



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

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

I. CALL TO ORDER\ROLL CALL

Mayor Reckwerdt called the meeting to order at 5:41 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 the Girls Scouts of Troop 17 to lead the Pledge of Allegiance.

III. PRESENTATIONS

- A. Certificates of Appreciation to Girl Scouts**
Councilman Purdo presented certificates of appreciation to Islamorada Troop 17 Girl Scouts Jamie Aucamp, Ali Guevara and Allie Ancheta for their efforts in returning lost money to its owner at the Nautical Flea Market event.

IV. PUBLIC COMMENT

Mayor Reckwerdt invited public comment.
Ron Levy spoke in opposition to increasing the amount of nonresidential floor area and in opposition to the extension of time for the Wet Net site plan.

V. AGENDA: Request for Deletion / Emergency Additions

Mayor Reckwerdt indicated that item 12 would be moved up on the agenda. Several items were considered out of the order of the agenda during the meeting.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

- A. Workforce / Affordable Housing Citizens' Advisory Committee – Chairperson Renee Sebastian**
Barry Wray presented a report and requested that the Village Council give direction to staff to work with the Committee to structure wording for proposed Committee assistance programs. He spoke about the status of builders risk insurance in the Keys and reported on the vote of the Committee to reduce in lieu fees for a two year period.
- B. Water Quality Citizens' Advisory Committee – David Makepeace**
David Makepeace reported that the Water Quality Committee suggests that the Village Council may now want to consider establishing a wastewater district. Following discussion, Council consensus was to consider this at a future meeting following a written proposal from the committee.

VII. WASTEWATER MATTERS

A. Wastewater Update

Tom Brzezinski Wade Trim reviewed the snapshot.
Councilman Blackburn reported on the progress of the draft agreement with Key Largo Wastewater District.

Stan Margulies requested that item XIV B on the agenda regarding Venetian Shores be moved up, complimented staff on the work being done in the Veolia negotiations and requested that staff stay steadfast in reaching a closed contract.

VIII. CONSENT AGENDA

A. Minutes:

March 15, 2012 Special Call Village Council Meeting
March 22, 2012 Regular Village Council Meeting

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 the motion passed 5-0.

IX. ORDINANCES

A. Second Reading – Ordinance 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

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. Councilman Blackburn suggested that the item be tabled. Mayor Reckwerdt opened the public hearing. There being no public comment, Mayor Reckwerdt closed the public hearing. Vice Mayor Philipson made a motion to adopt the

ordinance. The motion received a second from Councilman Purdo. Village Clerk Debra Eastman called the roll and the motion passed 4-1 with Councilman Blackburn voting in opposition.

- B. First Reading – Future Land Use Map (FLUM) Amendment (FLRZ12-01) for a Property Located at Approximately MM 86.5

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY GEORGE AND JUDY SANDS TO AMEND THE *FUTURE LAND USE MAP* FROM CONSERVATION (C) TO MIXED USE (MU) FOR PROPERTY LOCATED AT APPROXIMATELY MILE MARKER 86.5 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. Planner Shane Laakso gave the staff report. Attorney Frank Greenman spoke in favor of the request on behalf of the applicant. Jim Bellizi presented the Village Council with a handout and questioned the property boundaries. Councilman Blackburn suggested that the item might be postponed.

Councilman Achenberg 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 4-1 with Councilman Blackburn voting in opposition.

X. QUASI-JUDICIAL

- A. First Reading – Zoning Map Amendment (FLRZ-12-01) for a Property Located at Approximately MM 86.5

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY GEORGE AND JUDY SANDS TO AMEND THE *OFFICIAL ZONING MAP* FROM CONSERVATION (C) TO HIGHWAY COMMERCIAL (HC) FOR PROPERTY LOCATED AT APPROXIMATELY MILE MARKER 86.5 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. Village Clerk Debra Eastman gave the oath to the witnesses. Council members disclosed ex parte communications. Planner Shane Laakso gave the staff report. Attorney Frank Greenman spoke in favor of the ordinance. Jim Bellizi spoke in opposition. Vice Mayor Philipson made a motion to adopt the ordinance. The motion received a second from Councilman Achenberg. Village Clerk Debra Eastman called the roll and the motion passed 4-1 with Councilman Blackburn voting in opposition.

Mayor Reckwerdt called for a recess at 7:56 p.m. The meeting resumed at 8:14 and all Council members were in attendance.

