



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
August 25, 2011
5:30 PM**

I. CALL TO ORDER/ROLL CALL

Mayor Reckwerdt called the meeting to order at 5:35 p.m. and asked Village Clerk Debra Eastman to call the roll. The following Council members were present on roll call: Councilman Don Achenberg, Councilman Ted Blackburn, Councilman Dave Purdo, Vice Mayor Ken Philipson and Mayor Michael Reckwerdt.

II. PLEDGE OF ALLEGIANCE

Mayor Reckwerdt asked Mayor Emeritus Ron Levy to lead the Pledge of Allegiance.

III. PRESENTATIONS

None

IV. PUBLIC COMMENT

Mayor Reckwerdt opened the meeting for public comment.

Kelly Astin, newly appointed member of the Parks and Recreation Committee spoke in opposition to holding a commercial "fight night" at Founders Park.

Stan Margulies thanked IT Director Stu Bautz for providing wireless capability at the Council meetings. He expressed disappointment with that the Village did not obtain previously available government funding for waste water.

V. AGENDA: Request for Deletion / Emergency Additions

None

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 – Chairperson Carolyn Wightman
Ms. Wightman spoke regarding the many successful summer programs.
- G. Water Quality Improvement Citizens’ Advisory Committee –No Report
- H. Workforce / Affordable Housing Citizens’ Advisory Committee – Chairperson Renee Sebastian – No report
Since the Chairperson did not attend the meeting, the Council requested that this item be added to the September 8, 2011 Village Council agenda.
- I. Citizens’ Financial Advisory Committee – No Report

VII. WASTEWATER MATTERS

A. Wastewater Update

Wastewater Utility Director Greg Tindle gave the staff report.

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

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; IMPOSING SPECIAL ASSESSMENTS; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE

Village Attorney Nina Boniske read the title of the resolution.

Wastewater Utility Director Greg Tindle explained that this is a supplemental assessment.

Mayor Reckwerdt opened public comment.

Larry Barr expressed that he hopes this system will be better than the current one in his location.

A motion to adopt the resolution was made by Councilman Purdo. The motion received a second from Councilman Blackburn. Village Clerk Debra Eastman called the roll and the resolution was adopted 5-0.

C. A Resolution Approving an Agreement Between Public Resources Management Group, Inc. and Islamorada, Village of Islands to Provide

Professional Consulting Services for the Village Wastewater Design-Build-Operate-Finance Process.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE AGREEMENT BETWEEN PUBLIC RESOURCES MANAGEMENT GROUP, INC AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE PROFESSIONAL CONSULTING SERVICES RELATIVE TO THE VILLAGE WASTEWATER DESIGN-BUILD-OPERATE-FINANCE PROCESS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Nina Boniske read the title of the resolution.

Waste Water Utility Director Greg Tindle explained the need for the agreement and some of the terms of the agreement.

Mayor Reckwerdt invited public comment. Stan Margulies thanked the Village Manager for appointing the bid evaluation committee and asked whether Key Largo would be discussed at this meeting. He was informed that there is a Special Call Village Council meeting on August 31, 2011.

Councilman Blackburn made a motion to adopt the resolution. The motion received a second from Councilman Achenberg. Village Clerk, Debra Eastman called the roll and the resolution was adopted 5-0.

- D. A Resolution Approving an Agreement Between Public Resources Management Group, Inc. and Islamorada, Village of Islands to provide a Wastewater Program Forecast**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE AGREEMENT BETWEEN PUBLIC RESOURCES MANAGEMENT GROUP, INC AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE A WASTEWATER FINANCIAL FORECAST; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Nina Boniske read the title of the resolution.

Waste Water Utility Director Greg Tindle explained the reason for the agreement.

There was no one wishing to make public comment.

Councilman Achenberg made a motion to adopt the resolution. The motion received a second from Vice Mayor Philipson. Village Clerk Debra Eastman called the roll and the resolution was adopted 5-0.

- E. A Resolution Approving a Modification to the Letter Agreement Between Nabors Giblin & Nickerson P.A. and Islamorada, Village of Islands to Provide Legal Services for the Village Wastewater Utility

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING A MODIFICATION OF THE LETTER AGREEMENT BETWEEN NABORS GIBLIN NICKERSON P.A. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE LEGAL SERVICES FOR THE VILLAGE WASTEWATER UTILITY; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE MODIFICATION OF THE LETTER AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Nina Boniske read the title of the resolution.

Waste Water Utility Director Greg Tindle explained that the services of the firm have been used previously by the Village. Village Attorney Nina Boniske explained the recommendation from her firm to go forward with this agreement.

Mayor Reckwerdt invited public comment and there was none.

Vice Mayor Philipson made a motion to adopt the resolution. The motion received a second from Councilman Blackburn. Mayor Reckwerdt called for the vote and the resolution was adopted (5-0).

