



Islamorada, Village of Islands

REGULAR VILLAGE COUNCIL MEETING

November 9, 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 5:33 p.m.

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

Assistant Fire Chief Jason Lyman led the Pledge of Allegiance and Mayor Pinder started the meeting with a prayer.

Mayor Pinder noted the recent passing of Islamorada resident Tom MacDonald.

III. AGENDA: Requests for Deletion / Emergency Additions

Council Member Henry Rosenthal:

- Referenced a change to the FEMA flood plain map and expressed concern on its impact to the Village's Future Land Use Map (FLUM). Interim Village Attorney John Quick indicated that any changes to the FLUM would be heard by the Council in a quasi-judicial hearing and that an update to the FEMA flood plain map approval does not constitute a change to the Village's FLUM.
- Asked for a reconsideration of the term limit ordinance for the November 2024 ballot. Interim Village Attorney John Quick clarified that if the motion to reconsider passes, it would bring the item back for reconsideration of the first reading. It would take off the second reading and the first reading would be reconsidered.

ACTION: Motion to Reconsider the Term Limit Ordinance First Reading at the December 12 Meeting item III. by Henry Rosenthal second by Elizabeth Jolin;

Motion passed with a 3:2

AYES: Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney

NAYS: Mark Gregg, Joseph B. Pinder III

ABSTAIN: None

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.

Speakers included:

Capt. Ed Davidson

Sandi Bisceglia

Roland Moore

Joe Wischmeier

Angel Borden

Van Cadenhead

Council asked for clarification from Interim Village Attorney John Quick about negotiations concerning the ball field at Founders Park. Mr. Quick noted the School District had requested changes to a proposed agreement from the Village and clarified that all necessary legal reviews and revisions would occur before an agreement was presented for Council consideration.

The Council noted this project would impact the community and should be discussed in a workshop before any decisions are made.

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

V. MAYOR / COUNCIL COMMUNICATIONS

There were no items.

VI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

There were no items.

VII. RESOLUTIONS

- A.** Approval of 3rd Quarter 2023 Nonresidential Building Permit Allocations **TAB 2** (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 3 OF 2023; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Joseph B. Pinder III opened public comment.

Speakers included:

Ty Harris

Angel Borden

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

ACTION: Motion to approve item VII.B. by Mark Gregg second by Henry Rosenthal;
Motion passed with a 4:1

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

NAYS: Elizabeth Jolin

ABSTAIN: None

- B. Approval of 3rd Quarter 2023 Affordable BPAS Allocations **TAB 3**
(Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS AND AWARDING AFFORDABLE RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 3 OF 2023; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Joseph B. Pinder III opened public comment. There being no one to speak, Mayor Pinder closed public comment.

Planning Director Jennifer DeBoisbriand noted there were two applications - Coral Bay Marina for eight affordable units, and PJ Islamorada LLC - Papa Joes for one affordable allocation. It was noted that the eight allocations for the Coral Bay request would be considered when we receive the 300 allocations from the State. Council Member Mark Gregg noted Coral Bay Marina asked him about reserving eight allocations until the 300 units were available for use/distribution. Mr. Gregg noted this practice had been done in the past for other properties.

Interim Village Attorney John Quick clarified that the 300 allocations have been awarded and that we've completed the first step of accepting them. The Village needs to accept them once Florida Commerce was finished with review. Planning Director DeBoisbriand noted the ordinance accepting the allocations would likely come before Council for a second reading in January.

Discussion ensued about the request to reserve allocations. A consensus of the Council agreed to it in light of past practice and because Coral Bay had qualified for the allocations. The Council asked for a policy to be crafted to address the matter. Further, a request was made to re-reserve eight units for the Village-owned lots on Woods Avenue.

Staff was asked to bring back a resolution to reserve eight allocations for Coral Bay Marina for Council consideration. Interim Village Manager Ed Koconis noted Monroe County allows applicants to apply for a ROGO reservation, and if the Board of County Commissioners approves it by resolution, they can reserve allocations for a certain length of time, generally not to exceed two years. Mr. Koconis noted he would forward the County's policy to Planning Director DeBoisbriand.

Mayor Joseph B. Pinder III reopened public comment on the question of creating a resolution to allow Coral Bay Marina to reserve eight allocations.

Speakers included:
Van Cadenhead
Sue Miller

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

ACTION: Motion to Approve the ranking and awarding one (1) affordable residential building permit for Quarter 3 of 2023 item VII.C. by Mark Gregg 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

- C. Approval of 3rd Quarter 2023 Market Rate BPAS Rankings **TAB 4** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM RANKINGS FOR MARKET RATE BUILDING PERMIT ALLOCATIONS FOR QUARTER 3 OF 2023; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Joseph B. Pinder III opened public comment.

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

ACTION: Motion to approve item VII.D. by Mark Gregg 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

- D. Approval of Annual Distribution of Building Permit Allocation System (BPAS) Allocations **TAB 5** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE TOTAL AMOUNT OF NONRESIDENTIAL FLOOR AREA AND RESIDENTIAL DWELLING UNITS, QUARTERLY ALLOCATIONS, AND THE DISTRIBUTION OF ALLOCATIONS BETWEEN CATEGORIES OF THE BUILDING PERMIT ALLOCATION SYSTEM FOR 2024; AND PROVIDING AN EFFECTIVE DATE

Mayor Joseph B. Pinder III opened public comment.

