five (5) parcels of land to be dedicated to the Village to receive additional points toward the BPAS score:

- Resolution 22-06-55, approved conveyance of land dedication by application of Harborage LLC for property located at 30 Flamingo Hammock RD with RE#: 00403041-003000 for building permit #PRSFC202100870.
- Resolution 22-06-56, approved conveyance of land dedication by application of Harborage LLC for property located at 31 Flamingo Hammock RD with RE#: 00403041-003100 for building permit #PRSFC202101678.
- Resolution 22-06-57, approved conveyance of land dedication by application of Geoge Perez and Alina Perez for property located at 186 Fontaine DR with RE#: 00433010-000000 for building permit #PRSFC201800385.
- Resolution 22-06-58, approved conveyance of land dedication by application of Samari Conchstruction, LLC for vacant property located in the Plantation Beach subdivision with RE#: 00413080-000000 for building permit #PRSFC201901157.

- Resolution 22-06-60, approved conveyance of land dedication by application of Lazaro and Marialina Martinez for property located at 312 North DR with RE#: 00093420-000701 for building permit #PRSFC202100516.

Pursuant to Chapter 30, Article IV, Division 11 “Building Permit Allocation System,” Section 30-477 “Administrative Relief,” of the Code, Chris Trentine on behalf of CBT Construction and Development Inc, applied to the Village Council for administrative relief from the BPAS for property located at 122 Iroquois St, having parcel ID number 00421920-000000 located in the Indian Harbor subdivision on Plantation Key for building permit #PRSFC201802189. As of the close of the 2024 Quarter 2 Market Rate BPAS on June 28, 2024, building permit #PRSFC201802189 has not received an administrative relief allocation and has been in the BPAS system for an additional year, earning two (2) additional BPAS points. The BPAS application now has 19 points, which ranks the permit application number six (6) on the Quarter 2 list.

The proposed Resolution approves the Residential BPAS Rankings and Awarding market rate building permit allocations for Quarter 2 of 2024, pursuant to Village Code Section 30-476.

Analysis:

The Residential BPAS applications were evaluated, scored, and ranked according to criteria outlined in Village Code Section 30-476 and are identified in the table below:

Market Rate Dwelling Units Recommended for Award

Rank	Permit #	Name	Date of Application	Time of Application	Score	Real Estate Number
1	PRSFC201901157	Samurai Conchstruction LLC (with Land Dedication)	4/14/2022	2:20:00 PM	27	00403041-001700
2	PRSFC202100516	Martinez, Lazaro & Marialina (with Land Dedication)	6/27/2022	3:08:00 PM	26	00393860-000000
3	PRSFC201800385	Perez, George (with Land Dedication)	4/4/2022	10:23:00 AM	25	00411410-000000
4	PRSFC202101687	Harborgate Limited Partnership (with Land Dedication)	5/10/2022	2:30:00 PM	24	00403041-000700
5	PRSFC202100870	Harborgate Limited Partnership (with Land Dedication)	4/12/2022	1:00:00 PM	23	00403041-000600

6	PRSFC201802189	CBT Construction and Development, Inc.	4/11/2019	1:22:00 PM	19	00421920- 000000
7	PRSFC202000472	Leon William & Jackeline	5/27/2021	1:10:00 PM	19	00392990- 001000

Budget Impact:

If approved as recommended, the additional property value created by these building permits would increase the Village's ad valorem tax revenue in future fiscal years.

Staff Impact:

Staff impact would be limited to processing the associated development permits.

Recommendation:

It is recommended that the Village Council adopt the proposed Resolution, thereby approving the Residential BPAS Rankings and Awarding seven (7) market rate residential building permit allocations for Quarter 2 of 2024.

Attachments: 1. Resolution

RESOLUTION NO. 24-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM ("BPAS") RANKINGS AND AWARDED RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 2 OF 2024; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the "Village") has implemented the Building Permit Allocation System ("BPAS") as codified in Chapter 30, Article IV, Division 11 of the Village's Code of Ordinances (the "Village Code"); and

WHEREAS, Section 30-474 of the Village Code requires that the Village Council of Islamorada, Village of Islands (the "Village Council") establish the total amount of nonresidential floor area and residential dwelling units that may be made available for the next annual allocation, the quarterly allocations for that year and the distribution of allocations between categories; and

WHEREAS, the Village Council adopted Resolution No. 24-05-37, thereby establishing a total of seven (7) market rate residential dwelling units for allocation in 2024, including five (5) market rate allocations "with land dedication" and two (2) market rate allocation "without land dedication" available for Quarter 2 of 2024; and

WHEREAS, on July 9, 2024, the Village Council conducted a public hearing regarding the Residential Dwelling Unit Allocation Evaluation Report (the "Report") submitted by the Planning Director (the "Director") pursuant to the applicable provisions of the Village Code and Village Comprehensive Plan; and

WHEREAS, the Village Council desires to approve the Residential BPAS rankings and awarding residential building permit allocations for Quarter 2 of 2024.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Findings of Fact.** The Village Council, having considered the testimony and evidence presented by all parties, including the Report, does hereby find and determine as follows: The Village Council hereby approves the ranking and recommendation of the Director to award seven (7) allocations for market rate dwelling units as follows: One (1) allocation with land dedication to Real Estate Number 00403041-001700, property owner Samurai Conchstruction LLC with 27 points; One (1) allocation with land dedication to Real Estate Number 00393860-000000, property owners Lazaro and Marialina Martinez with 26 points; One (1) allocation with land dedication to Real Estate Number 00411410-000000, property owner George Perez with 25 points; One (1) allocation with land dedication to Real Estate Number 00403041-000700, property owners Harborgate Limited Partnership with 24 points; One (1) allocation with land dedication to Real Estate Number 00403041-000600, property owner Harborgate Limited Parnership with 23 points; One (1) allocation without land dedication to Real Estate Number 00421920-000000, property owner CBT Construction and Development Inc. with 19 points; and One (1) allocation without land dedication to Real Estate Number 00392990-001000, property owners Jackeline and William Leon with 19 points as set forth in the Report attached hereto as Exhibit "A".

Section 2. **Conclusions of Law.** Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law:

- (1) The Building Permit Allocation System (the "BPAS") Residential Market Rate applications for Quarter 2 of 2024 have been processed in accordance with the Village's Comprehensive Plan and Land Development Regulations, and
- (2) In rendering its decision, as reflected in this Resolution, the Village Council has:
 - (a) Accorded procedural due process; and
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by competent substantial evidence of record.

Section 3. **Effective Date.** This Resolution shall not take effect until after thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Village Code.

(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK)

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilmember Mark Gregg _____

Councilmember Elizabeth Jolin _____

Councilmember Henry Rosenthal _____

PASSED AND ADOPTED THIS 9TH DAY OF JULY 2024.

JOSEPH B. PINDER III, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS:

JOHN QUICK, INTERIM VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this ____ day of _____, 2024.

EXHIBIT A

BPAS

Residential Dwelling Unit Allocation Evaluation Report (the "Report")

