

ACTION MINUTES

**ISLAMORADA, VILLAGE OF ISLANDS
REGULAR VILLAGE COUNCIL MEETING**

**July 14, 2011
Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036**

- I. CALL TO ORDER/ROLL CALL** Reckwerdt asked for roll call at 5:40 p.m. Present were: Mayor Michael Reckwerdt, Vice Mayor Ken Philipson, Council members: Don Achenberg, Ted Blackburn and David Purdo. Also in attendance were: Village Manager Edward Koconis, Village Attorneys Nina Boniske; Deputy Village Clerk Kyrie Wagner, and all other appropriate Village personnel
- II. PLEDGE OF ALLEGIANCE** Mayor Reckwerdt asked Ms. Judy Hall to lead in the pledge of allegiance.
- III. PRESENTATIONS**
- A. Recognition of Citizens' Advisory Committee Members**
- Vice Mayor Philipson asked Mr. Chris Morton to the front.
- Vice Mayor Philipson presented Mr. Morton with a certificate and thanked him for his hard work and service.
- IV. PUBLIC COMMENT**
- Mayor Reckwerdt opened Public Comment Section. Being none Mayor Reckwerdt moved to Section VI.
- V. AGENDA: Request for Deletion / Emergency Additions**
- VI. CITIZENS' ADVISORY COMMITTEE UPDATES**
- A. Historic Preservation Commission – No Report**
B. Land Acquisition Advisory Committee – No Report
C. Landscape Advisory Committee – No Report
D. Local Planning Agency – No Report
E. Near Shore Water Support Citizens' Advisory Committee – No Report
F. Parks and Recreation Citizens' Advisory Committee – No Report
G. Water Quality Improvement Citizens' Advisory Committee – Committee member Larry Barr
- Chairperson Makepeace updated Council on the following: the Committee supports Council in pursuing negotiations with the Key Largo Wastewater Treatment District.
- H. Workforce / Affordable Housing Citizens' Advisory Committee – No Report**
I. Citizens' Financial Advisory Committee – No Report

Councilman Purdo spoke of the following: thanked everyone involved with the 4th of July Celebration at Founders Park; advised everyone of how grateful the family of the new Habitat for Humanity was for their new home and the change of election date did not give Council a raise.

VII. WASTEWATER MATTERS

A. Wastewater Update

Mayor Reckwerdt asked for staff report.

Greg Tindle, Wastewater Program Manager, gave his report to Council.

Tom Brzezinski, Executive Vice President of Wade Trim, gave his report to Council.

Mayor Reckwerdt asked for Council discussion.

Discussion ensued.

Mayor Reckwerdt opened Public Comment. The following addressed the Council: Stan Margulies, Islamorada, FL.

Mayor Reckwerdt recessed the meeting at 6:06 p.m.

Meeting reconvened at 6:26.

Mayor Reckwerdt asked for further Council discussion.

Discussion continued.

Mayor Reckwerdt reopened Public Comment. The following addressed the Council: Stan Margulies, Islamorada, FL and Larry Barr, North Plantation Key, FL.

Council discussion continued.

Mayor Reckwerdt asked for Council consensus.

Vice Mayor Philipson made a motion to approve the tentative term sheet as amended by legal, seconded by Councilman Blackburn.

Mayor Reckwerdt reopened Public Comment. The following addressed the Council: Stan Margulies, Islamorada, FL.

Mayor Reckwerdt asked for the vote.

Councilman Achenberg	Yes
Councilman Purdo	Yes
Councilman Blackburn	Yes
Vice Mayor Philipson	Yes
Mayor Reckwerdt	Yes

Vote passes 5 to 0.

It was the consensus of the Council to send a letter with the agreed terms to the Key Largo Wastewater Treatment District and have Councilman Achenberg attend their meeting on the 15th on behalf of the Council along with the Village Attorney, the Village Wastewater Engineer, and the Village Wastewater Program Manager.

