

ACTION MINUTES

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

**February 12, 2009
Founders Park Community Center
87000 Overseas Hwy**

- I. CALL TO ORDER\ROLL CALL:** Mayor Cathi Hill asked for the roll call at 5:32 p.m. Present were: Mayor Cathi Hill, Vice Mayor Don Achenberg; Council members: Dave Boerner, Jill Zima Borski, and Michael Reckwerdt. Also in attendance were: Village Manager Kenneth Fields, Village Attorneys Nina Boniske and James White; Village Clerk Beverly Raddatz, and all other appropriate Village personnel.

Councilwoman Zima Borski left the meeting at 7:24 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor Hill asked Councilman Michael Reckwerdt to lead the Pledge of Allegiance.

III. PRESENTATIONS

- A.** Mayor Hill Presentation of the Water Quality Awareness Month Proclamation to Mary Tagliareni, Education and Outreach Coordinator for the Florida Keys National Marine Sanctuary

Mayor Hill read and presented the Water Quality Awareness Month Proclamation to Ms. Tagliareni.

Ms. Tagliareni encouraged residents to plant native landscaping, don't throw fish carcass in the water; and to hookup to the wastewater sewer system. She explained that this would help clean the Village's water.

IV. PUBLIC COMMENTS

Mayor Hill opened the Public Comment Section. The following addressed the Council: Linda Miller, Islamorada, FL; David Purdo, Plantation Key, FL; and Joe Ziomek, Islamorada, FL.

V. CITIZENS' ADVISORY COMMITTEE UPDATES

- A.** Historic Preservation Commission – No Report
- B.** Land Acquisition Advisory Committee – No Report
- C.** Landscape Advisory Committee – No Report
- D.** Local Planning Agency – No Report
- E.** Lower Matecumbe Key Decentralized Wastewater System Steering Committee –No Report

- F. Near Shore Water Support Citizens' Advisory Committee – No Report
- G. Parks and Recreation Citizens' Advisory Committee – Chairperson Kevin Sullivan

Kevin Sullivan updated the Council on the following: The Committee discussed the opening of the Founders Park Community Center, the pool covers, and how well the Bougainvillea Ball went at Founders Park. He advised that the Committee recommended having another larger open house for the Founders Park Community Center in the spring. He commented that the Committee's next meeting will be on Tuesday, March 3rd.

- H. Water Quality Improvement Citizens' Advisory Committee – No Report
- I. Workforce / Affordable Housing Citizens' Advisory Committee – No Report

VI. 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: Village Council Workshop, January 21, 2009 and Regular Village Council Meeting on January 22, 2009
- B. Resolution Approving Annual Contract Price for Local Police Services through the Monroe County Sheriff's Office

RESOLUTION NO. 09-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FISCAL YEAR 2008-2009 ANNUAL CONTRACT PRICE FOR THE CONTRACT FOR LOCAL POLICE SERVICES BETWEEN MONROE COUNTY SHERIFF'S OFFICE AND ISLAMORADA, VILLAGE OF ISLANDS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

- C. Resolution Amending the Schedule for Cost Recovery Deposits

RESOLUTION NO. 09-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; AMENDING THE SCHEDULE OF COST RECOVERY DEPOSITS SET FORTH IN RESOLUTION NO. 08-01-06, TO MODIFY DEPOSIT AMOUNTS SUBJECT TO PERMIT AND DEVELOPMENT APPROVAL COST RECOVERY ADMINISTRATIVE PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE

D. Resolution Authorizing Disposition of Fire / EMS Vehicle by Donation to Key Largo Lions Club

RESOLUTION NO. 09-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; AMENDING RESOLUTION 08-12-102; DIRECTING THE METHOD OF DISPOSITION FOR THE SURPLUS VEHICLE; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Hill requested to pull Item D of the Consent Agenda. She then requested a motion for the other items of the Consent Agenda.

Councilman Reckwerdt made a motion to approve the Consent Agenda excluding Item D, seconded by Councilman Boerner.

Mayor Hill called for the vote.

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

Vote passed 5 to 0.

- Reconsideration of Item D of the Consent Agenda

Mayor Hill advised that in 2006 a policy was made not to give any more contributions to 501(3)(c) organizations. She explained that because of the existing policy she would be against donating the fire pumper truck to the Lions Club.

Councilman Boerner commented that the Lions Club was going to give the fire pump portion of the engine back to the firefighters for training which would help their Insurance Services Office (ISO) rating.

Vice Mayor Achenberg advised that Govdeals.com had listings of approximately 13 pumper trucks of similar vintage that ranged in bids from \$1,300 to \$4,500.

Councilwoman Zima Borski asked if an internet auction would be a possibility.

Councilman Reckwerdt commented that the bid process would take time and effort. He said that he would like to donate the fire pumper truck to the Lions Club.

