

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, March 25, 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 Mary Schmidt. *Excused:* Commissioner Seneca “Tucker” DeGraw. *Also Present:* Attorney Thomas Wright, Police Chief Robert Petrick, Building Official Edward Borysiewicz and City Clerk Vickie Bollinger. Public: 3

2. Approval of Minutes: Workshop with Utility Board – Sewer Operations March 10, 2010
Regular Meeting March 11, 2010

Approved as written.

3. Special Requests

Proclamation – Water Conservation Month – April 2010

Mayor Sutton said that South Florida Water Management District has asked for the city’s support in promoting April as Water Conservation Month and Mr. Tom Genovese was here representing the District.

Tom Genovese accepted the proclamation and thanked the commission for their support. He said that water conservation was a year round effort, and the April proclamations were an opportunity to remind everyone of this effort.

Motion – Moved by Commissioner Schmidt, seconded by Commissioner Vorick, to proclaim April 2010 as Water Conservation Month. Roll Call Vote: Unanimous approval.

Helping Rural Hospitals – Byron Hestevold

Mr. Hestevold asked the commission for a letter of support for rural hospitals, like Fishermen’s, to use computer links to be able to work with specialists at large medical facilities and teaching hospitals for diagnosis and consulting. He has asked for federal funding for this project and hopes to get letters of support from all Keys governments, hospitals, and service organizations.

Motion – Moved by Mayor Sutton, seconded by Vice-Mayor Zahn, to provide a letter of support from the city commission for rural hospitals to have computer based communication for improved services. Roll Call Vote: Unanimous approval.

The commission directed the city clerk to draft a letter for the Mayor’s signature.

4. Committee and Staff Reports

A. Recreation Committee – No report.

B. Beautification Committee – No report.

C. Disaster Preparedness Committee – No report.

D. Planning & Zoning Committee – No report.

Committee And Staff Reports – continued

- E. Utility Board – City clerk reported for Chair Keach that the Utility Board unanimously recommended that the city accept US Water’s services for the duration of the Synagro contract ending in 2013.
- F. Police Department – Chief Petrick stated a report of stolen bicycles was an error; the St. Patrick’s Day Parade went very well; and there was one minor injury at Taste of the Islands, no medical attention was requested.
- G. Building Department/Public Works – Building Official Borysiewicz reported:
- Trimming the mangroves along the Causeway per DEP regulations has been completed.
 - Per Code Enforcement Board direction, several properties were cleaned of landscape debris; owners will be billed.
 - Per Beautification Committee request, several boulders were moved from near Circle K to the south end of the bridge on the east side of the Causeway.
 - Requests for open permit searches continue to be addressed and old permits closed.
 - Channel Marker 8 was found, but not salvageable; it will be replaced.
 - Beautification Committee has asked for a review of street signs on canals.
 - Per Commissioner Vorick’s request, the application for building permits states that it will expire in one year. Permits requesting boat lifts will include a statement that no part of a boat may extend past the property lines.

Bidding for City Electrical, Plumbing, and Mechanical Repairs

Building Official Borysiewicz stated when repairs are needed to city property he calls different contractors to share the work. The last time a repair was needed, the contractor’s bill was higher than expected. He suggested that to help control costs, the city could put these services out to bid annually, similar to the City of Marathon. Contractors would quote an hourly rate for the year.

All commissioners agreed that this would be a good idea.

Motion – Moved by Mayor Sutton, seconded by Commissioner Vorick, to bid for repair services for all city electrical, plumbing, and mechanical work. Roll Call Vote: Unanimous approval.

- H. City Secretary-Treasurer – Commissioner Vorick stated the city has no financial issues.
- I. City Clerk – City clerk stated there are still 60 residential accounts that have not paid the stormwater utility assessment and that bills with late fees will be sent next month. She reminded everyone that permanent boat trailer parking permits must be renewed by the end of this month and that sewer utility bills were mailed and are due by April 20. The clerk asked for commission direction on responding to citizen information requests. She said that the office responds promptly to all public records requests as required by law and will continue to do so. However, responding to questions or accusations or requests for other information takes time and effort. She asked for input from the commission on how much staff time should be spent on these efforts. Mayor Sutton stated that one citizen’s request would require a large amount of staff time and he felt it was not a good use of staff time for them to directly respond to questions or accusations. He said that public comment was allowed at every commission meeting to allow citizens time to address the commission about any issue they wanted to discuss. He said that was the appropriate time for citizens to directly address the commission with questions or concerns.

