

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, January 22, 2009, 9:30 a.m.

City Hall Auditorium

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call – The Regular Meeting of the Key Colony Beach City Commission was called to order by Mayor Sutton at 9:30 a.m. followed by the Pledge of Allegiance and Prayer. *Present:* Mayor Ron Sutton, Vice-Mayor Rusty Stevens, Commissioner Jeff Vorick, Commissioner Geraldine Zahn and Commissioner Seneca “Tucker” DeGraw. *Also Present:* Building Official Edward Borysiewicz, Police Chief Robert Petrick and City Clerk Vickie Bollinger. *Excused:* Attorney Thomas Wright. Public: 20
2. Approval of Minutes: Regular Meeting January 14, 2009
Approved as written.
3. Special Requests
St. Patrick’s Day Parade on March 17, 2009, Melvin Sola and Dave Sullivan
Mayor Sutton stated that Melvin Sola has organized the parade for years and was asking to have another parade this year. Mr. Sola stated the parade would start about 5 p.m. at 12th Street and West Ocean Drive and end at 1st Street as it has the past several years.
Motion – Moved by Commissioner DeGraw, seconded by Commissioner Zahn, to approve holding a St. Patrick’s Day Parade on March 17, 2009. Roll Call Vote: Unanimous approval.
4. Committee and Staff Reports
 - A. Recreation Committee – No report.
 - B. Beautification Committee – Committee Member Barbra Tait stated the committee had met and were recommending the following as new members: Dinny MacIntosh, Kathy Moll and Liz Montgomery as full members and Sally Gill as alternate. Ms. Tait and the commission agreed that they had shown interest, attended the meeting, and were welcomed.
Motion – Moved by Commissioner Zahn, seconded by Commissioner Vorick, to appoint Dinny MacIntosh, Kathy Moll and Liz Montgomery as full members and Sally Gill as an alternate member of the Beautification Committee. Voice Vote: Unanimous approval.
 - C. Disaster Preparedness Committee –No report.
 - D. Planning & Zoning Committee – No report.
 - E. Utility Board – No report.
 - F. Police Department – Chief Petrick reported he attended the Police Chief’s conference in St. Augustine. In response to questions/comments, Chief Petrick will continue to enforce speed limits in the city, watch for noisy motorcycles late at night, and assist with noise and tractor trailer parking complaints from activity on Coco Plum.

Committee And Staff Reports – continued

G. Building Department/Public Works – Building Official Borysiewicz reported:

- Four fire hydrants will be installed on the west side of the island.
- He was investigating reports of unlicensed rentals.
- Public Works has been issuing garbage can violations.
- Most of the properties with overgrown landscaping issues were now in compliance, but he was still working on a couple properties.
- Sunset Park now has a handicapped parking space and the sand compacted to make the park more accessible for all citizens. Handicapped spaces were also marked at Gazebo Park, Playground, and 7th Street Annex. He continues to work with local businesses to be sure they are in compliance with all requirements.

Variance Extension for Circle K Canopy

Building Official Borysiewicz reported: In April 2007 the Planning & Zoning Committee and City Commission approved a variance request by Circle K to install a canopy that would encroach into the front setback by twelve feet for an overhang and by one foot for a post to support the overhang. This variance was part of a complete renovation of the interior and exterior of the store and installation of a generator. Building Official Borysiewicz stated that variances expire after one year but that city code allows for a one-year extension of a variance. Since the variance approval in April 2007 Circle K has revised the plans six times, and met with him several times. Circle K informed the Building Official that they are ready to get the building permit and that they are requesting an extension of the variance for one year from April 2008 to April 2009. The permit fees will total about \$21,000 and Building Official Borysiewicz recommended approval. He said this was a good project that would benefit the city, especially after a storm that knocked out the power. The generator will allow Circle K to remain open.

Commissioners agreed that this project was a win-win for the city and citizens with their ability to be open after storms, have fuel, and the building permit fee revenue.

Motion – Moved by Commissioner Zahn, seconded by Commissioner DeGraw, to grant an extension to the variance for Circle K from April 2008 to April 2009. Roll Call Vote: Unanimous approval.