Q2-2024	Market Rate Applications (with & without Land Dedication Points)							RECOMMENDED FOR ALLOCATION 7			
Rank	Permit #	Name	Date of Application	Time of Application	Score	Key	Subdivision	Lot	Block	RENo.	
1	PRSF201901157	Samurai Conchstruction LLC (Land Dedication)	4/14/2022	2:20:00 PM	27	Upper Matecumbe	Bay Hammock Community	17	-	00403041-001700	
2	PRSF202100516	Martinez, Lazaro & Marialina (Land Dedication)	6/27/2022	3:08:00 PM	26	Lower Matecumbe	Marlin Beach	22	H	00393860-000000	
3	PRSF201800385	Perez, George (Land Dedication)	4/4/2022	10:23:00 AM	25	Plantation Key	Coral Shores	18	-	00411410-000000	
4	PRSF202101687	Harbortate Limited Partnership (Land Dedication)	5/10/2022	2:30:00 PM	24	Upper Matecumbe	Bay Hammock Community	7		00403041-000700	
5	PRSF202100870	Harbortate Limited Partnership (Land Dedication)	4/12/2022	1:00:00 PM	23	Upper Matecumbe	Bay Hammock Community	6		00403041-000600	
6	PRSF201802189	CBT Construction and Development, Inc.	4/11/2019	1:22:00 PM	19	Plantation Key	Indian Harbor	16	9	00421920-000000	
7	PRSF202000472	LEON WILLIAM & JACKELINE	5/27/2021	1:10:00 PM	19	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	18	E	00392990-001000	
8	PRSF202100428	RUIZ, JORGE ALBERTO	6/16/2021	12:53:00 PM	19	Lower Matecumbe	Port Antigua Plat No. 1	11		00394486-001100	
9	PRSF202001015	NICHOLSGARY & BETH	6/25/2021	10:36:00 AM	19	Lower Matecumbe	Lower Matecumbe Beach	9	2	00388960-000100	
10	PRSF202001254	Burstyn, Samuel	8/2/2021	12:00:00 PM	18	Lower Matecumbe	Port Antigua Plat 586 PB6-25	317		00394489-012000	
11	PRSF202100688	Jaquelyn Wrenn Ekblom	8/5/2021	2:07:00 PM	18	Plantation Key	Fontaine Lake Estates	11	5	00433080-000000	
12	PRSF201901572	Morejon, Orlando and Annmarie	8/23/2021	2:20:00 PM	18	Upper Matecumbe	Russell Estates			00404060-000100	
13	PRSF202100572	Morejon, Orlando and Annmarie	9/24/2021	11:00:00 AM	18	Upper Matecumbe	Russell Estates			00404060-000300	
14	PRSF202100850	Lindback, Craig	10/12/2021	1:06:00 PM	18	Plantation Key	Plantation Key Colony	43	3	00426140-000200	
15	PRSF202100433	Makulu LLC	10/29/2021	11:44:00 AM	18	Plantation Key	Tavernero	19	1	00437493-002001	
16	PRSF202101234	Morales Rev Living Trust	11/22/2021	2:17:00 PM	18	Plantation Key	Sunshine Estates	7	1	00434630-000000	
17	PRSF202101237	Tiedemann, Jocelyn	12/1/2021	11:59:00 AM	18	Plantation Key	Key Heights Sect 2	21	4	00416180-000000	
18	PRSF202101049	Ferguson, James	1/14/2022	9:54:00 AM	18	Plantation Key	Indian Waterways	33	2	00422920-000000	
19	PRSF202101339	RCM of Florida LP	1/31/2022	10:33:00 AM	18	Lower Matecumbe	Mat Ocean Bay	9	3	00395240-000000	
20	PRSF202000300	4 KEYS INVESTMENTS AND DEVELOPMENTS CORP	6/10/2022	11:00:00 AM	18	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	16	I	00393270-000000	
21	PRSF202101553	Egret Investments Limited Partnership	8/30/2022	10:40:00 AM	18	Lower Matecumbe	Lower Matecumbe Beach	27-28	3	00389440-000000	
22	PRSF201900719	Holly Lynn Ernest-Jones Revocable Trust	10/24/2019	3:48:00 PM	17	Upper Matecumbe	Bay Hammock Community	33	-	00403041-003300	
23	PRSF201800860	LAZZERI, JEFF & JULIE	4/2/2020	2:15:00 PM	17	Plantation Key	Plantation Lakes Estates	39	-	00093420-003801	
24	PRSF202000659	Islamorada Realty Investment Trust	7/31/2020	9:15:00 AM	17	Plantation Key	Plantation Key Colony	28	11	00429010-000000	
25	PRSF202000667	Islamorada Realty Investment Trust	7/31/2020	9:16:00 AM	17	Plantation Key	Plantation Key Colony	27	11	00429000-000000	
26	PRSF202000719	Islamorada Realty Investment Trust	8/17/2020	10:00:00 AM	17	Plantation Key	Plantation Key Colony	25	4	00426430-000000	
27	PRSF202001406	FERNANDEZ VIVIAN M & DOCAMPO, JOSEA	5/13/2021	8:19:00 AM	17	Lower Matecumbe	Lower Matecumbe Beach	4	1	00388710-000000	
28	PRSF202100240	Gode, A J and P J	9/27/2021	3:18:00 PM	17	Lower Matecumbe	Lower Matecumbe Beach	3	3	00389160-000000	
29	PRSF202100571	Morejon, Orlando and Annmarie	10/29/2021	11:50:00 AM	17	Upper Matecumbe	Russell Estates			00404060-000200	
30	PRSF202100954	Vaughn, Ray	11/1/2021	11:45:00 PM	17	Plantation Key	Edenair	8	1	00433470-000000	
31	PRSF202101286	Whitehill, Doria, Gregory, Alligood, Simpson	2/22/2022	10:20:00 AM	17	Plantation Key	Venetian Shores No 2	4	18	00408320-000000	
32	PRSF202200068	Islamorada Realty Investment Trust	3/30/2022	12:32:00 PM	17	Lower Matecumbe	Matecumbe Ocean Bay Sec 2			00397120-000000	
33	PRSF202101379	Lonnborg, Ronald	5/11/2022	3:00:00 PM	17	Plantation Key	Plantation Beach	4	8	00414060-000000	
34	PRSF202200149	Villamil Carlos and Vicente Sonia	9/1/2022	2:00:00 PM	17	Plantation Key	Plantation Key Colony	20	15	00431260-000100	
35	PRSF202101283	Martin, Akalia	9/16/2022	10:40:00 AM	17	Plantation Key	Tropical Atlantic Shores 1 Add	25	6	00436950-000000	
36	PRSF202100967	Schrader, Kathleen	9/16/2022	10:41:00 AM	17	Plantation Key	Tavernero	11	1	00437493-001100	
37	PRSF202200170	Sanders Charles Revocable Living Trust	9/23/2022	2:00:00 PM	17	Lower Matecumbe	WHITE MARLIN BEACH SEC 1	23	G	00393580-000000	
38	PRSF202100988	162 Sunset Dr LLC	10/20/2022	12:50:00 PM	17	Lower Matecumbe	Lower Matecumbe Beach	16	3	00389310-000000	
39	PRSF202201313	McKeown, James	1/23/2023	1:05:00 PM	17	Plantation Key	Tavernero	7	2	00437493-003700	
40	PRSF202200812	Weber, Craig	3/30/2023	10:00:00 AM	17	Plantation Key	Venetian Shores Plat No 2	8	10	00407150-000100	
41	PRSF202200369	SCHAFER BRYANNA LEIGH	12/20/2023	10:00:00 AM	17	Plantation Key	Plantation Beach	27	7	00414000-000100	
42	PRSF201801827	Paulo & Kellen Paiva	2/4/2021	12:15:00 PM	16	Upper Matecumbe	Bay Hammock Community	20	-	00403041-000100	
43	PRSF201801826	Paulo & Kellen Paiva	2/5/2021	8:00:00 AM	16	Upper Matecumbe	Bay Hammock Community	1	-	00403041-002000	
44	PRSF202100804	Island Investment Partners Inc.	10/12/2021	11:08:00 AM	16	Plantation Key	Venetian Shores Plat No 2	1	13	00407550-000000	
45	PRSF202200078	Rodriguez, Robert	4/26/2022	12:00:00 PM	16	Plantation Key	Plantation Key Colony	11	7	00427430-000000	
46	PRSF202101424	Venezia Land Trust Number Two	8/19/2022	8:40:00 AM	16	Plantation Key	Plantation Key Colony	2	7	00427330-000100	
47	PRSF202300511	Craig & Cheryl McBay	7/19/2023	10:30:00 AM	16	Plantation Key	Plantation Ridge	17 & 18	2	00412030-000100	
48	PRSF202000351	Keys Basin LLC	10/7/2020	10:30:00 AM	15	Plantation Key	Vacation Village	1	1	00417470-000000	
49	PRSF202000352	Keys Basin LLC	10/7/2020	10:31:00 AM	15	Plantation Key	Vacation Village	1	1	00417470-000000	
50	PRSF202100795	MAZAL 233 LLC	9/27/2021	11:05:00 AM	15	Plantation Key	Key Heights Sect 2	5	7	00416500-000000	
51	PRSF202100796	MAZAL 233 LLC	9/27/2021	11:22:00 AM	15	Plantation Key	Key Heights Sect 2	6	7	00416510-000000	
52	PRSF202000057	LINDBACK CARL ESTATE	6/29/2023	4:00:00 PM	15	Plantation Key	Tavernero	24	1	00437493-002400	
53	PRSF202201342	Weidler Thomas	1/23/2023	12:30:00 PM	14	Plantation Key	Plantation Shores	18	3	00418621-004600	
54	PRSF202201031	MEDINA DEL OI REVOCABLE TRUST	6/12/2023	12:00:00 PM	14	Lower Matecumbe	Port Antigua	144		00394488-004700	
55	PRSF202000794	Hopman, Andreas	9/16/2020	10:30:00 AM	13	Lower Matecumbe	Lower Matecumbe Beach	19	4	00389820-000100	
56	PRSF202200455	Lesko, Brian and Jodi Lynn	9/8/2022	3:00:00 PM	13	Plantation Key	Bay Hammock Community	25		00403041-002500	
57	PRSF202000555	Ewald, Nicholas	4/30/2021	11:30:00 AM	12	Plantation Key	Plantation Beach	7	2	00413760-000000	
58	PRSF202200496	Cockerham, Mark	8/4/2022	9:48:00 AM	10	Upper Matecumbe		6(9)		00096220-000300	
59	PRSF202001140	Gregg, Mark	1/31/2022	10:15:00 AM	8	Plantation Key	Toners Nautical Shores			00412230-000000	
60	PRSF202200154	102 Bayview LLC	5/2/2023	11:30:00 AM	4	Lower Matecumbe	Safety Harbor	22	7	00392111-000000	
61	PRSF202000130	Rosa Maria Z Walchli REV Trust 11/5/2008	10/20/2020	9:27:00 AM	3	Plantation Key	Fontaine Lake Estates	2	5	00432990-000000	



Council Communication

To: Mayor and Village Council
From: Terry Abel, Fire Chief
Date: July 9, 2024
SUBJECT: **Resolution Approving Piggybacking Purchase of 2025 Freightliner Rescue Re-mount - TAB 11**

Background:

The Village Fire Rescue Department has one rescue (ambulance) assigned to each of its three (3) fire stations plus one (1) reserve rescue vehicle to be used when one of the front-line three are being repaired, or for special events/holidays with high call volume. The existing reserve rescue (R-120) is a 2009 AEV/International Type I Ambulance. The reserve truck had been in service as a first response truck for two months, until it experienced catastrophic mechanical failure. The front-line truck (R-21), a 2008AEV/Freightliner Type I Ambulance, had been repeatedly failing mechanically. While completing the most recent repair to R-21, the technician found fuel in the coolant and engine oil, indicating a catastrophic engine failure with this truck as well. The engines in both could be repaired; however, even if successful, the chassis and components will both still be 15+ years old, which has far exceeded the expected lifespan of eight to ten years. The repairs to both trucks will surpass their value based upon their age, and there is no certainty that the repairs will be successful. The Department has opted to seek more fiscally responsible long-term solutions. Staff feels that the patient compartment modules remain in usable condition and can be remounted on replacement chassis at significant financial and time savings over a new custom-built truck. The Village Fire Rescue Department is currently responding in two Village-owned ambulances, and one on loan through an Interlocal Agreement with Key Largo Fire and EMS District.

