

June 2022 NEWS
Islamorada Community
Alliance

P.O. Box 1507
Tavernier, FL 33070

**A huge thank you to
those who have sent
donations to the
Islamorada
Community Alliance
You are Appreciated!**

<u>CONTENTS</u>	<u>Pg</u>
Hurricane Season	<u>2</u>
Fills Status	3
Bryan resigns	<u>4</u>
Acting Attorney	5
BPAS meeting	5
Spending Concerns	6
Miscellaneous	7
Miscellaneous	8

Our Mission:

To provide Islamorada residents with information about events occurring in our community that will impact our quality of life, preservation of our native ecosystems, land development, lawful and transparent governance.

**Tell me and I forget. Teach me and I remember.
Involve me and I learn.**



Coming Soon



New Village Manager, Ted Yates

At their June 2, 2022 meeting, the Council approved the contract with new Village Manager Ted Yates, with Ted attending via zoom. Vice Mayor Henry Rosenthal had negotiated the contract with assistance from a Weiss Serota labor specialist, attorney Allison Smith.

Yates will begin work on August 1, though he announced that he plans to be in Islamorada and will attend the June 16 special call meeting related to the Building Permit Allocation System (BPAS).

Contract terms approved:

- ◆ **Salary:** \$200,000 plus benefits including 29.1% contributed to retirement plan.
- ◆ **Housing allowance:** \$4000/month
- ◆ **Moving expenses reimbursed:** up to \$15,000
- ◆ **Additional Family Medical Insurance:** estimated to be as much as \$950 per pay period with Yates contributing \$125 per pay period.

The contract is a one year contract, with automatic one year renewals unless terminated by either party. There are to be performance evaluations every 6 months the first 18 months and then annual evaluations. An additional 10% retirement program funded by Village for prior managers and the Village Attorney was eliminated.

Welcome to Our Village, Ted!

“The greater your storm, the brighter your rainbow.”

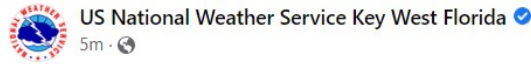


Hurricane Season Blows In

June 1 marked the official start of the 2022 Atlantic hurricane season. The season will run through Nov. 30, and the National Oceanic and Atmospheric Administration (NOAA) says it is expected to produce above average activity, which would make this the seventh above-average season in a row.

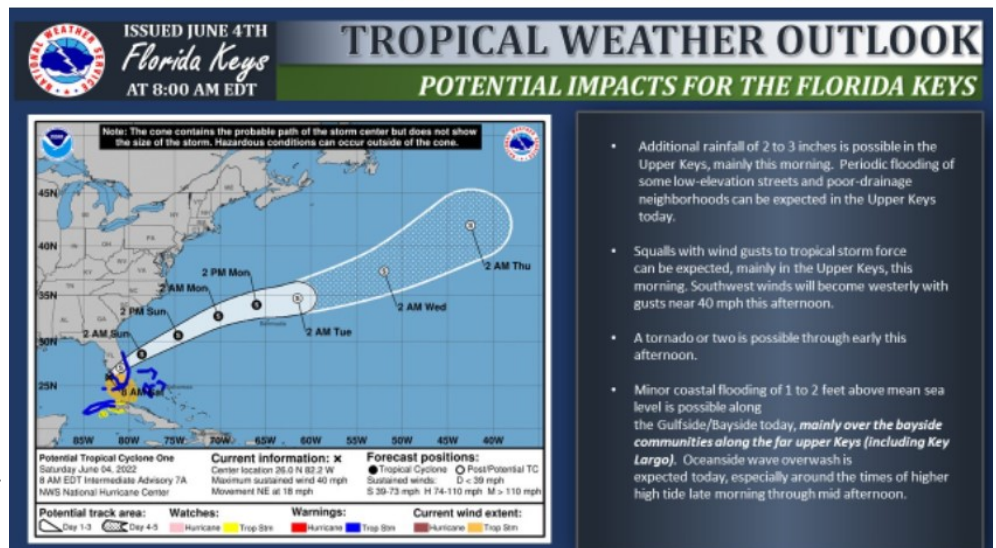
And it sure didn't wait long to show up, as the Florida Keys had its first tropical storm warning of the year as June and hurricane season began.

Hurricanes are considered the most powerful weather events on Earth, according to NASA, which makes understanding them and preparing for them of utmost importance.



June 4th, 8 AM Update:
Tropical Storm Warning remains in effect

Additional showers and possible thunderstorms are expected today. Use caution if driving. The combination of locally flooding streets and/or downed tree limbs could make driving hazardous.



