Minutes
ISLAMORADA, VILLAGE OF ISLANDS
REGULAR VILLAGE COUNCIL MEETING

Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036
Tuesday, December 6, 2022
5:30 p.m.

I. CALL TO ORDER

Vice Mayor Henry Rosenthal called the meeting to order at 5:30 p.m.

II. PLEDGE OF ALLEGIANCE

Don Horton led the Pledge of Allegiance.

III. SWEARING-IN OF NEWLY ELECTED OFFICIALS- The Honorable Sharon I. Hamilton

The Honorable Judge Sharon I. Hamilton administered the oaths of office to the newly elected Council Members.

1) Seat 1: Joseph B. Pinder III
2) Seat 2: Mark Gregg
3) Seat 3: Elizabeth Jolin
4) Seat 4: Henry Rosenthal
5) Seat 5: Sharon Mahoney

IV. ROLL CALL OF NEW COUNCIL – 5:39 p.m.

Present: Council Member Mark Gregg, Council Member Elizabeth Jolin, Council Member Sharon Mahoney, Council Member Joseph B. Pinder III, and Vice Mayor Rosenthal
Absent: None

V. ELECTION OF MAYOR & VICE MAYOR

Moved by Council Member Mark Gregg to dispense with public comment, seconded by Council Member Elizabeth Jolin

AYES: Council Member Mark Gregg, Council Member Elizabeth Jolin, Council Member Sharon Mahoney, Council Member Joseph B. Pinder III
NAYS: Vice Mayor Henry Rosenthal

Motion passes 4 – 1

Moved by Council Member Mark Gregg, seconded by Council Member Sharon Mahoney to appoint Council Member Joseph B. Pinder II as Mayor

AYES: Council Member Mark Gregg, Council Member Sharon Mahoney, Council Member Elizabeth Jolin, Council Member Joseph B. Pinder III, Vice Mayor Henry Rosenthal
NAYS: None

Motion passes 5 – 0

Moved by Mayor Joseph B. Pinder III, seconded by Council Member Mark Gregg to appoint Council Member Sharon Mahoney as Vice Mayor

AYES: Mayor Joseph B. Pinder III, Council Member Mark Gregg, Council Member Sharon Mahoney, Council Member Elizabeth Jolin, Vice Mayor Henry Rosenthal
NAYS: None

Motion passes 5 – 0

Mayor Pinder called a brief recess at 5:49 p.m.

Mayor Pinder reconvened the meeting at 5:54 p.m.

Mayor Pinder started the meeting with a prayer.

VI. AGENDA: Requests for Deletion / Emergency Additions

Council Member Elizabeth Jolin requested to remove Tab 1 which was removed after a summary by Council Member Henry Rosenthal.

VII. PUBLIC COMMENT – 6:03 p.m.

- Van Cadenhead
- Sue Miller
- Sandi Bisceglia
- Joe Wischmeier
- Alina Davis
- Phyllis Mitchell
- Deb Gillis

Mayor Joseph B. Pinder III closed public comment at **6:14 p.m.**

VIII. CITIZENS' ADVISORY COMMITTEE REPORTS & APPOINTMENTS – 6:15 p.m.

A. Near Shore Water Regulation Citizens' Advisory Committee – Dianne Harbaugh

Chair Harbaugh reported on recent committee activities.

B. Achievable Housing Citizens' Advisory Committee – Don Horton **6:18 p.m.**

Chair Horton reported on recent committee activities.

IX. MAYOR / COUNCIL COMMUNICATIONS

A. BPAS Discussion **TAB _1**

Item was removed from the agenda.

X. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS – 6:20 p.m.

A. Consideration of Freebee Ridesharing Services and FDOT SFY 2024 Public Transit Service Development Program Grant **TAB _2**

Village Manager Ted Yates initiated the discussion regarding the Village's Freebee contract and the need to accept or decline a grant based on an increase in service, which would increase the village's costs.

