



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

**Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036  
May 24, 2012  
5:30 PM**

**I. CALL TO ORDER/ROLL CALL**

Mayor Reckwerdt called the meeting to order at 5:49 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 Keith Marcomb to lead the Pledge of Allegiance.

**III. PRESENTATIONS**

- A. Presentation Regarding Crocodiles, Mr. Lindsey Hord, Fish and Wildlife Commission, Biologist, Alligator Management Program and Crocodile Response Coordinator**

Mayor Reckwerdt explained that the residents are concerned for the safety of their children and pets with the wide spread return of crocodiles to the shore line and canals of Islamorada. Mr. Lindsey Hord explained that the crocodile is a "threatened" species and that there is no documented bites to a human being and urged common sense safety practices. Council members expressed their concern of the impact on family life, swimming and tourism. Mr. Hord community meetings to educate the public.

- B. Presentation of Employee Longevity Pins**

The following Islamorada employees were eligible for a pin for ten years of service:

Edward Koconis  
Angel Cabrales  
Gerry Albertson  
George Toth

The following Islamorada employees were eligible for a pin for five years of service:

Carol Long  
Philip Morretta  
Leslie Wojtecki  
Gunther Herzberg  
Noyde Hernandez  
Lisa Watts

Cheryl Cioffari  
Kevin Bond  
Leah Zimmerman  
John Cullen  
James Griffeth  
Stephen Pollock  
Lester Robert Young  
Sandy Skeel

**C. Proclamation for Emergency Medical Services Week**

Vice Mayor Philipson presented a proclamation to Fire Chief Wagner declaring May 20, 2012 through May 26, 2012 Emergency Medical Service Week.

**D. Proclamation for National Hurricane Preparedness Week May 27, 2012 – June 2, 2012**

Vice Mayor Philipson presented a proclamation to Fire Chief Wagner declaring May 27, 2012 through June 2, 2012 as National Hurricane Preparedness Week. Fire Chief Wagner accepted the proclamation and urged everyone to be hurricane prepared.

**E. Presentation of the Key Largo Wastewater Treatment District's Golden Plunger Award, Andy Tobin, Key Largo Wastewater Treatment District Vice Chairman**

Mr. Tobin presented the Golden Plunger Award to Councilman Ted Blackburn in honor of the signing of the Key Large Wastewater Agreement.

**IV. PUBLIC COMMENT**

There was no public comment.

**V. AGENDA: Request for Deletion / Emergency Additions**

The Council agreed to pull items VIII B, VIII C and VIII D from the consent agenda.

**VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

**A. Landscape Advisory Committee – Chairperson Phyllis Mitchell**

Phyllis Mitchell thanked the Council for their effort with wastewater and provided the Landscape Advisory Committee report. She presented the Pineapple Award to Mr. P.J. Milazzo of the Conch on Inn.

**B. Water Quality Improvement Citizens' Advisory Committee – Chairperson David Makepeace**

Larry Barr presented a recommendation from the Water Quality Improvement Citizens' Advisory Committee requesting that Council add a layer of supervision by appointing a wastewater special district, add an entity such as the Florida Keys Aqueduct Authority, hire an in-house engineer or Wade Trim or some other entity to watch over the process.

## VII. WASTEWATER MATTERS

### A. Wastewater Update

Wastewater Program Director Greg Tindle explained that staff is working on projects as assigned at previous meetings.

### B. Approving Wastewater Management Plan

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE VILLAGE OF ISLAMORADA WASTEWATER MANAGEMENT PLAN FOR THE IMPLEMENTATION OF A CENTRALIZED WASTEWATER SYSTEM; AUTHORIZING IMPLEMENTATION OF THE PLANNING RECOMMENDATIONS CONTAINED THEREIN; AND PROVIDING FOR AN EFFECTIVE DATE**

Finance Director Maria Aguilar read the title of the resolution and explained the Management Plan is part of the preconstruction loan process.

Tony Hairston of Raftelis Financial Consultants, Inc. explained the plan and answered questions from Council.

Chris Sante spoke about the SRF loans and asked that the Council consider the sewer project carefully.

David Guardino asked that the Council consider every possible way to reduce the cost of the project.

Buddy Pinder spoke about the cost and urged the best possible agreement.

Stan Margulies urged the lowest cost and building the system in segments.

Larry Barr agreed with building the system in segments.

Councilman Purdo urged the Council bid sections of the project and allow AECOM to complete NPK.

A motion was made by Councilman Achenberg to adopt the resolution. The motion received a second from Councilman Blackburn. Mayor Reckwerdt requested Debra Eastman Village Clerk call the roll. The motion passed 4-1 with Councilman Purdo voting in opposition.

