

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, May 28, 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 Seneca “Tucker” DeGraw and Commissioner Mary Schmidt. *Also Present:* Attorney Thomas Wright, Building Official Edward Borysiewicz, Police Chief Robert Petrick and City Clerk Vickie Bollinger. Public: 8
2. Approval of Minutes: Regular Meeting May 14, 2009
Approved as written.
3. Committee and Staff Reports
 - A. Recreation Committee – Mayor Sutton stated that he had further discussions with the committee and the tennis court wind screens will not be installed until November.
 - B. Beautification Committee – No report.
 - C. Disaster Preparedness Committee – Building Official Borysiewicz stated the committee is ordering supplies and will test the generator in the next week or two.
 - D. Planning & Zoning Committee – City Clerk reported for Chair Danaher that the committee had reviewed a variance request which will come before the commission on June 25, 2009.
 - E. Utility Board – *Alternative Energy for the Treatment Plant*
Mayor Sutton stated the Utility Board has noticed increases in the electric bills and asked the commission to research the possibility of installing an alternative energy source such as solar or wind power for the treatment plant. The commissioners had many questions and agreed to investigate the process for solar or wind energy, the costs, and funding sources such as grants. Commissioner Schmidt volunteered to assist the Utility Board doing research to help in this effort.

Service Contract with Zenon
Mayor Sutton stated the Utility Board had reviewed the service contract renewal with Zenon and recommended approval. The increase over the current contract is \$116. Attorney Wright stated this was a contract for professional services, did not require a bid, and was a single source item. He stated he had reviewed the contract and saw no legal problems.
Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Zahn, to approve the service contract with Zenon for the sewer treatment plant at a cost of \$19,322 and authorized the Mayor to sign for the city. Roll Call Vote: Unanimous approval.
 - F. Police Department – Chief Petrick stated it was an uneventful Memorial Day weekend with no major problems.
Mary Spano, golf course manager, thanked the Chief and officers for their extra night patrols; the vandalism had stopped.

Committee And Staff Reports – continuedG. Building Department/Public Works – *Gazebos and Other Temporary Structures*

Building Official Borysiewicz reported:

- Turtle tracks had been found at two residences: one on West Ocean and the other on Vaca Cut. They will look for nests and cordon off the area.
- A permit was issued for a single family home on 1st Street.

Building Official Borysiewicz stated that in the past when a gazebo or other temporary structure was found in the city, the owner was required to apply for a variance or remove it. Currently there are several of these structures in the city and the Building Official asked for commission guidance on code enforcement. The owner of the temporary shade structure at the Marina stated he would apply for a permit, but no action has been taken so code enforcement procedures will be started. The gazebo at the corner of 3rd Street blew down in the last storm, but others are still standing.

Commissioners, Attorney and Building Official discussed/commented:

- Everyone wants the city to look good, but government regulation should be limited.
- Structures are allowed if they are engineered, have a building permit, and are not in the setbacks. The problem is with temporary structures, like the canvas covered poles or gazebos which are often in the setbacks.
- Codes are confusing when looking for a definition of a structure.
- Attorney Wright advised that the commission can review the LDR, but currently temporary structures are not allowed. The LDR cannot be amended by the ordinance process; have to use the LDR process.
- Maintaining aesthetic appearance of the city is important, but some residences have limited storage space, especially for yard tools, equipment, and chemicals.
- Safety was important, especially during storm season.
- Engineered structures are allowed, including dockside shelters like tiki huts.

Commissioners unanimously agreed that the current restrictions against temporary gazebos (or similar structures) be enforced in compliance with the LDR.

H. City Secretary-Treasurer – Commissioner Vorick stated the city was in good financial shape. He reported the Budget Workshop had been rescheduled to Thursday, June 18, 2009 at 9:30 am.

I. City Clerk – City clerk stated reimbursements from FEMA for 2008 storms had been received and the resulting cost to the city will be just under \$8,000. She reported on comments and suggestions from the property manager/local contact class that motor homes be not permitted in the city, enforcement of codes be equal for renters and owners, and changes to documents to provide more information. As for the email project, the clerk reported that Mr. Gransee has been working and it should be available soon.

Attorney Wright stated that for the record code enforcement has been applied equally for renters and owners. Building Official Borysiewicz stated concerns have arisen because all rental units must be inspected annually and code infractions are identified, whereas an owner does not have an inspection and often code violations are caught only when a complaint is made. Attorney Wright stated that rules are sometimes different for owners and renters such as for occupancy. This is not an enforcement issue.

In response to a question, city clerk stated that these issues were brought up at the property manager classes and she told the class that their concerns would be shared with the commissioners.

4. Unfinished Business

Storage Unit Rules and Regulations – Draft Ordinance – Mayor Sutton

Mayor Sutton stated that Attorney Wright, Building Official Borysiewicz and he had developed a draft of an ordinance regarding storage units. The Mayor read portions of the proposed ordinance and then the commissioners commented/discussed:

- Current regulations require storage units to match the existing structure, but that is not required in this proposed ordinance.
- All storage units would have to be maintained; not allowed to become unsightly.
- Administrative variances are easy and inexpensive, allow owners to have storage units, include acknowledgement of neighbors.
- Different sizes and the number of storage units were discussed.
- The code needs to be clear and enforcement needs to be given clear directions.

