

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, April 23, 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 Geraldine Zahn, Commissioner Jeff Vorick, Commissioner Mary Schmidt and Commissioner Seneca “Tucker” DeGraw. *Also Present:* Attorney Thomas Wright, Building Official Edward Borysiewicz, Police Chief Robert Petrick and City Clerk Vickie Bollinger. Public: 6

2. Approval of Minutes: Regular Meeting April 9, 2009
Approved as written.

3. Special Requests
KCB Community Association – Presentation of 2009 Hall of Fame Award
Commissioner DeGraw presented the Hall of Fame Award to the son of this year’s winner. Anita Forberg was given the award in appreciation for her work for the city, including her service on the Beautification Committee and Code Enforcement Board. Her son, Andrew Forberg, accepted the award for her and thanked the Community Association for the honor on behalf of his mother.

KCB Par 3 Golf Course – Request to Hold Tournament on June 6, 2009
Mayor Sutton stated Golf Course Manager Mary Spano had requested approval to hold a golf tournament on June 6, 2009. Commissioners approved this request.

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 – City clerk reported for Chair Danaher that the committee reviewed a variance request that would be coming to the commission for hearing on May 28, 2009. Attorney Wright stated that a 4/5 majority of the commission would be needed to approve the variance. He requested that any commissioner who could not attend the May 28 meeting to notify the city clerk. The hearing could be rescheduled.

 - E. Utility Board – No report.

 - F. Police Department – Chief Petrick presented a certificate of recognition and appreciation to Chet and Hope Dunn for their watchfulness and assistance to stop a burglary in progress. As a result of their action arrests were made.
Commissioner Vorick reminded everyone that people under 16 years old are required to wear a bicycle helmet when riding and he asked the Chief to help ensure the safety of the kids in our city.

Committee And Staff Reports – Police Department – continued

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

- Public Works have painted the parking stripe at the north end of the Causeway and are working on striping throughout the city.
- He has been very busy with the renovations of the Circle K, stormwater project, and sewer inspections. He met with the Utility Board and developed specifications to be used in testing the sewer pipes. Copies are available at city hall.
- Business Tax inspections for rental units will include enforcement of storage unit rules and regulations. Owners were notified last year of illegal storage units and they must be removed to pass inspection. Commissioners discussed the storage units and directed Building Official Borysiewicz that storage units in legal structures such as garages and screen rooms are allowed. Also storage units in a carport are permitted provided they are secured. If complaints are received about storage units they will be handled on an individual basis.

H. City Secretary-Treasurer – Commissioner Vorick stated the March Financial Statements are available for review and the city's financial condition was good.

I. City Clerk – City Clerk reported:

Email project – She had contacted Marco Gransee who created and maintains our website for free. She stated that he will add an option on the website so individuals can add or remove their email address from the list. When a document is ready to be sent, the email list will be downloaded. Marco will provide detailed instructions on how to do this in the next week or two.

She reminded commissioners that committee members needed for the Code Board, Utility Board, and that the Recreation Committee would like to add a tennis player.

Comp Plan CIP – The Notice of Intent to approve our Capital Improvement Plan has been received. The approval will be final by mid May.

False Fire Alarm revenues – Marathon Assistant Fire Marshall Adam Geaneas asked for a copy of the False Fire Alarm ordinance. His next question was what will be done with the funds collected. Commissioners and Attorney Wright discussed the options and agreed that this was not a revenue producing item. However, if the amount of revenue generated became significant, they would address this issue at that time.

5. Unfinished BusinessScheduling Future Meetings – Mayor Sutton

Mayor Sutton stated the rescheduling of meetings had been discussed with Attorney Wright who advised that the commission can reschedule or combine meetings by vote. Mayor Sutton recommended the August 13 and November 26 meetings be rescheduled and the December 24 meeting be combined with the January 14, 2010 meeting.

Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Zahn, to reschedule the following meetings: August 13 to August 11; November 26 to November 24 and to combine the December 24 meeting with the January 14, 2010 meeting. Roll Call Vote: Unanimous approval.

