

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, February 12, 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:* Attorney Thomas Wright, Police Chief Robert Petrick and City Clerk Vickie Bollinger. *Excused:* Building Official Edward Borysiewicz. Public: 9
2. Approval of Minutes: Regular Meeting January 22, 2009
Approved as written.

3. Special Requests

Proclamation – Water Quality Awareness Month for February 2009

Mayor Sutton read the Water Quality Proclamation. All commissioners expressed support for all efforts to improve water quality throughout the Keys.

Motion – Moved by Commissioner Vorick, seconded by Vice-Mayor Stevens, to approve the Proclamation to declare February 2009 as Water Quality Awareness Month. Roll Call Vote: Unanimous approval.

Mayor Sutton presented the Proclamation to Joy Tatgenhorst, Florida Keys National Marine Sanctuary, who thanked the commission and citizens for their support.

Erect a Tent and Parking for Captain Leon Shell Memorial Billfish Tournament, February 27 to March 2, 2009 – Terry Fisher, Tournament Director

Mayor Sutton stated that Mr. Fisher had asked to erect a tent at the marina for this event and to use the city hall parking lot for overflow parking for the fund raising event. All commissioners expressed support for the tournament and Hospice and Visiting Nurses who benefit from it. Mayor Sutton will inform Mr. Fisher that parking is not allowed in front of the post office.

Motion – Moved by Commissioner Vorick, seconded by Commissioner Zahn, to allow a tent to be erected February 27 through March 2 and overflow parking at city hall on March 1. Roll Call Vote: Unanimous approval.

Boat Lift – 16,000 pound Cradle Lift – 800 11th Street, Brad Subler, Owner

Mayor Sutton stated no one was present to represent the owner, but all paperwork was in order and similar lifts had been approved. Commissioner DeGraw stated this boat lift would be installed in a boat basin that exists on the property.

Motion – Moved by Vice-Mayor Stevens, seconded by Commissioner DeGraw, to approve installation of a 16,000 pound cradle boat lift at 800 11th Street, Brad Subler, Owner. Roll Call Vote: Unanimous approval.

Boat Lift – 12,000 pound Elevator Lift – 311 4th Street, Donna F. Curry, Owner

Mayor Sutton stated no one was present to represent the owner, but all paperwork was in order and similar lifts had been approved.

Special Requests – Boat Lift 311 4th Street - continued

Motion – Moved by Commissioner Zahn, seconded by Commissioner Vorick, to approve installation of a 12,000 pound elevator boat lift at 311 4th Street, Donna F. Curry, Owner. Roll Call Vote: Unanimous approval.

Boat Lift – 10,000 pound Cradle Lift – 42 7th Street, Erik Madison, Owner

Mayor Sutton stated no one was present to represent the owner, but all paperwork was in order and similar lifts had been approved.

Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Stevens, to approve installation of a 10,000 pound cradle boat lift at 42 7th Street, Erik Madison, Owner. Roll Call Vote: Unanimous approval.

Boat Lift – 20,000 pound Elevator Lift – 860 12th Street, Harry Knopp, Owner

Mayor Sutton stated no one was present to represent the owner and similar lifts had been approved. He pointed out that the Army Corps permit approved installation of a 16,000 pound lift, but the building permit was for a 20,000 pound lift. Building Official Borysiewicz had been contacted and said that he would work with Army Corps to resolve the difference next week. Commissioners agreed that the heavier lift improved safety.

Motion – Moved by Commissioner DeGraw, seconded by Commissioner Vorick, to approve installation of a 20,000 pound elevator boat lift at 860 12th Street, Harry Knopp, Owner on the condition that revised paperwork for a 20,000 pound lift is received from Army Corps. Roll Call Vote: Unanimous approval.

4. Committee and Staff Reports

A. Recreation Committee – Chair Ellen Albin reported that the craft, hooping, and exercise classes are well attended; horseshoe classes will be held on Wednesday from 3-5 p.m.; and pickleball classes on Tuesday, Thursday and Saturday at 10 a.m. Ms. Albin stated:

- The horseshoe pits were totally renovated by volunteer labor and expressed appreciation for all who helped.
- Two benches had been installed. One bench was made by Public Works employee John Thomson who will make four more. Compliments to John for a job well done.
- Pickleball equipment is missing and more equipment will be ordered.
- Tennis court light fixture was damaged during the last storm and was removed. The committee does not recommend replacing it since few, if anyone, plays tennis at night.
- Golf Course lease payments were on time, the sprinkler heads fixed, and damaged palm tree removed. The committee recommends purchase of 3 greens mats to replace existing mats at a cost of about \$500 each. No mats have been replaced since 2006. Mayor Sutton stated that \$4,000 was in the budget for improvements at the golf course and the mats were needed now to replace well-worn ones currently in use.

Motion – Moved by Commissioner Zahn, seconded by Commissioner DeGraw, to purchase 3 golf course mats at a cost of \$500 each. Roll Call Vote: Unanimous approval.

B. Beautification Committee – Mayor Sutton stated the Chair of Marathon's Beautification Committee complimented the city on the city's entrance. Commissioners expressed appreciation to the members of the Beautification Committee for their work in making the city beautiful.

