

## **ACTION MINUTES**

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

**April 22, 2010**

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

**I. CALL TO ORDER\ROLL CALL:** Councilman Philipson asked for the roll call at 5:30 p.m. Present were: Mayor Michael Reckwerdt, Vice Mayor Don Achenberg Council members: Robert Johnson, Ken Philipson, and David Purdo. Also in attendance were: Village Manager Fields, Village Attorneys Nina Boniske and James White; Village Clerk Beverly Raddatz, and all other appropriate Village personnel.

#### **II. PLEDGE OF ALLEGIANCE**

Mayor Reckwerdt asked Rod Halenza to lead the Pledge of Allegiance.

#### **III. PRESENTATIONS**

**A. Proclamation Regarding May as Motorcycle Awareness Month Presented by Mayor Reckwerdt**

Councilman Philipson read the proclamation for Motorcycle Awareness Month and presented it to Rubert Studner Safety Director of ABATE of Florida Inc.

Mr. Studner asked residents to please be aware of motorcycles on the road and gave safety tips.

**B. Mayor Reckwerdt and Director John Sutter Acknowledging Brian Scott for Saving Three Lives within 60 Days**

John Sutter, Director of Parks and Recreation / Public Works acknowledged Brian Scott, Lifeguard, for saving three lives in the last 60 days.

Councilman Philipson presented a plaque to Brian Scott and thanked him on behalf of the Council, staff, and residents of Islamorada.

**C. Committee Service Certificates for Citizens' Advisory Committee Members**

Councilman Philipson presented Beth Kaminstein, Lorie LaLonde-Miller, and Steve Leopold and of the Parks and Recreation Citizens' Advisory Committee with their certificates.

**D. Presentation of the Landscaping Award from Chairperson Rod Halenza to Mr. David Dicken, General Manager, of the Chesapeake Beach Resort**

Mayor Reckwerdt asked Chairperson Rod Halenza to the front to present the Landscaping Award.

Chairperson Rod Halenza of the Landscape Citizens' Advisory Committee presented the Landscape Award to Mr. Dicken General Manager of the Chesapeake Beach Resort.

**IV. PUBLIC COMMENTS**

Mayor Reckwerdt opened the Public Comment Section. The following addressed the Council: Bruce Williams, Islamorada, FL; Gordon Hadley, Lower Matecumbe, FL; Wendy Gentes, Tavernier, FL; Larry Barr, Plantation Key, FL; Barbara Edgar, Islamorada, FL; Beth Miller, Islamorada, FL; and Dale Miller, 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. Near Shore Water Support Citizens' Advisory Committee – No Report
- F. Parks and Recreation Citizens' Advisory Committee – Chairperson Carolyn Wightman

Chairperson Wightman announced the new members of the Committee. She thanked the staff for taking such good care of Founders Park. She also commented that the investment of the pool covers were a good investment because it has kept the chemicals and water costs down and made it more comfortable for the swimmers.

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

**VI. QUASI-JUDICIAL**

- A. Request for an Amendment to a Major Conditional Use Approval for WPG 1, LLC

**RESOLUTION NO. 10-**

**A RESOLUTION CONSIDERING THE REQUEST BY WPG1, LLC FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE FOR PROPERTY LOCATED AT 80461 OVERSEAS HIGHWAY AND AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE**

Village Attorney White asked the Council to divulge any ex parte communications on this item.

Councilman Purdo advised he spoke with John Vlad.

Councilman Johnson advised he spoke with John Vlad and Edward Koconis.

Mayor Reckwerdt advised he had no ex parte communications.

Vice Mayor Achenberg advised he had no ex parte communications.

Councilman Philipson advised he had no ex parte communications.

Mayor Reckwerdt asked for a staff report.

Village Attorney White gave a history of the deferment of this quasi judicial case on March 25, 2010 and then introduced Joseph Cearley, Planner.

Joseph Cearley, Planner, gave his report to Council.

Mayor Reckwerdt opened the Public Hearing for all those in favor of the resolution. The following addressed the Council: Attorney Patricia Silver, representing the applicant, Islamorada, FL

Mayor Reckwerdt opened the Public Hearing for all those who opposed the resolution. The following addressed the Council: Dave Boerner, Plantation Key, FL.

Mayor Reckwerdt asked for any Council discussion.

Discussion ensued regarding whether the owner and the Village could comprise by putting racks to 30' and only having small boats on the top rack at 30'.

John Vlad gave testimony to the Council.

Discussion continued regarding the top racks not being able to be taken off because of the hurricane plate; the owners having the top racks at 35'; the original restriction number 7 was set for the top racks to be no higher than 25'; the Council being clear with previous discussions not wanting boats to be over the 35' height restriction; and the gunnels and the structures not going over the 35'.

