

ACTION MINUTES

ISLAMORADA, VILLAGE OF ISLANDS REGULAR VILLAGE COUNCIL MEETING

July 28, 2011

Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036

- I. CALL TO ORDER/ROLL CALL** Mayor Reckwerdt asked for roll call at 5:34 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 Attorney Nina Boniske; Deputy Village Clerk Kyrie Wagner, and all other appropriate Village personnel
- II. PLEDGE OF ALLEGIANCE** Mayor Reckwerdt asked Mr. Barry Wray to lead in the pledge of allegiance.
- III. PRESENTATIONS**
- A. Presentation of Mayor's Award to Mr. Henry Rosenthal**
- Mayor Reckwerdt asked Mr. Rosenthal to the front.
- Mayor Reckwerdt presented Mr. Rosenthal with a plaque and thanked him for all his hard work and dedication to the Village.
- Mr. Rosenthal thanked everyone for their support.
- B. Proclamation for National Night Out on August 2, 2011**
- Mayor Reckwerdt asked Captain Corey Bryan to the front.
- Vice Mayor Philipson read and presented Captain Bryan with the proclamation.
- Captain Bryan thanked everyone for their support and introduced Sergeant Roy Bogue.
- Sergeant Bogue informed everyone of the events that will be taking place at the National Night Out.
- IV. PUBLIC COMMENT**
- Mayor Reckwerdt opened Public Comment Section. The following addressed the Council: Jim Bellizzi, Islamorada, FL and David Guardino, Islamorada, FL.
- 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 Citizen’s Advisory Committee – No Report
- G. Water Quality Improvement Citizens’ Advisory Committee – No Report
- H. Workforce / Affordable Housing Citizens’ Advisory Committee – Vice Chairperson
Barry Wray

Vice Chairperson Wray updated Council on the following: Ms. Renee Sebastian was elected as Chairperson; the committee agreed that they should decide how the money received from Gorman and Company should be spent; the committee recommends inclusionary fees be paid as an installment plan as followed: 50 percent upon receiving permits 50 percent upon receiving the certificate of occupancy; review the \$100,000.00 given to Habitat for Humanity.

Council discussion ensued.

Mayor Reckwerdt moved to Section XII.

- I. Citizens’ Financial Advisory Committee – No Report

VII. WASTEWATER MATTERS

- A. Wastewater Update

Mayor Reckwerdt asked for staff report.

Mr. 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. Being none, Mayor Reckwerdt moved to Item 1.

1. Discussion and Direction Regarding Agreement with Key Largo Wastewater Treatment District Board (KLWTDB)

Mayor Reckwerdt asked for staff report.

Nina Boniske, Village Attorney, gave her report to Council.

Discussion ensued.

It was the consensus of the Council to have legal bring back a drafted contact with the Key Largo Wastewater Treatment District at a future meeting.

2. Discussion and Direction Regarding Request for Proposals (RFP) for Design Build Operate Finance (DBOF) Wastewater System

Mayor Reckwerdt asked for staff report.

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. Being none, Mayor Reckwerdt moved to Item 3.

3. Other Wastewater Matters

Mayor Reckwerdt asked for Council discussion, being none Mayor Reckwerdt moved to Item B.

- B. Final Assessment Resolution for Non-Ad Valorem Assessment Program for Wastewater Collection and Treatment Facilities in Remaining Village Service Areas (Excluding North Plantation Key)

RESOLUTION. 11-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE CONSTRUCTION OF WASTEWATER COLLECTION AND TREATMENT FACILITIES WITHIN THE WASTEWATER ASSESSMENT AREA WITHIN THE VILLAGE BUT EXCLUDING THE NORTH PLANTATION KEY ASSESSMENT AREA; AMENDING THE INITIAL ASSESSMENT RESOLUTION; IMPOSING SPECIAL ASSESSMENTS; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; 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.

Heather Encinosa, Attorney, Nabors, Giblin & Nickerson, P.A, 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: John Fernandez, North Plantation Key, FL.

Mayor Reckwerdt asked for any further Council discussion.

Discussion continued.

Mayor Reckwerdt asked for a motion.

Councilman Achenberg made a motion to approve the resolution as amended, seconded by Vice Mayor Philipson.

Mayor Reckwerdt asked for a roll call.

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

Vote passes 5 to 0.

- C. Supplemental Initial Assessment Resolution for Non-Ad Valorem Assessment Program for Wastewater Collection and Treatment Facilities in Remaining Village Service Areas (Excluding North Plantation Key)

RESOLUTION. 11-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE CONSTRUCTION OF WASTEWATER COLLECTION AND TREATMENT FACILITIES WITHIN THE WASTEWATER ASSESSMENT AREA WITHIN THE VILLAGE BUT EXCLUDING THE NORTH PLANTATION KEY ASSESSMENT AREA; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE WASTEWATER COLLECTION AND TREATMENT FACILITIES; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED SUPPLEMENTAL ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE; 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.

