



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
November 10, 2011
5:30 PM**

I. CALL TO ORDER\ROLL CALL

Mayor Reckwerdt called the meeting to order at 5:30 p.m. and requested 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 invited Larry Barr to lead the Pledge of Allegiance.

III. PRESENTATIONS

- A. Proclamation Take Stock in Children, 12th Anniversary in Monroe County
On behalf of the Mayor and Village Council, Councilman Achenberg read and presented a proclamation for Take Stock in Children, 12th Anniversary in Monroe County.

IV. PUBLIC COMMENT

Bruce Williams spoke on behalf of Veolia and clarified that the downsizing of the company does not apply to North America.

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 – Committee Member Deb Gillis
Deb Gillis explained that there are items on the Council agenda that have been approved by the LPA.
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 – No Report
I. Citizens' Financial Advisory Committee – No Report

VII. WASTEWATER MATTERS

A. Wastewater Update

Tom Brzezinski, Wade Trim explained the current status and process being used for the DBOF RFP evaluation.

Dr. Stan Margulies spoke in opposition to the Cone of Silence.

Councilman Achenberg made a motion to accept the Wastewater Update report. The motion received a second from Vice Mayor Philipson. Mayor Reckwerdt called for the vote and all were in favor.

VIII. QUASI-JUDICIAL

A. Application for Alcoholic Beverage Use Permits (AB-11-02) By EAP Enterprise LLC DBA Tavernier Creek Marina

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY EAP ENTERPRISES LLC DBA TAVERNIER CREEK MARINA FOR A 5COP ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW PACKAGE SALES AND ON-PREMISES CONSUMPTION OF BEER, WINE AND LIQUOR ON PROPERTY LOCATED AT 90800 OVERSEAS HIGHWAY ON PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A;" WITHIN THE MARINE USE (MR) ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney James White read the quasi-judicial statement. He further requested that members of the Village Council disclose any ex-parte communications. Mayor Reckwerdt and Councilman Purdo disclosed that they had spoken with the applicant in the audience just a few moments prior to the meeting. Village Clerk Debra Eastman administered the oath to the witnesses. Cheryl Cioffari Principal Planner gave the staff report.

Mayor Reckwerdt invited public comment. Tom Gallaher spoke in opposition to the issuance of the permit. German Fucaraccio spoke about the intended operations.

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

B. Application for Alcoholic Beverage Use Permits (AB-11-02) By EAP Enterprise LLC DBA Tavernier Creek Marina

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY EAP ENTERPRISES LLC DBA TAVERNIER CREEK MARINA FOR A 2COP ALCOHOLIC BEVERAGE USE PERMIT TO ALLOW PACKAGE SALES AND ON-PREMISES CONSUMPTION OF BEER AND WINE ON PROPERTY LOCATED AT 90800 OVERSEAS HIGHWAY ON PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A;" WITHIN THE MARINE USE (MR) ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE. *This item was withdrawn.*

IX. CONSENT AGENDA

A. Minutes:

Executive Session October 19, 2011
Executive Session October 19, 2011
Executive Session October 19, 2011
Executive Session October 26, 2011
Executive Session October 26, 2011
Executive Session October 26, 2011
Regular Village Council Meeting October 26, 2011
Executive Session October 31, 2011
Executive Session October 31, 2011
Executive Session October 31, 2011

B. A Resolution of the Village Council of Islamorada, Village of Islands, Florida Providing for the Issuance of Utility Revenue Bonds

