

**Summary Minutes of the:
ISLAMORADA, VILLAGE OF ISLANDS
REGULAR VILLAGE COUNCIL MEETING**

Founders Park Community Center

87000 Overseas Highway

Islamorada, FL 33036

Thursday, March 10, 2022

5:30 PM

CALL TO ORDER / ROLL CALL

Mayor Pete Bacheler called the meeting to order at 5:30 p.m. Acting Village Clerk Stephanie Conde called the roll with the following Councilmembers being present on roll call: Mayor Pete Bacheler, Vice Mayor Henry Rosenthal, Councilman Mark Gregg, Councilman Buddy Pinder and Councilman David Webb. Also present were Acting Village Manager Maria Bassett, Village Attorney Roget Bryan, Planning Director Daniel Gulizio, and other pertinent staff.

PLEDGE OF ALLEGIANCE

Councilman David Webb led the Pledge of Allegiance.

REPORTS, PRESENTATIONS AND ANNOUNCEMENTS

A. Village Manager Search Update from Colin Baenziger

At 5:32 p.m. Colin Baenziger said the Village had compiled a list of finalists for the position of Village Manager. The Council agreed they needed time to research the candidates and decided to discuss the candidates further at the March 31, 2022, meeting. Vice Mayor Henry Rosenthal said he was under the impression there would have been more local applicants. Mr. Baenziger told the Council to feel free to contact him at any time and that he would compile a list of locals who had applied if needed. Vice Mayor Henry Rosenthal said he thought the Village was going to advertise for the position. Acting Village Manager Maria Bassett said applications that were coming in were being directed to Colin Baenziger and Associates. Colin Baenziger said three or four locals had applied and that he would send a list of local applicants to the Council.

Councilman Mark Gregg does not feel that the process needs to be rushed. Mayor Pete Bacheler said at the next meeting, after the Council had studied the applications, four or five candidates would be discussed along with the next step in the hiring process.

PUBLIC COMMENT

Public comment was opened at 5:45 p.m.

Carlos Garcia gave an update on local videos he has been creating. He has been working with the Chamber of Commerce, local nonprofits, the JOY Center, and the Village Montessori School for content. Don Horton, representing Island Construction, spoke about affordable housing at the former Island Silver and Spice property and the Affordable Housing Committee. He said a land acquisition fund/enterprise fund would help pay back the public debt and might help the historic businesses in Islamorada. He proposed maintaining the former Island Silver and Spice property as a parking lot and developing as many parking spots as would be allowed and

CONSENT AGENDA

TAB 1: Minutes of the February 17, 2022 Regular Village Council Meeting

TAB 2: Resolution Amending Resolution No. 19-12-110 Approving Extension of Reservation of Building Permit Allocation ("BPAS") Affordable Dwelling Unit Allocations for Affordable and Employee Workforce Housing

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING RESOLUTION NO. 19-12-110; AUTHORIZING AN EXTENSION OF RESERVATION OF BUILDING PERMIT ALLOCATION SYSTEM (BPAS) AFFORDABLE DWELLING UNIT ALLOCATIONS FOR AWARD TO THE PROPOSED GARDENIA STREET DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 3: Resolution Approving an Interlocal Agreement with Monroe County for Derelict Vessels

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH MONROE COUNTY, FLORIDA, FOR DERELICT VESSEL REMOVAL SERVICES; 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

TAB 4: Resolution Approving Work Authorization No. 4 Between Wood Environmental Infrastructure Solutions, Inc. for Water Quality Monitoring and Canal Management

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WORK AUTHORIZATION NO. 4 WITH WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC. FOR WATER QUALITY MONITORING AND CANAL MANAGEMENT DATABASE UPDATES; 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 PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

The Consent Agenda passed unanimously at 6:15 p.m.

Councilman David Webb made the motion, seconded by Councilman Mark Gregg.

There was no public comment on the consent agenda.

TAB 6: Resolution Approving Amendment One to Agreement with Transportation Solutions and Lighting, Inc. and Islamorada, Village of Islands for Design and Installation of Lighting System at the Arts and Cultural District

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FIRST AMENDMENT TO AGREEMENT BETWEEN TRANSPORTATION SOLUTIONS AND LIGHTING, INC., AND ISLAMORADA, VILLAGE OF ISLANDS, FOR DESIGN AND INSTALLATION OF LIGHTING SYSTEM AT THE ARTS AND CULTURAL DISTRICT; 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 AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Public Works Director A.J. Engelmeyer gave an overview of the amendment for the lighting project, which consisted of adding 29 decorative lights on the bike path and parking areas from the Hurricane Monument to the Green Turtle Inn. He said the amendment contained two items, the addition of electrical outlets at each pole for \$700 each for a total of \$20,300. The second item was for increases in the material cost for installation of the light poles. He said the increase in cost came at a total additional \$79,510, bringing the total of the two items to \$99,810 and the total project cost to \$481,755. He said two payments had already been made for the additional poles to Transportation Solutions and Lighting, the contractor, in the amount of \$254,624. Staff had recommended moving ahead with the project.