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 – Chief Petrick requested approval to purchase a new light bar costing \$1,125; an in-car video system costing \$4,265; and wireless collar microphones for the officers costing \$1,282. The cost would be paid from existing reserves for police equipment and a Law Enforcement Grant of \$1,000.

Commissioners discussed the age of the equipment, trying to use older equipment from unused police vehicles, need to stay current with technology, and budget constraints. There was a consensus to delay purchase of the in-car video system and installing an existing system from an unused car. If this existing system did not function properly, purchase of a new system will be reconsidered.

Motion – Moved by Commissioner DeGraw, seconded by Commissioner Vorick, to purchase a light bar for \$1,125 and collar microphones for \$1,282. Roll Call Vote: Unanimous approval.

Chief Petrick stated the department had been given a laser speed measuring device by DOT for participation in their safety initiatives like the “Click It or Ticket” program. The device is valued at \$2,200 - \$2,500. Commissioners thanked the Chief for his efforts to get the equipment and the grant for the city.

G. Building Department/Public Works – Mayor Sutton reported Public Works had completed striping the streets and walking paths on the east side of the island; striping is in progress on the west side. Also, a walking person has been stenciled on the pavement in the walking paths. They were also constructing four more benches. Commissioners expressed appreciation for Assistant to Building Official John Thomson’s skill in woodworking to make the benches.

H. City Secretary-Treasurer – The January Financial Statements and Check Detail Report are available for review. The city is in good financial shape. In response to questions, Mayor Sutton stated the contractor for the Causeway is owed \$14,000 to \$16,000. The contractor will be paid after fixing the stormwater runoff problem. Part of the problem was fixed this week and the rest will be completed next week.

I. City Clerk – City clerk reminded everyone of the Volunteer Lunch on Thursday, February 19 and to please call the office for a reservation.

5. Unfinished Business

Golf Course Management Lease Revision

Mayor Sutton stated the lease was revised to include specific duties to be completed by the management. He stated the tasks were already being done by the golf course operators. He said Manager Mary Spano and her attorney were reviewing the revisions. Attorney Wright said the revisions benefited both parties by making it clear what was expected.

Commissioners discussed adding late fees or a grace period to the lease in case of late payments. The benefit would be to recover administrative costs of processing late payments. Attorney Wright pointed out that paragraph 19 would cover any breach, including late payments and allows 10 days to cure the breach. He said new paragraph #22 says 5 days.

Unfinished Business - continued

He recommended the commission change paragraph #22 to be 10 days to be consistent throughout the lease. Commissioners agreed not to amend the lease for late payments or a grace period and to change the number of days to 10.

In response to a question, the commission clarified that the Recreation Committee was not responsible for day-to-day monitoring of the golf course. Per the lease, the committee should accept and review the monthly report that is to be provided by the golf course manager. If any complaints or suggestions are received by the committee or its members, they should be forwarded to city staff and commission for follow-up.

Commissioners agreed to move forward with the revised lease. Mayor Sutton reminded all that both parties must agree to the revisions.

Attorney Wright stated he had drafted a letter to the golf course management at the direction of the commission to make it clear that late payments would not be accepted in the future. He said this was necessary to do in writing to ensure the lessee was aware of this policy and to be able to enforce the provisions of the lease if it became necessary. Commissioners directed the attorney to send the letter as drafted.

Property Manager Definition for Vacation Rental Program in Code Section 9-21 Definitions

Attorney Wright explained that the ordinance was needed to make the wording consistent to read a "certificate of completion" not a "certificate of qualification" as in the definition of property manager. He stated the previous wording had caused some confusion.

Mayor Sutton clarified that one citizen had an issue with the definition and the city wanted to be clear that we are not licensing property managers. The intent of the ordinance is to ensure that those people who have contact with renters know the city rules and regulations about rental units.

Attorney Wright stated the city is not licensing property managers but requires an education class for people who work with renters. The attorney also explained the other change of removing attorneys from the ordinance is in response to a class action suit started in Tampa. A group of attorneys has sued, arguing they are exempt from local business taxes because they are licensed by the state supreme court. He said the city has never issued a license for an attorney and he is trying to get the city dismissed from the lawsuit.

Commissioners agreed with the proposed amendments and directed the city clerk to prepare the document for first reading at the next regular commission meeting.

Monroe County Emergency Air Transport Boundaries Update

Mayor Sutton stated the city had received an email from the county asking that a decision on whether the city wanted to be included in the Emergency Air Transport Boundaries be provided by May 29, 2009. Commissioners agreed to continue researching. There was time to have discussion and make a decision at a later date.

6. Items of Discussion/Approval*Weight Restrictions on the Causeway – Commissioner Vorick*

Commissioner Vorick stated this topic had been discussed previously and suggested trying to find a way to protect the Causeway and bridge now that both had been repaired. Commissioners discussed different options to obtain a scale and enforce weight limits. They agreed that the road should be protected, but unfortunately there is no cost effective way to enforce weight limits.