Committee And Staff Reports – City Clerk – continued

The Mayor stated that one citizen has been calling our volunteer committee members, sewer plant operators, and the city auditor and this was not appropriate. He suggested that Attorney Wright be asked to send a letter to this citizen and any other citizen making such requests or calls. The letter should direct the citizen to come to the public meetings with questions or concerns, to not call committee members or vendors who will be informed they are not required to respond, and that city staff will be directed not to spend time responding to those requests.

Attorney Wright stated that Florida law requires that public records be made available and that city staff has complied with all requests and will continue to do so. He said that this does not include: responding to lists of questions or accusations, creating or compiling reports, or making requests of 3rd parties. Those are not appropriate public records requests. He suggested the city inform contractors that no citizen has the right to request anything from them. Public meetings are the appropriate venue for citizens to comment.

Commissioners agreed that responding to excessive requests was not a good use of time, a letter should be sent to any citizen to suggest use of public meetings for comments, and that any citizen unhappy with city management could run for office.

Motion – Moved by Mayor Sutton, seconded by Commissioner Vorick, to have Attorney Wright send a letter to any citizen making excessive information requests of city staff, any committee member, or contractor stating that comments or questions should be made to the city commission at a public meeting. Roll Call Vote: Unanimous approval.

5. Unfinished Business – None

6. Items of Discussion/Approval

City Parks Hours to be Open/Closed – Mayor Sutton

Mayor Sutton said that Code Enforcement Board Chair Tom Tucker had brought several items to his attention related to city codes. All his concerns were addressed administratively, but this one needed commission discussion. The code states that city parks close at 10:00 p.m., but a sign at Sunset Park indicates it closes at dusk, creating an inconsistency for enforcement. The Mayor stated that some parks have lighted pathways, but Sunset Park has no lights and its use after dark may create liability issues and vandalism has been a problem in the past.

Commissioners discussed options for amending the code and enforcement. Attorney Wright suggested that the code be changed by adding the words “unless otherwise posted” before the phrase “city parks will close at 10:00 pm.” This provides an easy and effective way to control hours of park use when deemed appropriate by the commission.

Commissioners agreed and directed that an ordinance be drafted.

Size of Boats at Docks/Seawalls and Building Permit Information – Commissioner Vorick

Commissioner Vorick stated that the Building Official had addressed his concerns by changing the building permit application to include statements that the permit expires one year from the date granted and by adding the note that boats may not extend past property lines. He stated that this will make it clear to anyone installing a boat lift what the rules are and if not complied with, the boat will be removed. He thanked the Building Official for his efforts.

7. City Administrator Items For Discussion/Approval

Contract for Sewer Plant Operation

Mayor Sutton stated the commission held a joint workshop with the Utility Board to discuss future operation of the sewer plant. The Utility Board discussed this at their regular meeting on March 16 and made a recommendation to assign the contract to US Water. The Mayor said that Attorney Wright advised the city to create an addendum to the contract stating the city waived the clause prohibiting this transfer and that US Water agrees to assume all the duties, responsibilities and liabilities under the contract.

Commissioners agreed that contracting with US Water was the only viable alternative at this time.

Motion – Moved by Vice-Mayor Zahn, seconded by Mayor Sutton, to write an addendum to the Synagro contract waiving the clause as to transferability to US Water, stating that US Water will assume all the duties, responsibilities and liabilities under the contract; and authorize the Mayor to sign for the city. Roll Call Vote: Unanimous approval.

