



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

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
September 12, 2012
Immediately following the
Special Call Village Council Meeting at 5:30 PM**

I. CALL TO ORDER/ROLL CALL

Mayor Reckwerdt called the meeting to order at 6:03 p.m. and requested Deputy Village Clerk Kyrie Wagner 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

Vice Mayor Philipson invited Debra Eastman to lead the Pledge of Allegiance.

III. PRESENTATION

There were no presentations.

IV. PUBLIC COMMENT

Vice Mayor Philipson invited public comment.
Larry Barr spoke regarding solar power.
Councilman Blackburn and Mayor Reckwerdt spoke regarding solar power.

V. AGENDA: Request for Deletion/Emergency Additions

There were no additions or deletions.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

- A. Near Shore Water Regulations Citizens' Advisory Committee – Chairperson Bob Mitchell**
There was no report from the Near Shore Water Regulations Citizens' Advisory Committee.
- B. Water Quality Improvement Citizens' Advisory Committee – Chairperson David Makepeace**
David Makepeace reported that the Committee has prepared a more detailed report for the Council which would allow them to form a dependent special wastewater district and offered to make a presentation to Council when they are ready.

Councilman Purdo thanked the Islamorada Fire Department along with all who participated in the September 11th ceremony and Councilman Achenberg thanked the fire department for knocking down the Port Antigua house fire so fast.

Councilman Purdo requested the status of the Joe Roth sign. Director of Public Works and Parks and Recreation John Sutter advised they were still waiting to be informed by the

Florida Department of Transportation (FDOT) on when they plan to install the sign. Councilman Purdo requested an update on placing a plaque at the lighthouse at Founders Park. John Sutter advised he brought the request to the Parks and Recreation committee and advised the committee would like more historical information before they make a decision.

Vice Mayor Philipson requested an update on the Islamorada Chambers major conditional use application. Village manger Ed Koconis advised the major conditional use would be brought to Council on October 10th.

Councilman Blackburn requested an update regarding the Multiple Sclerosis (MS) bike ride. Director of Public Works and Parks and Recreation John Sutter advised he call the representatives for the MS bike ride to inform them that Mr. Bill Fountain had offered his property to be used as well as proposing the Green Turtle Hammock as a location but no one returned his call.

VII. WASTEWATER MATTERS

A. Wastewater Update

Tom Brzezinski, Wade Trim reported in the next 30 days the plan is to issue a notice to proceed for the Design, Build, Operate (DBO) contract; hold a predesign, preconstruction and preoperations meeting and advised a kickoff meeting was scheduled for next week; begin to initiate the final design of remaining service areas, continue to attend project coordination meetings with FDOT; DBO contractor will begin construction on Middle Plantation Key (MPK), Fontaine RD and North Plantation Key (NPK) improvements as well as the transition of operations from the NPK system to their operator from US Water services; execute the SRF preconstruction loan agreement and the SRF preconstruction loan application.

Vice Mayor Philipson requested the date for the notice to proceed. Mr. Brzezinski advised the target date is sometime between now and September 18th.

Larry Barr spoke regarding lower pressure pumps.

VIII. CONSENT AGENDA

(All items on the Consent Agenda are considered routine by the Village Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event, the item will be moved to the Main Agenda.)

A. Minutes:

August 20, 2012 Village Council Budget Workshop

August 21, 2012 Regular Village Council Meeting

August 28, 2012 Special Call Village Council Meeting

B. Resolution Approving Letter of Engagement for Code Compliance Hearing Officer

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE LETTER OF ENGAGEMENT BETWEEN MICHAEL J. PAWELCZYK AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE THE SERVICES OF CODE COMPLIANCE HEARING OFFICER; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE LETTER OF ENGAGEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LETTER OF ENGAGEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

- C. Resolution Approving Grant Agreement with the Florida Forest Services for the 2012 Volunteer Fire Assistance Grant to Purchase Radios, Radio Accessories and Fire Extinguishing Agent

