



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
September 8, 2011**

Immediately Following the 5:30 Special Call – First Budget Hearing- Village Council Meeting

I. CALL TO ORDER\ROLL CALL

Mayor Reckwerdt called the meeting to order at 6:25 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 in the Pledge of Allegiance.

III. PRESENTATIONS

A. Presentation of Mayor Award to Captain Tom Brazil
No action.

B. Proclamation for Florida Missing Children's Day September 12, 2011

Mayor Reckwerdt requested that Councilman Purdo read the Proclamation for Florida Missing Children's Day, September 12, 2011 into the record.

Fire Chief Wagner introduced the members of the CART team and Mayor Reckwerdt thanked them for their service.

IV. PUBLIC COMMENT

Mayor Reckwerdt invited public comment.

Paul Bates spoke about various topics.

John Fernandez asked about vesting of employees and announced a bicycle poker run.

V. AGENDA: Request for Deletion / Emergency Additions

Mayor Reckwerdt called for any deletions or additions to the agenda. Items on the consent agenda were pulled for discussion. Mayor Reckwerdt requested that the Inclusionary Zoning Item and the FDOT Item be moved after consent. Bruce Williams requested that the Village Council pull and reschedule the Veolia Contract Resolution to a later date. By consensus, all were in favor.

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 – Chairperson Rene Sebastian
Mayor Reckwerdt recognized Rene Sebastian who, along with other members of the Committee, provided a report.
- I. Citizens' Financial Advisory Committee – Chairperson Jim Grainger
Mayor Reckwerdt recognized Jim Gross who presented a request to clarify the charge of the Committee and a request to delve fully and completely into the different Village Departments, allow access to learn how the Departments function, how the compendium of employees is developed and to determine how many employees there should be, review their job functions and how the Village measures performance and accountability. Mayor Reckwerdt requested that the adopted resolution be provided to the Council members for review and that the item be placed on a future agenda.

VII. WASTEWATER MATTERS

- A. Wastewater Update
Tom Brzezinski of Wade Trim provided a report on the DBOF addendum and selection date.
- B. Discussion and Direction Regarding Key Largo Wastewater Treatment District (KLWTD) Agreement
Councilman Achenberg gave an update on the recent meeting with Key Largo Wastewater Treatment District regarding the proposed agreement.
- C. Request for Proposal (RFP) Wastewater System Veolia - DBOF Team Key Member Changes
Greg Tindle Wastewater Utility Director explained the request for a change of a team member. Councilman Purdo asked about the budget impact and if Veolia should be responsible for the cost associated with the change. It was agreed to go forward with the member change and that Greg Tindle will do more research on the debt in equity.

VIII. QUASI-JUDICIAL

- A. Application for Administrative Relief (AR 11-03) for Robert E. Reckwerdt Estate

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF ROBERT E. RECKWERDT ESTATE, FOR ADMINISTRATIVE RELIEF FROM BUILDING PERMIT ALLOCATION SYSTEM FOR PROPERTY LOCATED

AT 82647 OLD HIGHWAY, AS LEGALLY DESCRIBED IN EXHIBIT "A;" AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Reckwerdt abstained from participating in this section of the agenda and requested that Vice Mayor Philipson conduct the meeting.

Village Attorney James White read the quasi-judicial statement. Village Clerk Debra Eastman swore the witnesses. There were no ex parte communications.

Jay Berenzweig, Village Planner gave the staff report. There were no questions from Council members. Vice Mayor Philipson asked for public comment in support and there was none. Vice Mayor Philipson asked for public comment in opposition. Paul Bates spoke about the application submitted. There being no other public comment, Vice Mayor Philipson closed the public hearing. After further discussion regarding the application process, Vice Mayor Philipson called for a motion.

Councilman Blackburn made a motion to approve the resolution for administrative relief in the form of BPAS allocation. The motion received a second from Councilman Achenberg. Village Clerk Debra Eastman called the roll and the motion carried 4-0 with Mayor Reckwerdt abstaining.

IX. CONSENT AGENDA

A. Minutes:

Village Council Budget Workshop August 25, 2011
Regular Village Council Meeting August 25, 2011
Special Call Village Council Meeting August 31, 2011

Councilman Achenberg made a motion to approve the minutes. The motion received a second from Councilman Purdo. Mayor Reckwerdt called for the vote and the motion carried 5-0.

B. Proposed Resolution for Interlocal Agreement for Sharing the Village Fire Chief with the City of Marathon, Florida, for One Additional Year

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN ISLAMORADA AND THE CITY OF MARATHON FOR THE SERVICES OF THE FIRE CHIEF; AUTHORIZING THE VILLAGE MANAGER TO FINALIZE THE TERMS OF THE AGREEMENT; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney James White read the title of the resolution. Councilman Achenberg made a motion to table the item. The motion received a second from Vice Mayor Philipson. Mayor Reckwerdt called for the vote and all were in favor. Mayor Reckwerdt requested that the item be placed on the next Village Commission meeting agenda.