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

ACTION:	Motion to approve item VII.E. by Mark Gregg 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

VIII. ORDINANCES

- A.** Amendment of Multifamily (MF) Zoning District to Include Single-Family Residences as a Permitted Use - **2nd Reading - TAB 6**
(Jennifer DeBoisbriand , Planning Director)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, MULTIFAMILY HOUSING (MF) ZONING DISTRICT TO ADD SINGLE-FAMILY RESIDENCES TO THE LIST OF PERMITTED USES; 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.

Interim Village Attorney John Quick noted the first reading of the ordinance was on May 18, 2023.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Van Cadenhead

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

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

- B. Moratorium on new Residential Market Rate BPAS applications (with or without land dedications) - **2nd Reading - TAB 7** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE OF NEW MARKET RATE RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATIONS (WITH OR WITHOUT LAND DEDICATIONS); PROVIDING FOR EXEMPTIONS; PROVIDING FOR PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR A TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE

Interim Village Attorney John Quick this is the moratorium to put a stop to market-rate residential BPAS applications with or without land dedication.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Sue Miller
Van Cadenhead

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

Council Member Elizabeth Jolin asked to add in a time frame and include affordable and administrative relief applications.

Interim Village Attorney John Quick noted that would be a material change, and it would have to come back for a second reading if any changes were made. Mr. Quick noted the initial time frame was six months, but it could come back for an extension or reconsideration, if necessary.

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

- C. Ordinance of Islamorada, Village of Islands, Florida amending Chapter 30 Land Development Regulations relating to the Historic Preservation Commission - 2nd Reading - TAB 8 (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS”, ARTICLE VII “ENVIRONMENTAL REGULATIONS”, DIVISION 7 “HISTORIC

**AND ARCHAEOLOGICAL SITES”, SECTION 30-1693 RELATING TO THE
HISTORIC PRESERVATION COMMISSION;
PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE
CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Joseph B. Pinder III opened public comment.

Speakers included:
Van Cadenhead

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

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

Mayor Pinder called a recess at 8:13 p.m. and reconvened at 8:26 p.m.

IX. QUASI-JUDICIAL

- A.** Administrative Relief - 122 Iroquois St. **TAB 9** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY CHRIS TRENTINE FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 122 IROQUOIS, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

Interim Village Attorney John Quick asked Council to disclose any ex-parte communications.

- Council Member Mark Gregg: Spoke to Chris Trentine several weeks ago.
- Council Member Elizabeth Jolin: None
- Council Member Henry Rosenthal: Chris Trentine was doing work for him, and he wished to abstain.
- Vice Mayor Sharon Mahoney: None
- Mayor Joseph B. Pinder III: None

Interim Village Attorney John Quick clarified Council's options:

- Approve the request

- Offer to purchase at fair market value
- Other relief as may be necessary - Council could determine what they wanted to do

The following speakers provided testimony:

Van Cadenhead

After discussion with the applicant, staff was directed to work with Mr. Trentine.

Interim Village Attorney John Quick noted the matter would require analysis and suggested Council defer consideration to either the December or January meeting.

ACTION: Motion to Defer to January 9 meeting for the applicant to work with legal department item IX.A. by Mark Gregg second by Sharon Mahoney;
Motion passed with a 4:0

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

NAYS: None

ABSTAIN: Henry Rosenthal

X. VILLAGE COUNCIL COMMUNICATIONS - Moved from November 7 during additions and deletions from the agenda

Village Manager Communications:

The December 7 Land Use Meeting was moved to December 14.

Interim Village Manager Ed Koconis noted staff would have the 2024 Meeting Calendar on the December agenda for Council's consideration. He noted the Land Use Special Call Meeting calendar that was adopted on October 10 and the proposed 2024 Regular Village Council Meeting calendar would be incorporated into a single calendar that would include the Land Use meetings being held in conjunction with the Regular Village Council Meetings rather than as a standalone third meeting each month.

Interim Village Manager Ed Koconis noted there were ten confirmed Zoom interviews on November 14. He noted there were a total of nine questions that had been submitted by Council. Each Council Member was asked to select three questions from that list and send them to Human Resources Director Evie Engelmeyer, who would work with Mr. Koconis to tabulate the top three questions that would be asked to all the candidates.

It was decided to hold in-person interviews for Village Manager the week of January 15th.

The Village would hold a meet and greet event on the first day, then hold one-on-one interviews and have the candidates make a presentation on the second day.

It was announced that Monroe County was holding a webinar concerning Arterial

Travel and Evacuation next week and Council was encouraged to attend one of the two sessions.

- A.** Update on:
- Noise Ordinance Workshop
 - Analysis of Addressing Public Nuisance at Public Access Points
 - East Ridge Ramp Closure
 - Comprehensive Plan Update Scheduling
 - Priority Matrix Initiated by Council Member Gregg
 - FDOT Signage at Palms
 - Founders Park Strategic Plan
 - Baseball Stadium Buildout at Founders
 - Hiring Process of Recently Budgeted Staff Positions
 - Village Attorney Update on Best Practices for Council Communications with Staff

XI. ADJOURNMENT

It was moved to adjourn the meeting at 9:20 p.m.