Councilman Buddy Pinder asked Acting Village Manager Maria Bassett to explain the funding for the lighting project. Ms. Bassett said the funding was from local government discretionary sales tax levied within Monroe County mostly for wastewater but also other infrastructure projects. Vice Mayor Henry Rosenthal asked the balance of the project, with Public Works Director Engelmeyer answering \$221,000. Councilman Mark Gregg asked why there was a delay and said he had problems with the project. He said the delay had come at a time with Covid-19 and Ukraine and it was creating disruption, but that contract did not provide who was paying for the project, and that the contractor was asking for more money but the Village was not responsible for it. He wanted to make sure the Village was obligated to pay within the contract. Acting Village Manager Maria Bassett said the cost increase was for building and installing 560-amp service at five locations to power the five island sections and then they would have to dig 24-inch wide by 48-inch deep where each pole location would be and then build and install steel rebar reinforcement. Councilman David Webb said the reality was the previous Council had committed to the project by spending over \$200,000 on the project and that interrupting the project would be pissing away the money. Public Works Director Engelmeyer said the plans would have to go back for further review and the Florida Keys Electric Cooperative would have to approve as well. Village Attorney Roget Bryan said there were two different issues being discussed, one being the underground utility that had already been put in and the second issue of increasing contract materials. Acting Village Manager Bassett said starting in 2019 the project had been put out to bid twice with no proposals received. Then the Village reached out to two or three companies directly, which was when former Village Manager Seth Lawless met with the companies and asked for them to provide a proposal. Ultimately, Transportation Solutions and Lighting was the only one who provided a proposal and that from a

2-bedroom; \$1,587 for a three-bedroom; and \$1,777 for a four-bedroom. Council asked Reed several questions about the true rent amounts. Vice Mayor Henry Rosenthal asked if a renter exceeds the income limit, do they become evicted or is there a time frame for leaving. Reed did not know the time frame.

At 7:35 p.m., Mayor Pete Bacheler opened public comment.

Van Cadenhead said he had been to every meeting regarding Wet Net and that affordable housing was not truly affordable. He said \$1,500 some odd dollars was not the true rate for a three-bedroom and that more one-bedroom apartments should be built for those who can truly afford \$600 to \$800 in rent. Sue Miller, representing the Islamorada Community Alliance, said Gorman's Wet Net project was successful because the Village had given them the land and they had gotten Florida Housing Finance Corporation credits. Lindsey Fast on behalf of the Village's Affordable Housing Committee said there should be a strategic approach as to what the Village needs in terms of workforce housing. On behalf of Habitat for Humanity she said the leases should be reexamined each year. Tony Hammon said as an Local Planning Agency member and Habitat for Humanity Board member that the best bang for the dollar would be Habitat for Humanity providing housing. He told the Council not to rush the process. Angel Borden said her concern was the number of bedrooms in each housing unit. She said the people who clean condos and serve at restaurants could not live here because the housing is too expensive, and the people who move to the Keys do not plan to stay here long and that three- to four-bedroom units are ridiculous. John Kocol said if the developer was going to get a tax incentive, the Village should have a part in that and that doing the project would be subsidizing private sector employees and that the public sector employees should have preference over private sector employees. Ed Davidson said it was never meant for people doing better than the max income limits to remain in their units. Cheryl Meads questioned how the land lease was written and believes it would be a good idea for the Council to get some education on the 300 units provided to the Village by the State. Deb Gillis said she had been involved in affordable housing for a long time and believes the project should go out for bid. John Kocol said there was legislation in Tallahassee about restrictions for affordable housing.

Councilman David Webb said it is important to determine who the housing would be created for and whether or not the 300 units were given to the Village, it should start prioritizing housing. Councilman Mark Gregg said Gorman does a good job and the tax credit financing is a gift from the government. Councilman David Webb said the issue needs to be discussed by the Council again, requested that staff put together more information and said yelling at Gorman was not necessary. He requested a template of proposals for affordable housing. Councilman Buddy Pinder said some time needs to be invested in the issue. Planning Director Daniel Gulizio said the process needed a rational framework beginning with conditions and that he would provide a follow-up report at the next Council meeting.

safety. He said no one was violating the parking on the right of way. He said he wanted to remove the cones. Councilman David Webb said removal of the cones was bad timing because of spring break happening right now and summer coming. He said the cones are a good deterrent. Councilman David Webb said if there was no restriction on parking it was going to be an enforcement nightmare for the Sheriff's office. Vice Mayor Henry Rosenthal said he does not like the way The Fills looks being blocked off to visitors and that he is proud of his town. Councilman Mark Gregg said guard rails need to be installed. Vice Mayor Henry Rosenthal said the Village is expected to pay for the guardrails. Councilman Mark Gregg said if the cones are removed the Village will be right back where it started. Mayor Pete Bacheler said he had met with staff and gone over drawings for The Fills and CPH Inc., the consultant, should be providing a complete report as to a direction. Acting Village Manager Maria Bassett said the report should be provided in April.