A Letter of Intent to order a chassis to re-mount the patient compartment module from Rescue 21 was approved at the May 7, 2024, regularly scheduled council meeting. The chassis is in production with Freightliner and is expected to be delivered in August 2024 to Emergency Tactical Rescue (ETR). The 2008 Rescue 21 will then be shipped to ETR's facility in Orlando to have the rescue module removed from the old chassis, refurbished and placed onto the new chassis. Delivery is expected September 2024 for the remounted rescue. Currently, we only have two front-line ambulances with the replacement ordered in December 2022 due later this month. Approval of this requested remount would allow us to again have a reserve truck available for required maintenance or in case of front-line truck mechanical failure. In addition, our current two front-line ambulances need to return to the manufacturer in Orlando for work that cannot be done via a mobile mechanic or a local shop. These needed repairs are estimated to be three to four weeks in duration, during which time, a reserve truck will be required for active duty.

Analysis:

Section 2-327(c)(4) of the Village's Code of Ordinances (the "Code") which relates to purchasing guidelines, provides that the "purchase of or contracts for materials, supplies, equipment, improvements or services where the anticipated cost is estimated to exceed \$25,000.00" must be competitively bid. Per Section 2-328(2), of the Village Code relating to Waiver of Competitive Bidding, the requirements of Section 2-327(c)(4) may be waived "by use of an existing contract with the state, a state agency, another municipality, a political subdivision or a statement professional association when such contract was awarded by a competitive bidding process and the contract extends the prices, terms and conditions for such goods or services to the state's municipalities."

The attached resolution would approve the purchase of a new 2025 Freightliner M2 Custom AEV Type I Ambulance (Re-Mount) utilizing the Florida Sheriff's Association/Florida Association of Counties & Florida Fire Chiefs' Contract # FSA223-VEF17.0 Fire Rescue Vehicles, Boats & Equipment Specification #3.13 Ambulance Type I- 4x2 Medium Duty Diesel Engine from Emergency Tactical Rescue Vehicles in the amount of \$241,768.00. This cost includes the 2025 Freightliner M2 Chassis approved at the May 7, 2024 Village Council meeting.

The proposed purchase of the 2025 Freightliner rescue re-mount would be used for Village Fire Rescue personnel.

Budget Impact:

The proposed expenditure for the purchase of the 2025 Freightliner rescue re-mount authorized by this Resolution would be \$241,768.00. This cost includes the 2025 Freightliner M2 Chassis approved at the May 7, 2024 Village Council meeting. The 2008 Freightliner fire rescue vehicle will be sold as scrap, with any funds received applied to offset the cost of the remount.

This purchase was not included in the Village's FY 2023-2024 adopted budget. If approved, a purchase order would be issued and associated budget funds from Capital Projects Discretionary Sales Tax Fund would be carried over to the next fiscal year, if delivery is delayed until FY 24-25.

Staff Impact:

Staff would drive to Orlando to conduct pre-delivery inspection of the rescue; otherwise, no staff impact.

Recommendation:

It is recommended that the Village Council adopt the Resolution, thereby approving the purchase of a 2025 Freightliner Rescue Re-Mount for the Village Fire Rescue Department.

- Attachments:**
1. Rescue Reso 7 24 for 2025 M2
 2. Quote Remount AEV Type I Module 2025 M2

RESOLUTION NO.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION/FLORIDA ASSOCIATION OF COUNTIES & FLORIDA FIRE CHIEFS' ASSOCIATION AUTOMOTIVE CONTRACT NO. FSA223-VEF17.0: FIRE RESCUE VEHICLES, BOATS & EQUIPMENT AND APPROVING THE PURCHASE OF A 2025 FREIGHTLINER M2 AEV TYPE I AMBULANCE REMOUNT FROM EMERGENCY TACTICAL RESCUE VEHICLES FOR THE VILLAGE FIRE RESCUE DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the "Village") is in need of a new rescue vehicle for the Village Fire Rescue Department; and

WHEREAS, the Village desires to piggyback the Florida Sheriff's Association/Florida Association of Counties & Florida Fire Chiefs' Contract # FSA223-VEF17.0: Fire Rescue Vehicles, Boats & Equipment and accept the competitive bid submitted by Emergency Tactical Rescue Vehicles in response thereto for the purchase of 2025 Freightliner for the Fire Rescue Department; and

WHEREAS, the Village Council desires to approve the purchase of the 2025 Freightliner M2 AEV Type I Ambulance Remount from Emergency Tactical Rescue Vehicles at a cost not to exceed the prices set forth in Exhibit "A" attached hereto; and

WHEREAS, the Village Council finds that the purchase of the 2025 Freightliner M2 Type I Ambulance Remount for the Fire Rescue Department is in the best interest of the Village and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval of Piggyback Purchase. The Village Council hereby approves the piggyback of the Florida Sheriff's Association/Florida Association of Counties & Florida Fire Chiefs' Contract #FSA 223-VEF17.0 and accepts the bid submitted by Emergency Tactical Rescue Vehicles for the purchase of a 2025 Freightliner M2 AEV Type I Ambulance Remount for the Village Fire Rescue Department at a cost not to exceed Two Hundred Forty One Thousand Seven Hundred Sixty Eight Dollars (\$241,768.00) as set forth in Exhibit "A" attached hereto.

Section 3. Authorization of Village Officials. The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the purchase.

Section 4. Execution of Documents. The Village Manager and the Village Attorney are hereby authorized to execute any required documents on behalf of the Village and authorized to implement the terms and conditions of any documents necessary to effect the purchase.

Section 5. Authorization of Fund Expenditure. Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village's Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to purchase the fire equipment.

[Remainder of the page intentionally left blank]

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion to adopt by _____, seconded by _____.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III	_____
Vice Mayor Sharon Mahoney	_____
Councilwoman Elizabeth Jolin	_____
Councilman Mark Gregg	_____
Councilman Henry Rosenthal	_____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

Buddy Pinder III, MAYOR

ATTEST:

MARNIE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY

JOHN QUICK, VILLAGE ATTORNEY

June 26, 2024

Mr. Terry Able, Fire Chief
Islamorada Fire Rescue
86800 Oversea Hwy
Islamorada, Fl. 33036

We are pleased to provide you with the following pricing and scope of work for the remounting of your 2008 AEV Type I module. The module will be reconditioned as per scope of work and remounted onto your new 2025 Freightliner M2 Plus cab and chassis. Pricing is based on purchasing this unit off the Florida Sheriffs Contract Bid # FSA223-VEF17.0: Fire & Rescue Vehicles, Boats & Equipment. Specification #3.13 Ambulance Remount (attached). Pricing is based on remounting your Type I module to Federal Motor Vehicle Standards (FMVSS), National Highway Traffic Safety Administration (NHTSA) Ford QVM, and CAAS GVS.2 National Remount Standards.

PRICING:

- Total cost for remounting your AEV Type I onto your New M2 chassis \$241,768.00
- Included in the above price is transportation of complete unit to ETR's facility and old chassis back to customer.
- Plus, applicable taxes, tag and title.
- The above price is good for 30 days.
- TERMS: Payment in full is due upon the delivery of each completed vehicle. Upon payment, ETR, L.L.C. shall furnish the City a "Statement of Origin" or the necessary validated documents for title application.

Sincerely,



Scott Newcomer
Regional Sales Manager
ERT, L.L.C.



Council Communication

To: Mayor and Village Council
From: John Quick, Interim Village Attorney
Date: July 9, 2024
SUBJECT: **Ordinance Establishing a Temporary Moratorium on the Acceptance of New Administrative Relief Applications - First Reading - TAB 12**

Background:

As part of the overall evacuation strategy, the Florida Administration Commission adopted a building permit allocation system (BPAS) that caps the number of permits that can be issued for new residential structures. Based on existing infrastructure and evacuation strategies, computer modeling indicates that the projected maximum build out for the Florida Keys is the development of an additional 3,550 allocations beginning July 2013, with a portion of these allocations set aside for affordable housing. The ten-year building permit allocation was due to expire in July 2023. The Florida Division of Emergency Management (DEM) is currently working to update the hurricane evacuation model for the entire state.

The Village has adopted a comprehensive set of Land Development Regulations (the "LDRs") to implement the Village Comprehensive Plan and residential development is currently regulated pursuant to the Village Comprehensive Plan and LDRs. The Village previously adopted the Building Permit Allocation System ("BPAS") including Administrative Relief, thus allowing the Village to regulate growth by issuing a limited number of market rate and affordable residential building permits.

Following the close of the 2024 first quarter allocation, there remained fifty-eight (58) market rate without land dedication and five (5) market rate applications with land dedication remaining in the queue. There are currently twenty-three (23) Administrative Relief allocations available. Due to the number of pending market rate applications in the queue vs. the number of available administrative relief allocations and the immediate uncertainty of the availability of additional allocations, Council is considering a moratorium on acceptance of new Administrative Relief applications.

Analysis:

The utilization of the moratorium as a temporary measure to facilitate governmental decision-making, study, and the adoption of comprehensive plan amendments and/or land development regulations is a useful governmental tool to temporarily prohibit the acceptance of new Administrative Relief applications.

During the time that this Ordinance is in effect, there shall be a temporary moratorium on the acceptance of new Administrative Relief applications. The Ordinance does not prohibit the continuation of applicants that are currently in any part of the approval process.

This matter was heard by the Local Planning Agency ("LPA") on June 10, 2024 and it voted 6-1 to recommend approval of this ordinance.

Budget Impact:

None

Staff Impact:

Staff presented a tentative timeline to the Village Council on June 13, 2024. It is anticipated that Staff will compile data and analyze the information between August 2024 and December 2024. Staff intends to present a final report to Council in January 2025. Part of this process will also include a community workshop in October 2024.

Recommendation:

Attachments: 1. 48T933603-2024 moratorium ordinance on acceptance of new administrative relief applications (final)

ORDINANCE NO. —

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE OF NEW ADMINISTRATIVE RELIEF APPLICATIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR A TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; 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.

WHEREAS, in 1972, the Florida Legislature adopted the Environmental Land and Water Management Act, which provided the basis for the state to designate an Area of Critical State Concern ("ACSC"); and

WHEREAS, to be designated as an ACSC, an area must contain, or have a significant impact upon, environmental or natural resources of regional or statewide importance where uncontrolled private or public development would cause substantial deterioration of such resources; and

WHEREAS, in 1975, the Florida Legislature designated the Florida Keys (Monroe County and its municipalities) as an Area of Critical State Concern. The Florida Keys received this designation due to the area's environmental sensitivity and mounting development pressures. The legislative intent was to establish a land use management system for the Florida Keys that would: Protect the natural environment and improve the near shore water quality; Support a diverse economic base that promotes balanced growth in accordance with the capacity of public facilities; Promote public land acquisition and ensure that the population of the Florida Keys can be safely evacuated; Provide affordable housing near places of employment; and Protect property rights and promote coordination among governmental agencies that have permitting jurisdiction; and

WHEREAS, Section 380.05, Florida Statutes, allows the Florida Administration Commission to designate areas that contain resources of statewide significance as an ACSC; and

WHEREAS, the Florida Administration Commission has oversight and authority to promulgate administrative rules that guide local government growth and development decisions related to comprehensive plans and land development regulations; and

WHEREAS, Section 380.0552(4), Florida Statutes, directs the state land planning agency to submit a report to the Florida Administration Commission, describing in detail the progress of the Florida Keys ACSC toward accomplishing the tasks of the Work Program and to provide a recommendation as to whether or not progress toward accomplishing the tasks of the Work Program has been achieved; and

WHEREAS, Section 380.0552(4)(b), Florida Statutes, requires the state land planning agency to submit a written report annually to the Florida Administration Commission describing the progress of the Florida Keys ACSC toward completing the Work Program tasks "specified in commission rules"; and

WHEREAS, a system of managed growth was developed to ensure, among other things, the ability to evacuate within the clearance time as required by Section 380.0552(9)(a)2., Florida Statutes; and

WHEREAS, access to and from the Keys is primarily by U.S. Highway 1, and Evacuation of the Florida Keys' population in advance of a hurricane strike is essential for public safety, especially because there are no hurricane shelters available in the Florida Keys for Category 3-5 hurricane storm events; and

WHEREAS, as part of the overall evacuation strategy, the Florida Administration

Commission adopted a building permit allocation system that caps the number of permits that can be issued for new residential structures. Based on existing infrastructure and evacuation strategies, computer modeling indicates that the projected maximum build out for the Florida Keys is the development of an additional 3,550 allocations beginning July 2013, with a portion of these allocations set aside for affordable housing; and

WHEREAS, the ten-year building permit allocation expired in July 2023, and the Florida Division of Emergency Management (“DEM”) is currently working to update the hurricane evacuation model for the entire state; and

WHEREAS, DEM staff is coordinating with state land planning agency staff on the timing of that update and its availability to perform modeling to advance a new ten-year allocation, as the ten-year permit allocation system was designed to coordinate with the timing of the release of decennial census data; and

WHEREAS, during the rule promulgation process, it became apparent that the COVID-19 pandemic may influence the 2020 Census and the timing of the data releases. Therefore, the update of the work program tasks for hurricane evacuation and a revised building permit allocation was deferred until there was clarity as to the effect of COVID-19 on the 2020 Census; and

WHEREAS, as data gathering efforts in this area are finalized, DEM will bring recommendations with regard to updating the components of hurricane evacuation and building permit allocations; and

WHEREAS, the Village has adopted a comprehensive set of Land Development Regulations (“LDRs”) to implement the Village Comprehensive Plan; and

WHEREAS, residential development is currently regulated pursuant to the Village Comprehensive Plan and LDRs; and

WHEREAS, the Village previously adopted the Building Permit Allocation System ("BPAS"), thus allowing the Village to regulate growth by issuing a limited number of market rate and affordable residential building permits; and

WHEREAS, as part of BPAS, the Village also enacted an administrative relief plan under Section 30-477 of the Village Code ("Administrative Relief") for certain eligible applicants on the BPAS list; and

WHEREAS, the Village Council desires to further study, modify, and implement comprehensive regulations concerning future residential development, so that the public safety is protected and the aesthetic and visual qualities of the Village are protected from impairment by future residential development; and

WHEREAS, the Village Council desires to ensure that during the pendency of the necessary study activity for the formulation and implementation of more comprehensive regulations of future residential development, that the acceptance of new Administrative Relief applications are not initiated, so that the regulations produced by the Village's study activity would be fully effective; and

WHEREAS, the acceptance of new Administrative Relief applications stimulates an accelerated amount of development permit request(s). If approved, such accelerated development would lead to further deterioration of current hurricane evacuation clearance time for the Village, increasing the existing potential for loss of life and injury to persons and property; and

WHEREAS, the acceptance of new Administrative Relief applications would also cause further deterioration in the level of service on existing roadways and lead to irreversible environmental degradation; and

WHEREAS, by imposing a temporary moratorium on the acceptance of new Administrative Relief applications until DEM finalizes its study activities, the Village can ensure that more comprehensive regulations concerning future residential development mitigate any impacts that would cause immediate harm to the health, safety and welfare of the residents of the Village; and

WHEREAS, the utilization of the moratorium device as a temporary measure to facilitate governmental decision-making, study, and the adoption of comprehensive plan amendments and/or land development regulations is a legitimate governmental tool to facilitate logical and considered growth and as a means of avoiding inefficient and ill-conceived development; and

WHEREAS, the Village Council finds that it necessary to impose a temporary moratorium on the acceptance of new Administrative Relief applications; and

WHEREAS, the Village Local Planning Agency has reviewed this Ordinance at a properly noticed public hearing on June 10, 2024; and

WHEREAS, after due notice and hearing, the Village Council finds that this Ordinance is consistent with the Village Comprehensive Plan and the principles for guiding development in the Florida Keys Area of Critical State Concern; and

WHEREAS, the Village Council finds that the provisions of this Ordinance are intended to advance the public health, safety, and welfare of the residents of the Village.

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Moratorium Imposed. During the time that this Ordinance is in effect, as specified in Section 7 below, there shall be a temporary moratorium on the acceptance of new Administrative Relief applications.

Section 3. Exemptions. This Ordinance shall not prohibit the acceptance of new Affordable Residential BPAS applications, new Market Rate Residential¹ BPAS applications, new Nonresidential BPAS applications, and transfer of development right applications.

- Section 4. Determination of Vested Rights or Denial of All Economic Use.**
- a. Nothing in this Ordinance shall be construed or applied to abrogate the vested right of a property owner to complete development of a parcel where the property owner can demonstrate by substantial competent evidence each of the following:
- i. A governmental act of development approval was obtained prior to the effective date of this Ordinance; and
 - ii. Upon which the property owner has detrimentally relied, in good faith, by making substantial expenditures; and
 - iii. That it would be highly inequitable to deny the property owner the right to complete the development.

¹ / While this Ordinance does not address new Market Rate Residential BPAS applications, a moratorium on the acceptance of new Market Rate Residential BPAS applications (with or without land dedications) is already in place pursuant to Ordinance 23-10. Nothing contained herein should be construed as impacting, amending, or otherwise repealing Ordinance 23-10 or any subsequent extensions thereof.

b. Nothing in this Ordinance shall be construed or applied to prevent development of a particular parcel where the property owner can demonstrate by substantial competent evidence that, because of the moratorium, no economic use can be made of the parcel.

c. Any property owner claiming vested rights or denial of all use under this Section 4 must file an application with the Village Council for a determination within 45 days after the effective date of this Ordinance. The application shall be accompanied by an application fee of \$1,500.00 and contain a sworn statement as to the basis upon which the vested rights or denial of all use are asserted, together with documentation required by the Village and other documentary evidence supporting the claim. The Village Council shall hold a public hearing on the application and, based upon the competent substantial evidence submitted, shall make a determination as to whether the property owner has established vested rights or whether the temporary moratorium has made it so that no economic use for the parcel is available.

Section 5. Judicial Review. Judicial review of final decisions by the Village Council under Section 4 of this Ordinance shall be made by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County, Florida, in accordance with the Florida Rules of Appellate Procedure for the review of quasi-judicial decisions of municipalities.

Section 6. Exhaustion of Administrative Remedies. No property owner claiming that this Ordinance, as applied, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights may pursue such claim in court, unless he or she has first exhausted the applicable administrative remedies provided in this Ordinance.

Section 7. Term. The moratorium imposed by this Ordinance is temporary and shall be effective for a period of six (6) months from the effective date of this Ordinance, unless dissolved earlier by the Village Council. The moratorium may be reasonably extended, if necessary, by Ordinance of the Village Council.

Section 8. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 9. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions, or parts of resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 10. Transmittal. The provisions of this Ordinance constitute a "land development regulation," as defined by Section 380.031, Florida Statutes. Accordingly, the Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Commerce for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 11. Effective Date. This Ordinance shall not be effective immediately upon adoption. The Ordinance shall not take effect until the date a final order is issued by the State Department of Commerce ("DOC"). The DOC's notice of intent to find this Ordinance in compliance shall be deemed to be the final order if no timely petition challenging this Ordinance is filed.

The foregoing Ordinance was offered by _____, who moved for its adoption on

first reading. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Joseph B. Pinder III _____

Vice Mayor Sharon Mahoney _____

Councilman Mark Gregg _____

Councilwoman Elizabeth Jolin _____

Councilman Henry Rosenthal _____

PASSED on the first reading this __ day of _____, 2024.

[Remainder of this page intentionally left blank]

The foregoing Ordinance was offered by _____, who moved for its adoption on second reading. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Joseph B. Pinder III	_____
Vice Mayor Sharon Mahoney	_____
Councilman Mark Gregg	_____
Councilwoman Elizabeth Jolin	_____
Councilman Henry Rosenthal	_____

PASSED AND ADOPTED on the second reading this ____ day of _____, 2024.

JOSEPH B. PINDER III, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY

JOHN J. QUICK, VILLAGE ATTORNEY



Council Communication

To: Mayor and Village Council
From: Daniel Parabok, Environmental Planner
Date: July 9, 2024
SUBJECT: **Ordinance to Eliminate Bufferyards in Residential Zoning Districts
- First Reading - TAB 13**

Background:

At the Village Council meeting on February 13, 2024, staff was directed to amend the landscaping standards to remove the requirement of a zoning district boundary buffer from a residential property when adjacent to commercial zoned property. Staff presented an ordinance amending the landscaping standards to remove the requirement of a zoning district boundary buffer from a residential property when adjacent to commercial zoned property to the Local Planning Agency (LPA) on June 10, 2024. After discussion, the LPA voted 5-2 in favor of passing the ordinance as written.

Analysis:

The Village of Islamorada Planning and Development Services Department proposes amending Chapter 30 Land Development Regulations specifically removing the requirement of a Zoning District Boundary Bufferyard on residential properties that are adjacent to commercial properties. All proposed changes are contained within the strikethrough-underlined ordinance accompanying this memorandum.

The purpose of this amendment is to reduce the landscape requirements on residential property when a Zoning District Boundary Bufferyard would otherwise be required.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Village staff recommends to amend Chapter 30 Land Development Regulations to remove the requirement of a zoning district boundary buffer from a residential property when adjacent to commercial zoned property.

Attachments: 1. Ord_24-XX Bufferyards

ORDINANCE 24-__

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE V "SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS", DIVISION 6 "LANDSCAPING STANDARDS", SECTION 30-816 OF THE VILLAGE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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

WHEREAS, Islamorada, Village of Islands (the "Village") has established Land Development Regulations ("LDRs") to properly guide development and protect the health, safety, and welfare of the public; and

WHEREAS, the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the Principles for Guiding Development within the Florida Keys Area of Critical State Concern; and

WHEREAS, the Village Council finds that the provisions of this Ordinance are intended to advance the public health, safety, and welfare of the citizens of the Village.

WHEREAS, the Village Council wishes to amend the LDRs to relax the bufferyard requirement on the residential property sharing a property line with a commercial property.

NOW THEREFORE, be it ordained by the Council of the Village of Islamorada, in the State of Florida, as follows:

SECTION 1: **RECITALS.** The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2: **AMENDMENT** "Sec 30-816 Zoning District Boundary Bufferyards" of the Islamorada Village Code is hereby *amended* as follows:

A M E N D M E N T

Sec 30-816 Zoning District Boundary Bufferyards

- (a) Bufferyards required by section 30-813 between zoning district boundaries shall be provided in accordance with table 30-816:

TABLE 30-816. ZONING DISTRICT BUFFERYARDS

	N R	R E	R 1- 2	R 3- 4	R M H	T A	M F	M H	S R	V C	N C	H C	T C	C F	M R	I	C	P S	R	M
N R	—	D	D	E	D	—	E	C	D	E	E	E	E	G	E	D	A	B	B	D
R E	D	—	B	C	B	—	C	C	B	D	D	D	D	G	D	D	A	B	B	D
R 1- 2	D	B	—	B	—	B	B	C	B	D	D	D	D	G	D	D	A	B	B	D
R 3- 4	E	C	B	—	B	B	A	C	C	C	C	C	C	G	C	D	A	B	B	D
R M H	D	B	—	B	—	B	B	C	B	D	D	D	D	G	D	D	A	B	B	D
T A	—	—	B	B	B	—	—	—	—	—	D	D	—	—	D	D	A	B	B	—
M F	E	C	B	A	B	—	—	C	C	C	D	D	D	G	D	D	A	B	B	D
M H	C	C	C	C	C	—	C	—	B	B	B	B	D	C	B	B	A	B	B	—
S R	D	B	B	C	B	—	C	B	—	D	D	D	D	G	D	D	A	B	B	D
V C	E	D	D	C	D	—	C	B	D	—	—	—	—	G	—	C	A	A	A	C
N C	E	D	D	C	D	D	C	B	D	—	—	—	—	G	—	C	A	A	A	C
H C	E	D	D	C	D	D	C	B	D	—	—	—	—	G	—	C	A	A	A	C
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M R	E	D	D	C	D	D	C	B	D	—	—	—	—	G	—	C	B	B	B	C
I	D	D	D	D	D	—	D	—	D	C	C	C	D	C	C	—	D	D	E	D
C	A	A	A	A	A	A	A	A	A	A	A	A	A	A	B	D	—	B	A	D

P	B	B	B	B	B	B	B	B	B	A	A	A	B	B	B	D	B	—	B	B
S																				
R	B	B	B	B	B	B	B	B	B	A	A	A	B	B	B	E	A	B	—	C
M	D	D	D	D	D	—	D	—	D	C	C	C	D	C	C	D	D	B	C	—

(b) Where a district boundary runs along a canal, the following rules apply:

- (1) No buffer is required if the specified buffer is an A or B buffer.
- (2) All other buffers shall be reduced as follows:

C to A

D to B

E to C

F to D

G to A

- (c) Where there are existing mangroves along a canal or basin, a mangrove fringe may count towards the bufferyard requirements provided a restrictive covenant running with the land is filed containing a conservation easement for the width of the fringe.
- (d) Where a Class E or F land use buffer is required, each side shall be responsible for 50 percent of the required buffer area and required vegetation.
- (e) Where either side of the boundary is developed, all existing canopy trees, shrubs or understory trees within ten feet of the property line may be counted up to 50 percent of the required plant material, required buffer area and required vegetation.
- (f) Where a district boundary runs along a residential and commercial property, the residential property shall not be required to install a district bufferyard.

SECTION 3: REPEALER CLAUSE The Provisions of the Village of Islamorada Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE The provisions of this Ordinance are declared to be severable and if any sentence, section, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5: INCLUSION IN THE CODE It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Village of Islamorada Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

SECTION 6: TRANSMITTAL The Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Commerce (the "DOC") for approval pursuant to section 380.05, Florida Statutes.

SECTION 7: EFFECTIVE DATE This Ordinance shall not be effective immediately upon adoption. The Amendment shall not take effect until the date a final order is issued by the DOC. The DOC notice of intent to find this Ordinance in compliance shall be deemed to be the final order if no timely petition challenging this Ordinance is filed.

The foregoing Ordinance was offered by Councilmember __, who moved for its adoption on first reading. This motion was seconded by Councilmember __, and upon being put to a vote, the vote was as follows:

Mayor Joseph B. Pinder III _____
Vice Mayor Sharon Mahoney __
Councilman Mark Gregg -
Councilwoman Elizabeth Jolin __
Councilman Henry Rosenthal __

PASSED on the first reading this ____ day of _____, 2024.

The foregoing Ordinance was offered by Councilmember __, who moved for its adoption on second reading. This motion was seconded by Councilmember ____, and upon being put to a vote, the vote was as follows:

Mayor Joseph B. Pinder III _____
Vice Mayor Sharon Mahoney __
Councilman Mark Gregg -
Councilwoman Elizabeth Jolin __
Councilman Henry Rosenthal __

PASSED AND ADOPTED on the second reading this ____ day of _____, 2024.

JOSEPH B. PINDER III, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY

JOHN J. QUICK, VILLAGE ATTORNEY



Council Communication

To: Mayor and Village Council
From: John Quick, Interim Village Attorney
Date: July 9, 2024
SUBJECT: **Ordinance Amending Chapter 30 "Land Development Regulations"**
Article II "Rules of Construction and Definitions" Relating to Fronting -
Second Reading - TAB 14

Background:

The Village Code section 30-684 (b) 2 states that a permitted use is "multifamily attached or detached single-family deed restricted affordable housing of up to four dwelling units on lots fronting U.S. 1."

Analysis:

At its meeting on March 14, 2024, the Village Council asked staff to consider what it means to Front on US 1 and any potential code changes that might be necessary to clarify this issue. Further, at its meeting on April 11, 2024, the Council asked staff to move forward with a code amendment to define the word fronting.

At its meeting on May 13, 2024, the LPA voted 6-0 in opposition to the proposed ordinance. The LPA suggested the Council consider including some language in the definition regarding "boundary line of the front of a parcel touching a street."

At its meeting on June 13, 2024, the Village Council voted to approve the proposed ordinance on First Reading with the addition of a diagram to depict the suggested language from the LPA.

Budget Impact:

None

Staff Impact:

None

Recommendation:

Staff recommends the approval of this ordinance.

Attachments: 1. Proposed Ordinance for fronting definition

ORDINANCE NO. ____

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA,
AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS",
ARTICLE II "RULES OF CONSTRUCTION AND DEFINITIONS", SECTION
30-32 OF THE VILLAGE CODE RELATING TO FRONTING; PROVIDING
FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Islamorada, Village of Islands (the "Village") has established Land Development Regulations ("LDRs") to properly guide development and protect the health, safety, and welfare of the public; and

WHEREAS, the Village Council desires to amend existing provisions under Section 30-32, "Specific Definitions" of Article II of the Village's LDRs relating to the definition of the term "fronting"; and

WHEREAS, the term fronting as used in the Village Code is not specifically defined therein and the Village wishes to codify a specific definition consistent with its interpretation and general dictionary definitions; and

WHEREAS, the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the Principles for Guiding Development within the Florida Keys Area of Critical State Concern; and

WHEREAS, the Village Council finds that the provisions of this Ordinance are intended to advance the public health, safety, and welfare of the citizens of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendments to the Code.

(a) Chapter 30 entitled "Land Development Regulations", is hereby amended to include a specific definition of the term "fronting" in Section 30-32, as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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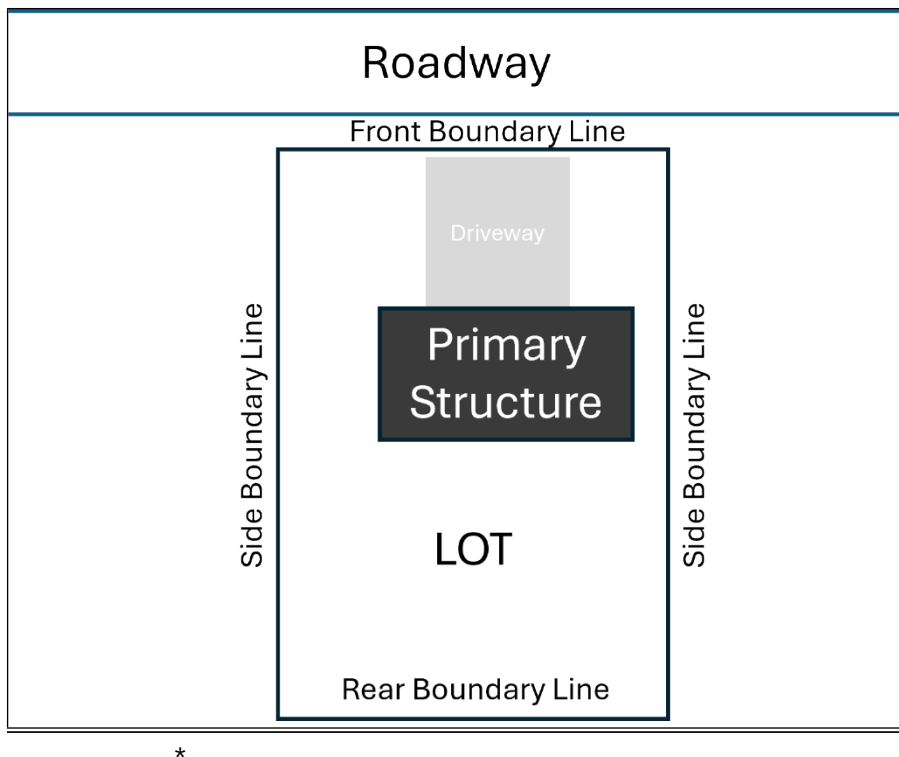
ARTICLE II. – Rules of Construction and Definitions.

Sec. 30-32. Specific Definitions.

Words as used in this chapter shall have the meanings described below, unless otherwise defined in another article, division, section or paragraph of this chapter:

* * *

Fronting means the boundary line of the front of a parcel touching a specified location.



Section 3. Repeal of Conflicting Provisions. The provisions of the Village of Islamorada Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are

hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any sentence, section, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Village of Islamorada Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Transmittal. The Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Commerce (the "DOC") for approval pursuant to section 380.05, Florida Statutes.

Section 7. Effective Date. This Ordinance shall not be effective immediately upon adoption. The Amendment shall not take effect until the date a final order is issued by the DOC. The DOC notice of intent to find this Ordinance in compliance shall be deemed to be the final order if no timely petition challenging this Ordinance is filed.

The foregoing Ordinance was offered by Councilmember Jolin, who moved for its adoption on first reading. This motion was seconded by Councilmember Rosenthal, and upon being put to a vote, the vote was as follows:

Mayor Joseph B. Pinder III	Yes
Vice Mayor Sharon Mahoney	Yes

Councilwoman Elizabeth Jolin	Yes
Councilman Mark Gregg	Abstain
Councilman Henry Rosenthal	Yes

PASSED on the first reading this 13th day of June, 2024.

[Remainder of this page intentionally left blank]

The foregoing Ordinance was offered by _____, who moved for its adoption on second reading. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Joseph B. Pinder III	_____
Vice Mayor Sharon Mahoney	_____
Councilman Mark Gregg	_____
Councilwoman Elizabeth Jolin	_____
Councilman Henry Rosenthal	_____

PASSED AND ADOPTED on the second reading this ____ day of _____, 2024.

JOSEPH B. PINDER III, MAYOR

ATTEST:

MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY

JOHN J. QUICK, VILLAGE ATTORNEY



Council Communication

To: Mayor and Village Council
From: Peter Frezza, Environmental Resources Manager
Date: July 9, 2024
SUBJECT: **Motion to Consider Appointment of Matt Bellinger to the Nearshore Water Regulations Citizens Advisory Committee - TAB 15**

Background:

On June 20, 2024, Matt Bellinger, a resident of Islamorada, submitted an application to become a member of the Nearshore Water Regulation Citizens Advisory Committee. Matt was a previous longtime member in good standing of this committee. This application was submitted following the approval of the recently established citizen advisory committees in 2023. The Nearshore water committee currently does have an opening.

Analysis:

n/a

Budget Impact:

none

Staff Impact:

Staff would provide Matt with the new committee member information if Council approves his appointment.

Recommendation:

Staff recommends appointment of Matt Bellinger to the committee.

Attachments: 1. Application_Bellinger_062024



Islamorada, Village of Islands

86800 Overseas Highway, Islamorada, FL 3303

T: 305-664-6400, F: 305-664-6466

Citizen's Committee Application

Please be advised, Florida has a very broad public records law. This application and any attachments become public record once submitted and may be available to the public and media upon request.

Applicants must be a resident of Islamorada.

Applicant Information:

Name: Matt Bellinger
Physical Address: 155 Jasmine St, Tavernier, FL 33070
Mailing Address: 155 Jasmine St, Tavernier, FL 33070
Home telephone: N/A Business telephone: 305-394-0000
Mobile telephone: 305-393-0909
Email Address: CaptMatt@BambooCharters.com
Committee for which you are applying: Nearshore Water
Are you a resident of Islamorada, Village of Islands? yes

1. List any experience you have had participating in activities related to advisory committees and government advisory committees.

Previous long-time member of this committee.

2. List education and experience in the discipline of the committee for which you are applying.

35 yrs experience as a boat captain in Islamorada.

3. Please state why you would like to be considered for an appointment to the committee.

I want to continue my efforts to maintain
and improve the quality of life on and
around our waters.

Signature:  Date: 6.20.2024

Completed applications may be mailed to:

Islamorada, Village of Islands

Attn: Village Clerk

86800 Overseas Highway

Islamorada, Florida 33036

Applications may also be submitted via email or facsimile:

Facsimile: (305) 664-6466

Email: Marne McGrath, Village Clerk: clerk@islamorada.fl.us

Note: If desired, please include a resume and/or additional documents to supplement your information.



Council Communication

To: Mayor and Village Council
From: Marne McGrath, Village Clerk
Date: July 9, 2024
SUBJECT: **Motion to Consider Appointment of Jerald O'Cathey to the Historic Preservation Commission - TAB 16**

Background:

On June 13, 2024, Jerald O'Cathey, a resident of Islamorada, submitted an application to become a member of the Historic Preservation Commission. This application was submitted following the approval of the recently established citizen advisory committees in 2023. The Historic Preservation Commission currently does have an opening.

Analysis:

Budget Impact:

Staff Impact:

Recommendation:

Attachments: 1. 20240623_J OCathey HPC Application



Islamorada, Village of Islands

86800 Overseas Highway, Islamorada, FL 3303

T: 305-664-6400, F: 305-664-6466

Citizen's Committee Application

Please be advised, Florida has a very broad public records law. This application and any attachments become public record once submitted and may be available to the public and media upon request.

Applicants must be a resident of Islamorada.

Applicant Information:

Name: Jerald L. O'Cathey

Physical Address: 109 Gumbo Limbo Road

Mailing Address: Same

Home telephone: 305 240 2620

Business telephone: _____

Mobile telephone: Same

Email Address: Ocathey@comcast.net

Committee for which you are applying: Historic Preservation Commission

Are you a resident of Islamorada, Village of Islands? Yes

1. List any experience you have had participating in activities related to advisory committees and government advisory committees.

Please see attached resume

2. List education and experience in the discipline of the committee for which you are applying.

Please see attached resume

3. Please state why you would like to be considered for an appointment to the committee.

As a PERMANENT, RESPONSIBLE, AND COMMUNITY ORIENTED CITIZEN OF OUR VILLAGE OF ISLANDS, I FEEL IT IS INCUMBENT UPON ME TO PERPETUATE AND SUSTAIN A POSITIVE AND ACCURATE IMAGE OF OUR UNIQUE AND HISTORICALLY SIGNIFICANT ISLAND HOME.

Signature: IRVING C. GIBNEY Date: 6-13-2024

Completed applications may be mailed to:

Islamorada, Village of Islands

Attn: Village Clerk

86800 Overseas Highway

Islamorada, Florida 33036

Applications may also be submitted via email or facsimile:

Facsimile: (305) 664-6466

Email: Kelly S. Toth, Village Clerk: clerk@islamorada.fl.us

Note: If desired, please include a resume and/or additional documents to supplement your information.

Jerald Lee O'Cathey, FPEM, CPM

109 Gumbo Limbo Rd.
Islamorada, FL 33036
Home (305) 240-2620

Experience: 1994 – Present: Division of Emergency Services, Department of Emergency Management

Emergency Management Administrator

Responsible for the comprehensive planning and coordination of technical and specialized work functions regarding numerous Emergency Management activities dealing with the public, private, state, and federal agencies under the direction of the Emergency Management Director.

Key responsibilities include;

- Research / prepare plans and procedures associated with the preparation, response, and recovery of disasters and emergencies.
- Establish, maintain, manage, in and Out-of-County *Shelter Program* and In-county *Refuge of Last Resort Programs*.
- EOC ESF 6 Chief, Mass Care: Liaison with *FEMA / FL National Guard / State Unified Logistics Section / American Red Cross / Salvation Army / others*, regarding all post-disaster scenario relief needs.
- Provide multi-media public education outreach efforts via seminars, workshops, newsletters, assessments and reports regarding emergency preparedness and response plans and efforts.
- Supervise / coordinate training for countywide *Community Emergency Response Team*.
- Function as Controller/Evaluator in yearly hurricane, tornado, nuclear, airport, immigration, and shipboard disaster drills.
- Oversee, analyze, and assess data necessary for development of *County Critical Facility GIS Inventory* database.
- Review municipalities / various agencies Hurricane Evacuation Plans.
- Chair the *Monroe County Local Mitigation Strategy Plan Working Group*.
- Board Member / County representative to *South Florida Conservation and Development Council*.
- Liaison with *National Weather Service Forecast Office, Key West*, and member of *FEMA, Department of Homeland Security, National Hurricane Liaison Team*.
- Past President of Bayridge Corporation, Board of Directors
- Vice President, Historical Preservation Society of the Upper Keys
- Advisory Board Member, Just Older Youth (JOY), Inc.

EDUCATION

Northern Arizona University, Flagstaff, AZ

- Masters of Science – Political Science and Economics, 1975
- Arizona Community College Regular A.1.a Teaching Certificate
- Bachelor of Arts – Political Science and History, 1974

PROFESSIONAL MEMBERSHIPS

- Federal Emergency Preparedness Association (FEPA)
- President, Florida Society of Certified Public Managers (FSCPM)

REFERENCES

Provided upon request

After-Action Report

Update for **July 9, 2024**, Council Meeting

Items are added to this report per direction of a majority of the Village Council provided during meetings of the Village Council. The purpose of this report is to document and track Village Council direction to the Village Manager and subsequently staff provided at public meetings that is not otherwise memorialized through adoption of an ordinance or resolution. The items that appear on the report are to be addressed by the Village Manager and/or responsible staff based on the level of priority determined by the Village Manager. The report will be updated for inclusion in the agenda package of each regular Village Council meeting.

If there are items on the report that the Village Council, Village Manager, or Village Attorney would like to discuss, they may request discussion during the "Supplementary Reports" portion of the agenda. Otherwise, the report is included for informational purposes.

VILLAGE MANAGER (VM)

#VM23-5

Arts & Culture Coordinator

Date of direction: September 19, 2023

Responsible Party: Village Manager

Direction: During budget hearings, Council directed that a non-staff Arts & Culture function be evaluated by the Village Manager.

Actions accomplished:

- Staff confirmed that the scope of the Parks & Recreation Committee pursuant to its establishing resolution does not include an Arts & Culture Coordination function.
- At its meeting on January 9, 2024, the Village Council heard a presentation by Elizabeth Young regarding the County's Council of the Arts and an Art in Public Places Program.
- Position Posted March 5, 2024

Next Step(s): No applicants as of yet, though the recruitment continues. Staff reports that we have received a large number of clicks on the posting, but the specialized skills required and part-time nature of the opportunity may be contributing to failure to convert clicks to applicants.

#VM23-6

Strategic Plan

Date of direction: November 7, 2023

Responsible Party: Village Manager

Direction: On November 7, 2023, Council consensus to begin Strategic Planning process at the first Village Council Meeting in January 2024.

Actions accomplished:

- Kimberly Matthews from Monroe County was to create a process roadmap to be used by the Village for a successful SP process. Ms. Matthews reported that the process roadmap would be delivered on or before April 08, the last day of her authorized support to Village operations under the agreement with Monroe County.

Next Step(s): Village is focusing on the Comp Plan update and will roll in an Implementation Element. The Comp Plan RFP was released on May 29, 2024 as RFP 24-10. Upon Completion of the Comp Plan, the Village will initiate a strategic planning cycle to bridge Comp Plan updates.

#VM24-01

Purchase of Island Community Church Building

Date of direction: January 9, 2024

Responsible Party: Village Manager

Direction: Vice Mayor Mahoney requested a discussion item on the January 9, 2024, Council meeting agenda regarding a proposal that the Village purchase property owned by the Island Community Church to build a new library in cooperation with Monroe County. The Village Council directed the Interim Village Manager, who is also Director of the Library System for Monroe County, to approach the County about this idea. The Council also directed that staff should communicate with the owners of the building to find out their sales price.

Council Directed Actions and Policies Status Report

Update for July 9, 2024, Council Meeting

Actions accomplished:

- Initial conversations have been held between the Village and County staff.
- Church is proceeding with rezoning application, leaving possibility for application withdrawal should Village purchase discussions advance.
- A new Islamorada branch library is not on the County's 5-year capital plan. The Village may consider acquisition of property and potential financial contributions from the Village or community sources for a split investment in the building of a facility. In order to move forward effectively, Monroe County decision-makers must be project partners early on. To reduce any potential risk associated with land acquisition and the ability of the vision to be realized, Monroe County leadership needs to be integrated into the discussion to ensure their support for either amending the five-year plan based on local financial support to advance the project through construction or be willing to accept delivery of a completed project reflecting any design requirements they may wish to impose. Such an agreement should be memorialized in writing to ensure both parties commit the resources necessary to design, build, and operate the new facility. Absent such agreement, any advance acquisition carries with it some level of risk associated with not realizing the intended outcome.
- Zoning Map and FLUM amendments were considered at the April 11 Council Meeting and passed on first reading.

Next steps: The sale is expected to close in August 2024, with Phase I Environmental, a Building Condition Assessment Report, and Title Search having been completed. Although the building has some identified maintenance and repair needs, as reported to council, none are such that they materially impact our interest in purchasing the property as originally proposed. Additionally, an area electric utility easement was identified and needed to be modified such that it runs along the ten feet at the rear of the property under the wires, rather than blanketing the entire property; that update is in progress.

#VM24-02

Village Flag Contest

Date of direction: January 9, 2024

Responsible Party: Village Manager

Direction: At the January 9, 2024, Council meeting, Council Member Gregg presented information, including a TED Talk video, regarding flags and their significance. Following the presentation, the Village Council directed staff to develop rules and procedures for a Village flag content. A related resolution needs to be drafted and brought back to the Council for consideration and approval.

Actions accomplished: Resolution to establish the contest was adopted at the 3/12/2024 Village Council meeting.

The VM advised Council that anticipated flag design process will be delayed, as time is needed to designate both staff and community member participation, as specified in the resolution. This is a great project and needs adequate planning to execute well.

This project may fall under the Assistant to the Village Manager.

Next Step(s): The Assistant to the Village Manager has begun and may be tasked with this project; we anticipate it coming back up for scheduling consideration following completion of the FY 2024-25 Village Budget.

#VM24-03

Training/Onboarding Program for Newly-Elected Council Members

Date of direction: February 13, 2024

Responsible Party: Village Clerk

Direction: At February 13, 2024, Council meeting, Council Member Jolin requested that staff create a formal training and onboarding process for new Council members that they would receive before their first substantive meeting after election. All Village Council members agreed.

Actions accomplished: The Village Manager is working with the Clerk and counsel to compile appropriate resource materials and an onboarding schedule.

November meeting dates were moved to November 17 and 19 an effort to seat the new Council immediately after election results are certified.

Next Step(s): New Council Candidate Orientation will be held on Thursday, November 7 from 5:00 p.m. to 8:00 p.m.

Council Directed Actions and Policies Status Report

Update for July 9, 2024, Council Meeting

#VM24-04

Relocation of Public Works Materials and Machinery from Founders Park

Date of Direction: April 9, 2024

Responsible Party: Village Manager

Direction: Council directed staff to research suitable properties and authorized the Village Manager to pursue Council's stated goal to remove the DPW operations from Founders Park

Actions Accomplished: Council Members Gregg and Rosenthal indicated they were aware of sites that may potentially be a fit. Council Member Jolin and Vice Mayor Mahoney indicated they could be available for a Special Call meeting if necessary.

Next Step(s): VM is exploring alternatives, including pr

#VM24-05

Sea Oats Beach – Issue with Boaters off the Sunset Beach and Protection of Turtles at that Location

Date of direction: June 11, 2024

Responsible Party: Environmental Resources Manager/Village Manager

Direction: Council Member Gregg asked for staff to look at options for closing nearshore boating access to the beach off Sunset Drive on Lower Matecumbe in an effort to reduce the numbers of boaters just offshore. The boaters are impacting the residents' quality of life and potentially endangering turtles who are nesting or otherwise using the beach.

- Council Member Jolin requested to expand the effort Village-wide and asked for a solution to the ongoing noise issues.

Actions accomplished:

- Peter Frezza has compiled information necessary to brief the council on considerations and potential next steps if they desire to move forward on establishing a new vessel exclusion zone off Sunset Beach Dr.

Next Steps: Peter Frezza is to present this information at the July 9th Regular Village Council Meeting.

PLANNING (PL)

#PL23-01

Transfer of Development Rights (TDRs) in the Village Code

Date of direction: March 2, 2023

Responsible Party: Planning Director

Direction: On 3/02/2023, Council consensus to address inconsistencies in TDR section of the Code related to habitat classifications.

Actions accomplished:

- In June 2023, the Planning Department had a conference call with DEO regarding the TDR ordinance. The Planning Department received feedback on how to proceed with changes that DEO would support.
- On February 22nd the Planning Director spoke with Rebecca Jetton regarding the Council's request and asked her to begin the work of addressing the inconsistencies and recommending potential changes to the ordinance.
- Daniel Parobok & Rebecca Jetton have provided Planning Director with Draft

Next Step(s): Planning Director reviewing draft. Draft to be sent to Council for Review July 24th. Possible Workshop August 21st.

#PL23-02

Preexisting Non-conforming Structures, specifically setbacks for tiki huts.

Date of direction: September 21, 2023

Responsible Party: Planning Director

Direction: On September 21, 2023, the Village Council gave direction to create a comprehensive solution for preexisting non-conforming structures, specifically related to setbacks for tiki huts.

Actions accomplished:

- Staff is working with the attorney for the applicant to determine best practices regarding this issue.
- The attorney for the applicant provided some feedback. Staff is still looking at potential "fixes"

Council Directed Actions and Policies Status Report

Update for July 9, 2024, Council Meeting

- Staff has proposed a code amendment that would allow tiki huts on docks.

Next Step(s): The code amendment was recommended for approval by the LPA on June 10, 2024. The Code amendment will be before the Village Council for first reading on August 8, 2024.

#PL23-03

Vacant parcel analysis

Date of direction: September 21, 2023

Responsible Party: Planning Director

Direction: On 9/11/2023, Council gave direction to review all vacant parcels in the Village with regard to potential developability.

Actions accomplished:

- Due to Hurricane Evacuation Report, staff has done preliminary analysis.
- A deeper analysis of vacant parcels has been completed.