Preparation: Don't wait! The Village website has excellent information specifically geared to issues related to storms that residents and business here face. [Click here](#)

Check the statistics. The islands of the Keys have been in the path of so many storms over the decades:

- ◆ The 15 worst storms in Keys history: [Click here](#)
- ◆ Storms of the 1900s: [Click here](#)
- ◆ Storms of the 2000s: [Click here](#)

1935:



IRMA:
2017



“Procrastinate now, don't put it off.”
— Ellen DeGeneres



Status of the Fills: Discussed but What's Next?

New Plan: On February 17, 2022 the Village Council decided to scrap the \$55,000 work done by consultants CPH when their master plan options to create a park on the Fills between Upper and Lower Matecumbe seemed opposite of what the community desired.

And so after nearly four months, on June 2, the Fills was on the council meeting agenda again. The amended plan showed a couple pedestrian underpasses (surely a mistake?), two kayak launches, 40 parking spaces remain. And the bike paths (Heritage Trail), on both north and southbound sides of highway, need to be moved to install approximately 4 miles of guardrails! The plan does not include the boat ramp as that is to be moved to a safer location on the Fill and requires more research.

Missing from the Plan: The new plan presented did not include any projections as to cost and who will pay. It was silent as to projected timelines.

Four members of council seemed certain the plan presented is the minimum that would be acceptable to FDOT. They believe that FDOT will require guardrails to protect pedestrians and bikers on the Heritage Trail. Has anyone asked FDOT? Their lease with Islamorada does not require any improvements.

Henry's Plan: Vice Mayor Rosenthal had a different idea. One he says costs nothing and can happen now. Rosenthal has promoted the idea that the unsightly orange cones should be removed immediately. He believes the existing "No Parking" signs, with \$200 fines indicated, would be sufficient deterrent to stop illegal parking and end the historical trashing and abuse of the environment. Eventually add shrubs if needed. He would only provide a few parking spaces with a 30 minute limit for viewing the scenery.

If FDOT requirements include guardrails, why didn't **they** install them years ago before leasing the Village the property? Why aren't there guardrails all along the 110 miles of trail through the Keys? What about the

danger of pedestrians and bikers crossing the 42 narrow bridges along U.S. One? The 2014 Fills plan designed by FDOT had no guardrails.

Four members of council spoke positively about the plan presented with guardrails, all speakers from the public opposed it. No vote was taken. So what is the next step?

We like Henry's Plan.

Keep Islamorada Beautiful.

The Lease: The Village has a 5 year lease with FDOT that does not require any improvements but if the Village does want to make improvements, they must be requested in writing. When the lease is terminated any improvements made by the Village must be immediately removed. The current lease expires September 10, 2024 but can be renewed automatically for another 5 years.





Another surprise resignation!

At the end of the May 12 Village Council meeting, and with no warning to the public, Village Attorney, Roget Bryan, abruptly announced his resignation, stating in part:

“I have no appetite at all for external political dynamics that involve personal attacks on my name, character, reputation, integrity and most egregiously my family. I refuse to tolerate, accept, or normalize such attacks on myself, any village manager here, other staff, as par for the course, and on this, I am unwavering and resolute.”



Following the announcement, the Council voted unanimously to approve a resolution that was added to the agenda as TAB X, itemizing some of the terms of a separation agreement, which had been prepared in advance of the meeting by Weiss Serota, a firm that has previously done legal work for the Village.

As per his original employment contract from 2013, Mr. Bryan is not entitled to any severance pay if he resigns or is terminated for cause. However, in the separation agreement presented May 12, he would get severance equal to 20 weeks of pay, insurance, accrued leave, including 39.1% added to his retirement funds.

In total, Mr. Bryan’s payout is more than \$184,000.

What are the external dynamics that involved personal attacks serious enough to cause Mr. Bryan’s resignation? We’ll likely never know. The separation agreement includes a non-disparagement section. Both Mr. Bryan and the Village agreed not to make or publish any statement verbally or in writing that defames or disparages the other.

Several top management employees, including former Village Manager Greg Oravec, who resigned in January 2022 after serving just 6 months, and Seth Lawless before him, also got severance pay after resigning. We believe these payouts are tied to the nondisclosure agreements they were both asked to sign.

However, none of the previous severance packages compare to the lucrative payment Mr. Bryan was awarded.

May 20, 2022 was Mr. Bryan’s last day of employment at the Village. It was also the last day for his legal assistant, Eileen Rodriguez. And, like her boss, Ms. Rodriguez received a severance package. She received 12 weeks of pay plus benefits.

Is there something the taxpayers of Islamorada need to know about why this handsome severance package was offered to Mr. Bryan? What “external political dynamics” caused this, and perhaps both May 20th departures.