Mayor Joseph B. Pinder III opened public comment at **6:38 p.m.**

The following spoke in favor:

- Deb Gillis
- Sheila Glancy

Public comment was closed at **6:43 p.m.**

Moved by Council Member Mark Gregg, seconded by Council Member Elizabeth Jolin to accept the Freebee grant

AYES: Council Member Elizabeth Jolin, Council Member Mark Gregg, Council Member Henry Rosenthal, Vice Mayor Sharon Mahoney, Mayor Joseph B. Pinder III
NAYS: None

Motion passes 5 – 0

Discussion was held regarding the second December Regular Village Council Meeting that coincided with the holidays. The consensus of the Council was to cancel the December 29 Council meeting.

Village Manager Ted Yates noted, and Interim Village Attorney John Quick confirmed, the upcoming Council Workshop on December 15 was intended to get Council up to speed. He noted that while the public was welcome to attend, there would be no public comment as it was a full day workshop with various departments for the edification of Council.

XI. CONSENT AGENDA – 6:45 p.m.

Village Manager Ted Yates summarized the items on the Consent Agenda.

Mayor Pinder opened public comment at 6:47 p.m., and there being no one wishing to speak closed public comment at 6:47 p.m.

Moved by Council Member Elizabeth Jolin, seconded by Vice Mayor Sharon Mahoney to approve the Consent Agenda.

A. Minutes of November 17, 2022, Regular Village Council Meeting **TAB_3**
Minutes of October 25, 2022 Regular Village Council Meeting

B. Resolution to Adopt FY 2021-2022 Re-Appropriation Budget Amendment **TAB_4**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE VILLAGE'S ADOPTED BUDGET FOR FISCAL YEAR 2021-2022; AND PROVIDING AN EFFECTIVE DATE

C. Resolution Accepting DEP Agreement NO. LPA0429 Between the Florida Department of Environmental Protection and the Village Relating to Funding Through the Florida Keys Stewardship Act **TAB _5**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING DEP AGREEMENT NO. LPA0429 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE VILLAGE RELATED TO FLORIDA KEYS STEWARDSHIP ACT FUNDING; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL STEPS NECESSARY TO FINALIZE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

D. Resolution Approving the Piggyback Purchase of a 2023 Ford F250 Truck **TAB _6**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION/FLORIDA ASSOCIATION OF COUNTIES & FLORIDA FIRE CHIEFS' ASSOCIATION AUTOMOTIVE CONTRACT NO. FSA22-VEL30.0 CHASSIS/FSA22-VEH20.0 AND APPROVING THE PURCHASE OF A 2023 FORD F250 TRUCK FROM DUVAL FORD FLEET SALES FOR THE VILLAGE FIRE RESCUE DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND FUNDS; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Council Member Elizabeth Jolin, Vice Mayor Sharon Mahoney, Council Member Mark Gregg, Council Member Henry Rosenthal, Mayor Joseph B. Pinder III
NAYS: None

Motion passes 5 – 0

XII. QUASI-JUDICIAL – 6:48 p.m.

A. Major Conditional Use Approval & Variance Request for Crooked Palm Brewpub/Restaurant/Distillery 90184 Overseas Highway **TAB _7**

Ex parte communications disclosure

Council Member Mark Gregg
- Joe Wischmeier
- Numerous emails

Vice Mayor Sharon Mahoney
- Don Horton
- Deb Gillis
- Chris Trentine
- John El-Kourey
- Angel Borden
- Van Cadenhead

Council Member Elizabeth Jolin
- Joe Wischmeier
- Nik Schroth
- Sue Miller via email

Council Member Henry Rosenthal
- Joe Wischmeier
- Nik Schroth

Mayor Joseph B. Pinder III
- Nik Schroth
- Joe Wischmeier via phone
- Sue Miller via email
- Elizabeth Jolin (prior to her election to Council)

6:57 p.m.
Planning Director Dan Gulizio introduced the request for a major conditional use, site plan approval, and variances. He noted the applicant is not seeking change of zoning. Council's options presented were either to approve, modify with conditions, or deny the request.

