

ACTION MINUTES

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

**November 20, 2008
Islamorada Fire Station 20
81850 Overseas Hwy**

I. CALL TO ORDER/ROLL CALL: Mayor Cathi Hill asked for the roll call at 5:34 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 Attorney Nina Boniske; Village Clerk Beverly Raddatz, and all other appropriate Village personnel.

II. PLEDGE OF ALLEGIANCE

Mayor Hill asked Councilwoman Zima Borski to lead the Pledge of Allegiance.

III. PRESENTATIONS

Mayor Hill thanked Midway Café for their donation of food for this meeting.

IV. PUBLIC COMMENTS

Mayor Hill opened the Public Comment Section. The following addressed the Council: David Purdo, Plantation Key, FL; Sue Miller, Lower Matecumbe, FL; Ken Philipson, Islamorada, FL; and Stephen F. Kurutz, Islamorada, FL.

Mayor Hill closed the Public Comment Section.

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 (LPA) – Chairperson Chris Morton**

Chairperson Morton updated the Council on the following: the LPA discussed the TDR ordinance that is for Council's consideration and voted 4 to 1 to pass the amendment.

- E. Lower Matecumbe Key Decentralized Wastewater System Steering Committee –No Report**
- F. Near Shore Water Support Citizens' Advisory Committee – Chairperson Bob Mitchell**

Chairperson Mitchell updated the Council on the following: the Committee discussed and decided to take no further actions at this time regarding mini and regular lobster seasons; the Committee was notified by the Village Marine Unit that there were

missing markers and signage; the Committee is completing the paperwork on funding for the South Snake Creek flats and the maintenance for the buoys; the Committee is working on marking the Cheeca flats; the Committee is researching funding sources for an adopt-a-buoy program; the Committee was notified that several missing markers along Yellow Shark Channel may lead to sea grass damage; the Committee is working on recycling as it relates to near shore waters, marinas, and boat ramps; and the Committee discussed working waterfronts, clean marinas, and no discharge zone in broad terms and several committee members are investigating what the Committee could do to help in those areas.

- 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 – Chairperson Deb Gillis

Chairperson Gillis updated the Council on the following: Committee discussed pros and cons regarding duplexes; the Committee needs to find a way to get rental programs in place; the Finance Subcommittee spoke to several organizations locally regarding funding rental affordable housing; Mr. Casey supported the Committee by giving information that he had regarding the Neighborhood Stabilization Program's funding distribution; and the next meeting would be held on January 20th.

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: Special Call Village Council Meeting, October 23, 2008; Village Council Workshop, October 29, 2008; Executive Sessions, Perkins v. Islamorada, October 30, 2008, Doe v. Islamorada, October 30, 2008, Pike v. Islamorada, October 30, 2008; and Regular Village Council Meeting, October 30, 2008
- B. Resolution Amending the Land Acquisition Advisory Committee Status

RESOLUTION NO. 08-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AMENDING RESOLUTION NO. 07-04-13 PERTAINING TO THE LAND ACQUISITION ADVISORY COMMITTEE; CHANGING THE STATUS OF THE COMMITTEE TO THAT OF AN AD HOC COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE

- C. First Amendment / Baseball Field License Agreement / School Board
Monroe County

RESOLUTION NO. 08-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FIRST AMMENDMENT TO BASEBALL FIELD LIGHTING AGREEMENT BETWEEN THE SCHOOL BOARD OF MONROE COUNTY AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE LIGHTING IMPROVEMENTS TO THE BASEBALL FIELD AT FOUNDERS PARK; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FIRST AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

- D. Resolution for Amendment to Fiscal Year 2007-2008 Budget

RESOLUTION NO. 08-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING RESOLUTION NO. 07-09-56; AMENDING THE VILLAGE'S BUDGET FOR FISCAL YEAR 2007-2008; AND PROVIDING AN EFFECTIVE DATE

Mayor Hill asked for a motion for the Consent Agenda. Council members requested to pull Items B – D off the Consent Agenda for reconsideration.

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

Mayor Hill called for the vote.

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

Vote passes 5 to 0.

- Reconsideration of Item B “Resolution Amending the Land Acquisition Advisory Committee Status”

Councilwoman Zima Borski advised that she would not agree to the proposed resolution because she feels that the Land Acquisition Advisory Committee should not be an Ad Hoc Committee but remain as an advisory committee.

Discussion ensued regarding the Council assigning tasks for the Ad Hoc Committee.

Village Attorney White read the title.

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

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

Mayor Hill called for the vote.

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

Vote passes 4 to 1.

- Reconsideration of Item C "First Amendment / Baseball Field License Agreement / School Board Monroe County

Vice Mayor Achenberg advised Council that he pulled this item in order to give Richard Russell an opportunity to speak on this item.

