

# MINUTES

## KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, February 11, 2010, 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 Geraldine Zahn, Commissioner Jeff Vorick and Commissioner Seneca “Tucker” DeGraw. *Present via Phone:* Commissioner Mary Schmidt. *Also Present:* Attorney Thomas Wright, Police Chief Robert Petrick, Building Official Edward Borysiewicz and City Clerk Vickie Bollinger. Public: 7

2. Approval of Minutes: Regular Meeting January 14, 2010  
Special Meeting – Building Permits February 1, 2010  
Approved as written.

3. Committee and Staff Reports

- A. Recreation Committee – Chair Ellen Albin reported:

- The committee continues to receive positive comments about the golf course. Manager Daryl Rice attends each meeting and provides a report.
- Sunset Park needs additional trash cans during this busy season; one can was destroyed when someone lit a fire in it. Building Official Borysiewicz will see that temporary cans are placed in the park and a new permanent one is ordered.
- There are six exercise classes with 25-35 participants in each class.
- Hans Kolster increased the number of Pickleball classes he offers from 2 to 3 each week due to the number of participants.
- Tennis Round Robins are held Monday and Friday and more people are playing tennis. No more complaints have been received about tennis instructions at the courts.
- The number of bocce and horseshoe players continues to grow. The players care for the courts and pits themselves. The wood frames will need to be resealed this year.
- The committee recommended the commission approve use of the conference room for a book club to meet once or twice a month. All commissioners approved.

There was discussion about the newly resurfaced tennis courts. It is important for all players to wear white soled shoes—black soles will mar the court. All players should be mindful and help monitor use of the courts. The portable toilet in Sunset Park was moved so it was less visible, but it is still on city property.

Mayor Sutton stated that Corky Spehrley, who is an engineer, reviewed the irrigation system at the golf course and the two of them cleaned some lines near the control valve which improved its functioning. Golf Course Manager Rice had installed a relief valve and fixed an old repair that was also causing problems. However, the manifold still needs to be replaced at a cost of \$500-\$600. Steve of Steve’s Plumbing concurs with the repairs and need to replace the manifold. All commissioners support Golf Course Manager Rice and want to meet their commitment to get the equipment in operating order as long as the budget was not exceeded. Further consideration can be given for other needs during the next budget cycle. The unanimously agreed to purchase of the manifold.

- B. Beautification Committee – No report.

- C. Disaster Preparedness Committee – No report.

Committee And Staff Reports – continued

D. Planning & Zoning Committee – No report.

E. Utility Board – No report.

F. Police Department – No report.

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

- He continues to deal with landscape issues throughout the city and he will be hiring landscapers to clean a few properties and bill the owners.
- Palm trees throughout the city are in shock from the cold temperatures and lack of water. The trees are dropping fronds. The concern is that this could lead to lethal yellowing later this year.
- Owners are having their sewer laterals inspected per city code and those with problems are getting them fixed.
- He has worked with many owners and contractors to get old permits closed. Recent discussions and word-of-mouth have served well to notify owners and he will continue working to get old permits closed.

H. City Secretary-Treasurer – Commissioner Vorick stated the Check Detail and January Financial Statements are available for review and the city is in good financial shape.

I. City Clerk – No report.

4. Unfinished Business – None

5. Items of Discussion/Approval (*Items taken together*)

*City Code Section 6-6(10) and 6-8 Building Permits – Commissioner Vorick*

*Process/Procedures for Expiring Building Permits – Vice-Mayor Zahn*

Commissioner Vorick stated he had reviewed the city code regarding building permits and suggested two changes be made to the code: 1) to not allow property to change ownership without closing all building permits first; and 2) all permits that are not closed will become expired and a new permit must be applied and paid for to complete the work and receive a final inspection. In response to a question, Attorney Wright stated that the building permit application is not a contract. Commissioner Vorick further suggested that the expiration date be added to the permit application and/or include a statement stating when the permit will expire. If a permit needs to be extended, there is a procedure for that.

Building Official Borysiewicz said the problem is that contractors are not calling for a final inspection. Attorney Wright said an expired permit is no better than an open one. Having expired permits does not solve the problem and will only create more paperwork.

Mayor Sutton stated that changes are being made to computer programs to allow the city to identify open permits. This will help to resolve the issue and ordinance changes are not needed. All efforts need to be focused on closing the old permits.

Attorney Wright stated the commission does not need to change the ordinance to amend the fees; an administrative policy can be implemented to clear out the old permits. Once this is done, there won't be a problem in the future.

Building Official Borysiewicz stated that the biggest issue now is collecting the \$10 per permit fee. It costs more in time and effort to collect and process these payments than the city is getting. When he can identify open permits using the computer he can notify contractors of the expiration date to give them time to get the inspection to close the permit.