C. Resolution Approving Letter of Engagement for Code Compliance Hearing Officer

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE LETTER OF ENGAGEMENT BETWEEN MICHAEL J. PAWELCZYK AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE THE SERVICES OF CODE COMPLIANCE HEARING OFFICER; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE LETTER OF ENGAGEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LETTER OF ENGAGEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney James White read the title of the resolution. Mayor Reckwerdt asked for public comment and there was none. A motion to adopt the resolution was made by Councilman Blackburn. The motion received a second from Vice Mayor Philipson. Mayor Reckwerdt gave Paul Bates an opportunity to speak if he wished and Mr. Bates declined. Mayor Reckwerdt called for the vote and the motion carried 5-0.

X. **ORDINANCES**

A. Second Reading – Proposed Ordinance Providing for a Special Election Related to a Proposed Village Charter Amendment Providing that the Candidate in Each Race Receiving the Highest Number of Votes Be Elected, and to Eliminate Runoff Elections

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE PRESIDENTIAL PREFERENCE ELECTION IN 2012; PROVIDING FOR SUBMISSION TO THE ELECTORS OF A PROPOSED AMENDMENT TO THE VILLAGE CHARTER PROVIDING THAT THE CANDIDATE IN EACH RACE RECEIVING THE HIGHEST NUMBER OF VOTES BE ELECTED, AND TO ELIMINATE RUNOFF ELECTIONS; PROVIDING FOR BALLOTING; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR NOTICE OF ELECTION; PROVIDING AUTHORIZATION OF VILLAGE CLERK; PROVIDING FOR VILLAGE CANVASSING BOARD; PROVIDING FOR EFFECTIVENESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER/CONFORMITY OF AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney James White read the title of the ordinance. Mayor Reckwerdt opened the public hearing. There being no one wishing to speak, Mayor Reckwerdt closed the public hearing.

Councilman Purdo made a motion to approve the ordinance. The motion received a second from Vice Mayor Philipson. Village Clerk Debra Eastman called the roll and the motion carried 4-1 with Councilman Achenberg voting in opposition.

B. Second Reading – Proposed Ordinance Establishing a Hazardous Waste Release Mitigation and Cost Recovery Program within the Village

AN ORDINANCE OF THE VILLAGE OF ISLAMORADA, FLORIDA, CREATING ARTICLE VI “HAZARDOUS WASTE RELEASE MITIGATION AND COST RECOVERY” OF CHAPTER 13 “EMERGENCY MANAGEMENT AND EMERGENCY SERVICES”; PROVIDING DEFINITIONS; PROVIDING FOR DUTIES DURING RELEASE OF A HAZARDOUS SUBSTANCE, POLLUTANT OR CONTAMINANT; PROVIDING FOR COST RECOVERY FOR INCURRED HAZARDOUS RELEASE MITIGATION COSTS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney James White read the title of the ordinance. Fire Chief Wagner explained the reason for the ordinance. Councilman Purdo questioned crude oil as a hazardous substance.

Mayor Reckwerdt opened the public hearing. Paul Bates spoke in opposition. There being no other public comment, Mayor Reckwerdt closed the public hearing.

After further discussion, Councilman Purdo made a motion to table to the next meeting to allow additional research and clarification. The motion received a second from Councilman Achenberg. Village Attorney James White clarified that the item is being deferred to the next Council meeting agenda on September 22, 2011 at 5:30 p.m. Village Clerk Debra Eastman called the roll and the motion carried 5-0.

C. Second Reading – Proposed Ordinance Establishing Regulations and Standards Within the Village Related to Public Firework Displays

AN ORDINANCE OF THE VILLAGE OF ISLAMORADA, FLORIDA, CREATING ARTICLE IV “FIREWORKS DISPLAYS” OF CHAPTER 26 “FIRE PREVENTION AND PROTECTION” TO PROVIDE A REGULATORY MECHANISM TO ENFORCE THE PROVISIONS OF CHAPTER 791, FLORIDA STATUTES; PROVIDING FOR PERMITTING REQUIREMENTS FOR FIREWORKS DISPLAYS; PROVIDING FOR OPERATION OF FIREWORKS DISPLAYS; PROVIDING FOR PENALTIES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney James White read the title of the ordinance. Fire Chief Wagner explained the reason for the ordinance and changes made since the first reading.

Mayor Reckwerdt opened the public hearing. Paul Bates spoke in opposition.

Gary Alvin explained that he is a fireworks professional and expressed that he is concerned about the proposed requirement of 5 million dollars in insurance. He stated that the industry standard is one million per occurrence.

There being no further public comment, Mayor Reckwerdt closed the public hearing.

Vice Mayor Philipson made a motion to adopt the ordinance with the change to one million dollars in insurance to replace the previous five million dollars. The motion received a second from Councilman Achenberg. Village Clerk Debra Eastman called the roll and the motion carried 5-0.

