



Islamorada, Village of Islands

SPECIAL CALL VILLAGE COUNCIL MEETING

AMENDED AGENDA

July 20, 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 05:31 PM

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

ABSENT:

II. PLEDGE OF ALLEGIANCE

Tony Hammon led the Pledge of Allegiance and Mayor Pinder started the meeting with a prayer.

III. AGENDA: Requests for Deletion / Emergency Additions

Additions or deletions to the agenda:

Village Attorney John Quick:

- Recommendations for next steps for interim manager to be heard at the end of the action items
- Historical Preservation Committee issue

Council Member Henry Rosenthal

- Remove Tab 10 - Outdoor Seating Areas

Council Member Elizabeth Jolin

- Remove Tab 12 - BPAS Ordinance

IV. 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.)

Mayor Joseph B. Pinder III opened public comment at 5:48 pm

Speakers included:

Ed Codispoti
Angie Lucas
Van Cadenhead
Scott Kay
Humberto Codispoti
Angel Borden
Alina Davis
Unidentified Zoom Caller

There being no one else wishing to speak, Mayor Pinder closed public comment.

V. MAYOR / COUNCIL COMMUNICATIONS

Mayor Joseph B. Pinder III suggested Council reconsider its vote to remove the Village Manager and to extend Ted Yates' employment for 90 days until we find a manager.

Village Attorney John Quick noted the motion to reconsider would have to come from one of the prevailing council members. There was no interest in reconsidering the motion from the prevailing members.

VI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Village Attorney John Quick noted he was working on a request of Vice Mayor Sharon Mahoney to standardize all Committees to seven members.

VII. QUASI-JUDICIAL

- A.** Notice of Intent to Issue Minor Conditional Use/Site Plan Approval
- **TAB 1** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE PLANNING DIRECTOR'S NOTICE OF INTENT TO ISSUE MINOR CONDITIONAL USE WITH SITE PLAN APPROVAL (PLSPR20230045); FOR THE PLANTATION TROPICAL PRESERVE DEVELOPMENT PROPOSING PARKING, WALKWAYS, GAZEBOS, AND GREEN SPACES AT THE EAST AND WEST ENDS OF THE PRESERVE; FOR PROPERTY LOCATED AT 146 SUNSHINE BLVD, ON PLANTATION KEY HAVING PARCEL NUMBER 00437491-005501; AND PROVIDING FOR AN EFFECTIVE DATE.

Ex Parte Communications:

Mayor Joseph B. Pinder III - none

Vice Mayor Sharon Mahoney - none

Council Member Mark Gregg - none

Council Member Elizabeth Jolin - spoke with Andrew Dutton

Council Member Henry Rosenthal - none

Planning Director Jennifer DeBoisbriand introduced the item noting the request to issue a Major Conditional Use to Andrew Dutton for a park project. Environmental Resources Manager Pete Frezza noted the vacant property is just south of Tavernier Creek Bridge and Mr. Dutton lives next to the lot. The conceptual renderings showed 4 parking spots, a walking path, and a pavilion.

Mayor Joseph B. Pinder III opened public comment to those in opposition to the project at 6:45 p.m.

Speakers included:

Vanessa Chamizo
Matt Temkin
Angel Borden
Paula Albertson
Richard Black

There was no one wishing to speak in support of the project.

Environmental Resources Manager Frezza noted there used to be a mobile home on the site and that we have retained the building right associated with the property.

After a robust discussion, the Council denied the request and directed Mr. Frezza to plant more trees and restore the hammock on the site.

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

- B.** Orange Street - Roadway Abandonment - **TAB 2** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING A REQUEST BY JAMES LUPINO, ESQ. ("Agent") ON BEHALF OF MM82,790 LLC ("OWNER"), TO ABANDON AND VACATE A PORTION OF ORANGE STREET RIGHT OF WAY, AS SHOWN ON THE PLAT OF "MAP OF THE TOWNSITE OF ISLAMORADA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 48, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN "EXHIBIT A"; RESERVING TO THE VILLAGE ALL RIGHTS OVER ANY PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

Ex Parte Communications:

Mayor Joseph B. Pinder III - none

Vice Mayor Sharon Mahoney - Ty Harris

Council Member Mark Gregg - Ty Harris

Council Member Elizabeth Jolin - none

Council Member Henry Rosenthal - none

Planning Director Jennifer DeBoisbriand summarized the request to abandon a section of Orange Street that is currently used for parking for area businesses. She noted staff recommended approving the request.