Joseph Cearley read a note and gave testimony regarding Exhibit 7 (see attached) when the application was submitted.

Attorney Silver rebutted the testimony.

Village Attorney White explained that the Council had been consistent with the conditions for Major Conditional Uses and WPG1 LLC did not oppose any conditions a year ago when this was originally discussed. He further explained that the invested rights should not be discussed in this forum.

Attorney Silver rebutted regarding the invested rights to the applicant.

Discussion ensued regarding the 35' height restriction.

Attorney Silver rebutted again regarding the vested rights of the applicant.

Mayor Reckwerdt asked for a motion.

Councilman Philipson made a motion to deny the major condition use, seconded by Councilman Johnson.

Mayor Reckwerdt called for the vote.

Vice Mayor Achenberg	Yes
Councilman Johnson	Yes
Councilman Philipson	Yes
Councilman Purdo	Yes
Mayor Reckwerdt	Yes

Vote passes 5 to 0.

- B. This Resolution considers the Administrative Appeal of Louis Quirch of Tropical Island Ventures Inc., pursuant to Village Code Section 30-281

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. AA 10-02 FILED BY LOUIS QUIRCH OF TROPICAL ISLAND VENTURES INC., PERTAINING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES FOR PROPERTY LOCATED AT 112 GULFVIEW DRIVE, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Reckwerdt asked Village Attorney White to read the Quasi Judicial Statement.

Village Attorney White read the Quasi Judicial Statement for all quasi judicial cases.

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

Mr. Quirch asked to table the item and requested Council to apply the initial registration fee of \$1,200 to the new registration fee.

Edward Koconis asked Council if they would like to prorate the fees since it would not be a 12 month period. He advised that it would be approximately \$700 for each property.

Mayor Reckwerdt asked for any Council discussion.

Discussion ensued regarding whether to prorate the registration fees; whether the time extension would extend to the 30 people on the roles that didn't sign up this year; placing this item on a July agenda; and staff being fair by extending the deadline.

It was the consensus of the Council to prorate the registration fees.

Mayor Reckwerdt asked for a motion.

Vice Mayor Achenberg made a motion to table the resolution, seconded by Councilman Purdo.

Mayor Reckwerdt called for the vote.

Councilman Johnson	Yes
Councilman Philipson	Yes
Councilman Purdo	Yes
Vice Mayor Achenberg	Yes
Mayor Reckwerdt	Yes

Vote passes 5 to 0.

- C. First Reading – Village Sponsored Official Zoning Map Amendment (FLRZ-10-04) for Key Tree Cactus Preserve

**ORDINANCE NO. 10-**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA, VILLAGE OF ISLANDS TO AMEND THE *OFFICIAL ZONING MAP* FROM RESIDENTIAL ESTATE (RE) AND NATIVE RESIDENTIAL (NR) TO CONSERVATION (C) FOR TWO PARCELS LOCATED AT 80700 AND 80800 OVERSEAS HIGHWAY AND FURTHER 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**

Village Attorney White requested Council to come back to this item after they discussed Section IX, Item D.

Council agreed.

After discussion of Section IX, Item D, Mayor Reckwerdt asked Village Attorney White to read the ordinance title.

Village Attorney White read the title of the ordinance for First Reading and then asked the Council to divulge any ex parte communications.

Councilman Purdo advised he had no ex parte communications.

Councilman Johnson advised he had no ex parte communications.

Mayor Reckwerdt advised he had no ex parte communications.

Vice Mayor Achenberg advised he had no ex parte communications.

Councilman Philipson advised he had no ex parte communications.

Mayor Reckwerdt asked for a staff report.

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

Mayor Reckwerdt opened the Public Hearing. Being none, Mayor Reckwerdt asked for a motion.

Councilman Philipson made a motion to defer action on First Reading of this ordinance until May 6, 2010 at 5:30 p.m., seconded by Councilman Purdo.

Mayor Reckwerdt called for the vote.

Councilman Philipson	Yes
Councilman Purdo	Yes
Vice Mayor Achenberg	Yes
Councilman Johnson	Yes
Mayor Reckwerdt	Yes

Vote passes 5 to 0.

## **VII. WASTEWATER MATTERS**

### **A. Hazen & Sawyer Administrative Briefing**

Mayor Reckwerdt asked Village Manager Fields to give a status report to Council.

Village Manager Fields gave his report to Council.

Mayor Reckwerdt asked for any Council discussion.

Discussion ensued regarding Hazen and Sawyer helping to provide grant funding.

