

ACTION MINUTES

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

**September 3, 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 7:24 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 and James White; Village Clerk Beverly Raddatz, and all other appropriate Village personnel.

II. PLEDGE OF ALLEGIANCE

Mayor Achenberg asked Vice Mayor Reckwerdt to lead the Pledge of Allegiance.

III. PUBLIC COMMENTS

Mayor Achenberg opened the Public Comment Section. The following addressed the Council: John Fernandez, Plantation Key, FL.

IV. RESOLUTIONS

A. Annual Rate Resolution for Stormwater Management Services

RESOLUTION NO. 09-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE PROVISION OF STORMWATER SERVICES; IMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST CERTAIN REAL PROPERTY WITHIN ISLAMORADA, VILLAGE OF ISLANDS; APPROVING THE STORMWATER ASSESSMENT ROLL FOR THE STORMWATER SERVICE ASSESSMENTS; PROVIDING FOR COLLECTION OF THE STORMWATER SERVICE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE

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

Village Attorney Boniske read the title of the resolution.

Mayor Achenberg asked for a staff report.

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

Mayor Achenberg asked for Council discussion. Being none, Mayor Achenberg opened the Public Hearing. 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.

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

Vote passed 3 to 2.

B. Annual Rate Resolution for Solid Waste Assessment

RESOLUTION NO. 09-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE

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

Village Attorney Boniske read the title of the resolution.

Mayor Achenberg asked for a staff report.

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

Mayor Achenberg asked for Council discussion. Being none, Mayor Achenberg opened the Public Hearing. Being none, Mayor Achenberg asked for a motion.

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

Mayor Achenberg called for the vote.

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

Vote passed 5 to 0.

V. ORDINANCES

- A. First Reading – Proposed Ordinance Amending Minor Conditional Uses Allowed with the Marine Use (MR) Zoning District

ORDINANCE NO. 09-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE V “SCHEDULE OF DISTRICT, USE AND DEVELOPMENT STANDARDS,” DIVISION 2 “ZONING DISTRICTS,” SECTION 30-695 “MARINE USE (MR) ZONING DISTRICT” 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 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 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.

Cheryl Cioffari, Planner, gave her report to Council.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding clarification of outdoor storage.

Mayor Achenberg opened the Public Hearing. The following addressed the Council: Michael Brown, representing Watermark Marina, Brooklyn, NY and David Purdo, Plantation Key, FL.

Mayor Achenberg closed the Public Hearing and asked for any further Council discussion.

Discussion continued regarding Local Planning Agency’s (LPA) vote on this issue; the intent of the ordinance is keeping with the Comprehensive Plan; the screening protecting the density of dry boat stacking; the ordinance language recognizes the height restrictions; outdoor storage being different from outdoor display and should not be put together; whether Watermark Marina could soften the look of their boat racks; and whether the Council would be changing outdoor storage and display in other zoning districts.

Mayor Achenberg asked for a motion.

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

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. First Reading – Ordinance Amending Code Chapter 30 “Land Development Regulations,” Article II “Rules of Construction and Definitions,” and Article IV “Administrative Procedures,” Division 2 “Development Review Process,” Section 30-225 “Administrative Time Extensions.”

ORDINANCE NO. 09-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE II “RULES OF CONSTRUCTION AND DEFINITIONS,” AND ARTICLE IV “ADMINISTRATIVE PROCEDURES,” DIVISION 2 “DEVELOPMENT REVIEW PROCESS,” SECTION 30-225 “ADMINISTRATIVE TIME EXTENSIONS” OF THE VILLAGE 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 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 First Reading.

Mayor Achenberg asked for a staff report.

Ms. Cheryl Cioffari, Planner, gave her report to Council and advised that staff amended the ordinance and read the changes into the record.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding whether a surveyor should establish a Mean High Water Line (MHWL) when submitting a site plan for a seawall; the expense to hire a surveyor; staff researching to see if the language could be changed in the Land Development Regulations instead of the Comprehensive Plan if that was the Council’s consensus; why staff was using the National Geodetic Vertical Datum (NGVD) 1929 instead of the North American Vertical Datum of 1988 (NAVD 88); and staff not being surveyors and would not be able to make the conversion of the either datum.

Mayor Achenberg opened the Public Hearing. The following addressed the Council: Michael Brown, representing Watermark Marina, Brooklyn, NY.

Mayor Achenberg closed the Public Hearing and asked for any further Council discussion. Being none, Mayor Achenberg asked for a motion.

Councilwoman Zima Borski made a motion to approve the ordinance for First Reading as amended by staff.

Motion died due to a lack of a second.

Councilman Boerner made a motion to approve the ordinance for First Reading without the staff's amendment, seconded by Vice Mayor Reckwerdt.

Discussion continued regarding the expense of hiring a surveyor to approve the Mean High Water Line for docks; staff discussion with DCA whether they could change the language in the LDR in order not to change the Comprehensive Plan again; existing seawalls would not have to have a survey only new seawalls/ docks would; and staff requesting to amend the ordinance for First Reading and let them research language changes before the Second Reading on September 24th.

Mayor Achenberg called for the vote.

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

Vote passed 3 to 2.

V. MOTIONS

No motions were discussed.

VI. MAYOR/COUNCIL COMMUNICATIONS

Mayor Achenberg asked for any Council communications.

Councilman Boerner appointed Alicia Betancourt to the Workforce/ Affordable Housing Citizens' Advisory Committee.

Mayor Achenberg appointed Joe Sachs to the Landscape Citizens' Advisory Committee.

VII. VILLAGE ATTORNEY/VILLAGE MANAGER COMMUNICATIONS


Mayor Achenberg asked Village Attorney Boniske if she had any communications. Being none, Mayor Achenberg asked Village Manager Fields if he had any communications.

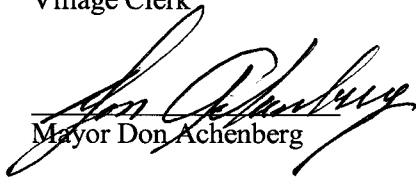
Village Manager Fields acknowledged Captain Don Fanelli was selected to be in the new Leadership Monroe County class. He also advised that Leadership Monroe County is re-establishing Monroe County Day on April 20th in Tallahassee.

VIII. ADJOURNMENT

Vice Mayor Reckwerdt made a motion to adjourn; Councilman Boerner seconded the motion. Council voted unanimously to adjourn 8:12 p.m.

Respectfully submitted,


Beverly Raddatz, MMC
Village Clerk


Mayor Don Achenberg

Approved by Council on 24th day of September 2009.