

ACTION MINUTES

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

**January 14, 2010
Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036**

I. CALL TO ORDER\ROLL CALL: Mayor Don Achenberg asked for the roll call at 5:33 p.m. Present were: Mayor Don Achenberg, Vice Mayor Michael Reckwerdt, Council members: Dave Boerner, Jill Zima Borski and Deb Gillis. Also in attendance were: Village Manager Kenneth Fields, Village Attorneys Nina Boniske, James White, and Lillian Arango; Deputy Village Clerk Kyrie Wagner, and all other appropriate Village personnel.

II. PLEDGE OF ALLEGIANCE

Mayor Achenberg led the Pledge of Allegiance.

III. PRESENTATIONS

No presentations were given.

IV. PUBLIC COMMENTS

Mayor Achenberg opened the Public Comment Section. The following addressed the Council: Ken Philipson, Islamorada, FL; Bob Johnson, Islamorada, FL; Dave Purdo, Islamorada, FL; Phillis Mitchell, Islamorada, FL; Larry Barr, Islamorada, FL and Gordon Hadley, Lower Matecumbe, FL.

Fire Chief William A. Wagner advised the public that the Fire Department is accepting donations for the Haiti relief.

V. CITIZENS' ADVISORY COMMITTEE UPDATES

- A. Historic Preservation Commission – No Report**
- B. Land Acquisition Advisory Committee – No Report**
- C. Landscape Citizens' Advisory Committee – Chairperson Rod Halenza**

Rod Halenza, Chairperson of the Landscape Citizens' Advisory Committee, updated the Council on the following: the appropriate use of the restoration fund for landscaping in Lower Matecumbe that follow the requirements of the Department of Transportation; the background information pertaining to the State Farm Service Learning Grant; awarding the Landscape Award; the review of the Village's Fertilization Program, and reviewing the Village's Invasive Exotic Removal Program.

- D. Local Planning Agency – No Report**
- E. Near Shore Water Support Citizens' Advisory Committee – No Report**

- F. Parks and Recreation Citizens' Advisory Committee – No Report
- G. Water Quality Improvement Citizens' Advisory Committee – No Report
- H. Workforce / Affordable Housing Citizens' Advisory Committee – No Report

VI. QUASI-JUDICIAL

- A. Temporary Use Permit for San Pedro Church “Art Under the Oaks” Art and Crafts Show

RESOLUTION NO. 10-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE APPLICATION BY SAN PEDRO CHURCH FOR A TEMPORARY USE PERMIT FOR AN EVENT THAT IS ANTICIPATED TO DRAW OVER 1,000 PEOPLE ON JANUARY 16, 2010 ON PROPERTY LOCATED AT 89500 OVERSEAS HIGHWAY ON PLANTATION KEY WITHIN THE PUBLIC AND SEMI-PUBLIC SERVICES (PS) ZONING DISTRICT AND WITH PARCEL ID 00092470-000000; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Achenberg requested Village Attorney White to read the Quasi Judicial Statement.

Village Attorney White read the Quasi Judicial Statement and then requested Deputy Village Clerk Wagner to swear in the witnesses.

Deputy Village Clerk Wagner swore in the witnesses.

Village Attorney White read the title of the resolution and then requested Council to give any ex parte communications.

Councilwoman Gillis advised she had no ex parte communications.

Councilwoman Zima Borski advised she had no ex parte communications.

Mayor Achenberg advised he had no ex parte communications.

Vice Mayor Reckwerdt advised he had no ex parte communications.

Councilman Boerner advised he had no ex parte communications.

Mayor Achenberg opened the Public Hearing for all those in favor of the resolution. Being none, Mayor Achenberg opened the Public Hearing for all those in opposition of the resolution. Being none, Mayor Achenberg asked for, Council discussion.

Being none, Mayor Achenberg asked for a motion.

Vice Mayor Reckwerdt made a motion to approve the resolution, seconded by Councilwoman Zima Borski.

Mayor Achenberg called for the vote.

Councilman Boerner	Yes
Vice Mayor Reckwerdt	Yes
Councilwoman Zima Borski	Yes
Councilwoman Gillis	Yes
Mayor Achenberg	Yes

Vote passed 5 to 0.

- B. Second Reading - Official Zoning Map Amendment (FLRZ 09-02) for Lots 28 through 38, Indian Harbor Subdivision

(CONTINUED TO 1/28/09 REGULAR VILLAGE COUNCIL MEETING AT 5:30 PM)

ORDINANCE NO. 10-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY DAVID BOERNER, CHRIS AND PAMELA SANTE', CLIFF AND DEBORAH YARBOROUGH, FRANCES GARDNER AND OUTDOOR SYSTEMS ADVERTISING TO AMEND THE *OFFICIAL ZONING MAP* FROM RESIDENTIAL SINGLE-FAMILY (R1) TO HIGHWAY COMMERCIAL (HC) FOR 11 PROPERTIES LOCATED BAYSIDE ON OVERSEAS HIGHWAY AT APPROXIMATELY MILE MARKER 89 AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS

- C. Second Reading - Official Zoning Map Amendment (FLRZ 09-03) for the "Fish Farm."

