

RESOLUTION NO. 24-11-126

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE APPOINTMENT OF CHARLES M. KRAMER AS THE HEARING OFFICER PURSUANT TO SECTION 6-35 OF THE VILLAGE CODE; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE RETAINER AGREEMENT; PROVIDING AUTHORIZATION TO IMPLEMENT THE PURPOSE OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the "Village"), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statute; and

WHEREAS, section 6-31 of the Village Code specifically adopts the current editions of the Florida Building Code, as amended from time to time, and the Florida Fire Prevention Code, as amended from time to time; and

WHEREAS, section 6-35 of the Village Code states that "the village council shall appoint by resolution a hearing officer to hear appeals of the building official's decisions and interpretations concerning the Florida Building Code."; and

WHEREAS, on or about May 7, 2024, Louann Buschlen ("Ms. Buschlen") filed an application for a fence permit on property located at 88677 Old Highway; and

WHEREAS, on or about August 15, 2024, Ms. Buschlen's fence permit application (Permit Number PRBLD202400443) was denied because the proposed fence would "obstruct fire department access to neighboring properties."; and

WHEREAS, on or about August 15, 2024, Ms. Buschlen was advised that "if the fence is moved [four feet] to provide a [twelve foot] fire department access, the permit can be issued."; and

WHEREAS, on or about September 13, 2024, Ms. Buschlen filed an appeal of the fence permit application denial; and

WHEREAS, the Village does not presently have an appointed hearing officer to hear appeal under section 6-35; and

WHEREAS, Charles M. Kramer, Esq. ("Mr. Kramer") is willing to perform the services required by section 6-35 and to serve as the Village's hearing officer, including for Ms. Buschlen's appeal; and

WHEREAS, pursuant to section 6-35 of the Village Code, the Village Council finds it in the best interest of the Village and its residents to appoint Mr. Kramer to serve as hearing officer pursuant to section 6-35, including for Ms. Buschlen's appeal, and to authorize him to perform the duties set forth in the Village Code as it relates to his appointment under this resolution; and

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 Appointment.** The Village Council finds that the appointment of Mr. Kramer under the Agreement is reasonable and appropriate. Pursuant to section 6-35 of the Village Code, the Village Council hereby approves the appointment of Mr. Kramer as hearing officer, including for Ms. Buschlen's pending appeal. Mr. Kramer's appointment shall be effective immediately upon adoption of this Resolution.

Section 3. **Execution of Agreement.** The Village Manager is authorized to execute the agreement with Mr. Kramer on behalf of the Village attached hereto as Exhibit "A" ("Agreement"), and to execute any required documents to implement the terms and conditions of the Agreement,

subject to approval as to form and legality by the Village Attorney.

Section 4. **Implementation of Resolution.** The Village Manager is hereby authorized to take any and all necessary action to implement the purposes of this Resolution.

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 implement the terms and conditions of the Agreement.

Section 6. **Effective Date.** This Resolution shall become effective immediately upon its adoption.

Remainder of this page intentionally left blank.

Motion to adopt by Buddy Pinder, seconded by Deb Gillis.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Sharon Mahoney Yes

Vice Mayor Don Horton Yes

Council Member Steve Friedman Yes

Council Member Deb Gillis Yes

Council Member Buddy Pinder Yes

PASSED AND ADOPTED THIS 19th DAY OF NOVEMBER, 2024.

Signed by:

Sharon Mahoney

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SHARON MAHONEY, MAYOR

ATTEST:

DocuSigned by:

Marne K. McGrath

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MARNE MCGRATH, VILLAGE CLERK

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

Signed by:

John J. Quick

302BFAA7FBDD417...

JOHN J. QUICK, VILLAGE ATTORNEY



INDEPENDENT CONTRACTOR PROFESSIONAL SERVICES CONTRACT
BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND CHARLES KRAMER

THIS INDEPENDENT CONTRACTOR PROFESSIONAL SERVICES
CONTRACT is made and entered into this 16th of January 2025, by and between
Islamorada, Village of Islands ("Village") and Charles Kramer (hereinafter "Contractor").

WHEREAS, the Village is desirous of engaging Contractor as a Hearing Officer
for construction and related issues; and

WHEREAS, Contractor has agreed to provide his services as a Hearing Officer for
construction and related issues; and

WHEREAS, the Village and Contractor desire to enter into a written agreement
whereby the duties and obligations each to the other are set forth; now, therefore

IN CONSIDERATION of the mutual covenants and conditions herein expressed
and the faithful performance of all such covenants and conditions, the parties agree as
follows:

1.0 Contractor shall be and remain an independent contractor and not an agent or
employee of Islamorada with respect to all of the acts of services performed by and under
the terms of this Contract. This Contract shall not in any way be construed to create a
partnership, association or any other kind of joint undertaking or venture between the
parties hereto.

2.0 Contractor does not accrue and is not entitled to any Village benefits, including
worker's compensation, by virtue of this Contract.

3.0 The Village, in its sole discretion, may call upon Contractor to act as a Hearing Officer for construction and related issues when requested and to perform any and all legal services, of whatever kind or nature, on behalf of the Village, subject only to the conditions otherwise set forth herein. All legal services to be performed by Contractor hereunder shall be rendered at the request or direction of the Village.

4.0 As full payment and compensation for Contractor's services hereunder, the Village shall pay to Contractor and Contractor agrees to accept from the Village the hourly rate of Two Hundred and Sixty-Five and no/100 dollars (\$265.00) to be billed in six-minute increments.

5.0 Travel time and expenses associated therewith shall be billed at the hourly rate of One-Hundred and Twenty-Five and no/100 dollars (\$125.00) to be billed in six minute increments, and mileage charges of fifty cents (\$0.50) per mile shall apply.

5.0 Contractor shall maintain at all times legal malpractice insurance with the minimum coverages: \$250,000 Per Claim; \$500,000 Total Limit.

6.0 This Independent Contractor Professional Services Contract sets forth the entire agreement between the parties hereto. Any prior conversations or writings are merged herein and extinguished. No subsequent amendment to this Contract shall be binding upon any of the parties hereto unless reduced to writing and properly signed and executed.

CONTINUED

IN WITNESS WHEREOF, ISLAMORADA, VILLAGE OF ISLANDS and
CHARLES KRAMER have caused these present to be executed in their respective names
by the proper officials the day and year first above written.

APPROVED BY:

ISLAMORADA, VILLAGE OF ISLANDS,
FLORIDA

DocuSigned by:
By: Sheila Denoncourt
AF15284767254FB...
Sheila Denoncourt,
Acting Village Manager

AUTHENTICATION:

DocuSigned by:
Mame K. McGrath
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Mame McGrath, Village Clerk

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

Signed by:
John J. Quick
362BFAA7FDD417...
John J. Quick, Village Attorney

CONTRACTOR

WITNESS: John J. Quick

By: Charles M. Kramer

Print Name: Sofia Calderon

Charles M. Kramer, Esq.

Title: Receptionist

Date: 1/17/2025



SOFIA CALDERON
Commission # HH 092217
Expires March 24, 2025
Bonded Thru Budget Notary Services

Sofia Calderon