

ACTION MINUTES

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

April 9, 2009

**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 5:35 p.m. Present were: Mayor Don Achenberg, Council members: Dave Boerner, Jill Zima Borski, and Cathi Hill. Also in attendance were: Village Manager Kenneth Fields, Village Attorneys Nina Boniske and James White; Deputy Village Clerk Kyrie Wagner, and all other appropriate Village personnel.

Vice Mayor Michael Reckwerdt arrived at 5:38 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor Achenberg asked Councilwoman Cathi Hill to lead the Pledge of Allegiance.

III. PRESENTATIONS

A. Proclamation for Water Conservation Month

Mayor Achenberg read and presented the Water Conservation Proclamation to Tom Genovese, Florida Keys Service Center Director, South Florida Water Management District.

Mr. Genovese thanked Council for the proclamation and requested residents to conserve water since Florida is in a severe drought. He advised that there are two day a week water restrictions.

B. Boardwalk Pizza

Mayor Achenberg thanked Boardwalk Pizza for their donation of food.

IV. PUBLIC COMMENTS

Mayor Achenberg opened the Public Comment Section. The following addressed Council: Ken Philipson, Islamorada, FL; Glenn Taylor, Islamorada FL; John Fernandez, Islamorada, FL; Jim Bellizzi, Islamorada, FL; and David Purdo, Plantation Key, 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 – No Report
- 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: Regular Village Council Meeting, March 12, 2009 and Village Council Workshop, March 25, 2009

Mayor Achenberg asked for a motion for the Consent Agenda.

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

Mayor Achenberg called for the vote.

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

Vote passed to 5 to 0.

VII. ORDINANCES

- A. First Reading – Request for Text Amendment to Policy 1-2.3.1 (Residential Conservation) of the Islamorada, Village of Islands, Comprehensive Plan

ORDINANCE NO. 09-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING POLICY 1-2.3.1 “RESIDENTIAL CONSERVATION (RC)” OF THE COMPREHENSIVE PLAN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS

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

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

Mayor Achenberg asked for a staff report.

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

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding building on the property would not hurt the wildlife.

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

Mayor Achenberg asked Attorney Charles Siemon representing Mr. Sankpill.

Attorney Siemon gave a report to Council.

Mayor Achenberg asked for a motion.

Councilwoman Hill made a motion to approve the ordinance for First Reading, seconded by Vice Mayor Reckwerdt.

Mayor Achenberg called for the vote.

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

Vote passed 5 to 0.

- B. First Reading – Comprehensive Plan Amendment Amending Chapters 1 -5 Request for Text Amendments to the Future Land Use Element, Transportation Element, Housing Element, Public Facilities Element, and the Coastal Management Element of the Islamorada, Village of Islands, Comprehensive Plan

ORDINANCE NO. 09-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY MODIFYING PROVISIONS TO THE FUTURE LAND USE ELEMENT; TRANSPORTATION ELEMENT; HOUSING ELEMENT; PUBLIC FACILITIES ELEMENT; AND COASTAL MANAGEMENT ELEMENT; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS

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

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

Mayor Achenberg asked for a staff report.

Mr. Jerry Buckley, Senior Planner, gave his report to Council.

Mayor Achenberg asked for Council discussion.

Mayor Achenberg opened the Public Hearing. The following addressed the Council:
Ken Phillipson; Islamorada FL.

Mayor Achenberg asked for any further Council discussion.

Discussion ensued regarding whether the Planning Commission could be put back into the ordinance at a later date if necessary.

Mayor Achenberg asked for a motion.

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

Mayor Achenberg called for the vote.

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

Vote passed 5 to 0.

- C. Second Reading – Ordinance Amending Code Chapter 30 “Land Development Regulations,” Article IV “Administrative Procedures,” Division II “Building Permit Allocation System”

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 ARTICLE IV “ADMINISTRATIVE PROCEDURES,” DIVISION 11 “BUILDING PERMIT ALLOCATION SYSTEM,” OF THE VILLAGE CODE TO PROVIDE FOR ALLOCATION AWARD DEFERRALS AND RELATED DEFERRAL APPLICATION PROCEDURES; 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 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 Village Attorney White to read the title of the ordinance.

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

Mayor Achenberg asked for a staff report.

Ms. Cheryl Cioffari, Planner, gave her report to Council.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding allowing more time for residents to pickup the BPAS permits due to the economy.

Mayor Achenberg opened the Public Hearing. The following addressed the Council: David Purdo, Islamorada, FL; Jim Bellizzi, Islamorada, FL; and Ken Phillipson, Islamorada, FL.

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

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

Mayor Achenberg called for the vote.

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

Vote passed 5 to 0.