B. Resolution for Time Extension for Wet Net Site Plan and Minor Conditional Use Approval

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A TIME EXTENSION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 30-224 OF THE ISLAMORADA, VILLAGE OF ISLANDS CODE OF ORDINANCES TO ISLAMORADA, VILLAGE OF ISLANDS FOR THE COMPLETION OF THE REQUIREMENTS OF THE APPROVED SITE PLAN AND MINOR CONDITIONAL USE FOR THE DEVELOPMENT OF THIRTY-SIX (36) DEED-RESTRICTED AFFORDABLE RESIDENTIAL DWELLING UNITS FOR PROPERTY LOCATED AT 81101 OVERSEAS HIGHWAY AND AS LEGALLY DESCRIBED IN EXHIBIT "A"; LOCATED WITHIN THE HIGHWAY COMMERCIAL (HC) ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney James White read the title of the resolution. Council members indicated there were no ex parte communications. Principal Planner Cheryl Cioffari gave the staff report. Vice Mayor Philipson suggested that the term of the extension be changed to 12 months rather than 24 months.

Hana Eskra from Gorman was given the oath. She explained that she will have more information on the project by June and that she would be comfortable with the Council extending for an additional 12 months rather than 24 months.

Vice Mayor Philipson made a motion to adopt the resolution with a 12 month extension. The motion received a second from Councilman Achenberg. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

XI. RESOLUTIONS

A. Approval of Settlement Agreement Regarding F.S. Section 70.001 Bert J. Harris Act Claim by Mr. Graham Glynn Related to 75831 Overseas HWY

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE BERT J. HARRIS JR., PRIVATE PROPERTY RIGHTS PROTECTION ACT ("BERT J. HARRIS ACT") PRE-SUIT CLAIM SETTLEMENT AGREEMENT; 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 resolution and indicated a change will be made to page 5 of 7, paragraph 11 by deleting the last sentence.

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

B. Resolution Approving Fifth Amendment to Agreement with DLT Enterprises for Professional Software Consulting Services

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FIFTH AMENDMENT TO THE AGREEMENT BETWEEN DLT ENTERPRISES, INC. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE PROFESSIONAL SOFTWARE CONSULTING SERVICES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIFTH AMENDMENT TO THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FIFTH AMENDMENT TO THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney James White read the title of the resolution. Village Manager Ed Koconis explained that this is the Fifth Amendment to the current agreement and indicated he will be including a \$42,000 request in the 2012-2013 proposed budget for a web portal to view building permits. Council discussed the pros and cons of whether the bid procedure would apply to this specialized software. Mayor Reckwerdt invited public comment and there was none.

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 it passed 5-0.

C. A Resolution Amending Resolution 11-11-93 Regarding the Total Amount of Nonresidential Floor Area that May Be Made Available for 2012

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING RESOLUTION 11-11-93 REGARDING THE TOTAL AMOUNT OF NONRESIDENTIAL FLOOR AREA 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 resolution. Principal Planner Cheryl Cioffari gave the staff report. Mayor Reckwerdt invited for public comment and there was none.

Councilman Achenberg made a motion to adopt the resolution. The motion received a second from Vice Mayor Philipson. Village Clerk Debra Eastman called the roll and the motion passed 4-1 with Councilman Blackburn voting in opposition.

- D. Resolution Approving Settlement Agreement for Islamorada, Village of Islands v WPC Industrial Contractors, WF McCain, et al. and WPC Industrial Contractors v Islamorada, Village of Islands

PHASE 1 –

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE SETTLEMENT OF THE LITIGATION STYLED ISLAMORADA, VILLAGE OF THE ISLANDS V. WPC INDUSTRIAL CONTRACTORS, LTD AND W.F. MCCAIN & ASSOCIATES, CASE NO. 2007-CA-873-P, IN THE SIXTEENTH JUDICIAL CIRCUIT, AND APPROVING THE SETTLEMENT OF CLAIMS AGAINST WPC INDUSTRIAL CONTRACTORS, LTD. AND W.F. MCCAIN & ASSOCIATES, ET AL. RELATING TO THE VILLAGE'S NORTH PLANTATION KEY WASTEWATER VACUUM COLLECTION SYSTEM-PHASE-I; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE SETTLEMENT AGREEMENT AND RELEASE AND ANY ADDITIONAL DOCUMENTS PERTAINING TO THE SETTLEMENT; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT; TO EXECUTE AND FILE ANY REQUIRED DOCUMENTS WITH THE COURT TO CONCLUDE THE LITIGATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney Nina Boniske read the title of the resolution and explained the disparagement clause. There was no objection to the clause from Council. Mayor Reckwerdt invited public comment and there was none.