Mayor Hill opened the Public Comment Section. The following addressed the Council: Chris Sante, Islamorada, FL and Rod Halenza, Plantation Key, FL.

Mayor Hill advised that even though the fire pumper truck was donated from Monroe County originally, the Council still should think of the Islamorada residents first during these economic times.

It was the consensus of the Council to put this on the internet with a reserve of \$2,000 and if the reserve is not met it would be donated to the local Lions Club.

VII. ORDINANCES

- A. First Reading – Proposed Ordinance Regulating Review of Uses Containing Drive-in or Drive-through Components as Major Conditional Uses

ORDINANCE NO. 09-

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"; AND FURTHER AMENDING ARTICLE V "SCHEDULE OF DISTRICT, USE AND DEVELOPMENT STANDARDS," DIVISION 2, "ZONING DISTRICTS", SECTION 30-692 "VILLAGE CENTER (VC) ZONING DISTRICT," SECTION 30-693 "TOURIST COMMERCIAL (TC) ZONING DISTRICT", SECTION 30-696 "HIGHWAY COMMERCIAL (HC) ZONING DISTRICT," AND SECTION 30-697 "NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT"; AND ESTABLISHING DIVISION 12 "USES CONTAINING DRIVE-IN AND DRIVE-THROUGH COMPONENTS" OF ARTICLE VI "SPECIFIC USE REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS

Mayor Hill asked Village Attorney White to read the title of the ordinance.

Village Attorney White read the title of the ordinance for First Reading.

Mayor Hill asked for a staff report.

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

Mayor Hill asked for Council discussion.

Discussion ensued regarding whether there were criteria definitions established in the ordinance.

Mayor Hill opened the Public Hearing. The following addressed the Council: Ken Philipson, Islamorada, FL; Chris Sante, Islamorada, FL; and Deb Gillis, Islamorada, FL.

Mayor Hill closed the Public Hearing.

Mayor Hill asked Council for any further discussion.

Discussion continued regarding what the cost would be for a major conditional use; whether drive-through restaurant criteria could be defined; additional input being given between the First and Second Readings of the ordinance; zoning-in-progress; and whether to move forward with design standards.

Mayor Hill asked for a motion.

Councilman Reckwerdt made a motion to approve the ordinance for First Reading, seconded by Councilwoman Zima Borski.

Mayor Hill called for the vote.

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

Vote passed 4 to 1.

VIII. QUASI-JUDICIAL

A. Administrative Appeal of Planning Director Decision by John McGinn

RESOLUTION NO. 09-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. AA 09-02 FILED BY JOHN MCGINN, PERTAINING TO A LETTER WRITTEN BY THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES FOR PROPERTY LOCATED AT 241 TREASURE HARBOR DRIVE, IN ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Andy Tobin requested a continuance in order to receive additional public information from the Village.

Village Attorney Boniske requested Council to give any ex parte communications regarding this case before anything further was discussed.

Councilwoman Zima Borski advised she had no ex parte communications.

Councilman Reckwerdt advised he spoke with Attorney Andy Tobin.

Mayor Hill advised she spoke with Attorney Andy Tobin.

Vice Mayor Achenberg advised he spoke with Attorney Andy Tobin.

Councilman Boerner advised he spoke with Attorney Andy Tobin.

Mayor Hill opened the Public Comment Section to discuss only whether to defer this item or not. The following addressed the Council: Gerry Cowen, Ft. Lauderdale, FL.

Mayor Hill closed the Public Comment Section.

Mayor Hill asked for Council discussion. Being none, Mayor Hill requested a motion.

Councilman Boerner made a motion to defer this item until March 12, 2009 at 5:30 p.m., seconded by Councilman Reckwerdt.

Mayor Hill called for the vote.

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

Vote passed 4 to 1.

IX. RESOLUTIONS

A. Approval of the 2008-2009 Roadway Improvement Priorities

RESOLUTION NO. 09-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING AMENDMENT NO. ONE TO THE CONTRACT BETWEEN H & R PAVING, INC. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE ASPHALT PAVING AND STRIPING; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF AMENDMENT NO. ONE; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Hill requested Village Attorney White to read the title of the resolution.

Village Attorney White read the title of the resolution.

Mayor Hill asked for a staff report.

Myles Milander, Director of Public Works and Capital Projects, gave his report to Council.

Mayor Hill asked for any Council discussion. Being none, Mayor Hill opened the Public Comment Section. Being none, Mayor Hill asked for a motion.

Vice Mayor Achenberg made a motion to approve the resolution, seconded by Councilman Reckwerdt.

Mayor Hill called for the vote.

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

Vote passed 5 to 0.