Village Attorney White read the title of the resolution.

Mayor Hill opened the Public Comment Section. The following addressed the Council: Richard Russell, Islamorada, FL and Deb Gillis, Islamorada, FL.

Discussion ensued regarding the time-frame for the installation of the field lights; the Village paying for the electric for the lights during the summer time; and whether or not to charge the electric to organizations that use the baseball field.

Councilman Reckwerdt made a motion to approve the resolution and contract, seconded by Councilman Boerner.

Mayor Hill called for the vote.

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

Vote passes 5 to 0.

- Reconsideration of Item D “Resolution for Amendment to Fiscal Year 2007-2008 Budget”

Mayor Hill advised that she pulled Item D from the Consent Agenda because several residents had questions regarding it. She requested Cindy Lawson, Finance Director, to explain the General Fund Balance history.

Village Attorney White read the title of the resolution.

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

Discussion ensued regarding the Fire / EMS budget amendments; whether to place the money received from FEMA in the Capital Reserve Fund and whether Council would agree to codify a policy on the General Fund Balance percentage at a future Council meeting.

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

Councilman Reckwerdt made a motion to approve the resolution as written, 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 passes 5 to 0.

VII. ORDINANCES

A. Second Reading – Ordinance / Golf Carts / Port Antigua Subdivision

ORDINANCE NO. 08-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CREATING ARTICLE VI OF CHAPTER 50 OF THE VILLAGE CODE PERMITTING THE USE OF GOLF CARTS ON DESIGNATED STREETS; PROVIDING FOR DEFINITIONS; AUTHORIZED USE; PROHIBITED USE; INSPECTION; REQUIRED EQUIPMENT; OPERATORS; TRAFFIC LAWS; PROVIDING ENFORCEMENT/PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

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

Mayor Hill then asked Captain Don Fanelli, Monroe County Sheriff's Office, to give his report.

Captain Fanelli gave his report to Council.

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

Mayor Hill asked for a motion.

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

Mayor Hill called for the vote.

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

Vote passes 5 to 0.

Mayor Hill recessed the meeting at 7:50 p.m. and reconvened the meeting at 8:03 p.m.

B. First Reading – Amendment to Transfer of Development Rights (TDRs) Ordinance

ORDINANCE NO. 08-

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS," ARTICLE IV "ADMINISTRATIVE PROCEDURES," DIVISION 12 "TRANSFER OF DEVELOPMENT RIGHTS," 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 Hill asked Village Attorney White to read the title of the ordinance for First Reading.

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

Mayor Hill then asked Edward Koconis, Deputy Village Manager, to give his report.

Mr. Koconis gave his report to Council.

Mayor Hill asked for Council discussion.

Discussion ensued regarding having a more in depth review of the TDR Ordinance at a Council meeting within 60 days and Council members giving their concerns or suggestions to the Deputy Village Manager in order to prepare for a meeting in the future.

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

Mayor Hill asked Council for any further discussion.

Discussion ensued regarding landscaping concerns at the Local Planning Agency meeting.

Mayor Hill asked for a motion.

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

Mayor Hill called for the vote.

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

Vote passes 5 to 0.

VIII. QUASI-JUDICIAL

A. Application for Administrative Relief (AR 08-06) for Clara E. Solo

RESOLUTION NO. 08-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF CLARA E. SOLO FOR ADMINISTRATIVE RELIEF FOR PROPERTY LOCATED AT 186 FONTAINE DRIVE, AS LEGALLY DESCRIBED IN EXHIBIT "A," AND PROVIDING FOR AN EFFECTIVE DATE

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

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

Village Clerk Raddatz swore in the witnesses.

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

Councilwoman Zima Borski advised she had no ex parte communications.

Councilman Reckwerdt advised he had no ex parte communications.

Mayor Hill advised she had no ex parte communications.

Vice Mayor Achenberg advised he spoke with Edward Koconis and James White.

Councilman Boerner advised he spoke with staff.

Mayor Hill asked Mr. Edward Koconis, Deputy Village Manager, for his report.

Mr. Koconis gave his report to the Council.

Mayor Hill opened the Pubic Hearing for those in favor of the resolution. The following addressed the Council: Clara Solo, Islamorada, FL.

Mayor Hill opened the Public Hearing for those against the resolution. Being none, Mayor Hill closed the Public Hearing.

Mayor Hill asked Council for any discussion.

Discussion ensued regarding residents meeting all the requirements and the applicants waiting for four years for a permit to build.

Mayor Hill asked for a motion.

Councilman Boerner 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 passes 5 to 0.

