

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, July 9, 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:* Building Official Edward Borysiewicz, Police Chief Robert Petrick and City Clerk Vickie Bollinger. *Excused:* Attorney Thomas Wright. Public: 4

2. Approval of Minutes: Variance Hearing June 25, 2009
Regular Meeting June 25, 2009

Approved as written.

3. Special Requests

*Increase in Sales Tax for Wastewater and Stormwater – Presentation by Monroe County
Mayor George Neugent*

Mayor Sutton introduced County Mayor Neugent and Commissioner Mario DiGennaro who gave a presentation regarding a proposed one cent increase in the sales tax.

County Mayor Neugent complimented the developer and commissions of the city on their foresight on building the wastewater system years ago and the government of this city. He stated he did not like raising taxes especially in this economy, but unincorporated Monroe County is required to build wastewater treatment facilities. Although federal and state legislatures have authorized funding, there have been no appropriations to help pay for these systems that will cost about one billion dollars to construct. Without some other funding sources, citizens will be required to pay about \$25,000 per residence plus \$100 per month.

Mayor Neugent stated the county is proposing a one cent increase in the sales tax to help fund these projects. This increase must be approved by the voters through a referendum. If approved by the voters, the city will receive about \$200,000 per year. All proceeds of this increase must be used for wastewater, stormwater or reuse water projects. The county has the support of the state Senate, House, Governor, DEP and DCA. He asked the commission for their support of the referendum.

County Commissioner DiGennaro stated he was a resident of this city and proud to be a part of it. He said he was an anti-tax person, but the county has few options. He said he would not support this tax increase if it were by vote of the county commission; this should be a voter decision. He stated it was important to help the citizens pay for this project and take some of the cost burden off of them.

City commission, Mayor Neugent and Commissioner DiGennaro commented/discussed:

- Tourists would pay more than 50% of the sales tax increase. They have an impact and should help to pay the costs.
- Bonding is an expensive process and the county was looking for other avenues to maximize use of the available funds for actual construction, not other costs.
- County did not always make wastewater projects a priority, but is forced to now. The increase, if approved by voters, will only be used for wastewater, stormwater or reuse. County infrastructure money was used for fire stations, parks, and other things that were needed, but maybe wastewater should have been a higher priority.
- City should get more than \$200,000; we have done the right things.

Special Requests – Increase in Sales Tax - continued

- Mayor Neugent and Commissioner DiGennaro supported the city and recently made sure we received gas taxes at the same level as in the past.

All agreed to support the one cent increase and that there will need to be a big effort to educate the voters on this issue. The timeframe for the referendum is not yet determined.

Mayor Sutton directed that this item be placed on the next agenda for discussion.

Letter of Support for Florida Keys Area Health Education Center, Inc.

Mayor Sutton stated that the Area Health Education Center has requested a letter of support from the city for grant funding purposes. He said the classes have been successful and well attended and recommended the city support their efforts.

Motion – Moved by Commissioner Schmidt, seconded by Commissioner DeGraw, to authorize the Mayor to sign a letter of support for the Florida Keys Area Health Education Center, Inc. Roll Call Vote: Unanimous approval.

Boat Lift – 12,000 Pound Elevator Lift – 121 8th Street, Jose Salavarría, Owner

Building Official Borysiewicz stated Mr. Salavarría, owner of 121 8th Street, is requesting approval for a 12,000 pound elevator boat lift. The commission must approve all boat lifts over 10,000 pounds. He said the neighbors have no objection and the commission has approved many similar lifts in the past.

Motion – Moved by Vice-Mayor Zahn, seconded by Commissioner Schmidt, to approve the installation of a 12,000 Pound Elevator Boat Lift at 121 8th Street, Jose Salavarría, Owner. Roll Call Vote: Unanimous approval.

Boat Lift – 25,000 Pound 8-pile Lift – 861 12th Street, Dewey & Mary Broberg, Owners

Building Official Borysiewicz stated the Brobergs, owners of 861 12th Street, have a cut-in boat basin. The proposed lift is an 8-pile cradle lift that will fit in the boat basin. The boat will be in the same position as now, except out of the water. Two piles will extend five feet into the canal which is permitted by code. The lift is large at 25,000 pounds for a large boat. The neighbors have no objections. He acknowledged that the diagram shows the piles extending seven feet into the canal, but that they will only be five feet and will comply with city code.

Motion – Moved by Commissioner Schmidt, seconded by Commissioner DeGraw, to approve the installation of a 25,000 Pound 8-pile Boat Lift with piles extending no more than five feet into the canal at 861 12th Street, Dewey & Mary Broberg, Owners. 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 generator will be tested next week.