B. Payment of Certain Outstanding Invoices to US Water Services Corporation

RESOLUTION NO. 09-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PAYMENT OF CERTAIN INVOICES IN THE AMOUNT OF \$98,679.40 TO US WATER SERVICES CORPORATION; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE ANY DOCUMENTS AND TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT OF CERTAIN CLAIMS FOR PAYMENT BY US WATER SERVICES CORPORATION; AND PROVIDING FOR AN EFFECTIVE DATE

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

Village Attorney White read the title of the resolution.

Mayor Hill asked for a staff report.

Myles Milander, Director of Public Works and Capital Projects, gave his report to Council.

Mayor Hill asked for Council discussion.

Discussion ensued regarding what invoices were applicable to the Plantation Key Colony Project.

Mayor Hill opened the Public Comment Section. The following addressed the Council: Chris Sante, Islamorada, FL.

Mayor Hill asked for any further Council discussion.

Discussion continued regarding whether there would be any more invoices for work done in the past.

Village Manager Fields assured Council there would not be any former invoices.

Village Manager Fields announced that some residents have not hooked up to the wastewater treatment system and they would be notified that it was a requirement by the state.

Mayor Hill asked for a motion.

Councilman Reckwerdt made a motion to approve the resolution, seconded by Vice Mayor Achenberg.

Mayor Hill called for the vote.

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

Vote passed 5 to 0.

X. MOTIONS

No motions were discussed.

XI. MAYOR / COUNCIL COMMUNICATIONS

A. Discussion Regarding Comprehensive Plan Policy Related to Sewer Collection Systems Crossing Bodies of Water

Mayor Hill asked for a staff report.

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

Mayor Hill asked for Council discussion.

Discussion ensued regarding letting the engineers make a qualified decision whether to have wastewater go across the bridges or not; wanting the Water Quality Improvement Citizens' Advisory Committee to give their recommendations to Council; moving forward with land procurement before making other options or alternatives; the costs involved in studying an alternative option; whether or not to make any changes to the Comprehensive Plan; changing the Comprehensive Plan requires major staff time and would have to change the Master Wastewater Plan as well; two sites are available in each island for wastewater plants; asking Hazen and Sawyer to recommend whether to pipe to

Key Largo; having funding to acquire property for wastewater; and the delay of two years last time alternatives were studied.

Mayor Hill opened the Public Comment Section. The following addressed the Council: Rod Halenza, Plantation Key, FL; Chris Sante, Islamorada, FL; and David Makepeace, Islamorada, FL.

Mayor Hill asked for any further Council discussion.

Discussion continued regarding whether the Water Quality Improvement Citizens' Advisory Committee agreed to cross bridges outside the Village or to only cross bridges within the Village; getting information from Hazen and Sawyer before the Comprehensive Plan is changed; waiting until the next meetings Hazen and Sawyer's wastewater report before making a decision on crossing bridges; and the costs land for wastewater treatment plants.

It was the consensus of the Council to defer this item until February 26th and to have Hazen and Sawyer Monthly Wastewater Report incorporate their recommendations of purchasing land options before the Council decides on whether to change the Comprehensive Plan on crossing bridges with wastewater.

XII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Mayor Hill asked if there were any village attorney communications.

Village Attorney Boniske asked to announce an Executive Session and the following case title: **MICHAEL SWERDLOW, ROBERT E. RICH, JOHN R. WILLIS AND MORTON DUNNING, ALL PROPERTY OWNERS AND TAXPAYERS OF ISLAMORADA, VILLAGE OF ISLANDS v. M.M. 82.7 REALTY TRUST, A TRUST, BY AND THROUGH ITS TRUSTEE DAVID W. RISBIE; ISLAMORADA, VILLAGE OF ISLANDS, A FLORIDA MUNICIPAL CORPORATION; AND THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, IN THE CIRCUIT COURT OF THE 16TH JUDICIAL CIRCUIT, IN AND FOR MONROE COUNTY, FLORIDA, CASE NO. 06-CA-393-P.**

Mayor Hill asked if there were any village manager communications.

Village Manager Fields announced that Biltmore Construction would be holding a contractor's workshop for local contractors who would like to help in the building of the administrative office / safety building on February 24th, 5:00 p.m., at Founders Park Community Center. He also announced that there would be a Community Workshop to discuss Architectural Standards / Design Review on Monday, March 2nd at 5:30 p.m. at Founders Park Community Center.

Village Manager Fields advised Council that the baseball field lights would be completed this week.


Village Manager Fields advised that Village Hall would be closed on Monday, Feb 16th for President's Day.

Vice Mayor Achenberg announced that there is an open house for the Murray Nelson Center on February 17th in Key Largo between 3:00-5:00 p.m.

XIII. ADJOURNMENT

Councilman Reckwerdt made a motion to adjourn; Vice Mayor Achenberg seconded the motion. Council voted unanimously to adjourn 7:33 p.m.

Respectfully submitted,


Beverly Raddatz, MMC
Village Clerk


Mayor Cathi Hill

Approved by Council on 26th day of February 2009.