D. Second Reading – Proposed Ordinance Establishing Regulation, Standards and Service Charges Related to False Alarms within the Village

AN ORDINANCE OF THE VILLAGE OF ISLAMORADA, FLORIDA, CREATING ARTICLE V “FIRE ALARMS” OF CHAPTER 26 “FIRE PREVENTION AND PROTECTION” TO PROVIDE REGULATIONS RELATED TO FIRE ALARMS; PROVIDING FOR PURPOSE OF REGULATION; PROVIDING DEFINITIONS; REQUIRING MAINTENANCE, INSPECTION AND TESTING; REQUIRING POSTINGS; PROHIBITING FALSE ALARMS; REQUIRING INSPECTIONS; PROVIDING FOR SERVICE CHARGES; PROVIDING FOR NOTIFICATION OF FALSE ALARMS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney James White read the title of the ordinance. Fire Chief Wagner explained changes made since the first reading. Mayor Reckwerdt opened the public hearing. There being no one wishing to speak, Mayor Reckwerdt closed the public hearing. Councilman Achenberg suggested that the ordinance be amended to read “levy a service charge” rather than “be entitled to a service charge”.

Vice Mayor Philipson made a motion to adopt the ordinance with the amendment of “levy a service charge”. The motion received a second from Councilman Achenberg. Village Clerk Debra Eastman called the roll and the motion carried 5-0.

XI. RESOLUTIONS

A. Proposed Resolution Establishing Service Charges Related to False Fire Alarms Within the Village

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA ESTABLISHING A SERVICE CHARGE FOR FALSE FIRE ALARMS; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney James White read the title of the resolution. Fire Chief Wagner explained that there would be a service charge of \$250. Mayor Reckwerdt called for public comment, but there was none.

Vice Mayor Philipson made a motion to adopt the resolution with the amendment to change the language to “levy a service charge” rather than be “entitled to a service charge”. The

motion received a second from Councilman Achenberg. Village Clerk Debra Eastman called the roll and the motion carried 5-0.

- B. Bid Award for the Solar Retrofitting of Facility Lighting at Founders Park, Library Beach Park, Plantation Hammocks Preservation and Plantation Tropical Preserve

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE BID AWARD FOR ELECTRICAL CONTRACTING SERVICES TO PROVIDE SOLAR RETROFITTING OF FACILITY LIGHTING AT FOUNDERS PARK, LIBRARY BEACH PARK, PLANTATION HAMMOCKS PRESERVE AND PLANTATION TROPICAL PRESERVE; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE A CONSTRUCTION CONTRACT FOR THE PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney James White read the title of the resolution. There was no public comment. A motion to adopt the resolution was made by Councilman Purdo. The motion received a second from Vice Mayor Philipson. Mayor Reckwerdt called for the vote and the motion carried 5-0.

- C. 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

It was agreed to defer this item to the September 22, 2011 Regular Village Council Meeting.

XII. MOTIONS
None

XIII. UNFINISHED BUSINESS
None

XIV. MAYOR/ COUNCIL COMMUNICATIONS

- A. Discussion regarding Inclusionary Zoning Fees
Vice Mayor Philipson discussed the need for a business plan from the Workforce/Affordable Housing Advisory Committee.

Mayor Reckwerdt invited public comment.
Cheryl Culberson spoke in support of the fees and described the various housing related opportunities currently available.
Barry Wray expressed that he felt this is a vendetta.
Paul Bates spoke in favor of reasonable fees.
Dave Boerner pointed out zoning fees were meant to generate housing.
Deb Gillis spoke regarding the need for affordable housing and that there may be some room for negotiation.
It was agreed that the Committee should come back to the Council with a viable plan and negotiation.

Mayor Reckwerdt called for a break at 8:30 p.m. The meeting reconvened at 8:40 p.m.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Florida Department of Transportation (FDOT) Project

Ron Levy spoke about the FDOT plan to widen the shoulder and resurface US 1 and expressed his concern. Village Manager Edward Koconis explained that he is reviewing the project and working with the local Secretary and will come back to Council with more information.

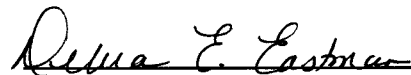
Vice Mayor Philipson and Councilman Blackburn reported that they will be traveling to Orlando to attend a Florida League of Cities event. Council concurred. Village Manager Edward Koconis reported that he will be out of the office on Monday.

Village Attorney James White requested the scheduling of two Executive Sessions:
Miciak V. Islamorada 017-CA-74C-P and Morgan Adeeb V Islamorada 09-CA-281-P.

XVI. ADJOURNMENT

A motion to adjourn was made by Councilman Achenberg. The motion received a second from Councilman Purdo. Mayor Reckwerdt called for the vote and all were in favor. The meeting adjourned at 10:04 p.m.

Approved by the Village Council on September 22, 2011.


Debra E. Eastman, MMC
Village Clerk