If the Council won’t talk, and the departing employees won’t talk, how can we know what’s wrong so we can improve things in the future? Don’t we all deserve an answer? .



Acting Village Attorney Services Agreement

With the departure of Roget Bryan on May 20, the law firm of Weiss Serota has been retained as our acting Village Attorney. John Quick from the firm will be the primary interim Village Attorney. The “discounted government rate” of \$250.00 would be charged by any of the attorneys assigned to the Village. The Village’s current Village Attorney Department budget in the General Fund includes funds for Professional Services. Fees paid to Weiss, Serota would be expensed to this account. . Weiss Serota is the Miami law firm that provided legal services from when we incorporated in 1998 until Bryan was hired in 2013.



BPAS and Related Planning Issues —Special Call Meeting 3 pm June 16

Buildout: When the Environment and Infrastructure Can Take No More

The concern: Do property owners unable to build have “takings” claims? A “taking” is when the government deprives an owner the use of property without just compensation. With hundreds of vacant residential lots that may be denied a building permit, the taxpayers of Islamorada could face extraordinary legal expenses from takings claims, as the issue typically ends up in court.

Buildout currently is anticipated in July of 2023 when there will be no more allocations remaining for new homes. There are now 28 allocations left for new market rate homes, with over 70 properties already on the waiting list. And hundreds more property owners who may believe they have a right to build.

How did this happen? Perhaps the primary issue—how many homes can be built and still assure that everyone in the Florida Keys can safely evacuate within 24 hours in the case of a hurricane evacuation order. The maximum number was determined years ago and the annual “allocation” of new permits was determined and is referred to as the Building Permit Allocation System or BPAS. The calculation gave Islamorada 28 permits/year through July 2023. That includes 22 market rate permits and 6 affordable.

By reducing their quota of annual allocations, unincorporated Monroe County has stretched their “buildout” date to 2026. Monroe County has made presentations to explain to our council their reasoning: Extra years to receive land acquisition funding from the state to acquire properties that won’t get permits, time to modify regulations to improve the process, etc.

Property owners can improve their position on the BPAS list by donating a buildable lot to the Village. But only two of the 22 annual allocations can use this technique. And according to the planning department, as many as 10 property owners have already purchased land to do this but only 2 or 3 of them will get the sought after permits. And we know, buying vacant lots to donate is a very expensive process.

The meeting on June 16 will be for the purpose of discussing whether Islamorada wants to do something to change the distribution of remaining allocations. It doesn’t just impact those property owners on the waiting list. It impacts all those with vacant land... and all taxpayers who may end up paying significant legal bills and the land acquisition costs to compensate those who cannot get permits to utilize their property.



Council Pay: Currently the members of council receive \$1000/month for their service. Mark Gregg added an item to the recent meeting agenda to discuss a council pay raise. Would more residents be willing and able to serve if the pay is better? What an awkward discussion it was as several on council referred to themselves as “the five old white guys” suggesting that perhaps a pay increase would provide greater diversity.

The actual pay amount is in the Village charter and therefore can only be changed by the voters via a referendum. The council must first pass an ordinance with at least four affirmative votes to increase the council compensation. Then the pay raise must be approved by a majority of the voters of Islamorada at the next regular election.

The council finally agreed to ask staff to provide an ordinance that would increase council compensation to \$2000/month. Expect to see that on the ballot in November.

Speaking of Spending: Just a couple concerns.. Are there more?

\$475,000: When the Village contracted with Freebee to provide free rides in Islamorada, the cost to taxpayers was \$317,280 per year for a three year contract. At the time all the municipalities using the service had been getting FDOT grants to pay 50% of the cost for three years. Knowing we'd save \$475,000 over 3 years seemed to ease the pain for Islamorada taxpayers, but Islamorada never applied for the grant. Three years has passed and the Village recently signed to extend the contract, now at \$342,504, but apparently missed the grant deadline this time too.

\$319,000: From May 2019 through the Fall of 2021 the Village paid an outside law firm \$319,000 to defend the right to 300 extra affordable housing allocations provided by then Governor Scott after Hurricane Irma. That is equivalent to 11 extra years of BPAS allocations at a time when we are perhaps already overbuilt. The question is asked often—where in Islamorada would we put 300 more affordable housing units? They are required to be multi-family with onsite management.

Why pay so much to get something we may not want? And to make matters worse, well over half of that expenditure (\$229,000) was paid before the council voted to approved it. And then the approval of the already spent funds was a late addition to the consent agenda, not available to the public, with no council discussion. (This occurred primarily before the current council was elected but payments continued for a year after their election.)