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A GRANT AGREEMENT WITH THE FLORIDA FOREST SERVICE FOR RADIOS, RADIO ACCESSORIES AND FIRE EXTINGUISHING AGENT; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL STEPS NECESSARY TO FINALIZE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE GRANT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GRANT AGREEMENT; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

- D. Approval of the Resolution Committing FRDAP Grant Cost Share and to Amend the Capital Improvement Schedule to Include the Key Tree Cactus Preserve

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO STATE OF FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT FUNDS; AUTHORIZING GRANT COST SHARE; COMMITTING TO PROJECT COMPLETION; COMMITTING TO AMEND THE VILLAGE'S CAPITAL IMPROVEMENT PROGRAM SCHEDULE TO INCLUDE THE KEY TREE CACTUS PRESERVE; AND PROVIDING FOR AN EFFECTIVE DATE

- E. Approval of 2012 Environmental Sustainability Policy

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

IX. ORDINANCES

- A. Second Reading –Ordinance to Provide Regulations and Standards for Wrecker Operators**

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING ARTICLE VII "TOWING", OF CHAPTER 50 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"; PROVIDING DEFINITIONS; PROVIDING REGULATIONS FOR WRECKER OPERATIONS; REQUIRING LICENSING OF WRECKER OPERATORS OPERATING WITHIN THE VILLAGE; PROVIDING FOR DUTIES OF WRECKER OPERATORS; ESTABLISHING CERTAIN STANDARDS OF OPERATION; PROVIDING FOR PENALTIES; PROVIDING FOR REFUND OF TOWING FEES CHARGED IN VIOLATION OF THE REGULATIONS OF WRECKER OPERATORS PROVIDED IN THIS ORDINANCE; PROVIDING FOR SUSPENSION AND REVOCATION OF WRECKER OPERATOR LICENSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Nina Boniske read the title of the ordinance.
Assistant to the Village Manager Mary Swaney gave her staff report.
Vice Mayor Philipson opened the public hearing and there was no public comment.
Councilman Achenberg made a motion to adopt the ordinance on second reading. The motion received a second from Vice Mayor Philipson. Deputy Village Clerk Kyrie Wagner called the roll and the motion passed 5-0.

X. QUASI-JUDICIAL

- A. Application for Administrative Relief (AR-12-01) for Donald Zinner and Nancy Buldas-Zinner**

TAB 8

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF DONALD ZINNER AND NANCY BULDAS-ZINNER, FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 207 DOGWOOD AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A;" AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Nina Boniske read the title of the resolution. Deputy Village Clerk Kyrie Wagner gave the oath to those intending to testify.
Village Attorney Nina Boniske asked the Council for any ex-parte communications.
Councilman Achenberg stated he had spoken to Donald Zinner.
Principal Planner Cheryl Cioffari gave the staff report.
There was no one speaking either in favor or against the item.

A motion to adopt the resolution and award allocation was made by Councilman Purdo. The motion received a second from Vice Mayor Philipson. Mayor Reckwerdt requested that Deputy Village Clerk Kyrie Wagner call the roll and the motion passed 5-0.

XI. RESOLUTIONS

- B. Approval of Hurricane Evacuation Clearance Time Memorandum of Understanding (MOU)**

TAB 9

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE HURRICANE EVACUATION CLEARANCE TIME MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND MONROE COUNTY, CITY OF KEY WEST, ISLAMORADA, VILLAGE OF ISLANDS, CITY OF LAYTON, CITY OF KEY COLONY BEACH, CITY OF MARATHON, AND FLORIDA DIVISION OF EMERGENCY MANAGEMENT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE MOU; AUTHORIZING THE VILLAGE MAYOR TO EXECUTE THE MOU; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Nina Boniske read the title of the resolution.
Village Manager Ed Koconis gave the staff report.
Councilman Achenberg spoke regarding the availability of permits.

A motion to adopt the resolution was made by Councilman Achenberg. The motion received a second from Vice Mayor Philipson.

Councilman Blackburn thanked Councilman Achenberg for representing Islamorada.

Mayor Reckwerdt invited public comment.
Larry Barr spoke regarding evacuation time.

