

# MINUTES

## KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, April 22, 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: 7
  
2. Approval of Minutes: Regular Meeting April 8, 2010  
Approved as written.
  
3. Special Requests  
*Boat Lift – 15,000 Pound Elevator Lift – 221 12<sup>th</sup> Street, Joan & Edward Roach, Owner*  
Mayor Sutton stated he had talked with the contractor and that the forks were cut so that this lift complies with city code. The owner is requesting approval to install the lift. Bob Rowand, Lifetime Dock, stated that the forks are built longer to accommodate various boats, and trimming the forks at installation is not unusual. He said that navigation is a primary concern and there is a maximum length in many places of 25% of the waterway. Mayor Sutton said this application came to the commission because it is greater than 10,000 pounds.  
**Motion** – Moved by Vice-Mayor Zahn, seconded by Commissioner Schmidt, to approve installation of a boat lift at 221 12<sup>th</sup> Street, Joan & Edward Roach, Owner. Roll Call Vote: Unanimous approval.  
  
*Boat Lift – 16,000 Pound Elevator Lift – 87 Coral Lane, Steven D. Ingram, Owner*  
Mayor Sutton stated that the forks for this lift will be trimmed to comply with city code and there was no objection from the adjacent neighbors.  
**Motion** – Moved by Commissioner Schmidt, seconded by Vice-Mayor Zahn, to approve installation of a boat lift at 87 Coral Lane, Steven D. Ingram, Owner. Roll Call Vote: Unanimous approval.
  
4. Committee and Staff Reports
  - A. Recreation Committee – Chair Ellen Albin reported on all recreational activities and the number of participants during the winter season. She said that next year the Craft Ladies will have a display of their work and a book club will meet once a month beginning in October. The committee had two concerns: 1) black marks on both tennis courts although a sign clearly prohibits black soled shoes; and 2) city owned recreational equipment that is not returned promptly. The committee would welcome any ideas to help with these concerns. She said that at the next meeting the committee will meet with the golf course manager to discuss next year's budget. Chair Albin said that she and the committee wanted to thank Utility Board Clerk Pat Britske, for the excellent support she provides to the committee and to Mayor Sutton for his open door policy for questions or discussion on recreation issues.
  
  - B. Beautification Committee – No report.

Committee And Staff Reports - continued

C. Disaster Preparedness Committee – No report.

D. Planning & Zoning Committee – No report.

E. Utility Board – *Award Bid for Purchase and Installation of the Jib Crane*

Chair Flood stated one bid was submitted for the Jib Crane replacement from Material Handling Systems for \$55,783.30. The Board recommended approval of the bid. The next project will be to repair or replace the dip tank at a cost of \$15,000-\$35,000. He reported that 53 properties had not paid the stormwater assessment. The Board had discussed how to collect the fees, such as suspending business licenses for rentals or liens. Mayor Sutton suggested sending another invoice for the stormwater fees with additional late charges before taking further action. He said that he and Chair Flood had discussed connection fees at properties where the home had been demolished and was being replaced. There are three properties in the city where this situation exists. Before the 2008 Sewer Ordinance was adopted, these three owners were given a choice: continue paying the monthly sewer fee or pay the connection fee at the time the new home was connected to the sewer system. Each of the three decided to continue paying the monthly fee. The 2008 Ordinance states that upon reconnection, the owner is to pay a reconnection fee. Not all of the new structures have been completed and reconnected to the system, but all owners have paid the monthly fees. Mayor Sutton stated he felt that since the owners were given the choice before the ordinance was adopted and they have been paying the fee that they should not be required to pay the reconnection fee.

Commissioners discussed the issue and all agreed that the city should honor the agreement made prior to adopting the 2008 ordinance for these three properties only. All other redevelopment projects will be required to pay the connection fee per the ordinance. The properties are: 220 1<sup>st</sup> Street, 55 Coral Lane, and 241 11<sup>th</sup> Street.

Mayor Sutton said that the Utility Board had recommended awarding the Jib Crane bid to Material Handling Systems at a cost of \$55,783.30, and the city engineer had reviewed and approved the bid. Commissioner Schmidt asked that insurance policies for this project be reviewed to be sure the city is adequately covered.

**Motion** – Moved by Commissioner Vorick, seconded by Commissioner DeNeale, to award the purchase and installation of the Jib Crane to Material Handling Systems at a cost of \$55,783.30. Roll Call Vote: Unanimous approval.

F. Police Department – Chief Petrick stated that police reports were completed for: theft of petty cash from local business, and loss of a cell phone while fishing. He said that he had received a letter of commendation for Officer JC Smith for his assistance with concerns about identity theft. The date of this year's Kids Fishing Derby is Tuesday, June 15. The organizational meeting will be held soon.

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

- Termite extermination at the pro shop and old Public Works building was completed.
- Planning & Zoning approved a dock variance; commission review will be May 27.
- Beautification had new plantings and irrigation installed by the waterfall.
- Irrigation at the city entrance is still broken. The City of Marathon will fix it soon.
- He has received many requests regarding open permits due to property sales.
- Many renovation permits have been issued including a new seawall and concrete repairs at condos.

