



Islamorada, Village of Islands

LAND USE VILLAGE COUNCIL MEETING

May 9, 2024 - 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 05:36 p.m.

II. **PLEDGE OF ALLEGIANCE**

Don Horton led the Pledge of Allegiance and Tony Hammon started the meeting with a prayer.

III. **AGENDA: Requests for Deletion / Emergency Additions**

Council Member Elizabeth Jolin requested to defer Tabs E and F for more information. There was a consensus to defer the quasi-judicial hearings.

Council Member Jolin moved to defer Tabs E and F to a date certain of October 8 and to include a full analysis and robust public input on administrative relief, early out affordable allocations, affordable housing allocations, and BPAS from the Planning Department

Planning Director Jennifer DeBoisbriand noted the timeline for these items was distributed at the March meeting with an August - October schedule for presentation to Council. Director DeBoisbriand indicated that items to be covered include vacant parcel analysis, early outs, the 300 affordable allocations, admin relief, and future BPAS with a robust public engagement process. She indicated a recommendation would come at the October 8 Council Meeting.

A second motion was made to direct Legal to prepare a moratorium on the acceptance of new administrative relief applications.

Mayor Joseph B. Pinder III asked that the Planning Department send certified letters to all administrative relief applicants to update them on the timeline.

Mayor Joseph B. Pinder III read a letter from Ethics Commission regarding the dismissal of his recent complaint.

Vice Mayor Sharon Mahoney requested a short discussion about administrative interference expressing concerns regarding allegations of Council improperly approaching staff. Interim Village Attorney John Quick referred to the Charter section concerning non-interference by Council. He noted Council was prohibited from

approaching staff for anything but readily available information. Anything substantive would go through Village Manager or Village Attorney for legal requests. Village Manager Rob Cole noted he would share this directive with staff and delineate guidelines. Mayor Pinder indicated this would include no Council Members meeting with staff without the Village Manager or Village Attorney.

Council Member Elizabeth Jolin requested to pull Tab B for the reasons noted in above conversation. She stated it would be premature to discuss this now with no analysis of how to best use them. Concerning Tab B, Planning Director Jennifer DeBoisbriand noted that Council requested at the last meeting as to how many early out allocations should be available for Village Use. Discussion ensued and it was decided to consider Tab B as scheduled.

ACTION: Motion to defer Tabs E and F to a date certain of October 8 and to include a full analysis and robust public input on administrative relief, early out affordable allocations, affordable housing allocations, and BPAS from the Planning Department by Elizabeth Jolin second by Mark Gregg; Motion passed with a 3:2 vote

AYES: Mark Gregg, Elizabeth Jolin, Henry Rosenthal

NAYS: Sharon Mahoney, Joseph B. Pinder III

ABSTAIN: None

ACTION: Motion to direct Legal to prepare a moratorium on for new admin relief applications and bring back for Council consideration item III. by Mark Gregg second by Elizabeth Jolin; Motion passed with a 3:2 vote

AYES: Mark Gregg, Elizabeth Jolin, Henry Rosenthal

NAYS: Sharon Mahoney, 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:

Joe Wischmeier
Ty Harris
Chris Trentine
Van Cadenhead

Village Manager Rob Cole noted that Giannetti Contractors, FKAA's vendor to work on the pipe replacement had authority to use the former Island Silver and Spice lot as a staging area until March of 2025.

Holly Ernstes-Jones
Don Horton

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

V. MAYOR / COUNCIL COMMUNICATIONS

- A. Discussion of Council Liaison Appointments (From May 7 RVCM)
Council Members were asked to follow up with the Village Clerk within a week to indicate which committees they would like to serve on.

VI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

There were none.

VII. RESOLUTIONS

- A. Awarding Early Evacuation Affordable Residential Building Permit Allocations For Quarter 1 Of 2024 - **TAB A** (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 EARLY EVACUATION AFFORDABLE RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 1 OF 2024, BORROWING EIGHT (8) UNITS FROM QUARTER 2 OF 2024 FOR ALLOCATION IN QUARTER 1 OF 2024; AND PROVIDING FOR AN EFFECTIVE DATE

Planning Director Jennifer DeBoisbriand summarized the request to award an allocation for eight affordable units for Coral Bay Marina. She noted this request was borrowing early evacuation allocations from Quarter 2.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:

Joe Wischmeier
Don Horton

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

ACTION: Motion to approve item VII.A. by Sharon Mahoney second by Henry Rosenthal;

Motion passed with a 5:0 vote

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

NAYS: None

ABSTAIN: None

- B. Reservation of Early Evacuation Affordable Allocations for Village Use - **TAB B** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE RESERVATION OF BUILDING PERMIT ALLOCATION SYSTEM (BPAS) EARLY-EVACUATION WORKFORCE AFFORDABLE DWELLING UNIT ALLOCATIONS TO ISLAMORADA, VILLAGE OF ISLANDS; AND PROVIDING FOR AN EFFECTIVE DATE

Planning Director Jennifer DeBoisbriand noted the request of Council to look at reserving allocations for the Village and the potential for Village owned affordable

properties.