D. Second Reading – Ordinance Adopting the Ten-Year Water Supply Facilities Work Plan

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT; PUBLIC FACILITIES ELEMENT; CONSERVATION ELEMENT; INTERGOVERNMENTAL COORDINATION ELEMENT; AND THE CAPITAL IMPROVEMENTS ELEMENTS OF THE COMPREHENSIVE PLAN TO COORDINATE THE VILLAGE'S COMPREHENSIVE PLAN WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S *LOWER EAST COAST WATER SUPPLY PLAN*, TO ADOPT A 10-YEAR WATER SUPPLY FACILITIES WORK PLAN INTO THE COMPREHENSIVE PLAN AS MANDATED BY FLORIDA STATUTES 163.3177(6)(C); PROVIDING FOR THE

TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS

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

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

Mayor Achenberg asked for a staff report.

Mr. Jerry Buckley, Senior Planner, gave his report to Council.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding whether staff was working with the Florida Keys Aqueduct Authority (FKAA) on the water supply availability and whether this was the first water supply plan.

Mayor Achenberg opened the Public Hearing. The following addressed the Council: John Fernandez, Islamorada, FL.

Mayor Achenberg asked for any further Council discussion.

Discussion ensued regarding FKAA being responsible for maintenance of the water lines after construction.

Mayor Achenberg asked for a motion.

Councilman Boerner made a motion to approve the ordinance for Second Reading, seconded by Vice Mayor Reckwerdt.

Mayor Achenberg called for the vote.

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

Vote passed 5 to 0.

- E. Second Reading – Ordinance Creating Article IV of Chapter 6 of the Village Code Entitled “Unsafe Structures”

ORDINANCE NO. 09-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING ARTICLE II OF CHAPTER 6 OF THE VILLAGE CODE REGARDING THE BUILDING CODE; PROVIDING

**FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;
PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND
PROVIDING FOR AN EFFECTIVE DATE**

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

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

Mayor Achenberg opened the Public Hearing. The following addressed the Council: Robert Johnson, Islamorada, FL; David Purdo, Islamorada, FL; and Ken Philipson, Islamorada, FL.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding the definition and requirements of egress, whether the Building and Fire Officials should have the authority to determine when shutters should be taken down, and who was entitled to do inspections.

Mayor Achenberg asked for a motion.

Councilman Boerner made a motion to approve the ordinance for Second Reading as amended, seconded by Vice Mayor Reckwerdt.

Mayor Achenberg called for the vote.

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

Vote passed 5 to 0.

VII. QUASI-JUDICIAL

No items were discussed.

VIII. RESOLUTIONS

A. Resolution in Support of Eco-Mariner Course

RESOLUTION 09-

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA IN SUPPORT OF *ECO-MARINER*,
AN EDUCATIONAL COURSE DESIGNED TO HELP BOATERS AND
ANGLERS ENJOY AND PRESERVE FLORIDA BAY; 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 Mr. Rob Clift with Eco-Mariner of the National Park Conservation Association to give a report to Council.

Discussion ensued regarding if students would be involved at the Green Turtle Hammock for Earth Day.

Mr. Clift advised that Eco-Mariner and the Green Turtle Hammock non-profit would be partnering on an event at Green Turtle Hammock for Earth Day on April 22nd which would include kayaking and boat trips into the Florida Bay, youth events, and a touch tank.

Councilman Boerner explained what Eco-Mariner was all about.

Mayor Achenberg opened the Public Comment Section. The following addressed the Council: Dave Purdo, Islamorada, FL and John Fernandez, Islamorada, FL.

Mayor Achenberg closed the Public Comment Section.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding whether the use of the Village name and logo should be used; whether the Village would endorse the Eco-Mariner Program; and whether Council would agree to have the Village name and logo used only with the permission of the village manager.

Mr. Clift advised that he would agree to have the village manager give the authority when the Village name and logo is used.

Mayor Achenberg asked for a motion.

Councilman Boerner made a motion to approve the resolution with the amendment to have the village manager's approval of the use of the Village's name and logo, seconded by Vice Mayor Reckwerdt.

Mayor Achenberg called for the vote.

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

Vote passed 5 to 0.

B. Resolution Approving the Option Agreements for the Key Tree Cactus Preserve and Approving the Management Plan

RESOLUTION NO. 09-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE OPTION AGREEMENTS FOR SALE AND PURCHASE (THE "OPTION AGREEMENTS") FOR THE ACQUISITION OF THE KEY TREE-CACTUS PRESERVE PROPERTIES (THE "PRESERVE") BY THE VILLAGE; APPROVING THE MANAGEMENT PLAN (THE "PLAN") FOR THE OPERATION AND MANAGEMENT OF THE PRESERVE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE OPTION AGREEMENTS AND THE PLAN, AND TO EXECUTE ANY REQUIRED DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER AND OFFICIALS TO FINALIZE THE TERMS AND CONDITIONS OF THE OPTION AGREEMENTS AND THE PLAN, AND TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE ACQUISITION AND MANAGEMENT OF THE PRESERVE; 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.