Commissioner Schmidt asked for more time to study the issue and all agreed to put it on the agenda for the next meeting. Building Official Borysiewicz reminded the commissioners that some of these storage units are attached to fences and are in the setbacks. He said that owners have landscaped along their residences and will have to remove landscaping to move the storage unit to anchor it to the wall. The proposed ordinance does not allow for units to be in the setback. If an owner wants a storage unit in the setback, a regular variance is required and variances cost \$700 to process.

Jim Pettorini, 3rd Street, stated he moved to the Keys to avoid so many government regulations and fees. He said he had a shed which was in violation and there are violations everywhere. He stated the commissioners are to serve the public interest; and there are too many laws and rules.

Mayor Sutton explained that this ordinance was proposed not to increase the regulations, but to allow some storage units.

It is important to maintain our community standards. That is the reason many people come to Key Colony Beach. We have a well maintained city and enjoy a high standard of living.

5. Items of Discussion/Approval

Golf Course Closure August 17-30, 2009 for Major Repairs – Mayor Sutton.

Mayor Sutton stated that Mary Spano, golf course manager, requested permission to close the golf course in accordance with the lease agreement for repairs for two weeks from August 17 to August 30. Ms. Spano's request stated that these two weeks would be the least disruptive for golfers. Commissioners agreed to this request.

Edward Byrne Justice Assistance Grant Distribution – Mayor Sutton

Mayor Sutton stated the county has requested the city provide a letter agreeing to the distribution of this grant and reporting how the city will spend its share of the funds, which totals \$5,864.60.

Motion – Moved by Commissioner Vorick, seconded by Commissioner Schmidt, to approve the distribution of the funds from the Edward Byrne Justice Assistance Grant and authorizing the Mayor to sign for the city. Roll Call Vote: Unanimous approval.

Authority of Commissioners to Act on City's Behalf – Commissioner Schmidt

Commissioner Schmidt stated she had brought up the summer youth work program and had been criticized. She said: commissioners are allowed to research and investigate issues on behalf of the city, commissions are not to just be bubbleheads, she knows she cannot sign contracts for the city, and the city administrator is limited in what he is authorized to do. She stated she will continue to work and do research.

Items of Discussion/Approval – Authority of Commissioners – continued

Mayor Sutton stated he had called Commissioner Schmidt as a courtesy to a new commissioner. He said he realized he had upset Commissioner Schmidt and apologized for that, but he was just trying to be sure she understood commission procedures. He stated Commissioner Schmidt told him on the phone that she did not sign any contracts. The Mayor said he was just trying to share information, not to criticize.

All commissioners agreed they all work for the best of the citizens. Commissioner DeGraw suggested a workshop led by Attorney Wright to discuss commissioner duties, authority, and the Sunshine Laws. All commissioners agreed they would attend if the workshop was held, but felt that these issues would be discussed at the conference in August. Attorney Wright stated: he would be happy to do the workshop, to his knowledge commissioners were following the Sunshine Laws, and all this may have just been a misunderstanding.

6. City Administrator Items For Discussion/Approval

Update on East Side Stormwater Project

Mayor Sutton reported all 7 injection wells were started and 3 had been completed. Installation of the well structures would begin Monday. Swale work would continue. The contractor hoped to do one street at a time, but delays in pipe delivery resulted in changes to the work schedule.

Update on Gas Tax Sharing with Monroe County

Mayor Sutton stated the county commission had voted to increase the gas tax by three cents, resulting in a reduction of revenues to the city of \$22,312. To compensate for the reduction, the county has provided this supplemental agreement. The county has asked for city approval of the agreement which the county commission will discuss in June. Mayor Sutton stated there are no guarantees the county will approve the agreement. In response to questions, Mayor Sutton stated that he, other commissioners and Attorney Wright had sent letters to the county requesting the city receive no less revenue than the current year.

Attorney Wright stated that by approving the agreement the city agrees to accept all gas tax revenues the county will give.

Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Zahn, to approve the Supplemental Gas Tax Interlocal Agreement with Monroe County and authority the Mayor to sign for the city. Roll Call Vote: Unanimous approval.

Mayor Sutton stated that July 4th was a Saturday and it is a holiday for employees. The county will be closed on July 3 in celebration of the 4th. The city's personnel policy states that we will follow the county unless action is taken by the city commission. Commissioners agreed to follow the county.

Motion – Moved by Vice-Mayor Zahn, seconded by Commissioner Schmidt, to close city hall on Friday, July 3. Roll Call Vote: Unanimous approval.

7. Ordinances and Resolutions - None

8. Commissioners' Reports or Comments

Commissioner DeGraw encouraged citizens to support the high school culinary class and said that the turnpike in Miami-Dade County would be closed the night of June 2 and the 18-mile stretch would be closed at night May 27-31. There will be no tolls on Card Sound Road. Commissioner Vorick requested a temporary sign about illegal fireworks be posted in the city before the July 4 holiday in an attempt to deter problems. Chief Petrick and Building Official Borysiewicz will follow-up.

Commissioners' Reports or Comments - continued

Commissioner Schmidt suggested the Byrne grant be used to install cameras on the canals to try to decrease the number of thefts. Chief Petrick stated he has a camera system that he may be able to use for that purpose and that the grant money will be used for an in-car video system at a cost of \$4,400. The city only has one working video system and another one is needed. He will be considering all suggestions for use of the grant.

Vice-Mayor Zahn stated she was also in favor of less government and will work in that direction.

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

10. Correspondence & Citizen Comments - None

The meeting adjourned at 11:05 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.