Payout for Employee Vacation Leave

Mayor Sutton stated that two employees have accumulated vacation leave in excess of the personnel policy and have asked for a payout. He stated he discussed the situation with both employees and it was clear that they would be unable to take all the excess time in addition to their four weeks earned for this year. Both employees have been directed to take vacation time as it is earned and that further excessive accumulations will not be allowed.

Commissioners discussed that if the time can't be used to pay it now, that employees should use vacation time, and excessive accumulations will not be allowed in the future.

Motion – Moved by Commissioner Vorick, seconded by Vice-Mayor Zahn, to pay excess vacation leave for Edward Borysiewicz and John Thomson as shown on the spreadsheet in the agenda packet. Roll Call Vote: Unanimous approval.

Mayor Sutton stated the commission had discussed having owners put house numbers on the canal side of their properties. This was not codified; it was a request and most citizens have not complied. The Mayor asked if the commission desired any action at this time.

Commissioners commented that this was unnecessary, this would help to report a problem if there was a safety issue, not all properties have seawalls, there is not a consistent place to put the numbers, this should be voluntary only.

Attorney Wright stated that if the commission felt this was a public safety issue, they could require owners to have house numbers on the canal side of their property. He suggested the city could offer this service to owners and have Public Works stencil the numbers on the seawall to help with consistency issues.

Mayor Sutton asked the commission to think about this issue and talk with citizens; the issue can be addressed at a future meeting.

Mayor Sutton stated that as reported Marker 8 was struck and broken off. This was reported to the city on Thursday and Monroe County Marine Resources Director Rich Jones came the next day to review the situation. There is no navigation hazard from the broken marker, but there is a threat that boaters will be unaware of the shoal. Mr. Jones has already put out a bid request to replace the marker and those will be opened tomorrow. The replacement should be completed in about 1.5 weeks. A temporary marker will be placed there until the permanent one can be installed. The Mayor complimented Mr. Jones on his quick response to this issue and other marine issues in the city. He said Mr. Jones agreed to address other markers that are leaning as soon as resources allowed; he must address missing markers first.

8. Ordinances and Resolutions - None9. Commissioners' Reports or Comments

Commissioner Vorick stated one citizen in our city plans to take paramedic training. It would be good for the city to have paramedics living in the city and it may be good if the city could help pay for the costs. He will keep the commission informed.

Commissioner Schmidt stated she had lunch with Golf Course Manager Daryl Rice at her request. She praised his efforts to improve the course and its management and encouraged the commission to try to keep him as manager. She said she asked Mr. Rice about what improvements or changes he would like to see at the course. He mentioned that he would like additional irrigation along 8th Street and improve landscaping all around the course. Commissioner Schmidt expressed strong support for Mr. Rice and asked commissioners to consider using more of the lease income to support improvements at the course.

Mayor Sutton stated he had similar conversations with Mr. Rice and had encouraged him to work with the Recreation Committee, especially at budget time to provide a list of improvements so that they could be considered then. The city has spent extra money this year to get equipment in good working order as agreed in the lease.

All commissioners agreed that this should be discussed during the budget workshops.

Vice-Mayor Zahn stated she had spoken with the new Marathon Postmaster who said she wants to improve the level of service at our post office. The Postmaster had said that lock boxes will be installed in the lobby so that customers will be able to get packages when the post office is closed. The Postmaster had also provided information about Premium Forwarding that may be used by seasonal residents to more quickly get forwarded mail. Vice-Mayor Zahn reported she had talked to Mosquito control who assured her that they have a standard regular approach to dealing with any problems reported to them.

Mayor Sutton stated that Building Official Borysiewicz had provided a list of the location of all injection wells in the city to Mosquito Control and they will be treating them with pellets.

10. City Attorney Report – Thomas D. Wright

Attorney Wright stated that the real estate market has been active in our city and new sales contracts include provisions for sewer lateral inspections. He said that regarding repairs to broken sewer laterals: owners must repair them in compliance with current codes which require each residence to have a separate lateral connected to the city lines. The building practice of having one connection for both halves of a duplex does not meet current code.

11. Correspondence & Citizen Comments – None

The meeting adjourned at 10:55 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.