Ms. Cheryl Cioffari, Planner, gave her report to Council.

Mr. Matt Sexton, Conservation Fund, thanked the Council, residents, and partnering organizations for their support.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding changing the withdrawal of maintenance funding to make it last longer; whether to approve the resolution without knowing what is contained in the Memorandum of Understanding; and whether to approve the resolution with the understanding that the Village's legal department would review and approve it before this item moves forward.

Councilwoman Zima Borski thanked Karen Strobel, Phyllis Mitchell, Cheryl Culberson, Leslie Whaylen, Daniel and Mark Cockerham; children from PKS who wrote letters of support, and other representatives from other government agencies for their hard work in getting this grant awarded to the Village.

Mayor Achenberg opened the Public Comment Section. The following addressed the Council: Phyllis Mitchell, Islamorada, FL and Rod Halenza, Plantation Key, FL.

Mayor Achenberg closed the Public Comment Section.

Mayor Achenberg asked if there were any further Council discussions. Being none, Mayor Achenberg asked for a motion.

Councilman Boerner made a motion to approve the resolution, accept the management plan, and to give direction to use the In Lieu Fee Mitigation Funds for re-vegetation, seconded by Councilwoman Zima Borski.

Mayor Achenberg called for the vote.

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

Vote passed 5 to 0.

IX. MOTIONS

No motions were made.

X. MAYOR / COUNCIL COMMUNICATIONS

Mayor Achenberg asked if there were any Council communications.

A. Whistle Blowing Ordinance (Councilwoman Zima Borski)

Councilwoman Zima Borski asked Council to have a workshop to discuss the whistle blowing ordinance and invite State Attorney Dennis Ward and the Village attorneys to give their perspectives on the ordinance.

Village Manager Fields gave a report on the pros and cons of this issue.

It was the consensus of the Council to put item on upcoming agenda.

B. Key Largo Wastewater Referendum (Councilman Reckwerdt)

Councilman Reckwerdt asked to defer this item until more information is received.

Council agreed.

C. Wastewater (Councilwoman Hill)

Councilwoman Hill gave a brief history of the wastewater issue and Council's decision on whether to move forward with wastewater without grant funding.

Discussion ensued regarding whether Council should talk to the state regarding not moving forward without receiving any grant funding; needing solid numbers to compare; having the community help in trying to get grant funding; keeping the options open; finding a number that the Village residents could afford; whether the Village's system would be more or less than an individual system; and what the state's recourse could be if the deadline is not met.

D. Key Largo Wastewater Treatment District Option (Council)

Mayor Achenberg gave a report regarding his meeting with the Key Largo Wastewater Treatment District (KLWTD) meeting.

Discussion ensued regarding KLWTD making a business decision whether to accept the Village's wastewater; KLWTD's commitment on paying for a portion of the cost for a feasibility study; Village Manager Fields having a meeting with KLWTD's executive director to discuss what portion of they would pay for the feasibility study; clear agreement that the existing feasibility study was not agreeable to the Village or KLWTD; and needing to make wastewater affordable to the residents.

Mayor Achenberg opened Public Comment Section. The following addressed the Council: John Fernandez, Islamorada, FL; Dave Purdo, Islamorada, FL; Deb Gillis, Islamorada, FL; Robert Johnson, Islamorada, FL; Jim Bellizzi, Islamorada, FL; and Ken Phillipson, Islamorada, FL.

Mayor Achenberg closed the Public Comment Section.

E. Green Turtle Hammock Project (Councilman Boerner)

Councilman Boerner advised that the Green Turtle Hammock Foundation has requested a letter from the Village to guarantee payment of insurance.

Discussion ensued regarding the costs of the insurance.

Village Manager Fields gave his report to Council.

Discussion continued regarding what Green Turtle Hammock Board members are doing to try to raise revenues; whether the Board should pursue corporate members; and Council wanting documentation on what the Board's efforts have been.

Mr. Gordon Hadley, Board member of the Green Turtle Hammock Foundation, explained what efforts have been made.

Discussion continued regarding what efforts have been made for fundraisers; the Board not having their operating agreement signed in order to get insurance; Green Turtle Hammock Foundation Board could receive money for their purpose without the operating agreement; the Board not being allowed to be under the Village's insurance; volunteers not working on Green Turtle Hammock property without insurance; and Council not having enough documentation to make a decision on taking the obligation of paying for the insurance.

F. Rescheduling of Village Council Workshop

Councilman Boerner advised that he was going to ask to reschedule the April 22, 2009 Village Council Workshop due to the Green Turtle Hammock Project meeting being held at the same time; however, he felt it was a moot point at this time.

XI. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. February 2009 Financial Report

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