

**ORDINANCE NO. 23-05**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" CREATING A NEW ARTICLE V TO BE ENTITLED "VILLAGE BOARDS, COMMITTEES AND COMMISSIONS", SECTIONS 2-329 THROUGH 2-335; AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE III "DECISION MAKING AND OTHER ADMINISTRATIVE BODIES", DIVISION 3 "LOCAL PLANNING AGENCY", SECTION 30-103 OF THE VILLAGE CODE RELATING TO APPOINTMENT, REMOVAL, TERMS, AND VACANCIES; 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**

**WHEREAS**, the Village Council of Islamorada, Village of Islands (the "Village Council") has a number of boards, committees and commissions of the Village that requires the Village Council to appoint members periodically; and

**WHEREAS**, the Village Council desires to provide for a uniform procedure for the appointment, removal and terms of members to various boards, committees and commissions of the Village; and

**WHEREAS**, the Village currently has boards, committees and commissions, but no uniform process of appointment, removal and terms of such members in the Village Code; and

**WHEREAS**, the Village Council finds that providing a uniform procedure and amending any inconsistent provisions in the Village Code for the process of appointment, removal and terms of such members is in the best interests of the Village and its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

## **Section 2. Amendments to the Code.**

(a) Chapter 2 entitled "Administration", is hereby amended to create Article V to be entitled "Village Boards, Committees And Commissions" as follows:

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### **ARTICLE V. – Village Board, Committees and Commissions.**

#### **Sec. 2-329. General.**

The village council may create any board, committee or commission of the village as a governmental entity of the village, vested with the authority to make recommendations to the village council on matters of public interest that affect persons or property within the incorporated area of the village as prescribed in this section.

Sections 2-330 and 2-331 shall not apply to the Village's Youth Council so long as it remains in existence.

#### **Sec. 2-330. Application and Selection Process.**

Each applicant to a board, committee or commission of the village shall be a resident of the village at the time of appointment and during the appointee's term(s) in office. Appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of concern in which such board, committee or commission shall be advising the village council. The village council shall attempt to nominate neighborhood activists, lawyers or other individuals from the business, financial and other segments of the community who, by virtue of their profession, business or civic involvement, have demonstrated interest in the field of concern of such board, committee or commission to which they seek appointment. Membership on any board, committee or commission should be representative of the community at large and reflect a broad cross section of the community.

#### **Sec. 2-331. Letters of Interest and Presentations.**

- (a) Each interested applicant shall submit to the village council, at the time and place, as directed by the village council, a Letter of Interest for the particular board, committee or commission such applicant is interested in being appointed. Such Letter of Interest shall provide information about the applicant setting forth their qualifications, experience and expertise, including, demonstrating their civic pride, integrity, experience and interest in the field of concern in which such board, committee or commission shall be advising the village council.
- (b) Applicants will be provided an opportunity to present their qualifications, experience and expertise to the village council, who may ask questions and further inquire as to the applicant's interest.

**Sec. 2-332. Appointment to Board, Committee or Commission.**

Each member of a board, committee or commission shall be appointed by a majority vote of the village council.

**Sec. 2-333. Terms of Office.**

Each member shall serve for a term of two (2) years, with the terms of the members being staggered for each board, committee or commission.

**Sec. 2-334. Councilmember Liaison.**

The mayor shall annually appoint to each board, committee or commission a councilmember liaison. The councilmember liaison shall provide periodic updates to the village council on their appointed boards, committees and commissions, as requested by the village council.

**Sec. 2-335. Removal from Office.**

- (a) Any member of any board, committee or commission, may be removed by a majority vote of the village council and shall be automatically removed by the village clerk upon three (3) unexcused absences from regular meetings of such board, committee or commission during a calendar year.
- (b) A member of a village board, committee or commission shall be deemed absent from a meeting when he or she is not present at the meeting at least 75 percent of its duration.
- (c) The provisions of this section may only be waived once by a four-fifths vote of the members of the full village council.
- (d) The provisions of this section shall not apply to those individuals who are members of a village board, committee or commission and who are:
  - 1. Reservists in the United States Armed Forces or members of the Florida National Guard, and have been ordered to active military duty for national, state, or homeland defense and due to such duty cannot attend board meetings; or
  - 2. Employees of agencies whose services are considered essential for national, state, or homeland defense and due to such services cannot attend board meetings.