(CONTINUED TO 1/28/09 REGULAR VILLAGE COUNCIL MEETING AT 5:30 PM)

ORDINANCE NO. 10-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY OVAL OFFICE INVESTMENTS, LLC TO AMEND THE *OFFICIAL ZONING MAP* FROM MARICULTURE (MA) AND RESIDENTIAL ESTATE (RE) TO RECONFIGURE TO MARICULTURE AND RESIDENTIAL ESTATE FOR PROPERTY LOCATED AT 88081 OLD HIGHWAY AS LEGALLY DESCRIBED IN EXHIBIT A; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS

- D. Second Reading - Official Zoning Map Amendment (FLRZ 09-05) Island of Upper Matecumbe, Pt. Government Lots 1-2-3+

(CONTINUED TO 1/28/09 REGULAR VILLAGE COUNCIL MEETING AT 5:30 PM)

ORDINANCE NO. 10-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY LCS GROUP TO AMEND THE OFFICIAL ZONING MAP FROM RESIDENTIAL ESTATE (RE) TO TOURIST COMMERCIAL (TC) FOR PROPERTY LOCATED AT 79971 OVERSEAS HIGHWAY AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS

Mayor Achenberg asked for a motion to continue the ordinances for Second Reading for Section VI, Items B-D to the January 28th, 2010 Regular Village Council meeting.

Vice Mayor Reckwerdt made a motion to continue the ordinances from Section VI, Items B-D to the Regular Village Council meeting on January 28th, 2010 at 5:30 p.m, seconded by Councilwoman Zima Borski.

Mayor Achenberg called for the vote.

Councilman Boerner	Abstain
Vice Mayor Reckwerdt	Yes
Councilwoman Zima Borski	Yes
Councilwoman Gillis	Yes
Mayor Achenberg	Yes

Vote passed 4:0:1.

VII. WASTEWATER MATTERS

- A. Resolution of Intent for Wastewater Non-Ad Valorem Assessments

RESOLUTION NO. 10-

A RESOLUTION OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE VILLAGE; STATING A NEED FOR SUCH LEVY TO FUND THE COST OF WASTEWATER UTILITY SERVICES AND INFRASTRUCTURE; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Achenberg asked Village Attorney White to read the title of the resolution.

Village Attorney White read the title of the resolution.

Mayor Achenberg asked for a staff report.

Cindy Lawson, Administration and Finance Director, gave her report to Council.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding the assessment not obligating the Village to a Village-wide assessment, having separate assessments for different areas, and publicly noticing the assessments.

Mayor Achenberg opened the Public Hearing. The following addressed the Council: Rod Halenza, Islamorada FL and Stan Margulies, Islamorada, FL.

Mayor Achenberg asked for any further Council discussion. Being none, Mayor Achenberg asked for a motion.

Councilwoman Zima Borski made a motion to approve the resolution, seconded by Councilwoman Gillis.

Mayor Achenberg called for the vote.

Vice Mayor Reckwerdt	No
Councilwoman Zima Borski	Yes
Councilwoman Gillis	Yes
Councilman Boerner	No
Mayor Achenberg	Yes

Vote passed 3 to 2.

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: Regular Village Council Meeting, December 3, 2009 and December 17, 2009
- B. Resolution Approving a Memorandum of Understanding (MOU) Between Monroe County and Islamorada, Village of Islands for Mutual Aid Fire and Emergency Services Assistance

RESOLUTION NO. 10-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN MONROE COUNTY AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE MUTUAL FIRE AND EMERGENCY SERVICES ASSISTANCE; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE MOU; AUTHORIZING THE VILLAGE MANAGER TO EXPEND

BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE MOU; AND PROVIDING FOR AN EFFECTIVE DATE

- C. Resolution Designating Industrial Drive (AKA: Industrial Road) as Morada Way

RESOLUTION NO. 10-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, DESIGNATING INDUSTRIAL DRIVE TO "MORADA WAY"; AND PROVIDING AN EFFECTIVE DATE

- D. Approval of Bid Award for East Ridge Road

RESOLUTION NO. 10-

A RESOLUTION OF ISLAMORADA, VILLAGE OF ISLANDS, APPROVING AWARD OF BID FOR CONSTRUCTION OF THE OVERSEAS HIGHWAY INTERSECTION IMPROVEMENT PROJECT AT EAST RIDGE ROAD PROJECT NO. 09-06 TO WEEKLEY ASPHALT PAVING, INC. IN THE AMOUNT OF \$109,573.70; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONSTRUCTION CONTRACT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Achenberg asked for a motion for the Consent Agenda.