Purchase of Property with Boat Ramp and Docks on Coral Lane – Mayor Sutton

Mayor Sutton stated Attorney Wright is recused due to his partial ownership of the property. He stated he had spoken with Brian Schmidt who declined to pay for grant writing fees. He also had discussions with Marathon Mayor Cinque and City Manager Burnett about annexing the property.

Unfinished Business – Purchase of Property - continued

The Mayor said that Mr. Schmidt had called to say the property owners were in discussion with Marathon to develop the property themselves. There are still several issues and time is short. Mayor Sutton stated it appeared the grant opportunity and purchase are dead issues.

Chet Dunn and Bill Danaher spoke in favor of continuing to purchase the property. They agreed that this is a good opportunity, the property would be an asset to the city, and that in hindsight all will agree it was the right thing to do.

Commissioners agreed there were too many issues to be resolved in the time frame available.

6. Items of Discussion/ApprovalVacation Rental Property Manager/Local Contact Classes – Mayor Sutton

Mayor Sutton stated the city had received requests that the renewal for property managers and local contacts be handled without having to come to the city. Commissioners, Attorney Wright, staff and public discussed/commented:

- Rental Liaison Committee (RLC) could be asked to review this request. They are the ones who recommended the classes be held.
- Classes have been held every month this year, except February and are scheduled through July. More classes will be scheduled this fall.
- Since this ordinance was passed and program started, there have been fewer complaints from residents.
- RLC did an excellent job and the ordinance is good. Problems have been solved. It's working; don't weaken the program.
- Owners have been discussing the class with each other. Communication is encouraged. The class can be dry. Quiz may be a good way to be sure material is understood.
- The ordinance requires them to come to a class. It is a cost of doing business. Owners should comply.
- RLC had representative from all interests – businesses, rental agents, condo managers, owners who rent, residents who live here. Two years is appropriate to update everyone on rules, changes to program, and any "hot spot" items. A quiz could also be given. The RLC could be convened to discuss the options.
- The Certificate of Completion is only needed for Vacation rentals not Long-term.
- All owners who wish to rent should follow rules as they exist.
- Additional classes will be added as needed later this year.

Commissioners agreed to keep the program as it is. No changes will be made at this time.

7th Street Annex Lease Renewals – Mayor Sutton

Mayor Sutton stated the lease extensions for the businesses at the 7th Street Annex would expire on June 1. Commissioners agreed that no changes need to be made to the provisions and to extend the leases another year.

Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Zahn, to authorize the Mayor to sign a one-year lease extension for the 7th Street Hair Salon and Key Colony Beach Realty. Roll Call Vote: Unanimous approval.

Summer Youth Employment Program – Commissioner Schmidt

Commissioner Schmidt stated she found a program that would reimburse the city if we hire youths and pay them between \$8-\$10 per hour. She suggested they may perform outside labor or possibly help with computer technology in the office. Commissioners expressed some concern about having them work in the office, but supported them doing other tasks. Commissioner Schmidt is awaiting more information and will ask about insurance for the workers. This issue will be put back on the agenda when the information is received.

Agreement with Jordan & Associates for CDBG Grant Administration – Mayor Sutton

Mayor Sutton explained that Jordan & Associates had written the CDBG grant application and has been providing administrative support. The city did not pay for the application, but agreed to allow Jordan & Associates to administer the grant if the city was awarded the grant. The administrative costs will be paid from the grant. The Agreement requires commission approval even though the city verbally agreed to this at the time the grant application was written. Attorney Wright stated he had reviewed the contract and had no objection to the legal terminology; it appeared to be a standard contract.

Motion – Moved by Vice-Mayor Zahn, seconded by Commissioner DeGraw, to approve the agreement with Jordan & Associates and authorize the mayor to sign for the city. Roll Call Vote: Unanimous approval.