In response to questions, Building Official Borysiewicz stated the Eastside Park water fountain will be cleaned and painted, but if that did not work it would be replaced; two dead trees will be removed; and the bench will be repaired. Also, delineators will be installed on West Ocean Drive near the Causeway.

H. City Secretary-Treasurer – The December Financial Statements and Check Detail Report are available for review.

I. City Clerk – Commissioners will receive a copy of a proposed amendment to the Comprehensive Plan regarding our Capital Improvement Program (CIP). This update of the CIP is required by DCA and must be done annually. It will be discussed at the next commission meeting.

5. Unfinished Business – None

6. Items of Discussion/Approval

ACOE Permit Applications for Docks into Key Colony Channel

Mayor Sutton stated the Army Corp of Engineers (ACOE) has requested input from the city regarding two permits for docks which extend from Coco Plum into Key Colony Channel. He said the proposed docks: would extend 74.6 feet into the channel, have boat parking along each side of the dock, take up 25% of the 300 foot wide channel, and leave 70 feet of navigable space from the end of the dock to the markers.

Vice-Mayor Stevens recused himself from discussion since he worked for Coldwell Banker Schmidt Realty and Brian Schmidt was involved with this development project; and stated that he had no personal interest in this development project.

Commissioners, staff, and citizens discussed/commented on: plan for many more docks in that area, hazards to navigation, KCB ordinances would not allow a dock that long, how much weight KCB input has with ACOE decision, City of Marathon regulations about docks, commercial boat size and navigability, ACOE allows docks to go out to deep water, other docks in the area, width of the channel, depth of the water, options for an L-shaped or T dock for boat parking to be parallel with the shoreline, deepest part of the channel is close to shoreline, need for a survey showing depths, only green channel markers (no red) in that part of channel which indicates channel goes to shoreline, ownership of bay bottom, and need to get support of Marathon, anyone can provide input to ACOE.

Copies of the ACOE documents will be available in city hall. There was a consensus that the city should respond stating concerns about the proposed docks.

Motion – Moved by Commissioner DeGraw, seconded by Commissioner Zahn, to send a statement to the Army Corps of Engineers saying the city has grave concerns about the proposed docks from Coco Plum into Key Colony Channel regarding navigation and life safety issues. Roll Call Vote: Unanimous approval. Vice-Mayor Stevens recused.

Monroe County Resolution Inviting City to be Included in Emergency Air Transport Boundaries

Mayor Sutton stated the city had received a resolution from the county asking for approval to include the city in the special taxing district for the medical helicopter. In November, voters approved a referendum to add a tax millage rate of .15 to properties in the middle Keys which results in about \$150-\$160 for a \$1 million home. The Mayor said this service was more costly to operate than originally estimated, that these were tight economic times and some people are having trouble paying taxes, but this service was essential.

Commissioners agreed that this was an essential service that could save lives of residents and visitors, and that there were not many alternatives. However, they agreed more information was needed about who would be operating this service since the new sheriff suggested it should be a part of Fire Rescue/EMS and what this change may mean for operating costs.

Motion – Moved by Commissioner Vorick, seconded by Vice-Mayor Stevens, to table this issue until more information was available. Roll Call Vote: Unanimous approval.

Commissioners and citizens discussed service provided, costs, and who pays for service as it is now and what it would be as proposed. It was stated that if the city is not part of the special taxing district, anyone using the service from KCB would be held responsible and billed for all costs of the service. If we are part of the taxing district, insurance payments would be accepted as payment in full (tax dollars would pay for the balance). Also, there are private companies that could provide this service and Monroe County could contract with one of those companies. All agreed it is an important service, and it is expensive.