James Lupino spoke on behalf of the applicant. He contended the area could be used as a parking lot only, and was not appropriate for a bike path or road. He indicated the applicant was told by the village to apply for abandonment.

Mayor Joseph B. Pinder III opened public comment.

Speakers in favor:

Angel Borden

Van Cadenhead

Speakers in opposition:

David Freedman, representing Mary Barley, and noted neighbors the Reeds and the Stones also objected

Mary Barley, speaking as a Trustee of Mary Barley trust

Architect Matt Polak

Public comment was closed at 8:09 pm

It was determined by the Council that they did not have enough information and requested staff research the history of the site.

ACTION:	Motion to continue to a time certain September 21 for Planning/Legal to investigate property history item VII.B. by Mark Gregg second by Joseph B. Pinder III; Motion passed with a 4:1
AYES:	Sharon Mahoney, Elizabeth Jolin, Mark Gregg, Joseph B. Pinder III
NAYS:	Henry Rosenthal
ABSTAIN:	None

Mayor Joseph B. Pinder III called for a recess at 8:33 p.m.

VIII. RESOLUTIONS

- A. Approval of 2nd Quarter 2023 Non-Residential Building Permit Allocations - **TAB 4** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING NONRESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (“BPAS”) RANKINGS AND AWARDED NONRESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 2 OF 2023; AND PROVIDING AN EFFECTIVE DATE

The meeting was reconvened at 8:56 p.m.

Mayor Joseph B. Pinder III opened public comment.

There was no one wishing to speak.

ACTION: Motion to approve item VIII.A. by Elizabeth Jolin second by Sharon Mahoney;

Motion passed with a 5:0

AYES: Sharon Mahoney, Elizabeth Jolin, Mark Gregg, Henry Rosenthal, Joseph B. Pinder III

NAYS: None

ABSTAIN: None

- B. Remaining Non-Residential and Affordable Dwelling Unit Quarterly Allocations -**TAB 5** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE REMAINING AMOUNT OF NONRESIDENTIAL FLOOR AREA AND AFFORDABLE RESIDENTIAL DWELLING UNITS, QUARTERLY ALLOCATIONS, AND THE DISTRIBUTION OF ALLOCATIONS BETWEEN CATEGORIES OF THE BUILDING PERMIT ALLOCATION SYSTEM FOR 2023; AND PROVIDING AN EFFECTIVE DATE

Mayor Joseph B. Pinder III opened public comment.

Speakers included

Capt Ed Davidson
Van Cadenhead
Angel Borden

There being no one else wishing to speak, Mayor Pinder closed public comment.

ACTION: Motion to approve item VIII.B. by Mark Gregg second by Henry Rosenthal;

Motion passed with a 5:0

AYES: Sharon Mahoney, Elizabeth Jolin, Mark Gregg, Henry Rosenthal, Joseph B. Pinder III

NAYS: None

ABSTAIN: None

IX. ORDINANCES

- A.** Amendment of the Village Code to Standardize Notice Provisions for the Development Review Process - **2nd Reading - TAB 6** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, ARTICLE IV, DIVISION 2 – DEVELOPMENT REVIEW PROCESS BY STANDARDIZING PUBLIC NOTICE PROVISIONS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

Planning Director Jennifer DeBoisbriand noted the proposed ordinance had been before the LPA on February 13, 2023 and the first reading by Council was on May 18, 2023.

Mayor Joseph B. Pinder III opened public comment

Speakers included:

Van Cadenhead
Angel Borden
Capt Ed Davidson

There being no one else wishing to speak, Mayor Pinder closed public comment.

ACTION: Motion to approve item IX.A. by Elizabeth Jolin second by Mark Gregg;
Motion passed with a 5:0

AYES: Sharon Mahoney, Elizabeth Jolin, Mark Gregg, Henry Rosenthal, Joseph B. Pinder III

NAYS: None

ABSTAIN: None

- B.** Chapter 30, Article VI, Division 11 - Alcoholic Beverage Use Permits - **2nd Reading - TAB 7** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, BY REPEALING DIVISION 11 – ALCOHOLIC BEVERAGE USE PERMITS; PROVIDING FOR

THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

Village Attorney John Quick noted the ordinance went before the LPA twice; once in February 2023 and once in March 2023. The Council heard it on first reading on May 18, 2023.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Van Cadenhead
Angel Borden
Tony Hammon

There being no one else wishing to speak, Mayor Pinder closed public comment.

