



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
March 8, 2012
5:30 PM**

I. CALL TO ORDER/ROLL CALL

Mayor Reckwerdt called the meeting to order at 5:50 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 Islamorada Chamber of Commerce Director Judy Hull to lead the Pledge of Allegiance.

III. PRESENTATIONS

There were no presentations.

Mayor Reckwerdt announced that he is appointing Brian Lesko to the Near Shore Water Regulations Citizens' Advisory Committee.

IV. PUBLIC COMMENT

Barry Wray reminded everyone of the Woofstock event to be held on Saturday, March 10, 2012.

V. AGENDA: Request for Deletion / Emergency Additions

Vice Mayor Philipson requested to pull Tab 2 from the Consent Agenda.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

There were no committee updates.

VII. WASTEWATER MATTERS

A. Wastewater Update

Wastewater Program Director Greg Tindle reviewed decisions to be made by Council as follows:

- the schedule for getting an agreement signed with Key Largo Wastewater Treatment District, and
- finalizing the upgrade and capacity charges in the agreement.

Councilman Blackburn indicated his optimism that all parties are coming closer to an agreement and that the finalization of that needs to be done quickly.

A motion was made by Councilman Achenberg to send wastewater to Key Largo for treatment, to retain a portion to be treated at the NPK plant for the purpose of reuse and to ensure that the initial capacity at Key Largo is sufficient to handle Islamorada wastewater. Initially the capacity is in question and in order to move forward, Islamorada should retain a portion to ensure capacity. The motion received a second from Councilman Purdo.

Mayor Reckwerdt invited public comment.

Larry Barr spoke about capacity.

Deb Gillis spoke about capacity.

Raul Pedroso spoke about the cost of keeping NPK open, reuse and Veolia.

Hank Paurowski discussed a document he prepared and that he is opposed to going to Key Largo and he is in favor of reuse.

Marty Waits reminded that the agreement will be a cost sharing agreement.

David Guardino spoke of an agreement, capacity and reuse.

Patty Silver suggested an amendment to the motion.

Mayor Reckwerdt invited the Village Clerk to call the roll. The motion passed 5-0.

A motion was made by Councilman Blackburn to instruct staff to enter into negotiations with Veolia for our collection system and everything that is related to our wastewater project according to our schedule. The motion received a second from Councilman Achenberg.

Mayor Reckwerdt invited public comment.

Larry Barr cautioned the members of the negotiating team.

Deb Gillis spoke about negotiating a contract and the approval from Council.

Raul Pedroso spoke about negotiating with both vendors.

Mayor Reckwerdt invited the Village Clerk to call the roll. The motion passed 4-1 with Mayor Reckwerdt voting in opposition.

Mayor Reckwerdt expressed the importance of expediency and urged the staff to move forward quickly and efficiently. Council set a Special Call Village Council Meeting for 11 a.m. on Thursday, March 15, 2012.

Mayor Reckwerdt called for a break at 7:33 p.m. Mayor Reckwerdt resumed the meeting at 8 p.m. All members of the Village Council were in attendance.

VIII. QUASI-JUDICIAL

IX. CONSENT AGENDA

A. Minutes:

February 16, 2012 Town Hall Meeting

February 16, 2012 Special Call Council Meeting

February 23, 2012 Regular Village Council Meeting

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

B. Resolution Establishing Written Procedures for Referring Development Permit Applications to the U.S. Fish and Wildlife Services for Review

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING WRITTEN PROCEDURES FOR REFERRING DEVELOPMENT PERMITS TO THE U.S. FISH AND WILDLIFE SERVICE, INCLUSION OF ANY CONDITIONS OR

MODIFICATIONS INTO THE DEVELOPMENT PERMITS INVOLVED, AND ENFORCEMENT OF THOSE CONDITIONS OR MODIFICATIONS, AS OUTLINED IN THE REASONABLE AND PRUDENT ALTERNATIVES; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO AMEND THE WRITTEN PROCEDURES AS NECESSARY FROM TIME TO TIME; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney James White read the title of the resolution. Vice Mayor Philipson expressed his displeasure with the necessity of the resolution and the mandate to the Village. Jim Bellizi spoke in opposition.

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 was adopted 5-0.

X. ORDINANCES

There were no ordinances.