Mayor Reckwerdt opened the Public Comment Section. Being none, Mayor Reckwerdt asked for a motion.

Vice Mayor Achenberg made a motion to approve the report, seconded by Councilman Philipson.

Mayor Reckwerdt called for the vote.

Councilman Purdo	Yes
Vice Mayor Achenberg	Yes
Councilman Johnson	Yes
Councilman Philipson	Yes
Mayor Reckwerdt	Yes

Vote passes 5 to 0.

## **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: Village Council Workshop, March 31, 2010; Executive Session, April 8, 2010; and Regular Village Council Meeting, April 8, 2010

Mayor Reckwerdt asked for a motion for the Consent Agenda.

Vice Mayor Achenberg made a motion to approve the Consent Agenda, seconded by Councilman Johnson.

Mayor Reckwerdt called for the vote.

Vice Mayor Achenberg	Yes
Councilman Johnson	Yes
Councilman Philipson	Yes
Councilman Purdo	Yes
Mayor Reckwerdt	Yes

Vote passes 5 to 0.

## IX. ORDINANCES

- A. First Reading - Future Land Use Map (FLUM) Amendment (FLRZ 10-01) for Property near the Corner of Overseas Highway and Woods Avenue on Plantation Key

### ORDINANCE NO. 10-

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA, VILLAGE OF ISLANDS TO AMEND THE *FUTURE LAND USE MAP* FROM PUBLIC/SEMI-PUBLIC (PS) TO MIXED USE (MU) FOR FOUR (4) PROPERTIES LOCATED ON OVERSEAS HIGHWAY AT APPROXIMATELY MILE MARKER 90 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**

- B. First Reading - Future Land Use Map (FLUM) Amendment (FLRZ 10-02) for Gardenia Street Property on Plantation Key

### ORDINANCE NO. 10-

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA, VILLAGE OF ISLANDS TO AMEND THE *FUTURE LAND USE MAP* FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR EIGHT (8) PROPERTIES LOCATED ON GARDENIA STREET AT APPROXIMATELY MILE MARKER 90 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. First Reading - Future Land Use Map (FLUM) Amendment (FLRZ-10-05) for Vacant Property High Point Road

**ORDINANCE NO. 10-**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA, VILLAGE OF ISLANDS TO AMEND THE FUTURE LAND USE MAP FROM PUBLIC AND SEMI-PUBLIC SERVICES (PS) TO RESIDENTIAL MEDIUM (RM) FOR VACANT PROPERTY LOCATED ON HIGH POINT ROAD ON PLANTATION KEY AND FURTHER 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. First Reading – Village Sponsored Future Land Use Map (FLUM) Amendment (FLRZ-10-04) for Key Tree Cactus Preserve

**ORDINANCE NO. 10-**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAMORADA, VILLAGE OF ISLANDS TO AMEND THE *FUTURE LAND USE MAP* FROM RESIDENTIAL LOW (RL) AND RESIDENTIAL CONSERVATION (RC) TO CONSERVATION (C) FOR TWO PARCELS LOCATED AT 80700 AND 80800 OVERSEAS HIGHWAY AND FURTHER 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**

Village Attorney White advised the Council that Section IX, Items A – D titles should be read, staff reports given, and the public hearings opened but requested them to defer action until the next Council meeting so all the comprehensive items could go to the Department of Community Affairs at one time.

It was the consensus of the Council to open all the items and then to have the staff report and public hearings but to defer action until May 6<sup>th</sup>.

Village Attorney White read the titles for Section IX, Items A – D.

Mayor Reckwerdt recessed the meeting at 6:54 p.m. and reconvened the meeting at 7:04 p.m.

Mayor Reckwerdt asked for a staff report.

Kevin Bond, Senior Planner, gave his report to Council for Section IX, Items A – C.

Edward Koconis, Deputy Village Manager, gave his report to Council for Section IX, Item D.

Mayor Reckwerdt opened the Public Hearings for Section IX, Items A - D. The following addressed the Council: Stan Margulies, Islamorada, FL and Steven Kurutz, Islamorada, FL.

Mayor Reckwerdt asked for discussion.

Discussion ensued regarding history of previous meeting of Local Planning Agency for Section IX, Item B.

Mayor Reckwerdt asked for a motion.

Vice Mayor Achenberg made a motion to defer action of Section IX, Items A-D for the First Reading of the ordinance until May 6, 2010 at 5:30 p.m. so all the ordinances could be transmitted to the Department of Community Affairs at the same time, seconded by Councilman Johnson.

Mayor Reckwerdt called for the vote.