Discussion ensued on how to reserve a specific number for the Village's use while distributing allocations already specified for particular projects.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:

Joe Wischmeier
Ty Harris
Alina Davis
Van Cadenhead

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

After further discussion it was determined to reserve 165 allocations for the Village's use.

ACTION:	Motion to approve reserving 165 allocations and include in analysis stated earlier in the meeting item VII.B. by Elizabeth Jolin second by Mark Gregg; Motion passed with a 5:0 vote
AYES:	Mark Gregg, Elizabeth Jolin, Henry Rosenthal, Sharon Mahoney, Joseph B. Pinder III
NAYS:	None
ABSTAIN:	None

- C. Establishing A Reservation Policy For Affordable BPAS Allocations - **TAB C** (Jennifer DeBoisbriand , Planning Director)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE ESTABLISHMENT OF GUIDELINES FOR THE RESERVATION OF BUILDING PERMIT ALLOCATION SYSTEM (BPAS) EARLY-EVACUATION WORKFORCE AFFORDABLE DWELLING UNIT ALLOCATIONS; AND PROVIDING FOR AN EFFECTIVE DATE

This item was removed from the agenda.

- D. Resolution Approving Purchase of Real Property Located at 83250 Overseas Highway and Associated Budget Amendment - **TAB Y - Moved from 5/7 Agenda** (Robert Cole, Village Manager)

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE AND SALE AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND ISLAND COMMUNITY CHURCH, INC.; AUTHORIZING VILLAGE OFFICIALS TO EXECUTE, DELIVER AND IMPLEMENT THE TERMS AND CONDITIONS OF THE PURCHASE AND SALE AGREEMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Manager Rob Cole introduced the request. Village Attorney distributed signed agreement at beginning of meeting noting a sale price of \$3.95 million. It was noted that the

property had a \$4.4 million appraised value and a national pharmaceutical chain was interested in acquiring the property. The agreement would permit the occupant to stay for no more than one year and be responsible for all costs during their tenancy.

Mayor Pinder opened Public Comment.

Speakers included:

Van Cadenhead

Joe Wischmeier

Alina Davis

Later in the discussion, Mayor Pinder allowed a second public comment period and speakers included:

Tony Hammon

Ty Harris

Council Member Elizabeth Jolin announced she would be commenting but recused herself from vote for a conflict of interest.

Discussion ensued and a compromise was made to permit the purchase to move forward but that the Village Manager explore the option to potentially sell the Machado and the former Island Silver & Spice properties.

ACTION: Motion to approve VII.D. by Mark Gregg second by Sharon Mahoney.

Motion passed with a 5:0 vote

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

NAYS: Henry Rosenthal

ABSTAIN: Elizabeth Jolin

ACTION: Motion to Direct staff to bring back options to use or dispose of Machado and Island Silver & Spice Properties VII.D. by Mark Gregg second by Sharon Mahoney.

Motion passed with a 5:0 vote

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

NAYS: None

ABSTAIN: None

VIII. ORDINANCES

- A.** Extension of the Temporary Moratorium on Market Rate Residential BPAS Applications. - **First Reading - TAB D** (John Quick, Interim Village Attorney)

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS,

FLORIDA, EXTENDING THE TEMPORARY MORATORIUM ESTABLISHED PURSUANT TO ORDINANCE NO. 23-10 RELATING TO THE ACCEPTANCE OF NEW MARKET RATE RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATIONS (WITH OR WITHOUT LAND DEDICATIONS); 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.

Planning Director Jennifer DeBoisbriand indicated that this was the first reading of an ordinance to extend the moratorium on Market Rate BPAS Applications. After the second reading, it would extend the moratorium to February 2025. The ordinance did not go to LPA as their approval is not required.

Mayor Joseph B. Pinder III opened public comment.

Speakers included:

Joe Wischmeier
Van Cadenhead
Holly Erstnes-Jones

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

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

IX. QUASI-JUDICIAL

- A.** Administrative Relief - 122 Iroquois St - **TAB E** (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 COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE

This item was removed from the agenda.

- B.** Administrative Relief - 33 Flamingo Hammock Rd - **TAB F** (Jennifer DeBoisbriand , Planning Director)

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE
REQUEST BY ISLAND CONSTRUCTION MANAGEMENT INC
FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING
PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY
LOCATED AT 33 FLAMINGO HAMMOCK RD, UPPER
MATECUMBE, AS LEGALLY DESCRIBED IN EXHIBIT "A";
PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF
COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE**

This item was removed from the agenda.

X. ADJOURNMENT

Council Member Henry Rosenthal moved to adjourn the meeting at 8:58 p.m.