(b) Chapter 30 entitled "Land Development Regulations", Article III entitled "Decision-Making and Administrative Bodies", Division 3 entitled "Local Planning Agency", Section 30-103 entitled "Membership: appointment, removal, terms, and vacancies" is hereby amended as follows:

Additional text is shown as underlined:

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### **DIVISION 3. - LOCAL PLANNING AGENCY**

#### **Sec. 30-103. Membership: appointment, removal, terms, and vacancies.**

- (a) The local planning agency shall be comprised of seven voting members. ~~Each member of the village council shall appoint one member to the local planning agency. The remaining two members shall be appointed by the village council based upon a super majority vote (four fifths votes) of the village council.~~ Each member shall serve for a term of two (2) years, with the terms of the members being staggered. Local planning agency member appointments, when available, shall be made during a regular village council meeting in May of each year and the term of the local planning agency members shall continue until appointments are made at a regular village council meeting in May of the following year. The appointment process shall be conducted in accordance with Chapter 2, Article V. In the event that the regular village council meeting in May is cancelled, the term of local planning agency members shall not expire until appointments are made at the next regular village council meeting.
- (b) Where required by state statute, by majority vote the village council may appoint individuals, organizations or their designee to serve in an advisory capacity as nonvoting members of the local planning agency. These nonvoting members may include, but are not limited to, representatives of area schools or the county school board.
- (c) One member of each village established citizens' advisory committee and the Historic Preservation Commission may serve as a voting member of the local planning agency. One or more members of the local planning agency may serve on a village established charter review committee.
- (d) ~~The appointing village council member~~ village council may replace a local planning agency member with or without cause at any regular village council meeting. ~~The two local planning agency members appointed by a super majority vote (four/fifths votes) of the village council may be replaced with or without cause at any regular village council meeting by a super majority vote (four/fifths votes) of the village council.~~ Replacements shall serve the remainder of the original term. Nonvoting members may be removed by majority vote of the village council without cause.
- (e) No voting member shall serve more than ~~three~~ two (2) consecutive terms unless the village council votes by super majority (four/fifths votes) to approve re-appointment for additional consecutive terms.
- (f) At an annual organizational meeting, the members of the local planning agency shall elect one of their members as chairman and one as vice-chairman. In the absence of the chairman, the vice-chairman shall act as the chairman and shall have all the powers of the chairman. The chairman shall serve a term of one year. No member shall serve as chairman for more than two consecutive terms unless the local planning agency votes by super majority (majority plus one of voting members present and voting) to approve re-appointment for additional consecutive terms.

- (g) The chairman (or vice-chairman acting in the capacity of chairman) shall serve as the presiding officer of any meeting of the local planning agency. The presiding officer or designee shall be in charge of all proceedings before the local planning agency, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the local planning agency. In the event that the chairman or vice-chairman are unavailable, the voting members of the local planning agency who are present shall by majority vote select a voting member to act as presiding officer for the meeting in question.
- (h) Should any voting member of the local planning agency miss three consecutive meetings without being excused by the chairman, whether regular meetings or special meetings, that person shall be disqualified as a voting member of the local planning agency. Thereafter, the ~~appointing councilmember~~ village council shall fill the vacancy thereby created as soon as practicable. ~~Should the disqualified member have been appointed by a super majority vote (four fifths votes) of the village council, then the village council shall fill the vacancy by super majority vote (four fifths votes) as soon as practicable.~~
- (i) All provisions of Chapter 2, Article V entitled "Village Boards, Committees and Commissions" of the Code not inconsistent with the provisions of this section 30-103 shall apply.

(c) Chapter 30 entitled "Land Development Regulations", Article VII entitled "Environmental Regulations", Division 7 entitled "Historic and Archaeological Sites", Section 30-1693 entitled "Historic preservation commission" is hereby amended as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as <del>strikethrough</del>
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## **DIVISION 7. - HISTORIC AND ARCHAEOLOGICAL SITES**

### **Sec. 30-1693. Historic preservation commission.**

- (a) *Historic preservation commission:* The historic preservation commission (HPC) is a governmental agency of the village. The HPC is vested with the authority to make recommendations to the village council on the designation and regulation of village historic structures within a designated historic district and landmarks within the incorporated area of the village as prescribed in this division.
- (b) *Appointment and membership qualifications:* The HPC consists of five members each appointed by a majority vote of the village council. Each member shall be a resident of the village at the time of appointment and during the member's term(s) in office. Appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation. The village council shall attempt to nominate architects, realtors, archaeologists, historians, neighborhood activists, lawyers or other individuals from the business, financial and other segments of the community who, by virtue of their profession, business or civic involvement, have

demonstrated concern for historic preservation. Membership on the board should be representative of the community at large and reflect a broad cross section of the community.

