



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
January 12, 2012
5:30 PM**

I. CALL TO ORDER/ROLL CALL

Mayor Reckwerdt called the meeting to order at 5:45 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 Former Mayor Chris Sante to lead the Pledge of Allegiance.

III. PRESENTATIONS

- A. Introduction of Team Leader for the Islamorada, Fire Rescue Community Emergency Response Training Program. This item was postponed.
- B. Presentation of Check for Excess Funds from the Monroe County Sheriff's Office
Captain Bryan Corey presented a refund check to the Village Council in the amount of \$250,000.
- C. Presentation of Certificate of Appreciation to Citizens' Advisory Committee Member
Mayor Reckwerdt presented a Certificate of Appreciation to Chris Sante for his service on the Water Quality Citizens' Advisory Committee.
- D. Announcement of Wounded Warrior Project Soldier Ride, Friday, January 13, 2012
Councilman Blackburn announced the time and place of the arrival of the Wounded Warrior Soldiers.

IV. PUBLIC COMMENT

Mayor Reckwerdt invited public comment.

Joe Ziomek spoke regarding Venetian Shores wind direction as it relates to a possible sewer treatment operation.

Ralf Brooks, Esq. spoke regarding wastewater and the Key Largo option.

Stan Margulies spoke regarding wastewater and urged an agreement with Key Largo and also spoke of the unfunded mandate.

Larry Barr spoke in favor of the Key Largo option and of the cost of the currently proposed system.

Bill Busely spoke regarding enforcement of the noise ordinance.

Charles Causly spoke regarding wastewater and in favor of the Key Largo option.
Ray Nemura spoke regarding Veolia.
Susan Brown spoke in opposition of the proposed location of the wastewater plant.
Raul Pedroso spoke in opposition to the wastewater plant, the insurance risk in the Veolia proposal and the unfunded mandate.
Ron Levy presented his research and suggested that the Council propose legislation that would provide wastewater funding through tolling.

Councilman Purdo appointed Jeff Gautier and Tom Genovese to the Landscape Advisory Committee.

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 – No Report
- G. Water Quality Improvement Citizens' Advisory Committee – Chairperson David Makepeace

David Makepeace thanked Chris Sante for his service on the Committee. Mr. Makepeace communicated that the Water Quality Improvement Citizens' Advisory Committee would like for the Council to direct staff to look more closely at the step system for the wastewater solution.

- H. Workforce / Affordable Housing Citizens' Advisory Committee – No Report
- I. Citizens' Financial Advisory Committee – No Report

VII. WASTEWATER MATTERS

A. Wastewater Update

Tom Brzezinski of Wade Trim reviewed the snapshot from the agenda and the progress of staff. Wastewater Director Greg Tindle reported on the recent meeting with Key Largo and that there was no formal vote, but the Board decided to remain open to an interlocal agreement.

Councilman Philipson requested, and Council members concurred, that the Village Manager direct staff to prepare a comparison between the Reynolds option and the Veolia option and make the adjustments necessary to do that. Tom Brzezinski will prepare the comparison.

Councilman Purdo informed that he would like to attend the wastewater staff committee meetings.

Mayor Reckwerdt invited public comment.

Ralf Brooks, Esq. spoke regarding the Key Largo wastewater option.

Stan Margulies spoke about other sites for a wastewater treatment plant, the Key Largo option and the unfunded mandate.

Charles Causly requested a negotiating team be selected to speak with Key Largo.

Zoli Bedo spoke about pipes and the disintegration of buried pipes.

Raul Pederoso spoke in opposition to the DBOF bids.

Robert Geisler spoke in opposition to a wastewater treatment plant on the Key Lime property.

Mayor Reckwerdt requested upon concurrence of the Council members, that the Village Manager request staff prepare a report with an alternative site to the current one proposed, including the cost and that the report be released to the Council as soon as possible.

Mayor Reckwerdt invited public comment.

Larry Barr spoke about wastewater costs presented previously.

Stan Margulies spoke regarding a possible piece of available land on Windley Key.

Mayor Reckwerdt called for a break at 7:35 p.m. Mayor Reckwerdt reconvened the meeting at 8 p.m. with all Council members in attendance.