Vice Mayor Reckwerdt requested to pull Section VIII, Item B of the Consent Agenda.

Councilwoman Zima Borski requested to pull Section VIII, Item D of the Consent Agenda.

Vice Mayor Reckwerdt made a motion to approve Items A and C of the Consent Agenda, seconded by Councilman Boerner.

Mayor Achenberg called for the vote.

Councilwoman Zima Borski	Yes
Councilwoman Gillis	Yes
Councilman Boerner	Yes
Vice Mayor Reckwerdt	Yes
Mayor Achenberg	Yes

Vote passed 5 to 0.

- Reconsideration of Section VIII, Item B

Mayor Achenberg asked Village Attorney White to read the title of the resolution.

Village Attorney White read the title of the resolution.

Mayor Achenberg asked for a staff report.

Fire Chief Wagner gave his report to Council.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding amendments being brought in front of Council for approval; the coverage of the Village's insurance policy and the responsibilities of the employees, and other agreements being brought in front of Council.

Mayor Achenberg opened the Public Hearing. Being none, Mayor Achenberg closed Public Hearing.

Mayor Achenberg asked for any further Council discussion. Being none, Mayor Achenberg asked for a motion.

Vice Mayor Reckwerdt made a motion to approve the resolution, seconded by Councilwoman Zima Borski.

Mayor Achenberg called for the vote.

Vice Mayor Reckwerdt	Yes
Councilwoman Zima Borski	Yes
Councilwoman Gillis	Yes
Councilman Boerner	Yes
Mayor Achenberg	Yes

Vote passed 5 to 0.

- Reconsideration of Section VIII, Item D

Mayor Achenberg asked Village Attorney White to read the title of the resolution.

Village Attorney White read the title of the resolution.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding the Council being comfortable with approving the East Ridge Road Project and the entrance to the Founders Park.

Mayor Achenberg opened the Public Hearing. Being none, Mayor Achenberg closed Public Hearing.

Mayor Achenberg asked for any further Council discussion. Being none, Mayor Achenberg asked for a motion.

Vice Mayor Reckwerdt made a motion to approve the Bid Award and the contract with Weekley Asphalt, Inc., seconded by Councilwoman Zima Borski.

Mayor Achenberg called for the vote.

Vice Mayor Reckwerdt	Yes
Councilwoman Zima Borski	Yes
Councilwoman Gillis	Yes
Councilman Boerner	Yes
Mayor Achenberg	Yes

Vote passed 5 to 0.

Mayor Achenberg asked the Honorable County Commissioner Mario Di Gennaro to speak regarding the cold weather affecting the turtles. Commissioner Di Gennaro advised the public to call 305-393-1688 or 305-975-7577 for any questions or concerns about the turtles.

IX. ORDINANCES

- A. Second Reading – Ordinance Amending Chapter 30 of Village Code to Implement Administrative Design Review Standards

ORDINANCE NO. 10-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE II “RULES OF CONSTRUCTION AND DEFINITIONS,” SECTION 30-32 “SPECIFIC DEFINITIONS;” ARTICLE IV “ADMINISTRATIVE PROCEDURES,” DIVISION 2 “DEVELOPMENT REVIEW PROCESS;” ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS,” DIVISION 2 “ZONING DISTRICTS,” DIVISION 3 “NONCONFORMITIES,” DIVISION 6 “LANDSCAPING STANDARDS” AND DIVISION 7 “OFF-STREET PARKING, LOADING AND DRIVEWAY STANDARDS;” ARTICLE VI “SPECIFIC USE RESTRICTIONS,” DIVISION 9 “OUTDOOR SEATING AREAS” AND DIVISION 10 “SIGNS” OF THE CODE OF ORDINANCES; 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 FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

Mayor Achenberg asked Village Attorney White to read the title of the ordinance for Second Reading.

Village Attorney White read the title of the ordinance.

Mayor Achenberg asked for a staff report.

Kevin Bond, Senior Planner, gave his report to Council.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding the great job staff did putting this ordinance together; whether to add the verbiage “and maintain” under the Murals and Landscaping Section; having landscaping in parking places; whether to have all buildings comply to the whole building location concept not just 10,000 square feet and above; not extending this ordinance any further at this point; what style of clustering for landscaping would be acceptable, and having large parking spaces for recreational vehicles.

Mayor Achenberg opened the Public Hearing. The following addressed the Council: Bill Fountain, Lower Matecumbe Key, FL and Stephen Siskind, Miami, FL.