- (c) *Membership removal, terms, and vacancies:* The HPC members shall serve ~~overlapping-staggered~~ terms of ~~three-two~~ years. HPC members serve without compensation, but are entitled to the reimbursement of expenses as provided in F.S. § 112.061.
- (d) *Organization and administration:* The members of the HPC shall elect a chairperson and vice chairperson, for a one-year term each. The chairperson or, in the absence of the chairperson, the vice-chairperson, shall preside at all meetings and may vote. The director of planning and development services shall designate staff to advise and provide clerical support to the HPC. The village attorney shall be the attorney to the HPC. The director of planning and development services shall be the custodian of all HPC records. The HPC shall meet at least once per month at a date and time established by the HPC, unless there is no business pending.
- (e) *Notice:* Notice of meetings required under this division shall be given in accordance with section 30-213 of the Village Code.
- (f) *Public hearings:* All hearings required under this division shall be conducted in accordance with section 30-213 of the Village Code.
- (g) *Powers and duties:* The HPC has the following powers and duties:
  - (1) Adoption of its own procedural rules and regulations as necessary for the conduct of its business;
  - (2) Investigate and recommend to the village council the adoption of ordinances designating buildings, structures, sites having special historic, architectural and archaeological value as landmarks or historic districts, and if necessary, recommend rescission of such designations;
  - (3) Investigate and recommend to the village council the adoption of ordinances on whether a substantially damaged designated historic building, structure, object, or site may be reconstructed using the criteria set forth in this division;
  - (4) Conduct surveys of historically, architecturally and archaeologically significant structures and districts within the village;
  - (5) Advise the village council on all matters related to historic preservation policy, including the use, administration, and maintenance of publicly-owned historic landmarks;
  - (6) Make recommendations on nominations of a historic property to the National Register of Historic Places;
  - (7) Increase public awareness of the value of historic and architectural preservation by developing and participating in public education programs;
  - (8) Make recommendations to the village council concerning utilization of state, federal and private funds to promote the preservation of significant structures and historic districts within the village;

- (9) Make recommendations to the village council concerning acquisition of a significant structure where its preservation is essential to the purposes of this act and where private preservation is not feasible;
  - (10) Review applications for special certificates of appropriateness and make recommendations to the village council regarding such applications; and
  - (11) Undertake any other action or activity specifically delegated to it or requested by the village council.
- (h) The HPC shall meet no less than four times per year. At a minimum of one meeting each year, the HPC shall identify those structures within the village which are historically, architecturally or archaeologically significant. The findings of the HPC shall be transmitted to the village council after each meeting of the HPC, for the review and consideration of the village council. The HPC shall otherwise encourage the identification, preservation and protection of historically, architecturally or archaeologically significant structures and sites.
- (i) All provisions of Chapter 2, Article V entitled "Village Boards, Committees and Commissions" of the Code not inconsistent with the provisions of this section 30-1693 shall apply.

**Section 3. Repeal of Conflicting Provisions.** The Provisions of the Village of Islamorada Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any sentence, section, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Inclusion in the Code.** It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Village of Islamorada Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 7.** **Effective Date.** This Ordinance shall become effective immediately upon adoption.

The foregoing Ordinance was offered by Council Member Elizabeth Jolin, who moved for its adoption on first reading. This motion was seconded by Vice Mayor Sharon Mahoney, and upon being put to a vote, the vote was as follows:

Mayor Joseph B. Pinder III	Yes
Vice Mayor Sharon Mahoney	Yes
Councilman Mark Gregg	Yes
Councilwoman Elizabeth Jolin	Yes
Councilman Henry Rosenthal	No

**PASSED** on the first reading this 2<sup>nd</sup> day of March, 2023.

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The foregoing Ordinance was offered by Council Member Elizabeth Jolin, who moved for its adoption on second reading. This motion was seconded by Council Member Mark Gregg, and upon being put to a vote, the vote was as follows:

Mayor Joseph B. Pinder III	Yes
Vice Mayor Sharon Mahoney	Yes
Councilman Mark Gregg	Yes
Councilwoman Elizabeth Jolin	Yes
Councilman Henry Rosenthal	Yes

**PASSED AND ADOPTED** on the second reading this 11<sup>th</sup> day of April, 2023.

  
JOSEPH B. PINDER III, MAYOR

ATTEST:

  
MARNE MCGRATH, VILLAGE CLERK

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

  
JOHN J. QUICK, VILLAGE ATTORNEY

