

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, February 26, 2009, 9:40 a.m.

City Hall Auditorium

1. Call to Order – The Regular Meeting of the Key Colony Beach City Commission was called to order by Mayor Sutton at 9:40 a.m. immediately following the Comp Plan Public Hearing. *Present:* Mayor Ron Sutton, Vice-Mayor Rusty Stevens, Commissioner Jeff Vorick, Commissioner Geraldine Zahn and Commissioner Seneca “Tucker” DeGraw. *Also Present:* Attorney Thomas Wright, Building Official Edward Borysiewicz, Police Chief Robert Petrick and City Clerk Vickie Bollinger. Public: 7
2. Approval of Minutes: Regular Meeting February 12, 2009
Approved as written.

Mayor Sutton presented plaques to Fishing and Boating Club Commodore Joe Schmidt and KCB Community Association President Lyn Paterson. The plaques were in recognition of the generous donations from these organizations to put the tile floor in the tiki hut at Sunset Park. Thank you to both organizations.

3. Special Requests
Signs – Marathon Garden Club House Walk – Saturday, March 7, 2009
Betsy Philipps stated the Garden Club was hosting a house walk on March 7 including six properties in KCB. The Club was asking permission to place informational signs to assist participants in finding the homes and traffic control. She said this had been done before. All commissioners expressed support for the house walk.
Motion – Moved by Commissioner Zahn, seconded by Commissioner Vorick, to approve placement of signs as requested by the Marathon Garden Club for the House Walk on Saturday, March 7, 2009. Roll Call Vote: Unanimous approval.
4. Committee and Staff Reports
 - A. Recreation Committee – No report.
 - B. Beautification Committee – Commissioner DeGraw stated he would meet with members of the committee on Monday morning to discuss landscaping the area around the memorial.
 - C. Disaster Preparedness Committee –No report.
 - D. Planning & Zoning Committee – No report.
 - E. Utility Board – No report.
 - F. Police Department – Chief Petrick stated there was an armed robbery at the Circle K since the last meeting. They continue to investigate and follow-up on the few leads they have. He reported the collar microphones and the light bar approved for purchase at the last meeting had been received.

Committee And Staff Reports – continued

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

- Assistant John Thomson had built four park benches – 3 placed in the gazebo and 1 at the bocce courts. Lots of compliments have been received.
- Mr. Thomson and Maintenance Worker Joe Boucher are working with the Beautification Committee on irrigation systems at the Entrance and other projects at the Children’s Playground and the memorial.
- Community Asphalt had completed the repair at the top of the Causeway on the drainage system.
- East side stormwater project was out to bid. Bids are due March 18.
- Plans for a single-family home on 1st Street are expected.

Commissioner Zahn asked about cleaning up the porch on the back of the 7th Street Annex. Commissioners agreed some clean-up was needed. Mayor Sutton will direct the Public Works Department on what work is to be done.

H. City Secretary-Treasurer – Commissioner Vorick stated the city’s financial condition was stable.

I. City Clerk – City clerk reported renewals for permanent boat trailer parking will be mailed soon for those wishing to complete the process before leaving for the summer. Current permits will expire June 30; the new permit is from April 1 through March 31.

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. A copy of the lease was given to Mary Spano, Golf Course Manager, who reviewed it with her attorney. The Mayor stated Ms. Spano informed him that on the advice of her attorney she respectfully declined to sign the revised lease.

Attorney Wright stated he had a conversation with Ms. Spano’s attorney and that the revised lease could be used when the current lease expires in September 2011.

Request from Monroe County for Input on Increased Gas Tax

Mayor Sutton stated the county had requested input from the city regarding a gas tax increase of up to 5 cents. He recommended the commission not provide any input on this topic. He stated that the county had the responsibility to make this decision, and suggested that maybe they were looking to share any negative consequences with other governments. Commissioners agreed with the Mayor’s comments adding that the county has already scheduled a public hearing and the county wants to be able to share the blame for the tax increase. This tax increase would benefit all and some of it will be paid by tourists. Attorney Wright stated the city is not required to do anything unless the city wants to take a position in support of or against the tax increase.

Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Stevens, to affirm the letter sent to Monroe County stating the gas tax should be shared and the interlocal agreement renewed; and that the city have no comment on the proposal to increase gas taxes up to 5 cents. Roll Call Vote: Unanimous approval.