Mayor Achenberg asked for any further Council discussion.

Discussion ensued regarding changing the verbiage to say “per eight linear feet shall be required in all landscape strips.”

Mayor Achenberg asked for a motion.

Councilwoman Gillis made a motion to approve the ordinance as amended for Second Reading, seconded by Councilman Boerner.

Mayor Achenberg called for the vote.

Councilwoman Gillis	Yes
Councilman Boerner	Yes
Vice Mayor Reckwerdt	Yes
Councilwoman Zima Borski	Yes
Mayor Achenberg	Yes

Vote passed 5 to 0.

B. First Reading – Proposed Ordinance Providing Relief for Construction Affected by Economic Hardship and Tolling of Related Building Permits

ORDINANCE NO. 10-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 6 “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE II “BUILDING CODE”, DIVISION 2 “PERMIT REQUIREMENTS AND FEES” OF THE VILLAGE CODE; CREATING SECTION 6-70 “PERMIT EXTENSIONS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Achenberg asked Village Attorney White to read the title of the ordinance for First Reading.

Village Attorney White read the title of the ordinance.

Mayor Achenberg asked for a staff report.

Edward Koconis, Deputy Village Manager, gave his report to Council.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding making sure the property stays secure; the landscaping being maintained or the extension is voided, and whether to extend the application time from 30 days to 60 days.

Mayor Achenberg opened the Public Hearing. The following addressed the Council: Karl Deigart, Islamorada, FL and Dave Purdo, Islamorada, FL.

Mayor Achenberg asked for any further Council discussion.

Discussion ensued regarding whether to take into consideration the Building Permit Allocation System (BPAS) deferrals; the Department of Community Affairs (DCA) requirements for deferrals; asking DCA if they would allow deferrals to extend to two years instead of one year; whether to come back to Council with a new ordinance referring to deferrals; coming up with a resolution extending the time period or creating a revision to allow people who were in the deferral system to apply for a permit for two years; the affects on the BPAS deferrals; BPAS having two options to either accept or defer; active permits being pulled in the hopes of the economy picking up; the economy not picking up and permits dying, and people possibly having two permits for the same property when instead their permits could of just been extended.

Mayor Achenberg asked for a motion.

Councilman Boerner made a motion to approve the ordinance for First Reading, seconded by Councilwoman Gillis.

Mayor Achenberg called for the vote.

Councilman Boerner	Yes
Vice Mayor Reckwerdt	Yes
Councilwoman Zima Borski	No
Councilwoman Gillis	Yes
Mayor Achenberg	Yes

Vote passed 4 to 1.

X. RESOLUTIONS

A. Resolution Approving Fixed Assets Policy and Procedures

RESOLUTION NO. 10-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; APPROVING A POLICY WHICH ESTABLISHES PROCEDURES FOR MAINTAINING RECORDS, CONTROL, INVENTORY AND DISPOSAL OF THE VILLAGE'S FIXED ASSETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Achenberg asked Village Attorney White to read the title of the resolution.

Village Attorney White read the title of the resolution.

Mayor Achenberg asked for a staff report.

Cindy Lawson, Administration and Finance Director, gave her report to Council.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding whether to change the amount from \$25,000.00 to \$5,000.00; the documentation of items; the tracking of the life of an item; the percentage of capitalized items; the time frame in which the recording of items would take place in the accounting system; which items would be included in the annual inventory; adding the verbiage "within 30 days after disposal" in the resolution, and taking pictures of the inventory.

Mayor Achenberg opened the Public Comment Section. The following addressed the Council: Ken Philipson, Islamorada FL and Rod Halenza, Islamorada, FL.

Mayor Achenberg asked for any further Council discussion. Being none, Mayor Achenberg asked for a motion.

Councilwoman Gillis made a motion to approve the resolution as amended, seconded by Councilwoman Zima Borski.

Mayor Achenberg called for the vote.

Vice Mayor Reckwerdt	Yes
Councilwoman Zima Borski	Yes
Councilwoman Gillis	Yes
Councilman Boerner	Yes
Mayor Achenberg	Yes

Vote passed 5 to 0.

XI. MOTIONS

There were no motions discussed.

XII. MAYOR / COUNCIL COMMUNICATIONS

Mayor Achenberg asked for any Council to discuss this item before continuing to wastewater.

A. Venetian Shores Road Ownership (Council)

Mayor Achenberg asked Attorney James Lupino to present his presentation regarding this matter.

Attorney James Lupino gave his presentation to Council.

Mayor Achenberg asked Village Attorney Boniske to give her opinion regarding Attorney Lupino's presentation.

Mayor Achenberg asked for Council discussion.