Comprehensive Plan Update of Capital Improvements Plan

City Clerk stated that the state requires the Capital Improvement portions of the Comprehensive Plan to be updated annually. The Department of Community Affairs issued a manual detailing what information is to be included in the Plan plus a step by step process to develop the information. The document presented is the result of the process and shows the capital improvements planned by the city during the next five years and how those projects will be funded. In the future, this five-year plan will be reviewed as part of the budgeting process and updated in the last quarter of each year. The city is required to hold a public hearing about the proposed amendments prior to submittal to DCA for final approval. The city clerk suggested the public hearing be held prior to the next regular commission meeting on February 26. Once the document is finalized and adopted, it will be sent to DCA for approval.

Motion – Moved by Commissioner Vorick, seconded by Commissioner Zahn, to hold a hearing for public input on the amendments to the Capital Improvement Plan in the Comprehensive Plan on February 26, 2009 at 9:30 a.m. immediately preceding the Regular City Commission meeting. Roll Call Vote: Unanimous approval.

7. City Administrator Items For Discussion/Approval

Purchase of Reflective Pavement Markers

Mayor Sutton said that the installation of reflective markers would provide added safety for pedestrians in the walkways. If placed on the Causeway, East Ocean and West Ocean every 20 feet, the cost was estimated to be \$3,500 to \$4,000 plus the cost of adhesive and installation. He said rumble strips were considered but found to be at least \$5,000, need to be a minimum of 12 inches wide, and no local company has the equipment to do this. The commissioners discussed options of using delineators, not doing the Causeway, spacing the markers further apart, and reflective paint. Commissioners agreed table the issue for now due to the budget constraints and reconsider during budget workshops for next fiscal year.

8. Ordinances and Resolutions

1st Reading – Ordinance 406-2009 Amending the Capital Improvements Element in the Comprehensive Plan

Attorney read by title only Ordinance 406-2009.

Motion – Moved by Commissioner DeGraw, seconded by Commissioner Zahn, to approve the 1st Reading of Ordinance 406-2009 Amending the Capital Improvements Element and the Goals, Objectives, Policies, and Data and Analysis of the Comprehensive Plan. Roll Call Vote: Unanimous approval.

9. Commissioners' Reports or Comments

Commissioner Zahn stated she continues to think of ways to notify landscapers not to allow debris to fall into the canals. She said the Florida Keys Scenic Highway Committee continues to meet and pursue special highway designation for US 1. She thanked the Public Works Department for clean-up at Eastside Park.

Commissioner DeGraw stated a citizen asked if the commission would invite Rep. Ron Saunders to come and discuss mangrove trimming and navigation in canals. Commissioners discussed this idea and agreed to work with local DEP staff first. Commissioner DeGraw reported that he had received lots of feedback about moving the monument, and he was researching leaving the monument where it is, but adding landscaping and a brick walkway to it so it would be more accessible.

Commissioners' Reports or Comments - continued

Commissioner Vorick asked about condominium inspections and maintenance. It was reported that Building Official Borysiewicz inspects condo common areas annually and has the authority and the duty to ensure compliance with health and life safety codes.

Vice-Mayor Stevens reported on the Water Quality Steering Committee meeting in which wastewater and stormwater issues were discussed. He said the federal stimulus package may provide additional funding for these projects. All commissioners supported projects to improve water quality throughout the Keys. Vice-Mayor Stevens stated that the city does not have any ordinances about false alarms like the County or the City of Marathon. Commissioners discussed that the city has a few, but not many, problems with false alarms. The commission directed Attorney Wright to get a copy of the Monroe and Marathon ordinances for discussion at the next regular meeting.

Mayor Sutton stated that the stormwater project on 1st through 5th Streets will be put out for bids this week with construction to begin around the end of April.

10. City Attorney Report – Thomas D. Wright

Attorney Wright stated he had received a letter from the county regarding gas taxes. The county may increase the gas tax and wanted the city's support. In addition, the Interlocal Agreement sharing those taxes is due to expire in June. He said the implication is that support for the increase will mean the interlocal will be renewed. The city receives about \$35,000 annually from the county gas tax sharing agreement. The attorney stated use of a gas tax results in tourists helping to pay for the roads, rather than increased property taxes on property owners.

Mayor Sutton said the county seems to want this to be a political issue. He suggested the city send a letter to the county stating that the gas tax should be shared and a new agreement signed, but that we needed more time to research and discuss increased gas taxes. Commissioners concurred with sending the letter.

11. Approval of Warrant 0109 Expenses for the Month of January

Motion - Moved by Commissioner Vorick, seconded by Vice-Mayor Stevens, to approve Warrant 0109 for the Month of January 2009 in the amount of \$337,614.78. Roll Call Vote: Unanimous approval.

12. Correspondence & Citizen Comments

No correspondence.

Citizen Comments – Mary Schmidt asked what the city had submitted for the “shovel ready” projects for the federal stimulus plan. Mayor Sutton responded that we had submitted data for the city-wide stormwater improvements that need to be completed.

The meeting adjourned at 11:40 a.m.

Vickie L. Bollinger, City Clerk