VIII. QUASI-JUDICIAL

IX. CONSENT AGENDA

A. Minutes:

December 15, 2011 Village Council Workshop

December 15, 2011 Regular Village Council Meeting

B. Approval of Amendments to Citizens' Advisory Committees Resolutions

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AMENDING RESOLUTION NO. 08-11-88 PERTAINING TO THE AD HOC LAND ACQUISITION ADVISORY COMMITTEE; PROVIDING FOR ANNUAL REVIEW OF THE COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AMENDING RESOLUTION 07-04-18 PERTAINING TO THE LANDSCAPE ADVISORY COMMITTEE; PROVIDING FOR AN ANNUAL REVIEW OF THE COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AMENDING RESOLUTION NO. 07-04-14 PERTAINING TO THE NEAR SHORE WATER REGULATION CITIZENS' ADVISORY COMMITTEE; ADDRESSING THE REPORTING REQUIREMENTS OF THE COMMITTEE; PROVIDING FOR AN ANNUAL REVIEW; AND PROVIDING FOR AN EFFECTIVE DATE

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AMENDING RESOLUTION NO. 07-04-17 PERTAINING TO THE PARKS AND RECREATION CITIZENS' ADVISORY COMMITTEE; INCORPORATING THE MISSION STATEMENT OF THE

COMMITTEE; PROVIDING FOR AN ANNUAL REVIEW OF THE COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AMENDING RESOLUTION NO. 07-04-15 PERTAINING TO THE WATER QUALITY IMPROVEMENT ADVISORY COMMITTEE; ADDRESSING DUTIES AND RESPONSIBILITIES FO THE COMMITTEE; PROVIDING FOR AN ANNUAL REVIEW; AND PROVIDING FOR AN EFFECTIVE DATE

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AMENDING RESOLUTION NO. 07-04-16 PERTAINING TO THE WORKFORCE/AFFORDABLE HOUSING CITIZENS' ADVISORY COMMITTEE; ADDRESSING THE DUTIES AND RESPONSIBILITIES OF THE COMMITTEE; PROVIDING FOR AN ANNUAL REVIEW OF THE COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE

C. Request for Authorization to Dispose of Surplus Vehicle

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, DETERMINING THE VEHICLE SHOWN ON EXHIBIT "A" TO BE SURPLUS; DIRECTING THE METHOD OF DISPOSITION FOR THE SURPLUS VEHICLE; AND PROVIDING FOR AN EFFECTIVE DATE

D. MTS Software Solutions Proposal for OnBase Enterprise Document Management System

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE MTS PROPOSAL BETWEEN MTS SOFTWARE SOLUTIONS AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE REMOTE ONBASE ENTERPRISE DOCUMENT MANAGEMENT TRAINING, WITH TWO ADDITIONAL ONBASE ENTERPRISE SOFTWARE MODULES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE MTS PROPOSAL; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE MTS PROPOSAL; PROVIDING FOR WAIVER OF PURCHASING PROVISIONS; 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 and all were in favor.

X. ORDINANCES

- A. First Reading – Proposed Ordinance Expanding the Existing Diving and Snorkeling Prohibitions to Begin Three Days Prior to the Opening Lobster Min-Season and Continue Through the First Five Days of Commercial Lobster Season**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 66 “WATERWAYS”, ARTICLE 1 “IN GENERAL”, SECTION 66-1. “DIVING AND SNORKELING DURING LOBSTER MINI-SEASON” AND SECTION 66-2 “OPERATION OF VESSELS IN RESTRICTED AREAS”, OF THE VILLAGE CODE OF ORDINANCES PROHIBITING DIVING AND SNORKELING WITHIN NAVIGABLE CANALS, AND WITHIN 300 FEET OF MARINAS, IMPROVED RESIDENTIAL, AND COMMERCIAL SHORELINES BEGINNING THREE DAYS PRIOR TO THE OPENING OF AND DURING THE ENTIRETY OF LOBSTER MINI-SEASON AND FOR THE FIRST FIVE DAYS OF COMMERCIAL LOBSTER SEASON; PROVIDING FOR 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. Village Manager Edward Koconis explained that the change makes our ordinance consistent with the County ordinance. Mayor Reckwerdt opened public comment. There being no public comment the hearing was closed. Vice Mayor Philipson made a motion to adopt the ordinance on first reading. The motion received a second from Councilman Purdo. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