VIII. QUASI-JUDICIAL

None

IX. CONSENT AGENDA

- A. Minutes:

Regular Village Council Meetings July 28, 2011 and August 9, 2011
Executive Sessions, August 9, 2011 (Case No. 11-CA-325-P), August 9, 2011 (Case No. 11-CA-295-P) and August 9, 2011 (Case No. 11-CA-188-P);
Village Council Budget Workshop August 18, 2011;
Special Call Village Council Meeting, August 18, 2011

- B. Resolution Providing for the Acceptance of Legal Service of Process by the Village Clerk

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING THE VILLAGE CLERK TO ACCEPT SERVICE OF PROCESS UNDER CHAPTER 48, FLORIDA STATUTES FOR ALL LITIGATION FILED AGAINST THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Reckwerdt requested a motion to approve the Consent Agenda. Councilman Achenberg made a motion to adopt the consent agenda. The motion received a second from Vice Mayor Philipson. Mayor Reckwerdt called for the vote and all were in favor (5-0).

X. ORDINANCES
None

XI. RESOLUTIONS

- A. Proposed Resolution Approving Amended and Restated Agreement for Solid Waste Services with Veolia ES Solid Waste Southeast, Inc.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE AMENDED AND RESTATED AGREEMENT FOR SOLID WASTE SERVICES BETWEEN VEOLIA ES SOLID WASTE SOUTHEAST, INC. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE SOLID WASTE COLLECTION AND DISPOSAL SERVICES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Nina Boniske read the title of the resolution.

Public Works Director John Sutter reviewed the agreement and made several corrections. Bruce Williams, General Manager of Veolia showed a short video on the operation the proposed waste trucks. He explained the distribution of the new waste containers and accommodations that would be made for special circumstances. The Village Council discussed their concerns with going forward with the agreement as presented. It was requested that Mr. Williams consider a lower CPI increase, bring back options for a shorter agreement term, as well as, a definitive plan for a recycling education program.

Mayor Reckwerdt invited public comment.

Larry Barr spoke about the number of waste containers needed.

Dave Boerner spoke about encouraging recycling.

No action was taken.

Mayor Reckwerdt called for a break at 8:55 p.m. The meeting reconvened at 9:12 p.m.

- B. Proposed Settlement Agreement Between Islamorada, Village of Islands and Jose and Maria ("Alberto") Regarding Ending Litigation

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE LITIGATION SETTLEMENT AGREEMENT WITH JOSE AND MARIA ALBERTO; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE SETTLEMENT AGREEMENT AND ANY ADDITIONAL DOCUMENTS PERTAINING TO THE SETTLEMENT AGREEMENT AND TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Nina Boniske explained that has not received communication from the Attorney regarding this item. It was the consensus of the Village Council to table this item at this time.

- C. Resolution Approving Renewal of Professional Auditing Services Engagement with Cherry, Bekaert & Holland, LLP

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; APPROVING THE RENEWAL OF THE PROFESSIONAL AUDITING SERVICES ENGAGEMENT WITH CHERRY BEKAERT & HOLLAND LLP FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2011; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE RENEWAL ENGAGEMENT; AUTHORIZING THE EXPENDITURE OF

BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Nina Boniske read the title of the resolution. Finance Director Maria Aguilar explained this is the second renewal of the Agreement and explained that it includes a \$1,000 increase.

Mayor Reckwerdt called for public comment and there was none.

Councilman Achenburg made a motion to adopt the resolution and eliminate the \$1,000 increase. The motion received a second from Vice Mayor Philipson. Mayor Reckwerdt called for the vote and the resolution was adopted (5-0).

XII. MOTIONS

None

XIII. UNFINISHED BUSINESS

None

XIV. MAYOR / COUNCIL COMMUNICATIONS

- A.** Discussion and Direction Regarding Inclusionary Zoning Fees
Steven Miller stated that he was in attendance on behalf of the Chair of the Affordable Housing Committee.
The Village Council agreed not to go forward with this discussion and asked that the item be placed on the next agenda.

- B.** Discussion and Direction Regarding Fight Night at Founders Park
Parks and Recreation Citizen's Advisory Committee Chairperson Carolyn Wightman explained that the Committee did not have the opportunity to meet as a whole on this item. Parks and Recreation Director John Sutter stated that he received telephone calls and email individually from Committee members who expressed unanimously their opposition to commercial events in the Park. After discussion, the Village Council made no changes to the current policy.

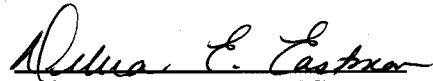
XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

- A.** Quarterly Budget Review
Finance Director, Maria Aguilar presented the Council with her report.

XVI. ADJOURNMENT

Councilman Purdo made a motion to adjourn. The motion received a second from Vice Mayor Philipson. The meeting adjourned at 9:40 p.m.

Approved by the Village Council on September 8, 2011.

A handwritten signature in cursive script, reading "Debra E. Eastman".

Debra E. Eastman, MMC
Village Clerk