

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, April 8, 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, Commissioner Mary Schmidt and Commissioner John DeNeale. *Also Present:* Attorney Thomas Wright, Police Chief Robert Petrick, Building Official Edward Borysiewicz and City Clerk Vickie Bollinger. Public: 5
2. Approval of Minutes: Regular Meeting March 25, 2010
Annual Organizational Meeting April 1, 2010
Approved as written.

3. Special Requests

Proclamation – Motorcycle Safety Awareness Month – May 2010

Mayor Sutton stated that Vice-Mayor Zahn was contacted about this proclamation. Vice-Mayor Zahn stated that this was a statewide effort to make everyone aware of motorcycle safety. Commissioner Vorick stated that ABATE was a good organization, a safety course was being offered in Marathon, and encouraged all drivers to be aware and be safe.

Motion – Moved by Vice-Mayor Zahn, seconded by Commissioner Schmidt, to approve the proclamation declaring May 2010 as Motorcycle Safety Awareness Month. Roll Call Vote: Unanimous approval.

Boat Lift – 20,000 Pound Elevator Lift – 251 4th Street, Larry Mills, Owner

Building Official Borysiewicz stated Mr. Mills recently purchased 251 4th Street and applied to install a boat lift. One neighbor has no objections, but the other neighbor to the north has strong objections.

Nicholas Mercer Daly, All Florida Keys Boat Lifts, stated this lift was a standard installation with an eleven foot clearance from the property line. The lift would extend out 12 feet in the canal which is 92 feet wide. In response to questions he said there would be no encroachment into the neighbor's property, and the lift could be moved toward the middle of the property but it was not necessary, the boat would be within Mr. Mills property lines.

Mayor Sutton said he had talked to both parties and that Mr. Mills placed the lift so that he could have a jet ski lift at the other end of the property and be able to back the boat off the lift at his seawall. The Mayor and Commissioner DeNeale stated they had tried to work with both parties to reach a compromise, but were unsuccessful. It was noted the boat could be parked anywhere along the seawall if there were no lift. It was suggested the locations of the two lifts be switched.

Duke Scott, 271 4th Street, stated he and his wife have owned here for 24 years and never had a problem. He said that a 20,000 pound lift is a big one; this would be the first in the canal; that the neighbors should have a say in whether lifts this size should be permitted; the will of the people should be done; and he will have a difficult time navigating. He asked the commission to ask the people about this size of a lift and that if the lift request is granted to require the boat pulpit to be at least 10 feet back from the property line.

Steve Flood, 241 4th Street, stated he has two boats and a jet ski that extend to his property lines; and he has no problem navigating and docking the boats. He said it's not possible to switch locations of the boat and jet ski lift and be able to navigate within Mr. Mills property.

Special Requests – Boat Lift (Mills) – continued

Commissioner Vorick stated that city code Section 5-43 prohibits the lift from going out 12 feet into the canal. Building Official Borysiewicz stated that other 20,000 pound lifts have been approved. Commissioners and public discussed the length of the forks for various size lifts, width of the canal, past approvals, and the code.

Attorney Wight advised that the commission should not approve boat lifts that do not comply with code; the commission could amend the code or the applicant could seek a variance. In response to a question he said that if a lift was permitted by error of the commission and installed, but does not meet code, the owner can not be required to remove it.

Motion – Moved by Mayor Sutton, seconded by Vice-Mayor Zahn, to amend city ordinance Section 5-43(2) to require commission approval if the forks protrude into the canal more than the current limits. Roll Call Vote: Unanimous approval.

The commission directed Attorney Wright to prepare the ordinance for first reading for the next regular commission meeting.

Motion – Moved by Mayor Sutton, seconded by Commissioner Schmidt, to table the request for a boat lift at 251 4th Street until the May 13, 2010 meeting. Roll Call Vote: Unanimous approval.

Boat Lift – 15,000 Pound Elevator Lift – 221 12th Street, Joan & Edward Roach, Owner

Motion – Moved by Mayor Sutton, seconded by Commissioner Schmidt, to table the request for a boat lift at 221 12th Street until the May 13, 2010 meeting. Roll Call Vote: Unanimous approval.

Boat Lift – 16,000 Pound Elevator Lift – 87 Coral Lane, Steven D. Ingram, Owner

Motion – Moved by Commissioner Schmidt, seconded by Vice-Mayor Zahn, to table the request for a boat lift at 87 Coral Lane until the May 13, 2010 meeting. Roll Call Vote: Unanimous approval.

Murray Schatt, Lifetime Dock & Lumber, stated that almost all lift arms are longer than 8 feet; the average size boat used to be 23 feet, but is now about 32 feet; and bigger boats require bigger lifts. The current code requires all lifts over 10,000 pounds come to the commission for approval. He suggested the commission amend the code to increase the 10,000 pound size that needs commission approval to reflect the size of boats and lifts that are used today.