- B. Request for Site Plan and Minor Conditional Use by the Board of Trustees of the Internal Improvement Fund of the State of Florida for Lignumvitae Key State Botanical Park Land Base

TAB 8

RESOLUTION NO. 08-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA FOR SITE PLAN AND AN AMENDMENT TO A MINOR CONDITIONAL USE TO ALLOW FOR CONSTRUCTION OF TWO AFFORDABLE CARETAKER'S COTTAGES FOR PARK RANGER USE ONLY WITHIN THE PUBLIC/SEMI-PUBLIC (PS) ZONING DISTRICT ON PROPERTY LOCATED AT 77200 OVERSEAS HIGHWAY AS LEGALLY DESCRIBED WITH REAL ESTATE NUMBERS 00097300-000000 (Lower Matecumbe Key Pt. Lot 1 G64611-06) AND 00396940-000000 (Pt. Tract B Matecumbe Ocean Bay Section 2), ON LOWER MATECUMBE KEY; AND PROVIDING FOR AN EFFECTIVE DATE

This item was pulled from the agenda by Council.

IX. RESOLUTIONS

- A. Consideration of Grant Contract with Florida Communities Regarding "Key Tree Cactus Preserve" / Cockerham Properties

TAB 9

RESOLUTION NO. 08-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE GRANT CONTRACT AND CONFIDENTIALITY AGREEMENT (THE "AGREEMENTS") WITH THE FLORIDA COMMUNITIES TRUST AND FAIRCHILD TROPICAL BOTANIC GARDEN FOR THE NEGOTIATION OF THE POTENTIAL ACQUISITION OF THE COCKERHAM PROPERTIES BY THE VILLAGE; AUTHORIZING VILLAGE OFFICIALS TO FINALIZE THE TERMS AND CONDITIONS OF THE AGREEMENTS, TO WORK WITH FCT AND THE CONSERVATION FUND TO NEGOTIATE FOR THE PURCHASE OF THE PROPERTIES AND TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE GRANT REQUIREMENTS; AUTHORIZING THE MAYOR OR VILLAGE MANAGER TO EXECUTE THE AGREEMENTS, TO EXECUTE ANY REQUIRED DOCUMENTS, TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND GRANT AND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

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

Village Attorney White read the title of the resolution.

Mayor Hill asked Matthew Sexton, Vice President from the Conservation Fund, to give his report.

Mr. Sexton read into the record a letter from the Island Villa Properties, Inc. from Patricia Stanley (see attached).

Mayor Hill asked Council for discussion.

Discussion ensued regarding whether the confidentiality agreement was standard; whether the \$200,000 donation would be forthcoming if the property is not sold at the asking price; why the grant does not mentioned the tree cactus; who would be conducting the educational programs to meet the grant requirements; whether the trails would be closed around the tree cactus so it would not be harmed; and Council requesting a management plan for the property before any finalization of the grant.

Mayor Hill opened the Public Comment Section. The following addressed the Council: Phyllis Mitchell, Islamorada, FL; Cheryl Culberson, Islamorada, FL; Leda Dunmire, Key Largo, FL; Leslie Whaylen, Key Largo, FL; Gordon Hadley, Islamorada, FL; Phillip Hughes, Big Pine Key, FL; and Ken Philipson, Islamorada, FL.

Mayor Hill closed the Public Comment Section.

Deputy Village Manager Edward Koconis advised Council that there was a correction on Page 13 of the grant agreement.

Village Manager Fields advised Council that at this time there were no contracts showing definite revenue sources and that there are financial costs involved.

Mayor Hill asked Council for any further discussion.

Discussion continued regarding the Village's goal to acquire green-space.

Mayor Hill asked for a motion.

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

Mayor Hill called for the vote.

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

Vote passes 5 to 0.

- B. Resolution – Approval of Residential Building Permit Allocation System (BPAS) Ranking and Awards for Quarter 4 of Year 8

RESOLUTION NO. 08-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE RESIDENTIAL BUILDING PERMIT ALLOCATION RANKINGS AND AWARDED RESIDENTIAL BUILDING PERMIT ALLOCATIONS FOR QUARTER 4 YEAR 8 OF THE BUILDING PERMIT ALLOCATION SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE

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

Village Attorney White read the title of the resolution.

Mayor Hill asked Mr. Edward Koconis, Deputy Village Manager, to give his report to Council.

Mr. Koconis gave his report to Council.

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

Councilman Reckwerdt made a motion to approve the resolution, seconded by Councilman Boerner.

Mayor Hill called for the vote.

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

Vote passes 5 to 0.

- C. Resolution for Approval of Project Agreement with Hazen & Sawyer for Wastewater Master Plan Implementation Project Management Plan

RESOLUTION NO. 08-

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE PROJECT AGREEMENT BETWEEN HAZEN & SAWYER, P.C. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE WASTEWATER MASTER PLAN IMPLEMENTATION PROGRAM MANAGEMENT SERVICES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE