



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. Engelmeier, 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