Next Step(s): Staff has finalized the vacant parcel analysis for single family residential properties. Staff will continue to look at additional vacant parcels in the context of other Planning discussions.

#PL23-05

Rezoning of properties at Village incorporation

Date of direction: September 28, 2023

Responsible Party: Planning Director

Direction: On 9/28/2023, Council consensus to investigate how properties were rezoned at incorporation and ways to address perceived oversights in rezoning.

Actions accomplished:

- In September 2023, Planning Director and Village Attorney began discussions about potential actions.

Next Step(s): Continue conversation and come up with a plan of action with Village Manager.

#PL23-06

Possible update to Environmental Standards in the Village Code

Date of direction: November 7, 2023

Responsible Party: Planning Director

Direction: On 11/07/2023, Council consensus to compare Environmental Standards in the Village Code with Monroe County and consider updates for more consistency with County.

Actions accomplished:

- Village Biologist/Sr. Environmental Planner has begun looking at the Environmental Standards and comparing with the Monroe County Standards.
- Daniel Parobok presented his analysis to the Council on April 11th.
- Council has asked for additional review and recommendations.

Next Step(s): Staff will look to incorporate this as part of the Comprehensive Plan update.

#PL24-01

Accessory Dwelling Units

Date of direction: January 11, 2024

Responsible Party: Planning and Development Services

Direction: The Planning Director should research and prepare a presentation to the Village Council on Accessory Dwelling Units.

Actions accomplished:

- Staff had scheduled, advertised and began preparations for a workshop on June 4, 2024.
- Village Manager cancelled the workshop.

Next Step(s): The discussion of ADU's will be incorporated into the Affordable Housing Plan beginning August 1st.

Council Directed Actions and Policies Status Report

Update for July 9, 2024, Council Meeting

#PL24-02

Elimination of Buffer Requirement in Residential Zoning Districts

Date of direction: February 13, 2024

Responsible Party: Planning and Development Services

Direction: The Planning Director should research and prepare a Code change to eliminate buffer requirements in residential zoning districts. The Planning Director is to recommend to which zoning districts the elimination of buffer requirements should apply.

Actions accomplished:

- Daniel Parobok is working on a code amendment to accomplish this item.

Next Step(s): The Code amendment was recommended for approval by the LPA on June 10, 2024. The Code amendment will be before the Village Council for first reading on July 9, 2024.

#PL24-05

Full Analysis, including Public Input on Administrative Relief, Early Out Affordable Housing Allocations and BPAS

Date of direction: May 13, 2024

Responsible Party: Planning and Development Services

Direction: The Planning Director should complete a full analysis of administrative relief, early out affordable housing allocations and BPAS including robust public input and provide the analysis back to the Village Council.

Actions accomplished:

- The Planning Director presented a timeline for these items at the June 13th Council Meeting. The Gantt chart as proposed is a living document and dates can be subject to change but we are on track as presented.

Next Step(s): The immediate next steps include the launch of the 1st BPAS survey on July 1st, the 1st BPAS workshop on July 30th.

#PL24-06

Research and provide solutions for Affordable Housing Options For Habitat for Humanity

Date of direction: June 13, 2024

Responsible Party: Planning and Development Services

Direction: The Planning Director should research all options available to the Village Council regarding Affordable Housing partnership with habitat for Humanity including with or without Early Out Allocations, on the Machado Lots, Woods Corner or others.

Actions accomplished:

- An email was received after the council meeting from habitat indicating they would likely not be interested in early out allocations or more than 8 units.

Next Step(s): Staff will still provide the information requested unless directed otherwise.

#PL23-04

Noise Ordinance

Date of direction: September 28, 2023

Responsible Party: Planning Director

Direction: On 9/28/2023, Council consensus to schedule a noise ordinance workshop.

Actions accomplished:

- The workshop was held on February 22, 2024

Next Step(s): Although the workshop was completed, there remains a council expectation that staff will research and advance noise regulation recommendations consistent with perspectives gleaned during the workshop and best practices from other jurisdictions.

PUBLIC WORKS (PW)

#PW23-01

The Fills

Date of direction: ongoing since 2014

Responsible Party: Public Works Director

Council Directed Actions and Policies Status Report

Update for July 9, 2024, Council Meeting

Direction: On August 17, 2023, Council adopted Resolution No. 23-08-77 approving consultant to update the Master Plan for the Fills to remove all parking, turn lanes, underpass and passive park amenities and to design demolition of existing parking. At the RVCM on December 12, 2023, Councilman Rosenthal expressed concern over the delayed timeline for work on the Fills by FKA and FDOT and its impact on the Village's efforts to control parking and use. The Village Council directed that Village staff should reach out to FDOT to see if boulders could be placed in the areas of the Fills where traffic cones and tape have been placed and in the areas where parking is currently available to effectively create the limitations on parking and use that the Village is ultimately seeking. Council's goal is to decrease overtime expense for staff to sit at the Fills to control access.

Actions accomplished:

- As of November 8, 2023, requisite survey of entire Fills underway.
- On December 13, 2023, Public Works Director A J Engelmeyer spoke with his contact at FDOT about the Village's request to place boulders along the Fills and to ask what could be done to keep people from parking in the clear zone that would result between the boulders and the Overseas Highway.
- By the meeting on January 9, 2024, FDOT confirmed that the Village could place boulders along the right of way on the Fills outside of the clear zone.
- Staff has confirmed with FDOT that the clear zone for the fills area is 36 feet. All boulders and other above ground hazards are required to be placed outside of the clear zone.
- Draft design plans containing the removal of the parking areas and the remediation of the asphalt removed have been provided to staff for review.
- **FDOT Permit Application for removal of parking areas and the remediation of the asphalt removed is pending.**

Next Step(s): The Public Works Director will begin project once permit approval has been granted by FDOT. Work to be completed by public works department. At this juncture, DEP and FDOT are discussing how to configure and manage access points they wish to maintain near the boat ramp that is presently closed.

#PW23-02

Founders Park Baseball Field Improvement Project

Date of direction: August 17, 2023

Responsible Party: Public Works Director

Direction: Following presentation of preliminary proposal for the update to the baseball field at Founders Park on August 17, 2023, Council gave direction to be kept up-to-date and to be afforded the opportunity provide input at each stage of the project. At its meeting on 12/12/2023, the Village Council authorized the Village Attorney to continue working with the attorney for the Monroe County School District (MCSD) to update the Interlocal Agreement between the two parties. Council also directed the Village Manager to communicate with staff from the MCSD and Coral Shores High School to schedule a community meeting to explain the general concept of the improvement project and seek input from the public.

Actions accomplished:

- At the November 9, 2023, RVCM, the Village Attorney reported that he is reviewing a proposed ILA provided by the School Board and has made changes in the interests of the Village. Per Council direction at the December 12, 2023, RVCM, the Village Attorney continues to work on all of the agreements needed between the Village and the MCSD.
- On December 14, 2023, Village staff reached out to Patrick Lefere of the MCSD requesting the best point of contact to coordinate the community meeting and suggesting a meeting in January 2024.
- The Village Attorney confirmed that a final version of the ILA and other related documents will be presented to the Village Council for approval at a future meeting and that no construction will commence until the Village Council has approved the project.
- A community workshop was held by the Village on March 4, 2024. Interim Village Manager Kimberly Matthews facilitated and Patrick Lefere from the MCSD presented, answered questions and took comments from the public.
- Draft ILA and Operating Agreement has been with School Board attorneys since March 7.
- The Village Manager met with MCS Superintendent Theresa Axford and Patrick LaFere on April 23

Next Step(s): The Interlocal Agreement, which is the umbrella agreement that has been in effect for several years and authorizes School use of our existing baseball facilities, will be renewed prior to any agreement regarding the baseball field licensing.

Monroe County Schools gave a brief presentation to Council at the May 7 meeting, outlining their proposed path forward to gain consensus on a prospective field renovation and associated operating plan.

Council Directed Actions and Policies Status Report

Update for July 9, 2024, Council Meeting

VILLAGE ATTORNEY (VA)

#VA24-2

Legislative Priorities Workshop

Date of direction: April 9, 2024

Responsible Party: Village Attorney

Direction: Schedule a legislative priorities workshop before the end of June as required in Council's Meeting Procedures.

Actions accomplished: Ryan Matthews of GrayRobinson presented a Legislative session wrap-up summarizing actions taken and noted that the Legislature is expected to convene for its 2025 session in March. He surmised that a June workshop would give a good lead time to finalize legislative priorities by the late fall.

The Legislative Agenda Workshop was held on June 11, 2024

Next step(s): . The Village Manager will compile data and present a proposed legislative agenda for Council's review. The completed document is awaiting some of our partners to complete their agendas so that we can express support for common interests. While it was good to have our initial conversation, our process is a bit ahead of everyone else's.

#VA24-03

Sister City Agreement – Additional Information

Date of direction: April 9, 2024

Responsible party: Village Attorney

Direction: Staff to bring back additional information on Sister City program

Actions accomplished: TBD

Next Steps: TBD

COMPLETED

#FN24-01

Grant Writing Services

Date of direction: January 9, 2024

Responsible Party: Finance Director

Direction: On January 9, 2024, Council gave direction for staff, primarily the Village Manager and Finance Director, to consider the needs of the Village with regard to grant writing services and determined whether contracting the services or hiring a staff position is warranted.

Actions accomplished:

- Internal discussions including the Interim Village Manager, Finance Director, and Procurement and Grants Administrator have subsequently been held. Staff agreed that it would be helpful to engage the services of a grant writing contractor to potentially find, apply for, and administer grants for the Village to supplement staff efforts.

Next Step(s): The Finance Department has an RFP for grant writing services already drafted from a prior procurement. Staff will discuss this need with the Village Manager to determine whether to publish an RFP. Grant writing is something we will consider on an as-needed basis. If consultant support is needed, we can engage at that time under professional services expenses. A new staff position for grant writing is not warranted at this time. As such, staff will be removing this item from month-to-month follow-up.