Heather Encinosa, Attorney, Nabors, Giblin & Nickerson, P.A, gave her report to Council.

Mayor Reckwerdt opened the Public Comment Section. Being none, Mayor Reckwerdt asked for Council discussion

Discussion ensued.

Mayor Reckwerdt asked for a motion.

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

Mayor Reckwerdt asked for a roll call.

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

Councilman Purdo Yes

Vote passes 5 to 0.

VIII. QUASI-JUDICIAL

No 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 23, 2011; Special Call Village Council Meeting, June 28, 2011

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

Councilman Achenberg made a motion to approve the Consent Agenda, seconded by Councilman Purdo.

Mayor Reckwerdt called for the vote.

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

Vote passes 5 to 0.

X. ORDINANCES

- A. Second 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 Second 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 Second Reading, seconded by Councilman Purdo

Mayor Reckwerdt asked for a roll call.

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

Vote passes 4 to 1.

XI. RESOLUTIONS

No Resolutions

XII. MOTIONS

A. Direction Regarding Chamber of Commerce Building at Entrance to Founders Park

Mayor Reckwerdt asked for Council discussion.

Discussion ensued.

Mayor Reckwerdt opened Public Comment. Being none, Mayor Reckwerdt asked for further Council discussion.

Discussion continued.

It was the consensus of the Council for staff and legal to continue working with the Islamorada Chamber of Commerce and draft a legal document to bring back to Council and a later meeting.

Mayor Reckwerdt opened Public Comment. Being none Mayor Reckwerdt moved to Section VII.

XIII. UNFINISHED BUSINESS

No unfinished business

XIV. MAYOR / COUNCIL COMMUNICATIONS

A. Village Manager's Evaluation (Council)

Mayor Reckwerdt asked for Council discussion.

Discussion ensued.

Mayor Reckwerdt opened Public Comment. The following addressed the Council: John Fernandez, North Plantation Key, FL.

Discussion continued

Mayor Reckwerdt asked for Council consensus.

It was the consensus of the Council to give Village Manager Koconis his \$5,000 increase and schedule a workshop at a later date to establish the Village Managers goals and objectives.

B. Village Council Educational Conference Expenses (Mayor Reckwerdt)

Mayor Reckwerdt asked for Council discussion.

Discussion ensued.

Mayor Reckwerdt opened Public Comment. Being none, Mayor Reckwerdt asked for Council consensus.

It was the consensus of the Council to have the Village pay for Councils travel when attending Village related events.

C. Islamorada Boat Center (Councilman Purdo)

Councilman Purdo requested to discussion the Islamorada Boat Center at a future meeting.

Council agreed.

D. Resolution Providing for the Acceptance of Legal Service of Process by the Village Clerk (Council)

Council discussion ensued.

It was the consensus of the Council to have staff bring back a resolution providing for the acceptance of legal service of process by the Village Clerk at a future meeting.

E. Expanding Monroe County Lobster Ordinance (Vice Mayor Philipson)

Vice Mayor Philipson requested a discussion be placed on a future agenda regarding expanding the Monroe County Lobster Ordinance.

Council agreed.

Councilman Purdo thanked Wade Trim for the map they created for the Village.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Mayor Reckwerdt asked if Village Attorney Boniske had any items to discuss. Village Attorney Boniske requested the following executive sessions:

**NAUTILUS INSURANCE COMPANY v. ISLAMORADA PABON ENGINEERING, INC.,
WPC INDUSTRIAL CONTRACTORS, LTD., W.F. McCAIN & ASSOCIATES,
FIDELITY AND DEPOSIT COMPANY OF MARYLAND, AMERICAN DIRECTIONAL
BORING, INC. d/b/a ADB UTILITY CONTRACTORS and VILLAGE OF
ISLAMORADA CASE NO. 11-10051 –JEM**

and

**CORAL COVE RESORT CLUB, INC., a Florida Corporation, v. ISLAMORADA, A
VILLAGE OF ISLANDS, A Florida Municipality CASE NO.:2011-CA-599-P**

Mayor Reckwerdt asked if Village Manager Koconis had any items to discuss.

Village Manager Koconis informed Council of the future Florida Department of Transportation (FDOT) project in Upper Matecumbe Key.

It was the consensus of the Council to discuss at a later date.

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 7:12 p.m.

Respectfully submitted,


Kyrie Wagner, Deputy Village Clerk

Approved by Council on the 25th day of August 2011.