4. Committee and Staff Reports

A. Recreation Committee – No report.

B. Beautification Committee – Mayor Sutton stated the committee is working on the mound near the waterfall in City Hall Park.

C. Disaster Preparedness Committee – Building Official Borysiewicz stated the generator was started and will be testing again prior to hurricane season.

D. Planning & Zoning Committee – No report.

E. Utility Board – Chair Flood ask for direction regarding the sewer line inspections. He stated that the ordinance requires all laterals to be tested by July 2011, but it does not provide for a remedy if this is not done or if there is a failed test.

Committee And Staff Reports –Utility Board – continued

Commissioners agreed that this was discussed a few months ago and it was decided not to take any action now. Given the tough economy, they would like to wait until next year to make any decisions. Attorney Wright stated that there is a lot of voluntary compliance, especially with properties that are being sold. Current real estate sales contracts include statements about this requirement. All agreed that owners should not have to suffer extreme hardship to meet the code.

Agenda Item #6 – Costs to Repair Residential Sewer Laterals – Commissioner Vorick was taken now.

Agenda Item #6 – Information Request to FKAA for Sewer Plant Operation – Commissioner Schmidt was taken now.

F. Police Department – Chief Petrick stated there were more reports of bicycle thefts and rules for safety will be strictly enforced, especially at night. Bicycles should be equipped with lights if ridden at night and helmets are required for riders under 16. Officers will be recording information when stopping cyclists to help in recovering stolen bicycles.

G. Building Department/Public Works – Building Official Borysiewicz reported that the Public Works Department sealed the wood docks behind city hall and at Sunset Park; and Marker 8 was reinstalled.

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

I. City Clerk – No report.

5. Unfinished Business – None

6. Items of Discussion/Approval

Dates for November and December Commission Meetings – Mayor Sutton

Mayor Sutton stated there were conflicts with meeting dates in November and December. He suggested the following dates:

November 11, 2010 (Veterans Day) – reschedule to Tuesday, November 9, 2010

November 25, 2010 (Thanksgiving) – reschedule to Tuesday, November 23, 2010

December 23, 2010 – cancel the meeting as was done last year due to the holidays.

Commissioners concurred.

Bid Documents for Stormwater Project – Mayor Sutton

Mayor Sutton stated the 2010 stormwater project bid specifications were ready and he asked approval to proceed. He stated the ad could be published on April 14, Bids opened on April 28, and then at a Special Meeting of the city commission the Bid awarded on April 30. He said the project consisted on installing injection wells along West Ocean Drive and this grant work must be completed before September 30. If the commission agrees to the bid schedule, the work should be completed by August 5.

Motion – Moved by Commissioner Schmidt, seconded by Vice-Mayor Zahn, to publish a request for bids for the stormwater project on April 14. Roll Call Vote: Unanimous approval.

Commissioners agreed to hold a Special Meeting on April 30, 2010 to award the bid.

*Items of Discussion/Approval - continued**Purchase of Buoys and Installation – Mayor Sutton*

Mayor Sutton stated that some of the buoys along the ocean were missing. The city does have some old ones that could be installed until new ones could be purchased and delivered. The Mayor reported that Rich Jones, Monroe County Marine Resources Director stated the Boating Improvement Fund could reimburse the city to purchase new buoys and equipment and for the installation of the old and then the new buoys. The Mayor said that although Mr. Jones could not guarantee the County would agree to the reimbursement, he did provide a letter stating he would make this request to the County Board. The cost of missing equipment and to install the old buoys is \$2,366.

Motion – Moved by Commissioner Vorick, seconded by Vice-Mayor Zahn, to install the old buoys with new equipment at a cost of \$2,366 and to request reimbursement from the Monroe County Boating Improvement Fund. Roll Call Vote: Unanimous approval.

Mayor Sutton said that purchasing new buoys would cost \$5,269 plus the cost to install of \$1,400 for a total of \$6,669. The commission discussed that hurricane season was approaching, possibly delaying installation of the new buoys until later this year, reimbursement would not be until the end of the fiscal year, this could be a safety issue for swimmers along the ocean front, purchase of new buoys could be delayed until closer to the end of the fiscal year when reimbursement would happen, freight was very expensive. Building Official Borysiewicz suggested increasing the amount approved to cover any unforeseen expense during installation.

Motion – Moved by Commissioner Schmidt, seconded by Vice-Mayor Zahn, to purchase new buoys and equipment and install them at a cost not to exceed \$7,700. And further to request reimbursement from the Monroe County Boating Improvement Fund. And that the freight cost be researched to minimize that cost. Roll Call Vote: Unanimous approval.

Costs to Repair Residential Sewer Laterals – Commissioner Vorick (taken as part of Agenda Item 4.E. Utility Board)

Commissioner Vorick stated that he has heard comments regarding the costs to repair broken sewer laterals. He suggested that owners get competitive bids for any repair work, use a contract price for the job rather than time and materials especially if you don't know the plumber, get a written contract, and to use common sense. This can be a very costly repair.

