Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

April 13, 2023 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

MINUTES

I. CALL TO ORDER / ROLL CALL

Mayor Joseph B. Pinder III called the meeting to order at 05:30 PM

II. PLEDGE OF ALLEGIANCE

Phil led the Pledge of Allegiance and Pastor Brian Neal started the meeting with a prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

Consent Item B was removed to the next agenda. Director of Development Services Dan Gulizio provided an overview of the proposed resolution regarding floor area ratio standards. Discussion ensued and Council requested more information before considering the request.

Mayor Joseph B. Pinder III added a conversation regarding a storage warehouse on Monte Green's property.

Vice Mayor Sharon Mahoney added a discussion on donated lots and bus shelters.

Council Member Henry Rosenthal added a discussion of the manager's contract.

The Quasi-judicial hearing was moved to be considered before the other action items on the agenda.

IV. REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

Council Member Henry Rosenthal read a proclamation on the 30th anniversary of the Leadership Monroe program and announced the upcoming Class XXX Graduation on April 29. Leadership Monroe Vice President Adriana Cuomo and Sheriff Rick Ramsay promoted the program.

A. Presentation by Monroe County Sheriff Rick Ramsay

Monroe County Sheriff Rick Ramsay returned funds to the Village. Mayor Joseph B. Pinder III thanked Sheriff Ramsay for the funds and his service to the community.

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.)

Speakers included:
Carlos G of Islamorada Social
Sue Miller
Van Cadenhead
Joe Wischmeier
Deb Gillis

VI. MAYOR / COUNCIL COMMUNICATIONS

Mayor Joseph B. Pinder III called a recess at 8:20 p.m.

The meeting reconvened at 8:38 p.m.

Council Member Henry Rosenthal discussed the Village Manager's contract, and noted the need to schedule Mr. Yates' review.

Council Member Henry Rosenthal noted his preference that the sheriff's funds be set aside for enforcement of the Fills. Finance Director Maria Bassett noted that the sheriff's services were part of the general fund and that the monies were required to be a credit to that expense.

Council Member Mark Gregg suggested bringing some of the non-controversial ordinances to the agenda soon.

Mayor Joseph B. Pinder III initiated the Monte Green discussion. Mayor Pinder noted Mr. Green had been granted a major conditional use and had been advised he needed to apply for a minor conditional use for storage containers he proposed to place on his property.

Director of Development Services Dan Gulizio noted the process requires Mr. Green to complete the application and pay the fees. He noted there was no opposition, it was required by code. Village Manager Ted Yates noted that Mr. Gulizio had spoken with Mr. Green and offered to help him through the process.

VII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Village Manager Ted Yates addressed Vice Mayor Sharon Mahoney's question about the bus program that Monroe County is working on. There were no updates, but the current Freebee contract runs from July 2023 to June 2024. Mr. Yates noted there would be an opportunity for substantive discussion.

The charitable contribution policy and application were passed by the Council. The application had recently been published and would remain active for 60 days. Mr. Yates' office had been communicating with past organizations and had a press release in the paper. He had been working on a memorandum for the Committees with details on each committee, members, and roles.

Mr. Yates asked for the Council's thoughts on proposing a moratorium on BPAS. He discussed potential dates for Fills workshop and code amendments - 2 hour Fills workshop on May 16 and proposed a May 4 strategic planning session prior to the Regular Council Meeting.

VIII. CONSENT AGENDA

(All items on the Consent Agenda are considered routine by the Village Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event, the item will be moved to the Main Agenda.)

ACTION:	Motion to item VIII. by None second by None; Motion with a 0:0
AYES:	None
NAYS:	None
ABSTAIN:	None

A. Minutes of the Regular Village Council Meeting held March 30, 2023 - **TAB 1** (Marne McGrath, Village Clerk)

Mayor Joseph B. Pinder III opened public comment at 6:34 p.m.
As there was no one wishing to speak, Mayor Pinder closed public comment.

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

B. Resolution Approving Work Authorization No. 2 with Cyriacks Environmental Consulting Services ("Cecos") - **TAB 2** (Daniel Gulizio, Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZTION NO. 2 WITH CYRIACKS ENVIRONMENTAL CONSULTING SERVICES INC. FOR A FLOOR AREA RATIO MAPPING PROJECT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

This item was removed from the agenda.

IX. QUASI-JUDICIAL

A. Continued from March 2nd Meeting -- Administrative Appeal - Transfer of Development Rights - **TAB 3**

(Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20230036 FILED BY SMITH HAWKS, PL (AGENT) ON BEHALF OF WHAT A GOOD

CATCH LLC (APPELLANT) RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING (DENIAL OF A TRANSFERABLE DEVELOPMENT RIGHT) FOR PROPERTY LOCATED AT 81912 OVERSEAS HWY (REAL ESTATE NUMBER 00399300-00000) AND 82601 OLD HIGHWAY (REAL ESTATE NUMBER 00401260-000000), ON UPPER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney John Quick noted this item was continued from the March 2, 2023 Regular Village Council Meeting and that the previous discussion was entered into the record for this item.

Ex parte communications were disclosed:
Council Member Elizabeth Jolin had none.
Council Member Henry Rosenthal spoke to the applicant a few times.
Mayor Joseph B. Pinder III spoke to Rep. Jim Mooney.
Vice Mayor Sharon Mahoney had none.
Council Member Mark Gregg spoke to Attorney Smith.

Planning Director Jennifer DeBoisbriand briefly summarized the request and noted that her presentation from March 2 had not changed.