Councilman Johnson	Yes
Councilman Philipson	Yes
Councilman Purdo	Yes
Vice Mayor Achenberg	Yes
Mayor Reckwerdt	Yes

Vote passes 5 to 0.

## X. RESOLUTIONS

- A. Proposed Amendment to the Previously Approved Settlement Agreement between Islamorada, Village of Islands and EDCO, LTC ("Hampton Inn") Regarding Pending Litigation

### RESOLUTION NO. 10-

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN AMENDMENT TO THE LITIGATION SETTLEMENT AGREEMENT WITH EDCO LTC.; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE AMENDMENT AND ANY ADDITIONAL DOCUMENTS PERTAINING TO THE AMENDMENT AND TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Reckwerdt asked Village Attorney White to read the title of the resolution and then give a staff report.

Village Attorney White read the title of the resolution and then gave his staff report to Council.

Edward Koconis, Deputy Village Manager, also gave a brief report to Council.

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

Councilman Johnson made a motion to approve the resolution which is an amendment to settlement agreement, seconded by Vice Mayor Achenberg.

Mayor Reckwerdt called for the vote.

Councilman Philipson	Yes
Councilman Purdo	Yes
Vice Mayor Achenberg	Yes
Councilman Johnson	Yes
Mayor Reckwerdt	Yes

Vote passes 5 to 0.

## **XI. MOTIONS**

No motions were discussed.

## **XII. MAYOR / COUNCIL COMMUNICATIONS**

### **A. Procedures for Council Placing Items on Future Agendas**

Councilman Johnson advised that he would like to add to the May agenda a discussion regarding burglar alarm fees and on a June workshop a discussion regarding building permit fees.

Council agreed to add these items as requested.

### **B. Discussion Regarding Southwinds Property Being Used for a Historical Museum (Councilman Purdo)**

Councilman Purdo presented to Council why he would like them to consider using the Southwinds property for a historical museum. He advised that the Lower Matecumbe Historical Land Trust would like to lease for the Southwinds property to put a fishing museum on the property.

Mayor Reckwerdt asked for Council discussion.

Discussion ensued regarding the Council asking the Lower Matecumbe Historical Land Trust to give information on the proposed museum before the Council discusses a lease; the need to lease a property before the Lower Matecumbe Historical Land Trust could apply for grant funding; what alternatives the Council has for the Southwinds property; having the Lower Matecumbe Historical Land Trust give a presentation to Council regarding what they would like to establish; residents concerned near the Southwinds property; where a museum should be located; having the Historic Preservation Commission's input on the request; whether there are properties with existing building(s) so Irving Eyster could be a part of the museum; whether the Plantation Key Preserve could be used to build a museum; the Southwinds

property being downtown and in a good location for visitors; and supporting a museum but not immediately agreeing to the Southwinds property for the location of the museum.

Village Manager Fields advised the Council on the restrictions of the Southwinds property and the residents concerns and input being needed.

Discussion continued regarding what other properties would be available for a museum.

Village Attorney Boniske advised that a report could be prepared for the May 20<sup>th</sup> Regular Village Council meeting.

It was the consensus of the Council to have the staff email a report on what the restrictions are for the Southwinds property and to bring it back to the Council to be discussed at the May 20<sup>th</sup> Regular Village Council meeting.

**C. Discussion Regarding Local Contractor Preference (Councilman Purdo)**

Mayor Reckwerdt asked Councilman Purdo to give his comments on this issue.

Councilman Purdo reported to Council and then asked the Council to amend the ordinance on the local contractor preference for any amount instead of the current \$25,000 contract.

Mayor Reckwerdt asked Council for any discussion.

Discussion ensued regarding whether to have a point system for local contract preference; whether outside contractors were getting preferential treatment instead of local contractors; wanting competitive bidding to continue; all government bodies wanting to support local contractors; being careful in favoring protective classes; and when to put this discussion on a future agenda.

Village Manager Fields advised that there were no large contracts coming up for bid and all the managers in Monroe County were looking into this subject. He requested to place this item on the August 12<sup>th</sup> Regular Village Council meeting agenda.

It was the consensus of the Council to placing this item on the August 12, 2010, Regular Village Council meeting.

**D. Trip to Tallahassee Legislation**

Vice Mayor Achenberg gave a brief explanation of their trip. He advised that he felt it was a beneficial trip for the Council.

Mayor Reckwerdt opened the Public Comment Section for the Mayor / Council Communications. The following addressed the Council: Stan Margulies, Islamorada, FL and Deb Gillis, Islamorada, FL.

**XIII. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS**

Mayor Reckwerdt asked Village Attorney Boniske if she had any communications for the Council. Being none, Mayor Reckwerdt asked Village Manager Fields if he had any communications for the Council.