Applicant Nik Schroth presented Crooked Palm's request.

The following witnesses provided testimony:

Speakers in favor – 7:51 p.m.

- Steve Leopold
- Chris Sante
- Larista Baste

- Amy Osteen
- Saige Smith
- Nikolas Fortney
- Eric Smith
- Stephanie Harper
- Crystal Jones
- Mike Walter
- Anna Richards
- Roger Young
- Nikki Cullen
- Deb Gillis
- Jason Richards I
- Angel Borden (10:01 p.m.)

Speakers opposed – 8:09 p.m.

- Jim Enright
- Joe Wischmeier
- Diane Wischmeier
- Van Cadenhead
- Sue Miller
- David Paul Horan
- James Quigley
- Jacob Quigley
- Phyllis Mitchell
- Karen Isalque
- Matthew Quigley
- Angie Isalque Quigley
- Eleanor Quigley
- Eugene Marchese
- Lisa Althouse

9:50 p.m. Moved by Council Member Mark Gregg, seconded by Mayor Joseph B. Pinder III, to extend the meeting until 10:30 p.m. – passed by unanimous consent.

There were no further witnesses wishing to give testimony and Mayor Joseph B. Pinder III recessed the meeting at **10:06 p.m.**

The meeting reconvened at **10:23 p.m.**

10:30 p.m. Moved by Mayor Joseph B. Pinder III, seconded by Council Member Mark Gregg, to extend the meeting until 11:00 p.m. – passed by unanimous consent.

10:55 p.m. Moved by Council Member Mark Gregg, seconded by Mayor Joseph B. Pinder III, to extend the meeting until 11:30 p.m. – passed by unanimous consent.

11:27 p.m. Moved by Council Member Mark Gregg seconded by Mayor Joseph B. Pinder III to approve with modified conditions to reduce outdoor seating hours on Fridays and Saturdays from 11:00 p.m. to 10:00 p.m., and live music hours from 9:00 pm to 8:00 p.m. on weekdays, and Fridays and Saturdays from 10:00 p.m. to 9:00 p.m. and code sections added as stated by Planning Director.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF 90184 RENTAL, LLC. (CBT CONSTRUCTION & DEVELOPMENT, INC., AGENT) FOR MAJOR CONDITIONAL USE APPROVAL TO ALLOW FOR THE REDEVELOPMENT OF THE PROPERTY FOR A BREWPUB/RESTAURANT/DISTILLERY ON THE FIRST FLOOR OF AN EXISTING TWO-STORY BUILDING INCLUDING THE CONTINUATION OF SEVEN (7) EXISTING DEED RESTRICTED RESIDENTIAL HOUSING UNITS ON THE SECOND FLOOR; ALONG WITH OUTDOOR SEATING PURSUANT TO CHAPTER 30, ARTICLE VI, DIVISION 9 (OUTDOOR SEATING); ALONG WITH PARKING, BUFFER, AND LANDSCAPING RELAXATIONS FROM THE PROVISIONS OF THE VILLAGE'S LAND DEVELOPMENT REGULATIONS; FOR PROPERTY LOCATED AT 90184 OVERSEAS HIGHWAY ON PLANTATION KEY WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00431870-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE.

AYES: Council Member Mark Gregg, Vice Mayor Sharon Mahoney, Mayor Joseph B. Pinder III
NAYS: Council Member Elizabeth Jolin, Council Member Henry Rosenthal

Motion passes 3 – 2

11:30 p.m. Moved by Mayor Joseph B. Pinder III, seconded by Council Member Mark Gregg to extend the meeting until midnight – approved by unanimous consent

B. Site Plan Approval & Variance Request Coral Bay Marina 601 Mastic St **TAB _8**

11:33 p.m. Ex parte communications disclosure:

Mayor Joseph B. Pinder III – Don Horton
Council Member Elizabeth Jolin – None
Council Member Mark Gregg – Don Horton
Vice Mayor Sharon Mahoney – Don Horton
Council Member Henry Rosenthal – Sue Miller

Applicant Don Horton presented his request.