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA PROVIDING FOR THE ISSUANCE OF UTILITY REVENUE BONDS, FROM TIME TO TIME, FOR THE PRINCIPAL PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE VILLAGE'S WASTEWATER UTILITY SYSTEM; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING FOR THE PAYMENT THEREOF FROM, AND A PLEDGE OF, NET REVENUES OF THE WASTEWATER SYSTEM AND CERTAIN OTHER MONEYS INCLUDING CERTAIN SPECIAL ASSESSMENTS IMPOSED BY THE VILLAGE; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; FURTHER PROVIDING FOR THE ISSUANCE OF THE VILLAGE'S UTILITY REVENUE BONDS, SERIES 2012, IN ONE OR MORE SERIES AND IN AN AMOUNT NOT TO EXCEED \$25,000,000 FOR THE PRINCIPAL PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE WASTEWATER UTILITY SYSTEM AS MORE PARTICULARLY DESCRIBED HEREIN, IN A MANNER DETERMINED BY THE VILLAGE UPON THE ADVICE OF ITS FINANCIAL ADVISOR; AND PROVIDING AN EFFECTIVE DATE.

C. Resolution Approving Second Amendment to Project Agreement with Metric Engineering, Inc. for Work Authorization No.: Replacement of Street Lighting Poles / Solar Lighting Grant Project

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE SECOND AMENDMENT TO THE PROJECT AGREEMENT FOR WORK AUTHORIZATION NO. 8 BETWEEN METRIC ENGINEERING, INC. AND ISLAMORADA, VILLAGE OF ISLANDS FOR ENGINEERING, DESIGN, AND CONSTRUCTION MANAGEMENT SERVICES FOR THE REPLACEMENT OF STREET LIGHTING POLES / SOLAR LIGHTING GRANT PROJECT WITH FEDERAL REIMBURSEMENT; AUTHORIZING

VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SECOND AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE SECOND AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Philipson made a motion to adopt the consent agenda. The motion received a second from Councilman Achenberg. Mayor Reckwerdt called for the vote the motion passed 5-0.

X. ORDINANCES

- A. First Reading – Ordinance Amending the Comprehensive Plan Policy 1-3.1.1 Establish a Building Permit Allocation System (BPAS) by Increasing the Non-Residential Square Footage Allocation**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-3.1.1 “ESTABLISH A BUILDING PERMIT ALLOCATION SYSTEM (BPAS)” OF THE VILLAGE COMPREHENSIVE PLAN REGARDING THE ALLOCATION OF NONRESIDENTIAL FLOOR AREA; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY.

Village Attorney James White read the title of the ordinance. Principal Planner Cheryl Cioffari gave the staff report. Mayor Reckwerdt called for public comment and there was none.

Councilman Achenberg made a motion to adopt the ordinance on first reading. The motion received a second from Vice Mayor Philipson. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

- B. First Reading – Ordinance Amending Chapter 30 “Land Development Regulations,” Article IV “Administrative Procedures,” Division 11 “Building Allocation System,” Section 30-474 “Building Permit Allocation” of the Village Code**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE IV “ADMINISTRATIVE PROCEDURES,” DIVISION 11 “BUILDING PERMIT ALLOCATION SYSTEM,” SECTION 30-474 “BUILDING PERMIT ALLOCATION” OF THE VILLAGE CODE AMENDING PROVISIONS RELATED TO THE ALLOCATION OF NONRESIDENTIAL FLOOR AREA; 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; PROVIDING FOR THE

TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY.

Village Attorney James White read the title of the ordinance. Principal Planner Cheryl Cioffari gave the staff report. Mayor Reckwerdt called for public comment and there was none.

Councilman Achenberg made a motion to adopt the ordinance on first reading. The motion received a second from Councilman Blackburn. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

C. Second Reading – Proposed Ordinance Amending Burglar Alarm Registration Regulations

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING ARTICLE V OF CHAPTER 13 OF THE VILLAGE CODE ENTITLED “BURGLAR ALARMS”; PROVIDING FOR REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; 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. Mayor Reckwerdt called for public comment and there was none.

Vice Mayor Philipson made a motion to adopt the ordinance on first reading. The motion received a second from Councilman Blackburn. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

XI. RESOLUTIONS

A. Resolution to Adopt FY 2010-2011 Reappropriations Budget Amendment

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.

Village Attorney James White read the title of the ordinance. Finance Director Maria Aguilar explained. Mayor Reckwerdt opened public comment. Paul Bates spoke regarding the Village budget and legal expenses.