Director of Development Services Daniel J. Gulizio provided an overview of the TDR process, noting the ordinance has not yet been considered by Council.

Attorney Bart Smith noted that the applicant removed their request from March 2, 2023 to this meeting in hopes that movement would have occurred to amend the TDR ordinance. He summarized his previous request for the edification of the Council and noted the applicant would return the condition of the receiver site hammock area to the satisfaction of the Village Biologist.

The applicant is currently 11th in the queue for BPAS, and noted the future of development in the Village would be through TDRs. Council Member Elizabeth Jolin asked Director of Development Services Daniel J. Gulizio to summarize how the pulled consent agenda item FAR data set would tie into this request. Mayor Joseph B. Pinder III asked if there was a way to see the footprints of several TDR properties and asked for clarification on how the floor area ratio standards would affect future development.

Vice Mayor Sharon Mahoney asked Attorney Smith how to ensure that the replaced hammock area stays intact in case of a storm. Mr. Smith noted there is a certain survival rate for hammock areas and that they should be monitored for five years. Council Member Mark Gregg noted the conservation easement is a contract between the Village and the property owner and he applauded the applicant's offer to add this enhancement.

Council Member Elizabeth Jolin noted that 80% of our hammock areas have been lost and that they should be preserved. She noted this should be a jumping off point for a conversation on how to preserve our environment.

Deb Gillis spoke in favor.

Sue Miller and Van Cadenhead spoke in opposition.

Vice Mayor Sharon Mahoney noted this is a good example of what is wrong with our code and consistency of regulation. Public comment was closed at 7:15 p.m.

Deliberation of Council:

Council Member Mark Gregg suggested making this an opportunity to guide how the village handles future development and encouraged creation of a template for a TDR ordinance with built-in environmental protections. He noted if this request was in BPAS rather than a TDR there would be no mechanism to protect hammock areas and the environment. He suggested approval of the conditions proffered by the applicant.

Council Member Henry Rosenthal noted the severity of the consequence of not following through should be drastic to encourage compliance. Mr. Smith noted the condition of non-compliance could be foreclosure. Mayor Joseph B. Pinder III noted it was similar to a surety bond to ensure compliance. Council Member Mark Gregg noted during their first term there was a property they considered that was procured through that process.

X. RESOLUTIONS

A. Resolution Ratifying FY 2021-2022 Payments to Page Excavating for Wastewater-Related Capital Project and Repair and Maintenance Expenses Incurred - **TAB 4**

(Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, EXPENDITURES INCURRED FROM PAGE EXCAVATING, INC., IN FY 2021-2022; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

Village Manager Ted Yates noted that the next three tabs would be reported on together, but that public comment would be done for each tab. Finance Director Maria Bassett summarized that the three items were housekeeping items. It was noted that Page was the only contractor to fulfill the requirements for a continuing service agreement after the bid process. Ms. Bassett noted the reimbursement was obtained from the U.S. Corps of Engineers and the item was being submitted to Council to ratify last year's expenses for transparency and reimbursement requirements.

Public comment:
Van Cadenhead and Deb Gillis

B. Resolution Approving a First Amendment to Continuing Services Agreement between the Village and Page Excacating, Inc.- **TAB 5** (Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A FIRST AMENDMENT TO THE CONTINUING SERVICES AGREEMENT BETWEEN PAGE EXCAVATING, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE PROFESSIONAL CONTRACTOR SERVICES TO THE WASTEWATER DEPARTMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FIRST AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Finance Director Maria Bassett reported that the continuing service agreement was to extend the current services until the completion of the bid process, which would begin in May.

C. Resolution Approving Work Authorization No. 4 with Page Excavating, Inc. for FY 2022-2023 Services - **TAB 6** (Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 4 BETWEEN PAGE EXCAVATING, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, TO REPLACE CONCRETE RINGS AROUND VACUUM PIT LIDS AND TO PROVIDE OTHER WASTEWATER SUPPORT SERVICES AS NEEDED; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF 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

Finance Director Maria Bassett noted the work was required to maintain the wastewater system. She indicated that Council approval keeps rates from being raised and that it has been the same since 2019. She further noted the Village was at risk of forfeiting grant funding if the item was not approved.

Village Manager Ted Yates noted this contract extension holds the Village over until a new contractor can be procured through the bid process.

There we no additional speakers for public comment.

D. Resolution Establishing Auditor Selection Committee - **TAB 7** (Maria Bassett, Finance Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, PERTAINING TO THE ESTABLISHMENT OF AN AUDITOR SELECTION COMMITTEE; DEFINING THE TERMS AND COMPOSITION; DEFINING THE MEETINGS AND DISQUALIFICATION; DEFINING THE STAFF

PARTICIPATION; DEFINING THE GOALS AND OBJECTIVES; DEFINING THE DUTIES AND RESPONSIBILITIES; DEFINING THE SUNSET DATE; AND PROVIDING FOR AN EFFECTIVE DATE

Finance Director Maria Bassett noted that the Council asked to go out to bid for a new audit firm, and there are statutory guidelines that must be followed. She summarized the composition of the Auditor Selection Committee could be one council member and two citizen members who do not need to be residents but should have the appropriate qualifications. Ms. Bassett asked for a determination of who would be the council member of the selection committee.

Council Member Henry Rosenthal didn't think any of them have the background, but it was statutorily required. Finance Director Bassett noted their experience on Council leaves them all in a favorable position to serve.

After further discussion, Council Member Elizabeth Jolin was nominated to serve and she accepted the appointment.

There was no public comment.

XI. ADJOURNMENT

The meeting was adjourned at 9:24 p.m.