7. City Administrator Items For Discussion/Approval

Mayor Sutton reported on the informational meeting held about iguanas with Fish and Wildlife Officer Scott Hardin. Although Officer Hardin suggested shooting or freezing, Stand Up For Animals stated they will issue citations if those methods are used. Mayor Sutton urged citizens to comply with the law that requires them to trap iguanas and then call Stand Up For Animals to pick up the animals any Tuesday through Saturday. A special permit is required to transport iguanas, so the organization must be called for pick up. He stated that he had contacted a licensed trapper who suggested a 12 week maintenance program where he would trap and remove iguanas for a cost of \$18,300. The Mayor suggested the city could purchase traps and loan them to citizens to try to reduce the iguana population. The city could purchase 10 traps for \$56 each.

Commissioners and citizens discussed the options and the information provided. In response to questions, Mayor Sutton stated that the State's Attorney will prosecute if Stand Up For Animals issues a citation and will leave it up to the judge to make the decisions, and that Stand Up For Animals has the authority to issue citations per the contract with Monroe County for that organization to handle animal control.

Commissioners agreed to try a pilot program for loaning traps to citizens.

8. Ordinances and Resolutions

2nd Reading – Ordinance 405-2009 Adding Section 6-18 Certificate of Competency Required

Mayor read by title only Ordinance 406-2009. He said this was to require contractors to have their company name and license number on all vehicles.

Motion – Moved by Vice-Mayor Stevens, seconded by Commissioner DeGraw, to adopt Ordinance 405-2009 Adding Section 6-18 Certificate of Competency Required. Roll Call Vote: Unanimous approval.

1st Reading – Ordinance 406-2009 Amending Section 9-21 Definitions

Mayor Sutton stated he would like to table this item until more information was available and the attorney could be present. Several questions have arisen and he would like to have more research completed before addressing this issue. Commissioners agreed.

Resolution 2009-01 Amending Fiscal Year 2008-2009 Budget

Mayor Sutton stated this resolution was to amend the budget to reflect actual expenses for the Causeway Repaving project and upcoming grant revenues and expenditures.

Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Stevens, to approve Resolution 2009-01 Amending Fiscal Year 2008-2009 Budget. Roll Call Vote: Unanimous approval.

9. Commissioners' Reports or Comments

Commissioner Zahn thanked Building Official Borysiewicz for his support and quick response to her questions and requests.

Commissioner Vorick expressed support for Mr. Steamer's concerns (*see Correspondence*) regarding lawn waste being blown into the canals. He said this was an ongoing issue and suggested a letter be sent to landscape contractors reminding them of the ordinance prohibiting littering in the canals. Commissioners and staff discussed: landscapers have been told on numerous occasions not to blow debris into canals, that we need to catch one or two in the act and issue citations, prohibiting blowing and encourage vacuuming instead, added cost to vacuum. Citizens were encouraged to call in violations as they were happening so citations could be issued.

Commissioners' Reports or Comments - continued

Commissioner Vorick also reported on the financial condition of the school district stating that taxes may be increased to make up for state funding cuts.

Commissioner DeGraw stated he was happy to be back and serving the citizens and thanked everyone for their expressions of concern.

10. City Attorney Report – Thomas D. Wright - None

11. Approval of Warrant 1208 Expenses for the Month of December

Motion - Moved by Commissioner Vorick, seconded by Commissioner Zahn, to approve Warrant 1208 for the Month of December 2008 in the amount of \$216,019.36. Roll Call Vote: Unanimous approval.

12. Correspondence & Citizen Comments

City Clerk reported on correspondence:

Meredith McDonald, 50 7th Street, emailed comments about improvements needed at the golf course, benches at bocce court need to be replaced, fireworks were being used on New Year's Eve without police presence for enforcement, destruction and health hazards from iguanas, and opposition to the property at the end of Coral Lane being used as a trailer park.

Donald Steamer, 311 11th Street, (as mentioned by Commissioner Vorick) wrote that he had expressed concern about yard cuttings being blown into the canals several months ago and there is no indication anything has been done and the canals are still being used for clippings. He suggested when a citizen comes to a meeting to address an issue that the commission provide some kind of response to acknowledge their concerns.

Citizen Comments – None

The meeting adjourned at 11:15 a.m.

Vickie L. Bollinger, City Clerk

Note: A mechanical recording has been made of the meeting of which these minutes are a part, and a copy is on file in the office of the City Clerk, as a public record.