



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

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

**I. CALL TO ORDER\ROLL CALL**

Mayor Philipson called the meeting to order at 5:43 p.m. and requested Assistant to the Village Manager Mary Swaney acting as Village Clerk to call the roll. The following Councilmembers were present on roll call: Councilman Don Achenberg, Councilman Dave Purdo, Councilman Michael Reckwerdt, Vice Mayor Ted Blackburn and Mayor Ken Philipson. Also in attendance were Village Manager Edward Koconis, Village Attorneys Nina Boniske and James White.

**II. PLEDGE OF ALLEGIANCE**

Mayor Ken Philipson asked Councilman Michael Reckwerdt and Councilman Don Achenberg to lead the Pledge of Allegiance.

**III. PRESENTATION**

**A. Acknowledgement of Service for Don Achenberg**

**B. Acknowledgement of Service for Michael Reckwerdt**

Mayor Philipson invited all members of Council to the center of the dais and presented plaques acknowledging their service to Councilman, former Mayor and Mayor Emeritus Michael Reckwerdt and Councilman and former Mayor Don Achenberg. Following the presentation of the plaques, each member of Council spoke briefly.

Councilman Reckwerdt thanked various individuals, members of staff and Council for support during his tenure on the Village Council.

Councilman Achenberg thanked his wife for her support during his time as a member of Council, thanked the citizens of Islamorada for electing him twice, acknowledged Dave Boerner and Michael Reckwerdt for calling him when there was a vacancy to fill on the Council and thanked staff members, Ed Koconis, Nina Boniske and the law firm's service as well as current and past members of Council.

Mayor Philipson announced an event at the Outback Steakhouse on Tuesday, November 13 to acknowledge the service of Michael Reckwerdt and Don Achenberg.

Councilman Purdo announced that Chris Morton will be leaving town and has resigned from the Local Planning Agency. He expressed his best wishes to Chris Morton and appointed Don Horton to the vacant seat on the Local Planning Agency.

Councilman Purdo announced the dedication of the Whale Harbor Joe Roth Jr. Bridge to be held on November 14 at 5:00 p.m.

Mayor Philipson announced the Florida Department of Transportation District Six Five-year Tentative Work Plan Public Hearing to be held at the Marathon Government Center on November 29, 2012 at 6:00 p.m. and encouraged residents to attend.

#### **IV. PUBLIC COMMENT**

Travis Yednak, Upper Matecumbe Key, thanked exiting Councilmembers and congratulated those elected to Council. Mr. Yednak extended his appreciation to the community.

Bill Bosely, Windley Key congratulated those re-elected to Council, welcomed the newly elected members of council and thanked outgoing Councilmembers Don Achenberg and Michael Reckwerdt. He also expressed his thanks to staff.

Doug Rabe, Venetian Shores, Director of the Homeowners Association, thanked Council for their service and congratulated newly elected Councilmembers. Mr. Rabe referenced a hand-out he had provided to Council and spoke regarding the noise ordinance and specifically the noise from Smugglers Cove last weekend. Mr. Rabe asked that the noise ordinance be reviewed and rewritten. Members of Council discussed the noise issue and directed Village Manager Ed Koconis to address it with the Village Attorney and Sheriff's Office Captain Corey Bryan. Mr. Koconis stated that he had begun to address the issue and will provide possible solutions for Council consideration at the December 13, 2012 meeting.

Michael Miller, 161 Tollgate Lane and operator of Smugglers Cove, apologized to the community and especially Venetian Shores residents. He explained he leased a portion of his property to tenants, the tenants obtained permits and the music was too loud. Another event was planned for the upcoming weekend, and Mr. Miller said that he has spoken with the tenant about the noise. Councilman Michael Reckwerdt suggested that Mr. Miller might visit the Homeowners Association directly.

John Fernandez, Plantation Key, acknowledged that Councilman Michael Reckwerdt led the idea to not have five sewer plants in the Village. Mr. Fernandez also commented about elections and thanked the winners and losers for taking the time to get involved.

Larry Barr congratulated incumbent Councilmembers and thanked Michael Reckwerdt and Don Achenberg for their service.

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

Mayor Ken Philipson asked Council for any additions or deletions. There were none.

#### **VI. CITIZENS' ADVISORY COMMITTEE UPDATES**

- A. Local Planning Agency (LPA) – Vice Chairperson John Fernandez  
John Fernandez acknowledged Chris Moron’s years of committed service on the LPA. Mr. Fernandez reported that the LPA discussed the dog friendly restaurant ordinance, and it passed with a six to one vote.  
Mr. Fernandez asked that the Village Council consider a process to enforce maintenance of foreclosed properties.  
Village Manager Ed Koconis reported that staff has been looking at ordinances and should have a presentation for Council consideration during a meeting in the near future.

