

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, May 27, 2010, 9:35 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 Variance Public Hearing. *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 May 13, 2010
Approved as written.

Mayor Sutton asked the commission if they would be willing to review a boat lift request that was not submitted prior to issuance of the agenda. He said the barge to install the pilings was in the city and that the contractor and owner said they were unaware this needed commission approval. Commissioners agreed to discuss it under Agenda Item 3 Special Requests.

3. Special Requests

Proclamation – Safe Boating Week May 22–28, 2010

Mayor Sutton stated that this is Safe Boating Week. All commissioners expressed support for efforts to promote safe boating in our community.

Motion – Moved by Vice-Mayor Zahn, seconded by Commissioner Schmidt, to proclaim May 22-28, 2010 as Safe Boating Week in our city. Roll Call Vote: Unanimous approval.

Boat Lift – 13,000 Pound Cradle Lift – 820 Shelter Bay Drive, Peter Donnelly, Owner

Mayor Sutton stated that Peter Donnelly wanted to install a 13,000 pound boat lift and has submitted DEP and ACOE permits and comments from one neighbor. Building Official Borysiewicz said that the cradle lift will be installed on the 7th Street side of the property and all lifts on 7th Street require commission approval.

Peter Donnelly stated he did not know the code required commission approval. He said if he had known he would have submitted his request in a timely manner. He said he had a statement from the neighbor on the 7th Street side of his property which is the neighbor most effected and they have no objection. The neighbor on the Shelter Bay side gave a verbal approval, but he did not have that in writing.

Motion – Moved by Commissioner Schmidt, seconded by Commissioner Vorick, to approve installation of a 13,000 pound cradle lift at 820 Shelter Bay Drive, Peter Donnelly, owner. Roll Call Vote: Unanimous approval.

4. Committee and Staff Reports

A. Recreation Committee – No report.

B. Beautification Committee – No report.

C. Disaster Preparedness Committee – Building Official Borysiewicz stated the Disaster Preparedness Committee met last week and have been updating their supplies. He said he met with county official yesterday about use of the auditorium as a Refuge of Last Resort.

Committee And Staff Reports – Disaster Preparedness Committee – continued

He clarified the auditorium will only be used if citizens were caught out in the storm and could not reach a hurricane shelter. He asked for direction regarding when the generator should be brought to city hall. Commissioners agreed that the generator should stay in the public works building under protection until after the storm has passed.

D. Planning & Zoning Committee – Chair Danaher stated the committee met and 1)heard a variance request for a seawall on 5th Street that was later withdrawn; 2)heard a side setback variance request for a screen room that will come to the commission next month; and 3)agreed that the tenants of the shopping center would need a variance to replace the lighted sign that had been destroyed. The sign was a combination sign: The top part of the sign would identify the shopping center and the bottom part of the sign would be a directory sign listing the names of the individual businesses.

Mayor Sutton stated that lighted signs are not allowed per city code and that he had heard comments that supported compliance to the code.

E. Utility Board – Mayor Sutton stated that the Utility Board asked that the bid package for repairs be changed to more specifically address sewer issues. He said he is waiting for the Board to complete the revision.

F. Police Department – Chief Petrick reported:

- A bike was found at the entrance; they are waiting for someone to claim it.
- A boat trailer was impounded until the owner could produce proof of ownership.
- There was an attempted “egging” on 12th Street, which has happened in the past at this time of year. Officers will be watching for juveniles.
- Police officers are prepared for Memorial Day.
- Kid’s Fishing Derby is June 15. The last organizational meeting is June 2.

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

- Properties were brought into landscape compliance per Code Board direction.
- Vacant lots in Coury 2 subdivision were mowed. Any overgrown properties will be issued a violation notice.
- Public Works has been trimming landscaping in preparation for summer storms and are working at the corner of Clara and Coral to improve visibility of the stop sign.
- No permits for new construction have been issued, but renovations continue.

H. City Secretary-Treasurer – Commissioner Vorick stated the first Budget Workshop will be held on June 7, 2010 at 9:30 a.m.

I. City Clerk – *Agreement with Monroe County for 2011 Election*

City clerk stated the agreement for the 2011 elections was the same as previous few years. She requested approval of the agreement and authorization to sign for the city.

Motion – Moved by Vice-Mayor Zahn, seconded by Commissioner DeNeale, to approve the Municipality Election Services Agreement with the Monroe County Supervisor of Elections and authorize the city clerk to sign for the city. Roll Call Vote: Unanimous approval.

City clerk asked for direction from the commission on collecting the stormwater utility assessment for those that have not yet paid. Three invoices have been sent with late fees added on the last one.

Committee And Staff Reports – City Clerk – continued

Commissioners agreed that a fourth invoice should be sent and should include another \$10 late fee plus a statement that a lien will be filed on the property if not paid within 30 days. City Clerk requested approval to send three boxes of Building Department files out to be digitized at a cost of \$1,500. This project was budgeted for \$30,000. This sample will allow the city to get a better idea of what it will cost to do all Building Department records and allow Building Official Borysiewicz a chance to evaluate the software to retrieve and view the records. This has been a difficult project to find interested vendors.