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 motion passed 5-0.

- B. Resolution Approving Interlocal Agreement Between Monroe County and Islamorada, Village of Islands for a Wayfinding Project Along the US 1 Corridor in Islamorada

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY AND ISLAMORADA, VILLAGE OF ISLANDS TO PARTICIPATE IN A WAYFINDING SIGNAGE PROJECT FOR THE US 1 CORRIDOR IN ISLAMORADA; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE INTERLOCAL AGREEMENT; APPROVING A BUDGET AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney James White read the title of the ordinance. Public Works Director John Sutter explained the Interlocal Agreement. Mayor Reckwerdt opened public comment. Paul Bates spoke regarding the Village and the project. Dr. Stan Margulies spoke in opposition to personal attacks by speakers. Larry Barr spoke in opposition to personal attacks. The Village Council agreed that before the agreement is executed that Public Works Director John Sutter will arrange for general and vehicular liability coverage.

Vice Mayor Philipson made a motion to adopt the resolution. The motion received a second from Councilman Purdo. Mayor Reckwerdt called for the vote and the motion passed 5-0.

- C. BPAS Allocation Distribution for 2012

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE TOTAL AMOUNT OF NONRESIDENTIAL FLOOR AREA AND RESIDENTIAL DWELLING UNITS THAT MAY BE MADE AVAILABLE, THE QUARTERLY ALLOCATIONS, AND THE DISTRIBUTION OF ALLOCATIONS BETWEEN CATEGORIES OF THE BUILDING PERMIT ALLOCATION SYSTEM FOR 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney James White read the title of the ordinance. Principal Planner Cheryl Cioffari gave the staff report. Mayor Reckwerdt called for public comment and there was none.

Vice Mayor Philipson made a motion to adopt the resolution. The motion received a second from Councilman Achenberg. Mayor Reckwerdt called for the vote and the motion passed 5-0.

- D. Alberto vs. Islamorada Case No. 11-CA-325-P 16th Judicial Circuit, Monroe County, FL

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 James White read the title of the ordinance and explained the agreement. Mayor Reckwerdt invited public comment. Paul Bates spoke about settling cases and the cost.

Vice Mayor Philipson made a motion to adopt the resolution. The motion received a second from Councilman Achenberg. Mayor Reckwerdt called for the vote and the motion passed 5-0.

XII. MOTIONS

None.

XIII. UNFINISHED BUSINESS

None.

XIV. MAYOR / COUNCIL COMMUNICATIONS

- A. Discussion Regarding Digital Billboards (Vice Mayor Philipson)**
Vice Mayor Philipson explained the type of digital billboards being built throughout Florida. He explained the pending ordinance doctrine that will be discussed at an upcoming committee of the Florida League of Cities.

Councilman Blackburn reported on the number of proposals before the Florida Legislature and the items of focus by the Florida League of Cities.

Councilman Achenberg explained the Indian Key Fill boat ramp and pier proposal. After discussion, staff was instructed to relay the message that the Village Council is opposed to the project as proposed.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

- A. Requested Policy Direction from the Village Council Concerning Lease Terms Related to the Proposed Ninety-Nine (99) Year Ground Lease with Wet-Net Villas Workforce Housing, LLC (Gorman & Company) for the Construction of Affordable Housing on the Wet Net Parcel**

Village Attorney Lillian Arango explained the history of the project and the draft lease. She explained that she will be seeking final approval at the December 1 Village Council meeting. Councilmembers gave direction to Counsel regarding areas of concern and amendments they want to be made to the draft lease.


B. Discussion Regarding Village Managers Contract

Mayor Reckwerdt volunteered to work with the Village Manager to bullet point items from the Village Manager's contract to bring back to the Council.

XVI. ADJOURNMENT

Councilman Achenberg made a motion to adjourn. The motion received a second from Councilman Purdo. The meeting adjourned at 7:25 p.m.

Approved by the Village Council on December 1, 2011.



Debra E. Eastman, MMC
Village Clerk