*Items of Discussion/Approval - continued*

Vice-Mayor Zahn stated that if an owner or contractor is notified in time to complete the work and get the final inspection and they fail to do so, then a fine should be imposed. The current ordinances provide for the fines and are adequate.

Commissioners discussed waiving all fees to get the old permits closed. No rebates will be given to what has been paid to date. The policy would begin today.

**Motion** – Moved by Vice-Mayor Zahn, seconded by Commissioner DeGraw, to waive all fees to close old open permits and using the same conditions as set in the previous policy. Roll Call Vote: Unanimous approval.

6. City Administrator Items For Discussion/Approval

Mayor Sutton stated the city received a letter regarding the airport funding. The city contributed \$10,000 to a fund that was used to help provide commercial air service at the Marathon airport. He said about 20% of the funds is left and a decision was made to disperse the funds. There are two choices: 1) the money will be given to the Chamber of Commerce to be used for future efforts to get commercial air service or 2) refund the money to the city. The Mayor stated he preferred the \$2,000 be refunded to the city. If efforts were made in the future for commercial air service, the commission could consider providing funding at that time. Commissioners agreed that the funds should be returned to the city.

**Motion** – Moved by Mayor Sutton, seconded by Commissioner DeGraw, to notify the Florida Keys Airport Initiative, Inc. that all unused city funds should be returned to the city. Roll Call Vote: Unanimous approval.

Mayor Sutton reminded everyone that the Volunteer Luncheon will be held on Friday, February 19, 2010 and he hoped all volunteers would be able to attend. He and all commissioners thanked the volunteers for their commitment to our city. Please RSVP to city hall by Tuesday, February 16 at noon.

7. Ordinances and Resolutions - None

8. Commissioners' Reports or Comments

Commissioner DeGraw reported on an advertisement for a solar powered flood light with a siren. He suggested that this light could be used on docks to help protect boats. He said that he would leave information with Chief Petrick if anyone was interested.

Commissioner Vorick said a resident who worked for the Marathon Fire Department wanted to take EMT training. The cost of the classes was \$7,000. Commissioner Vorick said that in the future during the budget process the commission may want to consider helping with this cost since this person would be a first responder right here in the city. He also suggested that the \$2,000 from the airport funds could be used to purchase a speaker phone.

Attorney Wright said the Attorney General's opinion was clear that for a commissioner to participate by phone, the commissioner had to be able to hear all the discussion and citizen input. Mayor Sutton said that he and Commissioner Schmidt had researched phones and they cost \$600-\$700 plus the cost of the phone line. In addition, clarity can only be assured within 10 feet of the unit. This will mean a lot of expense. The system in use at this meeting isn't fancy, but appeared to be working. There are very few meetings where participation by phone is used and getting other equipment was an unneeded expense.

Commissioners' Reports or Comments - continued

Commissioner agreed that use of a speaker phone was rare, the current system in the conference room seemed to be working, is in compliance with the Attorney General's opinion, and it was not necessary to spend any money. Commissioner Schmidt thanked the commission for allowing the participation by phone and agreed no additional equipment was needed.

Vice-Mayor Zahn stated she, Mayor Sutton and Commissioner DeGraw attended the meeting of the Fishermen's Hospital Board to update the community about the ongoing search for someone to manage the hospital. The University of Miami representatives at the meeting stated they do not want to manage or operate the hospital but are interested in working with the management to provide doctors and services. Vice-Mayor Zahn stated it was clear the Board is working hard to find new management for the hospital and everyone was disappointed about the University's decision.

9. City Attorney Report – Thomas D. Wright - None10. Approval of Warrant 0110 Expenses for the Month of January

**Motion** - Moved by Commissioner Vorick, seconded by Commissioner DeGraw, to approve Warrant 0110 for the Month of January 2010 in the amount of \$292,517.65. Roll Call Vote: Unanimous approval.

11. Correspondence & Citizen Comments

No correspondence.

Citizen Comments

Chuck Ryan asked if homeowners would be notified that all old open permits were closed. Building Official Borysiewicz stated that yes, there would be a document. Mr. Ryan also expressed support for the boat patrols, but said that the boat that came down his canal was going too fast and created a big wake. Mr. DeNeale, who organizes the patrols, was in the audience and stated he would take care of this issue.

Mayor Sutton expressed appreciation and presented a plaque to City Attorney Tom Wright who has served as the city's attorney for 20 years. Attorney Wright said he had enjoyed all 20 years and had tremendous affection for our city and the commission.

The meeting adjourned at 10:30 a.m.

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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.