\$184,000 plus \$21,000 in payouts: Two employees resigned in May 2022. Taxpayers pay a severance. Why?

\$125,000: We have a contract with a lobbying firm, Peebles, Smith, and Matthews yet they are no longer registered as lobbyists with the State of Florida. We continue to pay them \$6,250/month apparently because the individual lobbyists from Peebles moved over to the lobbying firm of GrayRobinson who also has a contract with the Village. We don't mind continuing to pay GrayRobinson \$50,000 as contracted. But why are we paying a lobbying firm of Peebles that now has no lobbyists. Our contract is with the lobbying firm not the individual lobbyists.

“Whenever you see a successful business,
someone once made a courageous decision.”
— Peter F. Drucker



Brewery/Distillery/Bar/Music Venue: What’s the status?

At the April 21 council meeting a liquor license was approved for the Crooked Palm Distillery, a new business to be located in the old bank building at 90184 Overseas Highway, once expected to be the home of Mangrove Mikes. The distillery approval was contingent on the neighbors and applicant agreeing to conditions meant to help protect the neighborhood. More than six weeks later, those conditions have not yet been approved.



Freebee Contract Renewed



Free rides will continue as the Council renewed the contract with Freebee, for three electric vehicles that will provide service to all four islands of the Village, as well as the medical facilities in Tavernier. The rides will be via two 7 passenger Teslas and an 8 passenger van. Village paid costs went up 8% to \$342,504 annually. Freebee will soon be available everyday from 7 a.m. till 10 pm, weeknights till midnight.

Christmas Decorations to Return

When first elected to the Council in November 2020, Vice Mayor Henry Rosenthal wanted to light up the Village for the Christmas but couldn’t get support as it was just too late. So Henry waited until budget hearings and slipped the funding in for very special holiday decorations. And oh were those decorations well received! For 2022 there was no debate! At the June 2 meeting, Council approved expanding Henry’s idea. Click here for a 2021 ride through Islamorada: [Islamorada Christmas Lights - YouTube](#) Thank you Henry and Council for making 2022 even better.



Open House For New Plantation Key Courthouse

On June 2, a large crowd gathered for speeches, ribbon cutting and tours to celebrate the opening of the new Courthouse on Plantation Key. What a spectacular building it is. Next question—what happens to the old

courthouse. Many hope that the County will provide room there for a senior center/community center for the Upper Keys.





Tourism and TDC -Tourists pay an extra 4% “bed tax” for their overnight lodging. The money goes to the Tourist Development Council (TDC). By state law, most all of the 4% collected, must be spent on promoting tourism, for events attracting tourists, or for capital improvements that are tourist related. Revenue generated for the year 2021 for the Monroe County TDC was over \$30 million. Year after year, the funds for marketing for tourists continue to grow dramatically as room rates increase and more tourists visit, generating more traffic. Can't we get Tallahassee to understand enough is enough? **The legislature should be lobbied to allow expenditure of some of the TDC funding for affordable housing initiatives, conservation of environmental land, restoration projects.**

Vacation Rentals— Islamorada limits the number of Vacation Rental licenses available. But there are many property owners who do short term rentals illegally. Last September the Council voted to purchase RentalScape—a software system to help identify the illegal rentals. The system is now installed and in use by the Code Enforcement Department. With the \$25,000 cost of the system, what are the total fines now? Or is it a slap on the wrist and the cost of doing business?



U.S. One improvements on Lower Matecumbe—Work is underway and orange is everywhere along U.S. One on the island. So what is it all about?

The FDOT contractor will be performing the following work between MM 73 and MM 77 over the next year to 18 months:

1. Raising the elevation of the road which includes widening the roadway
2. Widening of the shoulders
3. Drainage improvements
4. Frontage road improvements by Robbie's
5. Installation of guardrail along Sea Oats Beach



Current work being performed is the widening of the shoulder the length of Lower Matecumbe. There are no scheduled lane closures at this time.

Dog Park Improvements—On February 2, 2022, the Village issued Request for Proposals (RFP) to solicit proposals to complete improvements to the Founders Park Dog Park. Two bids were received. The cost proposals for both responses were over three times the original budget of \$197,981.

Lanier Plans, Inc. , “Korkat,” was the highest ranked bidder, at \$ 633,427 or \$653,427 with a \$20,000 contingency.



Due to the high cost of the proposals received, the project will be split into two phases with phase one approved June 2 by Council at a cost with contingency of \$206,941. The TDC will cover \$197,918 of phase 1 costs. Improvements include small dog agility equipment, drinking fountain with pet drinking fountain, dog bathing tub, 6' swing gate, 6' bench, rubber mulch (1737 sf), synthetic turf (3580 sf), and sod (2000 sf)