



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
December 1, 2011
5:30 PM**

I. CALL TO ORDER\ROLL CALL

Mayor Reckwerdt called the meeting to order at 5:35 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. ELECTION OF MAYOR AND VICE MAYOR

A motion was made by Councilman Achenberg to nominate Michael Reckwerdt as Mayor. The motion received a second from Councilman Purdo. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

A motion was made by Councilman Achenberg to nominate Ken Philipson as Vice Mayor. The motion received a second from Councilman Blackburn. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

IV. PRESENTATIONS

- A.** Monroe County Mayor David Rice and Monroe County Administrator Roman Gastesi, Jr. to Address Wastewater Funding Options

Mayor Rice and Mr. Gastesi discussed possible funding options for wastewater and other unfunded mandates.

V. PUBLIC COMMENT

Mayor Reckwerdt explained the rules of procedure for public comment.

Larry Barr spoke in opposition to personal attacks made on the Mayor and Council during public comment.

Deb Gillis spoke regarding the upcoming holiday festival.

Paul Bates spoke in favor of open and honest government.

VI. AGENDA: Request for Deletion / Emergency Additions

Vice Mayor Philipson requested that Tab 3 be pulled from the consent agenda.

VII. 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 – No Report
- I. Citizens' Financial Advisory Committee – No Report

VIII. WASTEWATER MATTERS

- A. Wastewater Update **TAB 1**

Tom Brzezinski, Wade Trim reviewed the snapshot. Councilman Achenberg gave an update regarding the Key Largo negotiations.
Larry Barr gave an overview of the DBOF meetings.
Wesley Self spoke about the DBOF evaluations and clarified various points.
Dave Refling spoke about the DBOF evaluations.
Richard Crow spoke regarding wastewater.
Marty Waits expressed his dissatisfaction with the DBOF evaluation process.
David Guardino spoke regarding the wastewater proposals.
Mayor Reckwerdt assured everyone that the Council is taking the wastewater matter seriously and will be asking a lot of questions.

IX. QUASI-JUDICIAL

X. CONSENT AGENDA

- A. Minutes: **TAB 2**

November 10, 2011 Village Council Workshop
November 10, 2011 Regular Village Council Meeting

A motion to adopt the consent agenda was made by Councilman Achenberg. The motion received a second from Vice Mayor Philipson. Mayor Reckwerdt called for the vote and all were in favor.

- B. Resolution Approving Letter of Agreement with Government Services **TAB 3**

Group for Existing Assessments for FY 12-13

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE LETTERS OF AGREEMENT BETWEEN GOVERNMENT SERVICES GROUP, INC. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE SPECIALIZED PROFESSIONAL SERVICES TO ASSIST

WITH CONTINUED DEVELOPMENT AND IMPLEMENTATION OF NON-AD VALOREM ASSESSMENT PROGRAMS FOR WASTEWATER, STORMWATER AND SOLID WASTE; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney James White read the title of the resolution. Finance Director Maria Aguilar explained. Vice Mayor Philipson suggested that the Village Manager coordinate a stable of potential bidders for future contracts of this nature.

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

XI. ORDINANCES

A. First Reading – Amendment to the Flood Plain Ordinance

TAB 4

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 6 “BUILDINGS AND BUILDING REGULATIONS,” ARTICLE III “FLOODPLAIN MANAGEMENT STANDARDS” OF THE CODE OF ORDINANCES TO PROVIDE FOR UPDATES AND CHANGES CONSISTENT WITH FEDERAL EMERGENCY MANAGEMENT AGENCY REQUIREMENTS AND STANDARDS; AND TO FURTHER IMPLEMENT AND ENFORCE THE PROCEDURES REQUIRED IN THE BIOLOGICAL OPINION PREPARED BY THE U.S. FISH AND WILDLIFE SERVICE FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR TRANSMITTAL TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney James White read the title of the ordinance. Kevin Bond Senior Planner explained the need for the change.

Jim Bellizi spoke regarding the requirements and the adoption of the 2003 map.

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

- B. Second Reading – Official Zoning Map Amendment (FLRZ-10-03) TAB 5
for 75700 Overseas Highway

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, GRANTING THE REQUEST BY PLANMAC COMPANY INC., TO AMEND THE *OFFICIAL ZONING MAP* FROM RESIDENTIAL ESTATE (RE) TO MULTIFAMILY (MF) FOR A PARCEL LOCATED AT 75700 OVERSEAS HIGHWAY AND FURTHER DESCRIBED IN EXHIBIT “A;” 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 for second reading. Cheryl Cioffari Principal Planner explained the ordinance. Mayor Reckwerdt opened and closed the public hearing. There was no public comment. Councilman Purdo made a motion to adopt the ordinance on second reading. The motion received a second from Vice Mayor Philipson. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

- C. Second Reading - Official Zoning Map Amendment (FLRZ-11-01) TAB 6
for 87760 Overseas Highway

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY PLANTATION ACQUISITION, LLC TO AMEND THE *OFFICIAL ZONING MAP* FROM RESIDENTIAL SINGLE FAMILY (R1) TO TOURIST COMMERCIAL (TC) FOR PROPERTY LOCATED AT 87760 OVERSEAS HIGHWAY AS LEGALLY DESCRIBED IN EXHIBIT “A”; 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 for second reading. Planner R. Jay Berenzweig explained the ordinance. Mayor Reckwerdt opened and closed the public hearing. There was no public comment. Vice Mayor Philipson made a motion to adopt the ordinance on second reading. The motion received a second from Councilman Purdo. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