6. Items of Discussion/Approval

False Alarm Ordinances from Monroe County and City of Marathon – Attorney Wright

Attorney Wright stated the false alarm ordinances for Monroe County and Marathon are almost identical and if the commission wanted, he would prepare an ordinance for consideration at the next meeting. He asked if false alarms were a problem in our city.

Vice-Mayor Stevens who initiated the discussion stated that there have been problems with fire alarms at one condo and he was concerned that resources were being misused and placed in harms way unnecessarily. Chief Petrick added that there are false burglar alarm problems on the west side of the city. Commissioners discussed the ordinances and agreed that the city should adopt code regarding false alarms and directed Attorney Wright to prepare the ordinances for the next meeting.

7. City Administrator Items For Discussion/Approval

Purchase of Landscape Fertilizer for \$1,560

Mayor Sutton said the landscape contract required prior approval before fertilizing. The Beautification Committee has asked that this be done. The estimated cost for the fertilizer is \$1,560; labor will be in addition to that. This item was budgeted as part of the Beautification budget. Commissioners agreed to purchase the fertilizer and directed Building Official Borysiewicz to get quotes on the labor.

Motion – Moved by Vice-Mayor Stevens, seconded by Commissioner Zahn, to purchase fertilizer as requested. Roll Call Vote: Unanimous approval.

Mayor Sutton stated that he had been contacted by Brian Schmidt who said the land behind the Holiday Inn had not sold and was available. The Mayor stated this topic would be put on the agenda for the next meeting for discussion which would allow time for the commission to think about it. Also, he wanted to notify citizens and give them time to think about it and to provide input. Mayor Sutton said he had contacted a grant writer who would be willing to discuss grant possibilities at no charge to the city. The Mayor said he would consider pursuing a grant if the grant writer believed there is a good chance the city would receive the money. However, he would not recommend spending money for an application if the grant writer thought there was little chance of getting funded.

Mary Schmidt stated she had spoken with the grant reviewer in Tallahassee a couple years ago and he had not been very encouraging that this grant application would be viewed favorably. She suggested that the reviewer be contacted again.

Commissioners agreed to discuss this issue at the next meeting.

8. Ordinances and Resolutions

2nd 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 Zahn, seconded by Commissioner Vorick, to adopt 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.

1st Reading – Ordinance 407-2009 Amending Chapter 9 Business Taxes, Permits and Business Regulations

Attorney read by title only Ordinance 407-2009 and then briefly explained the changes.

Ordinances and Resolutions – Ordinance 407-2009 - continued

Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Stevens, to approve the 1st Reading of Ordinance 407-2009 Amending Chapter 9 Business Taxes, Permits and Business Regulations. Roll Call Vote: Unanimous approval.

Proclamation – Seagrass Awareness Month – March 2009

Mayor Sutton read the proclamation and stated it would be forwarded to DEP. Commissioners support all efforts to protect the seagrass and improve water quality.

Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Stevens, to approve the Proclamation declaring March 2009 to be Seagrass Awareness Month. Voice Vote: Unanimous approval.

9. Commissioners' Reports or Comments

Commissioner Vorick reminded everyone of the importance of awareness of pedestrian and bicycle traffic in our city. He stated citizens had expressed desires to have more bike paths and sidewalks, but recognized there is no funding at this time for these projects.

Commissioner DeGraw stated he will meet with the Beautification Committee regarding the memorial and reminded all that KCB Day was Sunday, March 8.

Vice-Mayor Stevens wished all the commission candidates good luck and encouraged everyone to vote on March 10.

10. City Attorney Report – Thomas D. Wright

Update on Class Action Suit Regarding Attorneys Paying Business Taxes

Attorney Wright stated he had contacted a Tampa attorney regarding the law suit. The attorney told him that since the city never collected any business taxes from attorneys, the city is not a part of the class. In order to opt out of the class, we have to be a member. He recommended that he write a letter to the plaintiff's attorney stating the city is not part of the class and will report back on any response. Commissioners concurred.

Building Official Borysiewicz stated he had contacted Gonzalez Landscaping and that the charge to apply the fertilizer would be \$5 per bag. If the city needed 100 bags, that would total \$500 to spread the fertilizer. Commissioners agreed that this issue can be handled by the city administrator.

11. Correspondence & Citizen Comments

No correspondence.

Citizen Comments – Mary Schmidt stated that she would not object to the city purchase of the land behind the Holiday Inn if grant money was used and the land was preserved as it is. She expressed concerns about boat trailer storage and the effect on Coral Lane residents.

The meeting adjourned at 10:35 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.