Committee And Staff Reports – continued

H. City Secretary-Treasurer – No report.

I. City Clerk – No report.

5. Unfinished Business

*Rescheduled City Commission Meetings in November and December*

Mayor Sutton stated when meetings are rescheduled or canceled; it requires a vote of the commission which was not done for the three meetings discussed at the April 8 meeting.

**Motion** – Moved by Commissioner Schmidt, seconded by Commissioner Vorick, to reschedule the November 11 meeting to November 9, and the November 25 meeting to November 23; and cancel the December 23 meeting. Roll Call Vote: Unanimous approval.

6. Items of Discussion/Approval

*7<sup>th</sup> Street Annex Lease Extensions*

Mayor Sutton stated that these leases expire on June 1, 2010 and he recommended the city extend the leases under the same conditions and rents as the current leases.

**Motion** – Moved by Vice-Mayor Zahn, seconded by Commissioner Schmidt, to extend the leases at the 7<sup>th</sup> Street Annex under the same terms and conditions as the current leases. Roll Call Vote: Unanimous approval.

7. City Administrator Items For Discussion/Approval

*Appointments to Code Enforcement Board*

Mayor Sutton stated that Arline Carbin had resigned and two citizens had volunteered to be on the Board. They are Tucker DeGraw as a full member and Tom Moore as an alternate. The Board would then have 7 full members and 1 alternate.

**Motion** – Moved by Mayor Sutton, seconded by Commissioner Schmidt, to appoint Seneca “Tucker” DeGraw as a full member and Tom Moore as an alternate member of the Code Enforcement Board. Roll Call Vote: Unanimous approval.

8. Ordinances and Resolutions

*2<sup>nd</sup> 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 Commissioner Vorick, seconded by Commissioner Schmidt, to adopt Ordinance 414-2010 Amending Chapter 12 Parks and Recreation, Section 12-9 Limitations on Use of Certain Park Property. Roll Call Vote: Unanimous approval.

*1<sup>st</sup> Reading – Ordinance 415-2010 Amending Chapter 5 Boats, Boat Trailers, Marine Facilities, and Waterways, Section 5-43 Elevator Lifts*

Attorney read by title only.

Commissioner DeNeale reviewed the spreadsheet provided by city staff showing the number and types of boat lifts approved by the commission during the past 5 years. He stated that boats are an important part of this community and suggested the commission set clear rules to ensure safety. He agreed with Commissioner Vorick that the size of the boat on the lift was an issue and this should be addressed by the commission. Commissioner DeNeale had provided written suggestions on revisions to Section 5-43 to improve the entire process for approval and installation of boat lifts and he reviewed those.

Commissioners agreed that Commissioner DeNeale offered some good ideas and that section of the code needed more review and amendment than was included in Ordinance 415-2010.

Ordinances and Resolutions – Ordinance 415-2010 – continued

Mayor Sutton suggested that in order to not delay any boat lift installations such as the one tabled at the last meeting, that this ordinance be approved and any other revisions be discussed at a future meeting. Commissioners agreed to approve the ordinance with one change: the 10,000 pound limit should be increased given that the average size of boats had increased since the code was first adopted. Attorney Wright confirmed this change could be included for 2<sup>nd</sup> Reading.

**Motion** – Moved by Commissioner Vorick, seconded by Vice-Mayor Zahn, to approve the 1<sup>st</sup> Reading of Ordinance 415-2010 amending Section 5-43 Elevator Lifts with the amendment to subsection (1) deleting references to the lifting capacity of 10,000 pounds and replace it with 16,000 pounds. Roll Call Vote: Unanimous approval.

9. Commissioners' Reports or Comments

Commissioner Schmidt invited the commissioners to her graduation ceremony from Leadership Monroe on Saturday night in Key West and said she had received several complaints from dog owners about fleas in Sunset and Gazebo Parks. Building Official Borysiewicz will follow up.

Commissioner Vorick asked that boat patrols be increased to enforce "No Wake" restrictions and he was assured that the FCAA meter replacement was at no charge to the city.

Commissioner DeNeale stated he also supported more boat patrols, especially from 7-8 am.

Vice-Mayor Zahn stated she is researching desalinization capability. FCAA does have desalinization plants in Key West and Marathon with enough capacity for emergency purposes only. These plants are very costly and require compliance with a lot of regulations. She will continue to research the issue. Relay for Life was a big success and the city's team raised over \$10,000. She thanked everyone who supported this effort and the Key Colony Community Association, Fishing & Boating Club, Inch Beach, and especially the GEMS for their assistance and support. Special thanks went to Helen Gessell and Marie DeGraw for their extraordinary efforts. Vice-Mayor Zahn announced that one of the GLEE Board members will match the \$25 membership fee for anyone wishing to join. More information is available on their website and she said this is a worthy organization.

10. City Attorney Report – Thomas D. Wright – No report.11. Correspondence & Citizen Comments

No correspondence.

Steve Flood asked about sight lines in city ordinances regarding boat lifts.

Commissioner DeNeale stated there were no specific regulations about sight lines. Vice-Mayor Zahn stated that in 5-43(10)d it states that one of the criteria the commission is to consider is the impact on sight lines of the adjoining neighbors.

Mr. Flood commented that this is a boating community and everyone should expect to see boats and lifts.

The meeting adjourned at 10:45 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.