## VII. WASTEWATER MATTERS

- A. Wastewater Update  
Wastewater Program Manager Greg Tindle addressed sewer lateral depth and reported that staff will work with property owners. Mr. Tindle also gave a synopsis of the Snapshot report. Councilman Purdo commented about value engineering opportunities. Mr. Tindle acknowledged that value engineering is in progress and that the Village would share in the cost savings.

Public comment was heard from David Guardino. Mr. Guardino had questions about wastewater project costs for the remaining service areas and the related engineering oversight. Mayor Philipson commented about fine tuning the price as construction progresses. Vice Mayor Blackburn commented on the engineering oversight being a protective measure for the community. He stated that engaging Wade Trim is not a matter of being overly cautious but is a mechanism for checks of the wastewater system as it is constructed to minimize errors and costs. Mr. Guardino asked about the costs for Wade Trim’s services and whether it was true that their services could cost between \$10 million and \$11 million. Wastewater Program Manager Greg Tindle responded that the Village’s agreement with Wade Trim includes a not-to-exceed provision in the amount of approximately \$9 million. The benefit of the not-to-exceed provision is that costs can be decreased if Wade Trim’s services are not needed, especially if the need to inspect construction work is minimized. The costs incurred by Wade Trim will be related to the quality of work that Reynolds Water Islamorada provides.  
Councilman Achenberg commented about the lack of engineering oversight of North Plantation Key project and not making that mistake this time. Councilman Reckwerdt also commented about need for oversight by licensed engineers.

Public Comment was heard from Larry Barr. He commented about the importance of Wade Trim hiring inspectors so the Village does not experience the same problems that occurred in North Plantation Key.

## 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:  
October 10, 2012 Regular Village Council Meeting  
October 25, 2012 Executive Session

- B. Resolution Approving Amendment No. 3 to the Interlocal Agreement between Monroe County and the Village for Joint Participation in Grant Agreement No. ARS010 (17522) for the Replacement of Street Lighting Poles / Solar Lighting Grant Project

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING AMENDMENT NO. 3 TO THE INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY AND ISLAMORADA, VILLAGE OF ISLANDS FOR JOINT PARTICIPATION IN GRANT AGREEMENT NO ARS010 (17522) FOR THE REPLACEMENT OF STREET LIGHTING POLES / SOLAR LIGHTING GRANT PROJECT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF AMENDMENT NO. 3; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AMENDMENT NO. 3; AND PROVIDING FOR AN EFFECTIVE DATE**

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

## **IX. ORDINANCES**

- A. First Reading– Dog-Friendly Restaurants Ordinance

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE VI “SPECIFIC USE RESTRICTIONS,” ESTABLISHING DIVISION 5 “DOG FRIENDLY RESTAURANTS,” SECTION 30-1261 “AUTHORITY; INTENT AND PURPOSE,” SECTION 30-1262 “DEFINITIONS,” SECTION 30-1263, “APPLICATION REQUIREMENTS,” SECTION 30-1264, “REGULATIONS,” SECTION 30-1265, “PERMIT EXPIRATION, RENEWAL AND REVOCATION,” AND SECTION 30-1266, “COMPLAINTS, REPORTING AND ENFORCEMENT,” 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 provided a staff report with the recommendation of approval of the proposed ordinance on first reading. Councilman Purdo asked about fees. Councilman Achenberg stated that fees would be addressed by resolution at the time of second reading of the ordinance. Public comment was heard from Dave Boerner, Islamorada. He stated the ordinance allows the choice for restaurants to allow dogs.

A motion to adopt the ordinance was made by Councilman Achenberg. The motion received a second from Councilman Purdo.

Mayor Philipson requested Mary Swaney call the roll and the motion passed 5-0.

- B. Second Reading –Future Land Use Map (FLUM) 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 *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 provided a staff report. He reported that the Florida Department of Economic Opportunity (DEO) had issued one objection and that the applicant has addressed the objection. Mr. Laakso made the staff recommendation for approval of the amendment to the Future Land Use Map (FLUM).

Public comment was heard from Frank Greenman, Esq. during which he congratulated Council.

A motion to adopt the ordinance was made by Councilman Achenberg. The motion received a second from Councilman Reckwerdt.

Mayor Philipson requested Mary Swaney call the roll and the motion passed 5-0.

Frank Greenman, Esq. provided additional public comment regarding the Village policy that a FLUM amendment cannot be heard at the same time as the zoning change. Village Manager Koconis stated that the Village does hold hearings for the first readings of FLUM and zoning amendments at same time so the Council and the public understand the proposed amendments. Following the FLUM first reading, that amendment is transmitted to the DEO and does not become effective until after DEO approval; the adoption hearing for the zoning change then is heard following the effective date of the FLUM.