Commissioners expressed concern that the original records would be sent without copies, but agreed the duplication would be additional costs. The records in this sample will be from the 1960s and 1970s, not records that are currently being searched for open permits.

Motion – Moved by Mayor Sutton, seconded by Vice-Mayor Zahn, to approve sending a sample of the Building Department records to MCCi for archiving at an estimated cost of \$1,500. Roll Call Vote: Unanimous approval.

5. Unfinished BusinessCity Code Section 5-43 Elevator Lifts

Commissioner DeNeale reviewed his suggested changes for each section:

Section 1 – Include a limit on the size of a lift at 20,000 pounds. This gives clear direction on what size lift will be allowed. He said lifts greater than 20,000 were too big to be allowed in the canals for navigation and aesthetic purposes. Commission approval would still be required on lifts greater than 16,000 pounds. He said the commission has never denied a lift and once installed there has never been a complaint. He suggested the city administrator could be given authority to approve lifts similar to what is being done for sheds.

Commissioners discussed that navigation and aesthetic issues could be discussed anytime a lift greater than 16,000 pounds came to the commission for approval and that if the commission did not discuss them, citizens would not have an opportunity to provide input. It was agreed not to include a limit on the size of elevator boat lifts.

Section 2 – Commissioner DeNeale suggested that instead of using fork length from the seawall or dock, it would be better to state that the lift could not extend any further into the canal than 20% of the width of the canal. This method does not deal with length of forks at all and ensures 60 feet of navigable room in the canal.

Commissioner discussed that 20% of canal width may be too much, need to maintain room for navigation, history of boat lifts and how they have gotten bigger as boat size has increased. Commissioners agreed that 12 feet was reasonable for the fork length and the code should be changed to reflect this.

Section 3 – Commissioner DeNeale stated that waiting for the forks to submerge when returning to dock was an issue; boaters had to wait in the middle of the canals. He suggested allowing forks to stay submerged as long as a buoy was on the end. He said that is what is happening now.

Commissioners discussed that several years ago the code allowed this but was changed. They acknowledged that this is happening and agreed to change the code to allow the forks to stay submerged as long as a buoy was attached.

Section 10 – Commissioner DeNeale suggested deleting this section.

Attorney Wright stated this section was added to give the commission criteria for approval and provide a forum for citizens to speak. Without criteria, any decision may appear arbitrary and present a problem if challenged in court. He advised that some criteria should be stated in the code, but the commission can change the criteria if they wanted.

Unfinished Business – Elevator Boat Lifts - continued

Commissioners, Attorney Wright, staff, and public discussed the four criteria and decided to keep three of the four criteria with a change to one. The criteria will be amended to include neighbor input, visual impact on neighboring properties, and navigation safety.

Commissioners directed the city clerk and Attorney Wright to prepare an ordinance for the next meeting. Commissioners agreed to include a statement in the code that boats and boat lifts must be contained within the property lines. Commissioner DeNeale suggested the Building Official develop a checklist regarding boat lift installation to review with applicants.

Bid Documents for Emergency Repairs

Mayor Sutton suggested that this item be discussed after the Utility Board submits their revised bid document. Commissioners agreed.

Agreements with Tennis Instructors for Use of City Courts

Mayor Sutton stated the Recreation Committee asked the commission to address instructors giving tennis lessons on the city courts. Commissioners agreed that a basic agreement should be developed for anyone wanting to give lessons or use recreational facilities for business purposes. The business should also supply a hold harmless agreement, certification of insurance, and pay a fee similar to when citizens use other city facilities. Commissioners agreed the charge should be \$10 per hour and the Recreation Committee should be asked for input regarding hours or days of use. Commissioner DeNeale suggested adding another rule to the sign stating that play is limited to one hour if others are waiting to use the court. City clerk was directed to draft the necessary documents.

6. Items of Discussion/Approval*Fire/EMS Services – Mayor Sutton*

Mayor Sutton suggested the commission make a plan to reach a resolution on Fire/EMS services for next year and into the future. He said there were three options: 1)contract with the City of Marathon, 2)contract with Monroe County, and 3)establish our own department. He said that Marathon had provided a spreadsheet that showed a possible increase to the city of \$283,000 and that their city manager was directed to contact the city to begin negotiations. He asked if the commission wanted him to negotiate and report back or if the commission wanted a joint meeting with the Marathon council. He said that Commissioner Schmidt had conversation with county employees regarding the county providing service to the city. The county would establish staff and equipment at the airport at their Trauma Star facility, but estimated costs are not available. He suggested that if the city pursued our own department, professional consultants would probably be needed to ensure we comply with all state codes. Mayor Sutton stated commissioners, staff, and public had been researching, providing input, and sharing ideas. He suggested the commission hold a workshop to explore all the options. Commissioners discussed possible dates for a workshop. Attorney Wright suggested that the commission recess the regular meeting for lunch and reconvene after lunch to discuss the Fire/EMS options. Commissioners agreed.