The following witness provided testimony:

- Joe Wischmeier – in favor

Moved by Council Member Mark Gregg seconded by Council Member Elizabeth Jolin to approve:

> **A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF ISLAND CONSTRUCTION MANAGEMENT (CORAL BAY MARINA) FOR SITE PLAN APPROVAL TO ALLOW THE RE-DEVELOPMENT OF THE SUBJECT PROPERTY WITH A MIXED-USE PROJECT CONSISTING OF AN EXISTING 3,483 SQUARE FOOT SHOP BUILDING AND A RECONSTRUCTED 3,200 SQUARE FOOT BUILDING WITH EIGHT (8) AFFORDABLE HOUSING UNITS. THE APPLICATION ALSO INVOLVES LANDSCAPING, PARKING AND SETBACK RELAXATIONS INCLUDING A SHORELINE SETBACK VARIANCE AND FRONT YARD SETBACK VARIANCE. THE PROJECT IS LOCATED AT 601 MASTIC STREET ON UPPER MATECUMBE KEY, WITHIN THE MARINE USE (MR) ZONING DISTRICT, REAL ESTATE NUMBER 00399050-000000 AND 00399080-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

AYES: Council Member Mark Gregg, Council Member Elizabeth Jolin, Council Member Henry Rosenthal, Vice Mayor Sharon Mahoney, Mayor Joseph B. Pinder III
NAYS: None

Motion passes 5 – 0

C. Buffer Yard Variance Request St. Oceanside **11:47 p.m.** **TAB _9**

Ex parte communications disclosure:

Mayor Joseph B. Pinder III– None
Council Member Elizabeth Jolin – None
Council Member Mark Gregg – Dan Gulizio
Vice Mayor Sharon Mahoney – Ted Yates
Council Member Henry Rosenthal – None

Applicant Ralph Sanchez presented his request.

The following witness provided testimony:

- Sue Miller – opposed

11:58 p.m. Moved by Mayor Joseph B. Pinder III seconded by Council Member Mark Gregg to extend the meeting to 12:30 a.m. – approved by unanimous consent

Moved by Council Member Mark Gregg seconded by Council Member Elizabeth Jolin to approve:

> **A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF ST OCEANSIDE/RALPH SANCHEZ TO ALLOW FOR A REDUCTION IN THE REQUIRED BUFFER YARD**

FROM THE MINIMUM REQUIRED TWENTY (20) FEET TO TEN (10) FEET. THE PROJECT IS LOCATED AT 109 CARROLL STREET ON UPPER MATECUMBE KEY, WITHIN THE TOURIST COMMERCIAL (TC) DISTRICT, REAL ESTATE NUMBER 00400720-000000, AS LEGALLY DESCRIBED HEREIN.

AYES: Council Member Mark Gregg, Council Member Elizabeth Jolin, Council Member Henry Rosenthal, Vice Mayor Sharon Mahoney, Mayor Joseph B. Pinder III
NAYS: None

Motion passes 5 – 0

D. Shoreline Setback Variance Request Safe Harbor **TAB _10**

12:16 p.m. Ex parte communications disclosure:

Mayor Joseph B. Pinder III – None
Council Member Elizabeth Jolin – None
Council Member Mark Gregg – None – made a site visit today
Vice Mayor Sharon Mahoney – None
Council Member Henry Rosenthal – None

There were no witnesses wishing to provide testimony.