### C. Veolia Agreement

Vice Mayor Philipson urged that the draft contract be thoroughly reviewed for ways to reduce the price. Councilman Achenberg and Mayor Reckwerdt spoke in agreement.

Stan Margulies spoke of lack of confidence in the negotiating team.

Larry Barr spoke about the negotiations not appearing favorable to the Village.

Buddy Pinder thanked the Council for their work and expressed concern about additional cost.

Wastewater Program Director Greg Tindle explained options for Upper Matecumbe pump station sites. It was suggested that the site of the Caboose or the Islander should be considered. Village Attorney Nina Boniske suggested that Council give formal direction to staff to look at the two sites. Councilman Blackburn made a motion to have staff investigate the Caboose site and the Islander sites as possible pump station

locations. The motion received a second from Councilman Achenberg. Mayor Reckwerdt invited Debra Eastman Village Clerk to call the roll. The motion passed 4-1 with Councilman Purdo voting in opposition.

Mayor Reckwerdt clarified that the vote was not a commitment to purchase the property, but a request to bring the information back to the Village Council. Village Attorney asked for clarification as to whether Village staff should secure property with an option to buy. It was agreed that an option could be arranged and suggested a 90 day option with a renewal. Greg Tindle clarified that the second choice for Upper Matecumbe would be the Dogwood Lane property and it was agreed.

## VIII. CONSENT AGENDA

### A. Minutes:

May 10, 2012 Regular Village Council Meeting

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

### B. Resolution Requesting the Florida Department of Transportation Erect Markers Designating the Whale Harbor Joe Roth, Jr. Bridge

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION ERECT SUITABLE MARKERS DESIGNATING THE WHALE HARBOR JOE ROTH, JR. BRIDGE; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney James White read the title of the resolution. Village Manager Ed Koconis explained that the State Legislature approved the sign with the designation of "Jr." and that the plaque will be erected that way.

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

Lindy Roth thanked the Village Council on behalf of Mr. Roth's family.

### C. Approving Turf and Landscape Maintenance Joint Participation Agreement

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE TURF AND LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND ISLAMORADA, VILLAGE OF ISLANDS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney James White read the title of the resolution. Director of Parks and Recreation and Public Works John Sutter explained the agreement.

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

**D. Modifying the U.S Water Agreement**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FIRST AMENDMENT TO OPERATIONS AND MAINTENANCE RENEWAL AGREEMENT BETWEEN U.S. WATER SERVICES CORPORATION AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE OPERATIONS AND MAINTENANCE SERVICES FOR THE NORTH PLANTATION KEY WASTEWATER TREATMENT, COLLECTIONS AND DISPOSAL SYSTEM; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FIRST AMENDMENT TO OPERATIONS AND MAINTENANCE RENEWAL AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney James White read the title of the resolution. Wastewater Program Director Greg Tindle explained this is a renewal of the agreement and there is now a 30 day termination clause, instead of the previous 120 day clause.

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

**IX. ORDINANCES**

**A. First Reading – Amend Temporary Use Permit**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE V “SCHEDULE OF DISTRICT USES AND DEVELOPMENT STANDARDS,” DIVISION 8 “TEMPORARY USES,” SECTION 30-884 “CRITERIA FOR TEMPORARY USES AND PUBLIC ASSEMBLIES” AND SECTION 30-885 “PERMIT” OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**

Village Attorney James White read the title of the ordinance. Planner Jay Berenzweig gave the staff report. Mayor Reckwerdt called for public comment.

Deb Gillis spoke in opposition to the change.

Vice Mayor Philipson suggested an amendment to state “occurring in Founders Park and not Village parks”.

Ed Kinkelaar spoke in opposition.

Councilman Achenberg made a motion to defer the ordinance. The motion received a second from Councilman Blackburn. Mayor Reckwerdt called for the vote and the motion passed 5-0.

**B. First Reading – Proposed Text Amendment to Off-Street Parking, Loading and Drive Way Standards TAB 7**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS,” DIVISION 7 “OFF-STREET PARKING, LOADING AND DRIVEWAY STANDARDS,” SECTION 30-852 “OFF-STREET PARKING” OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**

Village Attorney James White read the title of the ordinance. Senior Planner Kevin Bond gave the staff report.

Deb Gillis spoke in opposition.

Ed Kinkelaar suggested keeping the bike rack requirement at ten percent and suggested the maximum number of parking spaces should be two and never less than one.

Mayor Reckwerdt suggested that the Council adopt the ordinance on first reading and that staff will make the appropriate changes for second reading.