Information Request to FKAA for Sewer Plant Operation – Commissioner Schmidt (taken as part of Agenda Item 4.E. Utility Board)

Commissioner Schmidt stated that she, past Utility Board Chair Glenda Keach and city clerk met with Jim Reynolds and Roy Coley of FKAA to discuss the FKAA operating the sewer plant. She stated she told them that she would be interested in having an “apples to apples” comparison with the city's current contract of their cost to operate the plant and the costs of a more comprehensive approach which would include leasing the plant to FKAA.

Roy Coley, Director of Operations for FKAA, stated the FKAA approach is to partner with communities for mutual benefit. If the city was interested, then the FKAA Board of Directors would be asked to allow their staff to work on the proposals and comparisons, but this would be only at the request of the city.

Commissioners discussed/commented:

- There would be some economies of scale if operations were combined with other plants which should result in savings.
- The full commission needs to support this request before the FKAA staff would approach their Board to allocate staff time.

Items of Discussion/Approval – Information Request – continued

- Leasing the plant so that the city had no say in setting fees, etc. is a big step and not sure this would benefit citizens.
- Want to give US Water a chance and build a relationship before making any changes.
- It's always good to have options and competitive pricing.

Mr. Coley stated that he was present at the request of the city, FKAA does not do competitive bidding against private companies, and FKAA desires to work together, but in the past has chosen not to be a contract operator. He stated that if the city requests information and pricing from FKAA, he would present those requests to the Board.

Motion – Moved by Mayor Sutton, seconded by Commissioner Schmidt, to request FKAA to provide an “apples to apples” cost comparison for the current sewer operation contract. Roll Call Vote: Unanimous approval.

Motion – Moved by Vice-Mayor Zahn, seconded by Commissioner Schmidt, to request FKAA to provide a plan including costs to assume total operation of the sewer plant. Roll Call Vote: Unanimous approval.

7. City Administrator Items For Discussion/Approval

Termite Extermination of Public Works Buildings and Golf Course Pro Shop

Mayor Sutton stated the old Public Works Building and the Golf Course Pro Shop are infested with termites. He had received three quotes to treat the buildings with the low amount from Hammerhead at a cost of \$900 for the Public Works Building and \$700 for the Pro Shop. He asked for commission approval to proceed.

Motion – Moved by Commissioner Schmidt, seconded by Commissioner Vorick, to hire Hammerhead at a cost of \$1,600 to exterminate the termites from the old Public Works Building and the Golf Course Pro Shop. Roll Call Vote: Unanimous approval.

Amendment to Army Corps Wastewater Grant

Mayor Sutton stated that the city has been working with the Army Corps for a couple years to get reimbursement for the sewer slip lining project that was completed in 2008. This amendment to the grant agreement was a step toward getting the reimbursement.

Motion – Moved by Commissioner Vorick, seconded by Commissioner Schmidt, to approve the amendment to the Army Corps grant and to authorize Mayor Sutton and Attorney Wright to sign for the city. Roll Call Vote: Unanimous approval.

8. Ordinances and Resolutions

1st Reading – Ordinance 414-2010 Amending Chapter 12 Parks and Recreation, Section 12-9 Limitations on Use of Certain Park Property

Attorney read by title only.

Motion – Moved by Vice-Mayor Zahn, seconded by Commissioner Vorick, to approve the 1st Reading of Ordinance 414-2010 Amending Chapter 12 Parks and Recreation, Section 12-9 Limitations on Use of Certain Park Property. Roll Call Vote: Unanimous approval.

9. Commissioners' Reports or Comments

Commissioner Vorick suggested all commissioners review code Section 5-41 through 5-43 to prepare for the discussion at the next meeting.

Commissioner DeNeale thanked his wife for her support during his campaign and all the voters. He thanked Tucker DeGraw for his service to our community.

Commissioners' Reports or Comments - continued

Vice-Mayor Zahn stated Relay for Life started on Friday at 6 p.m. at Marathon Community Park and ended on Saturday at 11 a.m. She stated our city had a team and encouraged everyone to come out and support our team. She thanked the voters for their support and said she enjoyed serving as a commissioner.

10. City Attorney Report – Thomas D. Wright

Attorney Wright stated the class action suit regarding attorneys paying business taxes had been thrown out and he would no longer report on it.

11. Approval of Warrant 0310 Expenses for the Month of March

Motion - Moved by Commissioner Vorick, seconded by Vice-Mayor Zahn, to approve Warrant 0310 for the Month of March 2010 in the amount of \$272,625.54. Roll Call Vote: Unanimous approval.

12. Correspondence & Citizen Comments – None

The meeting adjourned at 11:25 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.