- B. Resolution Approving Budget Amendment for FY 10-11 Wastewater Utility Enterprise Fund Budget

RESOLUTION NO. 11-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING RESOLUTION NO. 10-09-66; AMENDING THE VILLAGE'S BUDGET FOR FISCAL YEAR 2010-2011; AND PROVIDING AN EFFECTIVE DATE

Mayor Reckwerdt asked Village Attorney Boniske to read the title of the resolution.

Village Attorney Boniske read the title of the resolution.

Mayor Reckwerdt asked for a staff report.

Cindy Lawson, Director of Finance and Administration, gave her report to Council.

Mayor Reckwerdt asked for Council discussion.

Discussion ensued.

Mayor Reckwerdt opened the Public Comment Section. Being none, Mayor Reckwerdt asked for a motion.

Councilman Achenberg made a motion to approve the resolution, seconded by Councilman Blackburn.

Mayor Reckwerdt asked for a roll call.

Councilman Achenberg	Yes
Councilman Purdo	No
Councilman Blackburn	Yes
Vice Mayor Philipson	Yes
Mayor Reckwerdt	Yes

Vote passes 4 to 1.

VIII. QUASI-JUDICIAL

IX. CONSENT AGENDA

(All items on the Consent Agenda are considered routine by the Village Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event, the item will be moved to the Main Agenda.)

- A. Minutes: Regular Village Council meeting June 9, 2011; Village

Council Workshops, June 16, 2011, June 22, 2011 and June 23, 2011;
Special Call Village Council Meeting, June 16, 2011; Town Hall Meeting,
June 16, 2011; Executive Sessions, June 22, 2011 (Case No. 11-CA-325-P),
June 28, 2011 (Case No. 11-CA-295-P) and June 28, 2011 (Case No. 11-CA-188-P)

Mayor Reckwerdt asked for a motion to approve the Consent Agenda.

Councilman Achenberg made a motion to approve the Consent Agenda, seconded by
Vice Mayor Philipson.

Mayor Reckwerdt called for the vote.

Councilman Purdo	Yes
Vice Mayor Philipson	Yes
Councilman Achenberg	Yes
Councilman Blackburn	Yes
Mayor Reckwerdt	Yes

Vote passes 5 to 0.

X. ORDINANCES

- A. First Reading – Ordinance Amending Chapter 30, “Land Development Regulations,” Article III “Decision Making and Administrative Bodies,” Division 3 “Local Planning Agency” of the Village Code

ORDINANCE NO. 11-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE III “DECISION MAKING AND ADMINISTRATIVE BODIES,” DIVISION 3 “LOCAL PLANNING AGENCY” OF THE VILLAGE CODE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Reckwerdt asked Village Attorney Boniske to read the title of the ordinance.

Village Attorney Boniske read the title of the ordinance for First Reading.

Mayor Reckwerdt asked for a staff report.

Edward Koconis, Village Manager, gave his report to Council.

Mayor Reckwerdt opened the Public Hearing. Being none, Mayor Reckwerdt asked for a motion.

Vice Mayor Philipson made a motion to approve the ordinance for First Reading, seconded by Councilman Purdo.

Mayor Reckwerdt asked for a roll call.

Councilman Blackburn	Yes
Councilman Purdo	Yes
Vice Mayor Philipson	Yes
Councilman Achenberg	No
Mayor Reckwerdt	Yes

Vote passes 4 to 1.

XI. RESOLUTIONS

A. Preliminary Rate Resolution for FY 11-12 Solid Waste Assessment

RESOLUTION NO. 11-

A RESOLUTION OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Mayor Reckwerdt asked Village Attorney Boniske to read the title of the resolution.

Village Attorney Boniske read the title of the resolution.

Mayor Reckwerdt asked for a staff report.

Cindy Lawson, Director of Finance and Administration, gave her report to Council.

Mayor Reckwerdt asked for Council discussion.

Discussion ensued.

Mayor Reckwerdt opened the Public Comment Section. The following addressed the Council: Bruce Williams, Veolia, Islamorada, FL and Larry Barr, North Plantation Key, FL.

Mayor Reckwerdt asked for any further Council discussion.

Discussion continued.

Mayor Reckwerdt asked for a motion.