- D. Second Reading – Proposed Ordinance Establishing the Position of the Village Fire Official and Further Establishing the Duties and Responsibilities of that Position

TAB 7

AN ORDINANCE OF THE VILLAGE OF ISLAMORADA, FLORIDA, CREATING SECTION 26-1, “DEFINITIONS”, SECTION 26-2, “FIRE OFFICIAL” OF ARTICLE I, “IN GENERAL,” OF CHAPTER 26 “FIRE PREVENTION AND PROTECTION”; PROVIDING DEFINITIONS; PROVIDING FOR APPOINTMENT OF FIRE CHIEF AND RESPONSIBILITIES; 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 for second reading. Chief William Wagner explained the ordinance. Mayor Reckwerdt opened and closed the public hearing. There was no public comment. There was discussion regarding the written notification of fees due and it was concurred that the procedure would be handled internally and would not be made a part of the ordinance. Vice Mayor Philipson made a motion to adopt the ordinance on second reading. The motion received a second from Councilman Purdo. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

XII. RESOLUTIONS

- A. Resolution Approving 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

TAB 8

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE GROUND LEASE AGREEMENT BETWEEN WET-NET VILLAS WORKFORCE HOUSING, LLC AND ISLAMORADA, VILLAGE OF ISLANDS, FOR THE DEVELOPMENT OF THIRTY-SIX (36) AFFORDABLE HOUSING UNITS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE GROUND LEASE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MAYOR TO EXECUTE THE GROUND LEASE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney James White read the title of the resolution. Village Attorney Lillian Arango explained the draft lease. Council discussed various items within the lease.

Mayor Reckwerdt invited public comment. Larry Barr suggested tabling the item. Deb Gillis spoke in favor of the resolution. David Guardino spoke in opposition.

Vice Mayor Philipson made a motion to approve the resolution with the amendment to add a provision to the lease to allow for the filing of a short term lease memorandum to avoid having to continually file amended leases. The motion received a second from Councilman Purdo. Village Clerk Debra Eastman called the roll and the motion passed 3-2 with Councilman Achenberg and Mayor Reckwerdt voting in opposition.

B. Resolution Approving Reservation of BPAS Affordable Units for Wet Net TAB 9

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE RESERVATION OF BUILDING PERMIT ALLOCATION SYSTEM (BPAS) AFFORDABLE DWELLING UNIT ALLOCATIONS FOR AWARD TO THE WET NET AFFORDABLE HOUSING DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney James White read the title of the resolution and explained the reason for 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 all were in favor.

C. Resolution Approving the Renewal of the Village Manager's Contract TAB 10

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE VILLAGE AND EDWARD KOCONIS; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney James White read the title of the resolution. Councilmembers discussed various areas of the agreement. The Council concurred that the agreement would be changed to include that any unused annual leave in excess of 192 hours would be annually cashed out on the anniversary date at the current rate of pay.

A motion was made by Councilman Blackburn to approve the agreement as amended. The motion received a second from Vice Mayor Philipson. Village Clerk Debra Eastman called the roll. The motion passed 4-0 with Councilman Achenberg absent from the room. Upon returning to the meeting, Councilman Achenberg added his affirmative vote.

XIII. MOTIONS

None

XIV. UNFINISHED BUSINESS

None

XV. MAYOR / COUNCIL COMMUNICATIONS

None

XVI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Discussion Regarding Expanding Mini Season Lobster Ordinance **TAB 11**
Vice Mayor Philipson suggested that the Council adopt a prohibition to diving and snorkeling within navigable canals and within 300 feet of marinas, improved residential and commercial shorelines, as is now the case for the mini-lobster season. Jim Bellizzi spoke in favor. Larry Barr spoke in favor of the County ordinance. Staff was instructed to prepare an ordinance for future consideration by the Council.

B. Yearend Budget Review for Enterprise Fund **TAB 12**
Finance Director Maria Aguilar explained the information provided for Council review. Vice Mayor Philipson thanked the Finance Director for the report.

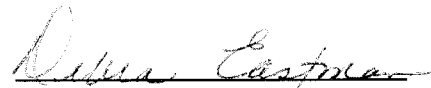
C. Discussion of 2011 Florida Keys Annual Report Related to **TAB 13**
City of Marathon's Hotel Unit Request to State Department of Economic Opportunity
Councilmembers discussed the City of Marathon request and surrounding issues. The Village Manager was instructed to prepare a letter to the Department of Economic Opportunity expressing the concern of the Village Council.

Village Attorney Nina Boniske requested Executive Sessions for the following:
Whiteco Interra Ventures, LLC, Case no. 06-10013-CIV-King/Garber and
NWLC, LLC, Hotel Condominium at Cheeca Lodge Resort Association, Inc.,
Ocean Front Development, LLC, Cheeca Lodge Resort Hotel Condominium
Association, Inc. 11-CA-816P

XVII. ADJOURNMENT

Councilman Achenberg made a motion to adjourn. The motion received a second from Councilman Purdo. The meeting adjourned at 9:00 p.m.

Approved by the Village Council on December 15, 2011.


Debra E. Eastman, MMC
Village Clerk