Mayor Pete Bacheler opened public comment at 9:32 p.m. Sue Miller said she agreed with Vice Mayor Rosenthal and that the cones should be removed and a \$200 fine should be enforced. Van Cadenhead said Village staff should be deputized to write tickets for those who violate the parking rules. He said cones and tape were unnecessary. Ed Davidson said it was a fact that the State of Florida has to allow widespread access. Deb Gillis said figuring out how to deputize staff was an alternative seeing as how the Sheriff's Office did not have enough staff. Acting Village Manager Maria Bassett said Public Works staff had taken classes to write tickets, but the Sheriff's Office is currently handling the issue. Angel Borden said the cones are unsightly and that if the area was patrolled in the mornings and people were cited before too much alcohol was consumed it would be better. Vice Mayor Rosenthal said he had spoken with the Sheriff about increasing his staff by one more officer and the Sheriff had declined the idea.

TAB 9: Proposal by Vice Mayor Rosenthal to publish Council meeting agendas in the Keys Weekly Newspaper

Vice Mayor Henry Rosenthal said he had spoken with the Upper Keys Weekly about publishing the Village Council agenda in the newspaper and said he had gotten the same price from the Free Press: a half page ad at \$280 and a quarter page ad at \$180. Acting Village Manager Maria Bassett said the Weekly's printing deadline does not work for the Village's agenda deadline, but if the Council wanted to run an ad in both publications, a public notice would suffice for meeting dates in the Weekly. Printing the full agenda would be accommodated by the Free Press. Mayor Buddy Pinder said there was no harm in trying.

Van Cadenhead said a weekly bulletin board where the agenda could be put out would be good but also a schedule of upcoming events would be helpful.

Acting Village Manager Maria Bassett said Public Information Officer Katie Atkins was working on a smart phone app for notifications and that the agenda is posted on the website prior to the meeting. Councilman Buddy Pinder said the Aqueduct Authority was also publishing meeting notices. Joe Saint Alden said he receives the emails and that the Village Council meetings are his new favorite TV series. Sue Miller said advertising in the newspaper was a great idea, but it did not replace the need to move the orange cones at The Fills.

available. She said there is not an option in the current health plan to add Council members. She said the next discussion would have to be the raise amount.

Council directed staff to bring back a draft ordinance so that the Council can decide on an amount at the next meeting of the Village Council on March 31, 2022.

TAB 12: Results of Dog Fecal Bacteria Testing in the Waters at Founders Park Beach

This item was heard at 10:24 p.m. Environmental Resources Manager Peter Frezza gave a presentation on dog fecal bacteria testing at Founders Park Beach. He said the Monroe County Department of Health conducts bi-weekly water monitoring at two locations in Islamorada, specifically for enterococcus, a common bacteria found in warm-blooded animals. He said enteric bacteria is rare but there are occasions when bacteria levels are high. Environmental Resources Manager Frezza said there was a theory brought forth that runoff from the dog park is causing high bacteria and that a lab in Miami, LuminUltra Technologies, was used for the testing of the water. Frezza said the high levels of bacteria are almost always associated with high levels of rainfall, so a period of dryness followed by an extreme rainfall event was the perfect time to collect samples. He collected four samples, two samples in the water at the heaviest point of runoff, and then two samples as a control, down the breakwater, 800 feet away from the beach. As a result, Mr. Frezza said there was a high level of enteric bacteria with an unknown source. There were insignificant levels of dog bacteria in all samples. The levels of bacteria were two-and-a-half times higher directly after the rain stopping, as opposed to four hours later, meaning there is a level of attenuation from the tide and winds. The bacteria did not come from a dog.

There was no public comment.

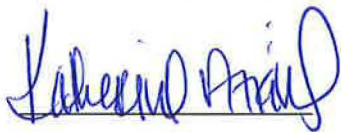
MAYOR / COUNCIL COMMUNICATIONS

Village Attorney Roget Bryan requested an executive session for the future regarding a pending litigation matter – Alibi 4 Inc. Vs. Islamorada, Case No. 21-CA183P, which is pending in the 16th Judicial Circuit.

ADJOURNMENT

Councilman David Webb made a motion to adjourn, seconded by Vice Mayor Henry Rosenthal. The meeting adjourned at 10:31 p.m.

Approved by Council March 31, 2022



Katie Atkins
Public Information Officer