Vice Mayor Philipson made a motion to adopt the resolution on first reading with the understanding that staff will incorporate the changes as outlined by the Village Council.

The motion received a second from Councilman Achenberg. Mayor Reckwerdt invited Village Clerk Debra Eastman to call the roll and the motion passed 5-0.

**C. First Reading – Proposed Text Amendment to Affordable Housing Standards by Village Council**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE IV “ADMINISTRATIVE PROCEDURES,” DIVISION 16 “AFFORDABLE HOUSING STANDARDS” OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**

Mayor Reckwerdt passed the gavel to Vice Mayor Philipson.

Village Attorney James White read the title of the ordinance.

Senior Planner Kevin Bond gave the staff report.

Councilman Achenberg directed staff to page 3 or 7, the first paragraph which should indicate 15 percent and also at the bottom of the page and also at the top of page 5, under item C.

Village Attorney James White explained that this would apply only to new projects.

Deb Gillis explained that those voting in opposition to the ordinance change who sit on LPA did not want to impact the funds.

Councilman Achenberg made a motion to adopt the ordinance on first reading with the changes. The motion received a second from Councilman Purdo.

Vice Mayor Philipson invited Village Clerk Debra Eastman to call the roll and the motion passed 4-0 with Mayor Reckwerdt absent for the vote.

## **X. QUASI-JUDICIAL**

There were no quasi-judicial items.

## **XI. RESOLUTIONS**

### **A. Veolia Solid Waste Contract – True-up Request**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PAYMENT OF \$71,552.61 TO VEOLIA ENVIRONMENTAL SERVICES; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL STEPS NECESSARY TO FINALIZE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE PAYMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney James White read the title of the resolution. Finance Director Maria Aguilar explained the reason for the true up. Bruce Williams of Veolia explained he had previously discussed the matter with the former Finance Director.

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

### **B. Approving Final Ranking of Insurance Broker for Employee Benefits & Group Services**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FINAL RANKING AND RECOMMENDATION OF THE EVALUATION COMMITTEE FOR INSURANCE BROKER / AGENT OF RECORD SERVICES FOR EMPLOYEE BENEFITS & GROUP INSURANCE; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AN AGREEMENT FOR THE SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney James White read the title of the resolution. Finance Director Maria Aguilar gave the staff report.

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

- C. Amending Resolution 12-04-21 Regarding the Total Amount of Nonresidential Floor Area Available for BPAS Year 2012

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING RESOLUTION NO. 12-04-21 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. Senior Planner Kevin Bond gave the staff report. Councilman Achenberg made a motion to adopt the resolution. The motion received a second from Councilman Purdo. Vice Mayor Philipson called for a vote and the motion passed 5-0.

**XII. MOTIONS**

- A. Village Council Appointments to Citizens' Advisory Committees, the Historic Preservation Commission and the Local Planning Agency

Executive Assistant to the Village Manager Mary Swaney explained that the appointment of some members to the Local Planning Agency (LPA) must be by super majority vote. Councilman Achenberg made a motion to approve the current members of the LPA. The motion received a second from Councilman Purdo. Vice Mayor Philipson called for the vote and the motion passed 5-0.

Councilman Purdo appointed Michael Bier to the Historic Preservation Commission. Mayor Reckwerdt, Vice Mayor Philipson, Councilman Purdo and Councilman Blackburn reappointed the currently seated members of each committee.

Councilman Achenberg appointed Ted Wilson to the Near Shore Water Regulations Citizens' Advisory Committee and appointed Myles Milander to take the place of Marty Waits on the Water Quality Improvement Citizens' Advisory Committee. There were no other changes made.

**XIII. UNFINISHED BUSINESS**

There was no unfinished business.

**XIV. MAYOR / COUNCIL COMMUNICATIONS**

There were no Mayor or Council Communications.

**XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**

- A. MOU Hurricane Evacuation

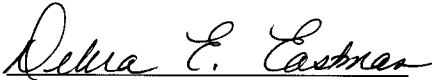
Councilman Achenberg reported on the meetings to date and the issues of building permits and 24 hour evacuation. Council members agreed that Councilman Achenberg and Village Manager Ed Koconis should continue with meeting attendance and work toward a decision.



Village Attorney James White requested the following Executive Sessions:  
Bellizi v Islamorada 10-CA334P  
Islamorada V State of Florida 2011-CA-1077P  
Frank v Islamorada 11-CA-295-P  
Islamorada v Melilli 11 AP 4 P

**XVI. ADJOURNMENT**

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

  
Debra E. Eastman, MMC  
Village Clerk

Approved by the Village Council this 28<sup>th</sup> day of June, 2012.