Vice Mayor Philipson made a motion to approve the resolution, seconded by Councilman Purdo.

Mayor Reckwerdt asked for a roll call.

Councilman Achenberg	Yes
Councilman Purdo	Yes
Councilman Blackburn	Yes
Vice Mayor Philipson	Yes
Mayor Reckwerdt	Yes

Vote passes 5 to 0.

XII. MOTIONS

No motions were discussed.

XIII. UNFINISHED BUSINESS

No unfinished business was discussed.

XIV. MAYOR / COUNCIL COMMUNICATIONS

A. Process and Form for Village Manager Evaluation (Council)

Mayor Reckwerdt asked for Council discussion.

Discussion ensued.

It was the consensus of the Council to have each Councilmember meet with the Village Manager and submit their review by July 22, 2011.

B. Discussion Regarding Referendum for Runoff Election (Councilman Purdo)

Mayor Reckwerdt asked for Council discussion.

Discussion ensued.

It was the consensus of the Council to place this as a discussion item on the July 21st Special Call Village Council Meeting.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Mayor Reckwerdt asked if Village Attorney Boniske had any items to discuss.

Village Attorney Boniske advised she would be calling for an executive session on the following:

Alberto R Frank and Cynthia Frank vs. Islamorada, Village of Islands in the Circuit Court of the 16th Judicial Circuit in and For Monroe County, Florida Case No.: 11-CA-295-P

Alberto R Frank and Cynthia Frank vs. Islamorada, Village of Islands in the Circuit Court of the 16th Judicial Circuit in and For Monroe County, Florida Case No.: 11-CA-188-P

Paul Bates v. Islamorada, Village of Islands, (File No. 436.163) Circuit Court of the Sixteenth Judicial Circuit, Monroe County, Florida, Case No. 07-CA 582P

Paul Bates v. Islamorada, (File No. 436.164) Circuit Court of the Sixteenth Judicial Circuit, Monroe County, Florida Case No. 07-CA-583P

Intercoastal v. Islamorada, (File No. 436.125) Sixteenth Judicial Circuit in and for Monroe County, Case No. CA-P-06-0000043

Islamorada v. WPC Industrial Contractors, et al. (File No. 436.184), Sixteenth Judicial Circuit in and for Monroe County, Case No. 07-CA-873-P – *Kyrie, this is the Harris v. Isla case that Nina mentioned in the meeting.*

Cheeca Holdings, LLC v. Islamorada (File No. 436.196) Sixteenth Judicial Circuit in and for Monroe County, Case No. 08-CA-805-P

Ronald Scott Morgan, et al. v. Islamorada, Department of Environmental Protection, et al. (File No. not yet assigned) Sixteenth Judicial Circuit in and for Monroe County, Case No. 09-CA-281-P

Bellizzi, et al v. Islamorada, Village of Islands, (File No.436.226) Circuit Court of the Sixteenth Judicial Circuit, Monroe County, Florida. Case No. 10-CA-334-P

WPG 1, LLC v. Islamorada, Village of Islands, (File No.436.229) Circuit Court of the Sixteenth Judicial Circuit, Monroe County, Florida. Case No. 10-CA-427-P

Shore Partners, Inc. v. Islamorada, Village of Islands, (File No.436.233) Circuit Court of the Sixteenth Judicial Circuit, Monroe County, Florida. Case No. 44-2-10-CA-808-P

Jose and Maria Alberto v. Islamorada, Village of Islands, (File No. 436.240) Circuit Court of the Sixteenth Judicial Circuit, Monroe County, Florida. Case No. 2011-CA-325-P

Mayor Reckwerdt asked if Village Manager Koconis had any items to discuss. Being none, Mayor Reckwerdt moved to Section XVI.

XVI. ADJOURNMENT

Mayor Reckwerdt asked for a motion to adjourn.

Councilman Achenberg made a motion to adjourn, seconded by Councilman Purdo. Council voted unanimously to adjourn at 8:10 p.m.

Respectfully submitted,


Kyrie Wagner, Deputy Village Clerk

Approved by Council on the 9th day of August 2011.