12:24 a.m. Moved by Council Member Mark Gregg, seconded by Vice Mayor Sharon Mahoney, with the condition that a fence be installed from the waters of Florida Bay to the right of way of US-1 and any unpermitted fill in the Conservation Land be removed prior to the installation of the fence.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF SPEATH ENGINEERING FOR A SHORELINE SETBACK VARIANCE ASSOCIATED WITH SAFE HARBOR FKA ISLAMORADA MARINA TO ALLOW FOR A NINE (9) FOOT SHORELINE SETBACK INSTEAD OF THE MINIMUM REQUIRED TEN (10) FOOT SETBACK FOR NEW BOAT RACKS. THE PROJECT IS LOCATED AT 80460 OVERSEAS HIGHWAY ON UPPER MATECUMBE KEY, WITHIN THE MARINE USE (MR) ZONING DISTRICT, REAL ESTATE NUMBER 00096390-000100, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE.

AYES: Council Member Mark Gregg, Vice Mayor Sharon Mahoney, Council Member Elizabeth Jolin, Council Member Henry Rosenthal, Mayor Joseph B. Pinder III
NAYS: None

Motion passes 5 – 0

12:25 a.m. Moved by Council Member Mark Gregg, seconded by Mayor Joseph B. Pinder III to extend the meeting for 15 minutes – approved by unanimous consent.

XIII. RESOLUTIONS - 12:25 p.m.

A. Resolution Approving Subscription-Based Information Technology Arrangement (SBITA) Purchases from CivicPlus, LLC. For Enhanced E-Communications **TAB _11**

12:28 a.m. Mayor Joseph B. Pinder III opened public comment**.**

- Sue Miller
- Angel Borden

Mayor Pinder closed public comment.

Moved by Council Member Mark Gregg, seconded by Vice Mayor Sharon Mahoney to approve:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE OF SUBSCRIPTION-BASED SOFTWARE INFORMATION TECHNOLOGY ARRANGEMENTS FROM CIVICPLUS, LLC; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Council Member Mark Gregg, Vice Mayor Sharon Mahoney, Council Member Elizabeth Jolin, Council Member Henry Rosenthal, Mayor Joseph B. Pinder III
NAYS: None

Motion passes 5 – 0

B. Resolution Approving Master Lease Agreement with Flex Financial LLC for Emergency Medical Equipment – **12:39 a.m.** **TAB _12**

12:42 a.m. Mayor Joseph B. Pinder III opened public comment**.**

- Angel Borden
- Deb Gillis

Mayor Pinder closed public comment.

12:25 a.m. Moved by Vice Mayor Sharon Mahoney to extend the meeting for 5 minutes – approved by unanimous consent.

Moved by Council Member Elizabeth Jolin, seconded by Council Member Mark Gregg, to approve:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE MASTER LEASE AGREEMENT, SCHEDULES AND ADDENDUMS FOR EMERGENCY MEDICAL EQUIPMENT BETWEEN FLEX FINANCIAL, LLC AND ISLAMORADA, VILLAGE OF ISLANDS; AUTHORIZING VILLAGE OFFICIALS TO EXECUTE, DELIVER AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MASTER LEASE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO BUDGET AND APPROPRIATE FUNDS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING FOR THE LEASE OF EMERGENCY MEDICAL EQUIPMENT; AND PROVIDING FOR AN EFFECTIVE DATE

AYES: Council Member Elizabeth Jolin, Council Member Mark Gregg, Council Member Henry Rosenthal, Vice Mayor Sharon Mahoney, Mayor Joseph B. Pinder III
NAYS: None

Motion passes 5 – 0

XIII. MOTIONS

A. Motion Approving the Regular Village Council Meeting Dates for the Calendar Year 2023 **TAB _13**

Public comment was opened and there was no one wishing to speak. Mayor Pinder closed public comment at **12:46 am**

Moved by Council Member Elizabeth Jolin, seconded by Vice Mayor Sharon Mahoney, to approve the Regular Village Council Meetings Dates for Calendar Year 2023.

AYES: Council Member Elizabeth Jolin, Vice Mayor Sharon Mahoney, Council Member Mark Gregg, Council Member Henry Rosenthal, Mayor Joseph B. Pinder III
NAYS: None

Motion passes 5 – 0

XIV. ADJOURNMENT

Moved to adjourn the meeting at **12:47 a.m.**

Marne McGrath

Marne McGrath, Village Clerk