D. Planning & Zoning Committee – No report.

E. Utility Board – No report.

Committee And Staff Reports – continued

F. Police Department – Chief Petrick stated the July 4th weekend was typical with the usual fireworks and traffic issues.

City clerk will include fireworks laws in the property manager/local contact class and encourage them to inform their renters.

G. Building Department/Public Works – Building Official Borysiewicz reported: Public Works has been busy with landscape maintenance, Assistant to Building Official John Thomson has been recertified as a fire safety inspector, and two single-family homes are nearly complete and ready to receive their CO.

H. City Secretary-Treasurer – Commissioner Vorick stated the county has a big task of voter education to get approval of the proposed sales tax increase. All agreed.

I. City Clerk – City clerk stated the new email process developed a problem that has been fixed and business tax renewals have been mailed. In response to a question, she said that some email subscribers had not returned the confirmation email and must do that to receive the documents. She reminded the commissioners that the second budget workshop is Thursday, July 16 at 10 a.m. and the next regular commission meeting is Tuesday, July 21 at 9:30 a.m.

5. Unfinished Business - None

6. Items of Discussion/Approval

Stormwater Utility Ordinance Draft

Mayor Sutton stated the city needs to have funds available for future stormwater projects. It is important to improve water quality and meet state compliance requirements. He said the commission has discussed this in workshops and determined an ordinance was needed to establish the city's stormwater policy. He reported on a meeting he attended where funding opportunities were discussed. The first question was, "does your city collect user fees?" and if not, there was no funding available.

Commissioners discussed taking part of the \$50 per month sewer fee to use for stormwater, desire to keep the funding simple and at low levels, need to involve the Utility Board in the discussion, and need to review the Utility Board budget and finances to ensure adequate funds were in place for wastewater.

All commissioners agreed a joint workshop with the Utility Board was needed. The Mayor directed the city clerk to schedule the meeting. The ordinance was tabled until after the workshop was held.

Pedicab (bicycle taxi) Business Request

Mayor Sutton stated the city had received a request about operating a bicycle taxi service in the city. He expressed concern that due to the small size of our city there would not be enough business for the company, and that there were many safety concerns. He said that to have these on the streets would impede traffic flow and that they should not be on the pedestrian paths either. Many streets now have swales making it difficult for the taxis to move out of the road to let traffic pass. The Mayor said he had discussed this with Chief Petrick and Building Official Borysiewicz who had also expressed concerns for safety.

Commissioners all agreed that there would be substantial safety concerns and the taxis would impede traffic flow. There was consensus for Mayor Sutton to respond to the request stating the commission's position.

7. City Administrator Items For Discussion/Approval

Update on East Side Stormwater Project

Mayor Sutton reported all injection wells and catch basins were completed. The contractor continues to work on swales and driveways. He said there were two issues of concern. One, three water lines needed to be moved and DEP permits were needed. Two, a renter on 3rd Street had backed out of a driveway and into the swale claiming damage to the vehicle and injuries. This issue was turned over to the insurance company.

In response to questions, Building Official Borysiewicz stated that the wells will always have water in them. The water is a combination of salt water coming up from the ground and freshwater from rain. There should not be a problem with mosquitoes, but he will check the wells and take action if needed.

8. Ordinances and Resolutions

1st Reading – Ordinance 411-2009 Amending Chapter 6 Buildings, Adding Section 6-18 Sheds

Mayor Sutton read by title only Ordinance 411-2009.

Motion – Moved by Commissioner Vorick, seconded by Commissioner DeGraw, to approve the 1st Reading of Ordinance 411-2009 Amending Chapter 6 Buildings, Adding Section 6-18 Sheds. Roll Call Vote: Unanimous approval.

9. Commissioners' Reports or Comments

Commissioner Schmidt stated she felt the city had done the right thing with our sewer plant and the city should receive more than \$200,000 of the sales tax increase if approved. She said the city should continue to be the forerunner on issues, including alternative energy. She will continue to work on alternative energy sources and funding.

Commissioner Vorick asked Building Official Borysiewicz to check for water standing in the right of way near 510-520 10th Street.

Commissioner DeGraw reminded everyone of road construction and possible delays.

Vice-Mayor Zahn stated there would be free recycling for electronics on Saturday, July 11 in the parking lot of Gary's pub from 9 a.m. to noon.

Commissioners stated that cell phones can be given to organizations that provide them to military personnel overseas or domestic abuse shelters.

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

11. Correspondence & Citizen Comments - None

The meeting adjourned at 10:45 a.m.

Vickie L. Bollinger, City Clerk