ACTION:	Motion to approve item IX.B. by Mark Gregg second by Sharon Mahoney; Motion passed with a 3:2
AYES:	Sharon Mahoney, Mark Gregg, Joseph B. Pinder III
NAYS:	Elizabeth Jolin, Henry Rosenthal
ABSTAIN:	None

- C. Amendment to Tourist Commercial (TC) District to Incorporate Boat Dealerships as a Major Conditional Use - **2nd Reading - TAB 8**
(Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, TOURIST COMMERCIAL (TC) DISTRICT TO ALLOW BOAT DEALERSHIPS AS A MAJOR CONDITIONAL USE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

Planning Director Jennifer DeBoisbriand noted the LPA heard the ordinance on February 13, 2023, and the Council's first reading was on May 18, 2023.

Mayor Joseph B. Pinder III opened public comment

Speakers included:

Van Cadenhead
Angel Borden

There being no one else wishing to speak, Mayor Pinder closed public comment.

Discussion ensued as to whether SD Marine at Snake Creek was a grandfathered use.

ACTION:	Motion to approve item IX.C. by Mark Gregg second by Elizabeth Jolin; Motion passed with a 4:1
AYES:	Sharon Mahoney, Elizabeth Jolin, Mark Gregg, Henry Rosenthal
NAYS:	Joseph B. Pinder III
ABSTAIN:	None

- D. Amendment of Village Code to Modify Chapter 30 (Land Development Regulations) Division 9 related to Outdoor Seating Areas - **2nd Reading - TAB 10 - Removed at the Dais during Agenda Additions and Deletions** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS RELATED TO OUTDOOR SEATING AND OUTDOOR PLAZAS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

- E. Lot Area Variance Code Amendment - **2nd Reading - TAB 11** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, LAND DEVELOPMENT REGULATIONS RELATED VARINCES TO PERMIT A MINOR RELAXATION TO MINIMUM LOT AREA REQUIREMENTS NOT TO EXCEED FIVE PERCENT (5%) OF THE MINIMUM REQUIRED LOT AREA OR 250 SQUARE FEET, WHICHEVER IS LESS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION

IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

Planning Director Jennnifer DeBoisbriand noted the LPA heard the ordinance at its February 13, 2023 meeting, and the first reading before the Council was on May 18, 2023.

Mayor Joseph B. Pinder III opened public comment

Speakers included:

Van Cadenhead
Capt Ed Davidson
Angel Borden

There being no one else wishing to speak, Mayor Pinder closed public comment.

ACTION:	Motion to approve item IX.E. by Mark Gregg second by Joseph B. Pinder III; Motion failed with a 2:3
AYES:	Mark Gregg, Joseph B. Pinder III
NAYS:	Sharon Mahoney, Elizabeth Jolin, Henry Rosenthal
ABSTAIN:	None

- F. Ordinance Amending Policy 1-3.1.1, Establish a Building Permit Allocation System - **1st Reading - TAB 12 - Removed at the Dais during Agenda Additions and Deletions** (Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-3.1.1, ESTABLISH A BUILDING PERMIT ALLOCATION SYSTEM, OF THE VILLAGE COMPREHENSIVE PLAN RELATING TO ESTABLISHING ADDITIONAL NON-RESIDENTIAL BUILDING PERMIT ALLOCATIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY.

X. VILLAGE MANAGER DISCUSSION - Added at the Dais during Agenda Additions and Deletions

Village Attorney John Quick noted there were three options for bringing an interim Village Manager; an internal process with someone on staff; appoint a Council Member to speak to community members who may be qualified; and that there are former

managers for hire. The Council could appoint someone to negotiate if they were interested in this option.

It was recommended that outgoing Village Manager Ted Yates be asked to complete a transition memo and have an exit interview with the HR Director and a Member of Council.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:

Scott Kay
Capt Ed Davison
Angel Borden
Van Cadenhead

There being no one else wishing to speak, Mayor Pinder closed public comment.

A motion was made to extend the meeting until 11 p.m.

Discussion ensued as to options for searching for an interim manager. The consensus was for individual Council Members to contact John Quick with ideas and suggestions and work with Council Member Jolin as liaison.

A motion was made at 11 p.m. to extend the meeting for five more minutes.

XI. MORATORIUM DISCUSSION - Added at the Dais during Agenda Additions and Deletions

Council discussed a time frame for a proposed moratorium on certain BPAS applications.

Village Attorney John Quick noted he would try to get a draft on the Council's next agenda.

XII. ADJOURNMENT

A motion was made to adjourn 11:11 p.m.