7. City Administrator Items For Discussion/Approval – None

8. Ordinances and Resolutions

Resolution 2010-03 Amending Personnel Policy

Attorney read by title only. Mayor Sutton stated Section 3.11 was for the Family and Medical Leave Act and pointed out it says that employees must use vacation leave first, then sick leave and then unpaid leave. Commissioner discussed use of sick leave first, this would not be abused, and importance to protect taxpayers from unnecessary employee costs. They agreed to accept Section 3.11 as drafted.

Commissioner Schmidt expressed concern that Section 3.12 was not detailed and defined sufficiently. She suggested that “emergency” should be defined and that too many employees were required to stay in the city, especially if they are being paid double time. Commissioners discussed that double time was only for storm-related work and that this section should state it is for “storm-related” emergencies, not for disasters such as the possible oil spill. They agreed this section should apply only after the governor declares a state of emergency. Evacuation guidelines were discussed and when employees should be required to report for work.

Motion – Moved by Vice-Mayor Zahn, seconded by Commissioner Vorick, to approve Resolution 2010-03 amending the Personnel Policy with the following amendments: Section 3-12a. shall read “After the governor declares a storm-related state of emergency, the City Administrator shall determine when city offices will close and reopen.” And Section 3.12b shall begin “Employees in the following positions will be required to stay in the city during all storm-related emergencies.....” Roll Call Vote: 4 yes: Sutton, Zahn, Vorick, DeNeale; 1 no: Schmidt. Motion passed.

9. Commissioners’ Reports or Comments

Commissioner DeNeale stated that everyone in the city is extremely concerned about the oil spill. He said that if a tropical storm would hit, the oil spill would be blown onto the shore and could create a toxic situation.

Vice-Mayor Zahn stated she attended a meeting where the Coast Guard and a BP representative gave an update on the location of the spill and efforts to contain it. She said they reported that the oil sheen and tar balls are in the loop, they are hoping the winds will keep it to the west, and the biggest threat to the Keys was tar balls. The local BP representative can be reached by calling 630-414-5415.

10. City Attorney Report – Thomas D. Wright – No report.

11. Correspondence & Citizen Comments - None

The meeting recessed at 12:05 p.m. with agreement to reconvene at 1:30 p.m.

Mayor Sutton reconvened the meeting at 1:30 p.m. *Present:* Mayor Ron Sutton, Vice-Mayor Geraldine Zahn, Commissioner Jeff Vorick, Commissioner Mary Schmidt and Commissioner John DeNeale. *Also Present:* Police Chief Robert Petrick and City Clerk Vickie Bollinger. Public: 0

Mayor Sutton suggested the commissioners share information and research and decide on a plan to secure Fire/EMS services for the city. Commissioners commented/discussed:

- Negotiating a contract with Marathon would benefit both cities.
- Marathon taxpayers would see a big increase in taxes if KCB did not use their Fire/EMS services.

Fire/EMS Services - continued

- Spreadsheet received from Marathon was difficult to follow regarding administrative expenses. It is hoped the spreadsheet is a starting point for discussion.
- There are other measures to use to divide costs, other than Just Value which has been used to date, such as number of calls, population, households, developed land acres, housing units, square miles, taxable units.
- A few years ago it was determined that it would cost about \$700,000 to have our own department and the Marathon spreadsheet shows a cost to KCB of \$667,000.
- For KCB this is a service contract; we have no vote, no ownership, no input into budgets or policy.
- We need to discuss the spreadsheet with Marathon to be sure we understand the numbers and need to talk to professionals to get an idea of the cost to have our own department.
- Lots of used equipment is available and advertised on the internet.
- Clyde Burnett met with Mayor Sutton and Attorney Wright to review the history of the current agreement and Mr. Burnett provided an estimate of costs for our own department.
- There was discussion about the number of firefighters and EMT/paramedics required for our own department, use of mutual aid, cross-training opportunities for our police officers, costs and time required to complete cross-training.
- There are local resources available to discuss and learn from – retired firefighters from the Keys and other states.
- In a meeting with Commissioner Schmidt, Monroe County expressed an interest in discussing providing service to the city from the Trauma-star facility at the airport. The county would provide staff and equipment. Costs are not available, but the city could request an estimate. This may provide incentive for Marathon to be flexible.
- Costs of fire/EMS service to the county are higher than what the city pays now. The city would want a long term agreement to try to prevent large increases from the county in future years.
- Marathon contracts with the Sheriff's Office for police services and they do not pay for capital costs, only for services.
- It is in the city's best interest to keep this from being a political issue every year.
- All options should be pursued at this point and commissioners should share the workload.

Commissioners agreed that Commissioner DeNeale will contact the Marathon administrator to discuss their spreadsheet and other measures that could be used to determine the amount KCB pays for fire/EMS services; Commissioner Schmidt will contact Monroe County and ask for cost estimates for their fire/EMS services; and Mayor Sutton will contact local retired firefighters and research possible consultants to get information about starting our own department.

The meeting adjourned at 3:00 p.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.