7. City Administrator Items For Discussion/Approval

Update on East Side Stormwater Project

Mayor Sutton reported: the pre-construction meeting was held on April 17, and construction should begin at the beginning of May. Owners wanting pipe instead of a swale must have their payments to the city by May 15.

Interlocal Agreement for Gas Taxes

Mayor Sutton stated it has been difficult to get agreement between the county and all the cities. Most cities prefer to keep the shared Constitutional Gas Tax as it is now, but the county has decided to end the interlocal agreement. The County is considering an additional gas tax of one to five cents and will share those funds based on population. If this proposal is adopted, KCB will receive about \$11,700 less in gas taxes than we do now. The city wrote a letter to the county requesting that the Constitutional Tax continue to be shared. The commission did not take a position on the addition tax.

Mayor Sutton stated he was going to write an email to all county commissioners expressing support for the continued sharing of the Constitutional Gas Tax, or at least finding a way to keep our cities' gas tax revenues at current levels. He said other commissioners may also want to write to the county about the reduction in gas tax revenues coming to our city.

Commissioners expressed concern about the proposed revenue reductions and directed the attorney to write a letter supporting the city's position. The Mayor suggested all communications be constructively written with a positive attitude.

8. Ordinances and Resolutions

2nd Reading – Ordinance 410-2009 Repealing Chapter 20 Coastal Code

Attorney read by title only Ordinance 410-2009.

Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Zahn, to adopt Ordinance 410-2009 Repealing Chapter 20 Coastal Code. Roll Call Vote: Unanimous approval.

9. Commissioners' Reports or Comments

Commissioner Vorick requested that Building Official Borysiewicz also check to see that garbins are in compliance with city rules when doing the Rental inspections this year. He stated that some residents are not happy with the \$50 per linear foot price for the stormwater project on the East side. He understands that the price on 9th and 10th Street was a mistake by the contractor, but he requested all commissioners think about how to fund future stormwater improvements. This will be discussed during the upcoming budget workshops. Commissioner Vorick commented on recent events with the school board and the need for fiscal responsibility.

Commissioners' Reports or Comments - continued

Commissioner Schmidt expressed concern that tourists may begin to haul large quantities of gas into the county if the gas tax is passed, thereby creating a safety issue.

Commissioner DeGraw stated the 7-Mile Bridge will be closed for repairs on April 27 and for the annual bridge run on April 25. He stated he had been contacted by residents about concerns over the cost of repairs after the sewer inspections. Residents had asked him if the city could develop a program with a local bank to offer some kind of financing. Commissioners and Attorney commented that at this time only an inspection is required and that does not have to be completed until June 30, 2011, giving owners time to identify problems. Time will be allowed for owners to make repairs, if necessary. At this time the commission agreed city involved financing would not be pursued.

Commissioner Zahn confirmed that information was available in city hall office about the inspection and only the inspection must be completed by June 30, 2011. She also reported on a meeting for National Conversation on Climate Action discussing energy efficiency, waste reduction, clean water and other environmental issues.

10. City Attorney Report – Thomas D. Wright

Attorney Wright reported that there had been a ruling in the lawsuit involving business taxes for attorneys that excludes the city from the case.

11. Correspondence & Citizen Comments

City clerk reported the following correspondence:

Email from Frank and Corinne Seidl, 160 13th Street, questioning the need for newer homes to have sewer inspections.

Email from Eric Peterson expressing disagreement with purchase of the property on Coral Lane due to traffic concerns, access to property, cost to repair the docks and ramp, possibility of using the existing 7th Street ramp.

Letter from Forgotten Felines, Inc. expressing displeasure at the city's position on feeding feral cats and stating that they would no longer trap cats in our city for free, will not feed on private property without owner's permission, and all calls would be directed to city hall.

Commissioners, Attorney, and public discussed the feeding of feral cats and problems created when that is done. Also, it was noted that the sewer inspections are required for all residences; there have been instances where connections have come apart in newly constructed homes.

The meeting adjourned at 11:15 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.