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

PHASE 2 –

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE SETTLEMENT OF THE LITIGATION STYLED WPC INDUSTRIAL CONTRACTORS, LLC., V. ISLAMORADA, VILLAGE OF ISLANDS, CASE NO. 2010-CA-762-P, IN THE SIXTEENTH JUDICIAL CIRCUIT, AND APPROVING THE SETTLEMENT OF CLAIMS BETWEEN THE VILLAGE AND WPC RELATING TO THE VILLAGE'S NORTH PLANTATION KEY WASTEWATER VACUUM COLLECTION SYSTEM-PHASE-II; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE MEDIATED SETTLEMENT AGREEMENT, MUTUAL GENERAL RELEASE AND ANY ADDITIONAL DOCUMENTS PERTAINING TO THE SETTLEMENT; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT; TO EXECUTE AND FILE ANY REQUIRED DOCUMENTS WITH THE

COURT TO CONCLUDE THE LITIGATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Attorney Nina Boniske read the title of the resolution and explained that she would like Council authorization to add the disparagement clause to this agreement as well, if it becomes an issue. Mayor Reckwerdt invited public comment and there was none.

Vice Mayor Philipson made a motion to adopt the resolution with the disparagement clause as determined by the Village Attorney. The motion received a second from Councilman Achenberg. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

XII. MOTIONS

A. Affordable Housing In Lieu Fees

Vice Mayor Philipson presented research from the website Zillow.com to the Council members regarding the decline in property values since 2007. He stated he is in favor of affordable housing funds being used to assist with sewer hookups and those eligible for down payment assistance to also receive sewer hookup assistance and that the Village should be more flexible during the current economic situation. Village Manager Ed Koconis is researching whether this type of assistance can be offered at Woods Corner. Vice Mayor Philipson made a motion that the current 30 percent in lieu fees be cut in half and that the fees for remodeling under 1,000 square feet be set at 5 percent and that over 1,000 square feet up to 2,000 square feet be set at 10 percent and that the fees be reviewed in two years. The motion received a second from Councilman Purdo.

Village Manager Ed Koconis explained the challenge of carving out the 5 percent and 10 percent portion of the motion.

Vice Mayor Philipson amended his motion to cut the current in lieu fees in half.

Councilman Purdo accepted the amendment.

Village Clerk Debra Eastman called the roll and the motion passed 5-0.

XIII. UNFINISHED BUSINESS

XIV. MAYOR / COUNCIL COMMUNICATIONS

A. Federal Lobbyist Update Discussion (Vice Mayor Philipson)

Village Manager Ed Koconis reported that four firms have been interviewed by the Selection Committee and asked for direction from Council on how they would like to go forward. The Council directed the Village Manager to provide the lobbyist's proposals to Council and that the Council will address the selection on a future agenda.

B. Discussion Regarding Coordination of Venetian Shores FCAA Improvements with Wastewater Collection System (Vice Mayor Philipson)

Kirk Zuelch, Executive Director of the Florida Keys Aqueduct Authority reported to the Village Council that the Aqueduct Authority will set the funds aside for next year and will conduct a joint trenching project with the Village using one contractor in the future.

Jim Bellizi and Stan Margulies thanked FCAA and the Village for coordinating their efforts.

C. Discussion Regarding Park Event Traffic on US-1 (Vice Mayor Philipson)

Vice Mayor Philipson introduced some of the problems encountered by the public as a result of traffic congestion created by large events being held at Founder's Park. He presented a handout to the Village Council of solutions suggested by residents. Director

of Public Works John Sutter addressed the concerns of the Village Council and indicated that certain practices are being reviewed. Captain Corey Bryan of Monroe County Sheriff's Department agreed and will assist in the review.

Wil King spoke regarding the impact of the traffic and events on the Old Highway. Jim Bellizi indicated that FDOT plans to install a fixed bridge. Ed Kinkelar suggested a portable traffic light.

Councilman Purdo requested that staff place "white fly" on a future agenda and he requested that staff invite a speaker to address recent events regarding the crocodile population.

Jim Bellizi spoke regarding the fencing of his property.

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

Councilman Achenberg spoke regarding a recent communication received by the Village Council from Rebecca Jetton regarding some Islamorada properties not connected to the sewer system. Village Manager Ed Koconis indicated that a friendly reminder letter would be mailed within the next week to those homeowners who have yet to hook up. Vice Mayor Philipson indicated that now that the Village Council has settled the WPC litigation, the Village can move forward with pursuing the hookup of additional properties.

Deb Gillis indicated that the Affordable Housing Committee wants to help with financial assistance.

Village Attorney Nina Boniske suggested that staff will prepare a letter for the signature of the Mayor indicating that the Village is moving forward.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

There were no additional Village Attorney/Village Manager Communications.

XVI. ADJOURNMENT

A motion was made by Councilman Achenberg to adjourn. The motion received a second from Councilman Purdo. Mayor Reckwerdt called for the vote and all were in favor. The meeting adjourned at 10:07 p.m.



Debra E. Eastman, MMC
Village Clerk

Approved by the Village Council this 26th day of April, 2012.