**X. QUASI-JUDICIAL**

**XI. RESOLUTIONS**

- A. Resolution to Adopt FY 2011-2012 Re-appropriation Budget Amendment

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING RESOLUTION NO. 11-09-71; AMENDING THE VILLAGE’S BUDGET FOR FISCAL YEAR 2011-2012; AND PROVIDING AN EFFECTIVE DATE**

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

Vice Mayor Blackburn commented that this is a valuable tool for budget preparation for future fiscal years. Mayor Philipson expressed his appreciation of the detail of the report and complimented the Finance Director. Councilman Purdo also complimented the Finance Director's work.

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

Mayor Philipson asked Mary Swaney to call the roll. The motion passed 5-0.

- B.** Continuing Services Agreements with Government Services Group, Inc. ("GSG") for 2013-2014 Wastewater, Solid Waste and Stormwater Assessment Programs

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE LETTERS OF AGREEMENT BETWEEN GOVERNMENT SERVICES GROUP, INC. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE SPECIALIZED PROFESSIONAL SERVICES TO ASSIST WITH CONTINUED DEVELOPMENT AND IMPLEMENTATION OF NON-AD VALOREM ASSESSMENT PROGRAMS FOR WASTEWATER, STORMWATER AND SOLID WASTE; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE**

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

Dave Purdo expressed his disagreement with not going to bid for these services in order to know if the Village is paying the lowest cost for the service.

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

Mayor Philipson asked Mary Swaney to call the roll. The motion passed 4-1 with Councilman Purdo voting against the motion.

- C.** Resolution – Approval of a Portion of the Residential Building Permit Allocation System Ranking and Awards Quarter 4 of 2012

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A PORTION OF THE RESIDENTIAL BUILDING PERMIT ALLOCATION RANKINGS AND AWARDED THIRTY-FIVE (35) AFFORDABLE RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 4 OF 2012 OF THE BUILDING PERMIT ALLOCATION SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney James White read the title of the resolution. Principal Planner Cheryl Cioffari provided the staff report.

Councilman Reckwerdt acknowledged the number of affordable housing units approved. Councilman Purdo also expressed support of the needed affordable units.

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

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

**D. BPAS Allocation Distribution for 2013**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING THE TOTAL AMOUNT OF NONRESIDENTIAL FLOOR AREA AND RESIDENTIAL DWELLING UNITS THAT MAY BE MADE AVAILABLE, THE QUARTERLY ALLOCATIONS, AND THE DISTRIBUTION OF ALLOCATIONS BETWEEN CATEGORIES OF THE BUILDING PERMIT ALLOCATION SYSTEM FOR 2013; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney James White read the title of the resolution. Principal Planner Cheryl Cioffari provided the staff report with a recommendation of approval.

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

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

**XII. MOTIONS**

**XIII. UNFINISHED BUSINESS**

**XIV. MAYOR / COUNCIL COMMUNICATIONS**

Mayor Philipson asked for Council Communications.

Councilman Purdo thanked Councilman Reckwerdt and Councilman Achenberg and wished them both the best of luck.

Mayor Philipson commented about damage in New Jersey during past week resulting from Hurricane Sandy and stated that Islamorada has many assets including an emergency preparation and response program. He proposed that Islamorada adopt a small city in New Jersey and provide assistance. Councilman Reckwerdt commented that that decision would be for the next Council. Councilman Achenberg agreed that the next Council should make the decision and offered his assistance to work with a group to select a community to assist. He stated that he is very familiar with the area and that this would not be a short-term project.

Councilman Reckwerdt commended local news reporters Robby Silk and David Goodhue. He expressed his appreciation that they always try to do their best. Councilman Reckwerdt again thanked all Councilmembers.

Councilman Achenberg commented that the next council will do a good job by shouldering responsibility and not wielding power. He commented that a seat on the Council is a position of responsibility to the entire community and offered advice to the future Council to exercise leadership and maintain community support. He expressed appreciation to everyone for the opportunity to serve on Council.

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

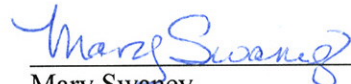
Mayor Philipson asked for Village Attorney and Village Manager communications.

Village Attorney Nina Boniske requested three executive sessions captioned as follows:

James Bellizzi v. Islamorada, Village of Islands CASE NO. 10-CA-334-P;  
Islamorda Marina Asset Holding, LLC v. Islamorada, Village of Islands (WPG-1 LLC)  
CASE NO. CA-427-P; and  
Gary Zaret and Jeanne Zaret v. Islamorada, Village of Islands CASE NO. 12-AP 8 P.

**XVI. ADJOURNMENT**

A motion to adjourn was made by Councilman Achenberg. The motion received a second from Councilman Reckwerdt. The meeting adjourned at 7:19 p.m.

  
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Mary Swaney  
Assistant to the Village Manager  
Acting Village Clerk

Approved by the Village Council this 29<sup>th</sup> day of November, 2012