XI. RESOLUTIONS

A. Approval of Southwinds Park Management Plan

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE MANAGEMENT PLAN FOR THE OPERATION AND MANAGEMENT OF SOUTHWINDS PARK; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PLAN, AND TO EXECUTE ANY REQUIRED DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER AND OFFICIALS TO FINALIZE THE TERMS AND CONDITIONS OF THE PLAN, AND TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE MANAGEMENT OF THE PARK; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney James White read the title of the resolution.

Cheryl Cioffari Principal Planner explained the plan. Ed Koconis Village Manager indicated that the Village staff will come back to the Village Council with an operating agreement.

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

XII. MOTIONS

A. Proposed Village Settlement Offer Regarding F.S. Section 70.001 Bert J. Harris Act Claim by Mr. Graham Glynn Related to 75831 Overseas HWY

Village Attorney James White explained the circumstances surrounding the case, the meaning of a Bert J. Harris Act Claim and the staff recommendation. Village Manager Ed Koconis explained the applicant is requesting a dock larger than the dock that was permitted.

Attorney for Mr. Glynn, Patty Silver explained that they are asking to replace the dock that existed previous to Hurricane Wilma.

Jim Bellizi spoke about dock regulations.

It was suggested by the Village Council, that the Village Manager bring further information to the Special Call meeting set for Thursday, March 15, 2012.

XIII. UNFINISHED BUSINESS

There was no unfinished business.

XIV. MAYOR / COUNCIL COMMUNICATIONS

A. Consideration of Village Attorney Services (Councilman Purdo)

Councilman Purdo suggested that the Council investigate hiring an in-house attorney and that bids be obtained. He suggested that the cost of an in-house attorney and staff would be less than what the Village is paying for the current firm.

Councilman Achenberg spoke in favor of Weiss, Serota and of their expertise and ratings. Councilman Blackburn suggested that a review of the Village Attorney might be more appropriate at budget time.

Vice Mayor Philipson suggested that he would support a review but not at this time. There was no action.

Councilman Achenberg made a motion to extend one half hour beyond 10 p.m. The motion received a second from Vice Mayor Philipson. Mayor Reckwerdt called for the vote and all were in favor.

B. Discussion Regarding Affordable Housing In-Lieu Fees (Vice Mayor Philipson)

Kevin Bond Senior Planner explained that the Affordable Housing Committee requested that the information in Tab 5 be shared with the Village Council. Barry Wray, Vice Chairman of the Workforce/Affordable Housing Citizens' Advisory Committee explained that the members of the Committee are requesting that the Village Council direct staff to develop three programs: 1) a program modeled after Marathon's housing assistance program, 2) sewer hookup fees and 3) a home improvement program. He also requested Council direct staff to find out the cost of study to determine a sliding scale for non-residential property.

Pat and Bill Evans spoke regarding the impact of the inclusionary fees on their property. The Village staff will meet with Mr. and Mrs. Evans.

The Village Council agreed that this item will be discussed at the Special Call Village Council Meeting on March 15, 2012 and that it be the first item on the agenda at 11 a.m.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. Discussion Regarding the Whiteco v. Islamorada Litigation

Village Attorney Nina Boniske explained that the Whiteco case has been settled and dismissed by the Florida League of Cities.

Jim Bellizi asked about how this will impact future insurance premiums.


Village Attorney Nina Boniske made the following requests for Executive Sessions:
WPC Industrial Contractors, LTD. V Islamorada 10-CA-762-P and
WPC Industrial Contractors, LTD. V Islamorada 07-CA-873-P.

Village Attorney Nina Boniske disclosed that she had just become aware that her firm of Weiss Serota Helfman Pastoriza and Boniske, P.L. has been hired to represent DMJM Harris regarding an issue at Ft. Lauderdale airport. DMJM Harris was purchased by AECOM. She suggested that the Village Council could use the services of another law firm if they felt that this represented a conflict of interest. Council requested more detailed information be provided at the March 15, 2012 Special Call Village Council Meeting.

XVI. ADJOURNMENT

Councilman Achenberg made a motion to adjourn. The motion received a second from Councilman Purdo. The meeting adjourned at 10:20 p.m.

Approved by the Village Council on March 22, 2012.

A handwritten signature in cursive script that reads "Debra Eastman". The signature is written in black ink and is positioned above a horizontal line.

Debra E. Eastman, MMC
Village Clerk