Mayor Reckwerdt called for the vote and the motion passed 5-0.

- C. Approval of the Resolution Authorizing State Revolving Fund Construction Loan Application and Amendment to Agreement Number WW88202**

TAB 10

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM PROJECT NUMBERS WW882021 AND WW882022; MAKING FINDINGS; AUTHORIZING THE CONSTRUCTION LOAN APPLICATION; APPROVING AN AMENDMENT TO THE LOAN AGREEMENT BETWEEN THE VILLAGE AND THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING FOR EXECUTION; PROVIDING AUTHORITY; PROVIDING FOR ISSUANCE FEES AND TRANSACTION COSTS; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney Nina Boniske read the title of the resolution.
Finance Director Maria Aguilar gave the staff report.
Mayor Reckwerdt invited public comment and there was none.
Councilman Blackburn spoke regarding prepayment penalties.

Vice Mayor Philipson commented on the cooperation from staff working on this item and thanked them for the great job they did.

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.

XII. MOTIONS

A. Request for Council Direction Regarding Refinancing of the Village's Series 2009 and Series 2007 Bonds **TAB 11**

Finance Director Maria Aguilar gave the staff report.
Council discussed the pros and cons of the different scenario presented.
Mayor Reckwerdt suggested Council waits to make a decision until after the election.
Deb Gillis spoke regarding the different scenarios presented and not raising taxes.
Mayor Reckwerdt requested Council move forward with scenario one.
Council discussed the effect scenario one would have on North Plantation Key (NPK).
Deb Gillis spoke regarding scenario one being a better option.
Larry Barr spoke regarding NPK and spending the money that will be saved by refinancing.

Vice Mayor Philipson made a motion to direct staff to proceed with obtaining a loan under scenario one and bring back to Council for approval. The motion received a second from Councilman Achenberg. Mayor Reckwerdt called for the vote and the motion passed 5-0.

XIII. UNFINISHED BUSINESS

There was no unfinished business.

XIV. MAYOR / COUNCIL COMMUNICATIONS

Councilman Blackburn spoke regarding Amendment 4.
Vice Mayor Philipson advised this amendment was brought on by large developers and should not be supported.

Councilman Blackburn requested staff to bring back a resolution showing support against Amendment 4. Council agreed unanimously.

Mayor Reckwerdt spoke regarding his time serving on Council as well as serving as mayor and would like to request Vice Mayor Philipson sit as mayor.
Councilman Blackburn thanked Mayor Reckwerdt for everything he has done while in the mayor seat and agreed Vice Mayor Philipson deserved it.
Mayor Reckwerdt advised he would like to abdicate his position as mayor.

Councilman Achenberg thanked Mayor Reckwerdt for his service and made a motion to accept the abdication and nominate Vice Mayor Philipson for Mayor. Councilman Purdo thanked Mayor Reckwerdt for his service and seconded the motion. Mayor Reckwerdt called for the vote and the motion passed 5-0.

Councilman Achenberg made a motion to nominate Councilman Blackburn for Vice Mayor. Mayor Philipson seconded the motion. Mayor Philipson called for the vote and the motion passed 5-0.

Mayor Philipson made a motion to nominate Councilman Reckwerdt as Mayor Emeritus. The motion received a second from Councilman Achenberg. Mayor Philipson called for the vote and the motion passed 5-0.

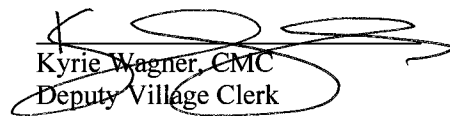
XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

The Village Manager advised Council at the last Local Planning Agency (LPA) meeting they requested Council to direct staff to look at an ordinance regarding abandoned properties. It was the consensus of the Council for staff to proceed.

There was no report from the Village Attorney.

XVI. ADJOURNMENT

Councilman Achenberg made a motion to adjourn. The motion received a second from Councilman Purdo. The meeting adjourned at 7:43 p.m.


Kyrie Wagner, CMC
Deputy Village Clerk

Approved by the Village Council this 10th day of October, 2012.