XI. RESOLUTIONS

- A. Temporary Use (TU-12-06) Permit Application for Morada Way Fine Arts Expo**

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE APPLICATION BY MORADA WAY ARTS AND CULTURAL DISTRICT, INC FOR A TEMPORARY USE PERMIT FOR AN EVENT THAT IS ANTICIPATED TO DRAW OVER 1,000 PEOPLE AT ANY GIVEN TIME ON JANUARY 20, 2012 BETWEEN THE HOURS OF 4 P.M. AND 8 P.M., ON JANUARY 21, 2012 BETWEEN THE HOURS OF 9 A.M. AND 5 P.M. AND ON JANUARY 22, 2012 BETWEEN THE HOURS OF 10 A.M. AND 5 P.M. ON A PORTION OF THE OLD HIGHWAY

BETWEEN THE ADJACENT STREETS OF JEROME AVENUE AND JOHNSTON ROAD ON UPPER MATECUMBE KEY WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney James White read the title of the resolution. Village Planner Jay Berenzweig explained the permit application and recommended passage. 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 of Golf Carts on Upper Matecumbe Key Old Road and Adjacent Neighborhoods
(Vice Mayor Philipson)
Vice Mayor Philipson requested that this item be deferred to the next meeting.

- B.** Discussion Regarding Municipal Pension Reform
(Vice Mayor Philipson)
Council discussed the issue of pension reform as presented by the Florida League of Cities and the adoption of a resolution in support of the League's position. Village Attorney Nina Boniske suggested that Council request guidance on this subject from Village Lobbyist Peebles.

Vice Mayor Philipson announced that the upcoming Ethics Seminars sponsored by the Florida League of Cities to be held in Oakland Park and Venice, Florida.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

- A.** Discussion Regarding Florida Keys Day in Tallahassee
Village Manager Edward Koconis requested that the Council provide direction as to who will attend and how the Council wants to fund the trip. Mayor Reckwerdt stated he would attend, as did Vice Mayor Philipson.
- B.** Discussion Regarding January 18, 2012 Presentation to Governor and Cabinet
Village Manager Edward Koconis explained the agenda for the Administrative Commission.
- C.** Discussion Regarding Unfunded Mandate for Sewer
Village Attorney Nina Boniske reviewed the document as provided in the agenda. There was no action taken.

Mayor Reckwerdt invited public comment.
Stan Margulies reviewed his previous comments and thanked the Council.
Robert Geisler asked if it was possible for a homeowner to solve the sewer problem with an independent septic system and Mayor Reckwerdt provided the history.

Village Attorney Nina Boniske announced that she will be asking to schedule Executive Sessions on the following litigation:

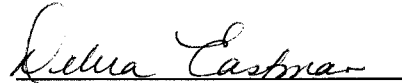
Whiteco Interra Ventures, LLC, plaintiff vs. Islamorada, Village of Islands, Village Council, Islamorada, Village of Islands, a Florida municipality, Don Horton, as Islamorada Building Official and Ed Koconis, as Islamorada Planning & Development Services Director, Defendants, United States District Court Southern District of Florida, **Case No. 06-10013-CIV-King/Garber**
And

In the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County, Florida, **Case No. 11-CA-816-P**, NWLC, LLC, a foreign limited liability company; hotel condominium at Cheeca Lodge Resort Association, Inc., a Florida Corporation; Ocean Front Development, LLC, a Florida Limited Liability Company; Cheeca Lodge Resort Hotel Condominium Association, Inc., a Florida Corporation, v. Islamorada, Village of Islands, a Florida municipality and Danise D. Henriquez, as Tax Collector, Monroe County, and in the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County, Florida, **Case No. 08-CA-805-P**, Cheeca Holdings, LLC, a foreign Limited Liability Company; Cheeca Lodge Resort Master Association, Inc., a Florida Corporation; Hotel Condominium at Cheeca Lodge Resort Association, inc., a Florida Corporation; Ocean Front Development, LLC, a Florida Limited Liability Company; Cheeca Lodge Resort Hotel Condominium Association, Inc., a Florida Corporation; and, Class Members, v., Islamorada, Village of Islands, a Florida Municipality; and, Danise D. Henriquez, as Tax Collector, Monroe County.

XVI. ADJOURNMENT

Councilman Achenberg made a motion to adjourn. The motion received a second from Councilman Purdo. All were in favor. The meeting adjourned at 9:20 p.m.

Approved by the Village Council on January 26, 2012.


Debra E. Eastman, MMC
Village Clerk