

# MINUTES

## KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Tuesday, August 12, 2008, 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 Rusty Stevens, Commissioner Jeff Vorick, Commissioner Geraldine Zahn, Commissioner Seneca “Tucker” DeGraw. *Also Present:* Attorney Thomas Wright, Police Chief Robert Petrick, Building Official Edward Borysiewicz and City Clerk Vickie Bollinger. Public: 3
2. Approval of Minutes: Comprehensive Plan Public Hearing July 24, 2008  
Regular Meeting July 24, 2008  
Approved as written.
3. Committee and Staff Reports
  - A. Recreation Committee – No report.
  - B. Beautification Committee – *Plantings around the Gazebo*

Vice-Chair Marie Flood confirmed the commissioners had viewed the additional information regarding licensing, insurance, and references as requested at the July 10 meeting. She stated the committee recommended hiring Cristian’s Landscaping to redo the plantings around the gazebo. Commissioners discussed the cost of the plants, types of plants, and other options which might be less costly. Vice-Chair Flood stated the committee chose the plants for their draught tolerance, color, and other qualities suitable for planting around the gazebo.

**Motion** – Moved by Commissioner Vorick, seconded by Commissioner Zahn, to hire Cristian’s Landscaping to redo the planting around the Gazebo for a cost of \$2,700. Roll Call Vote: Unanimous approval.

Chair Flood stated the committee would meet later this morning and that the Beautification Award would be given to Tom and Karen Tucker.
  - C. Disaster Preparedness Committee – No report.
  - D. Planning & Zoning Committee – No report.
  - E. Utility Board – No report.
  - F. Police Department – Chief Petrick stated that overall, lobster mini-season went well with only one arrest for undersized lobster. There were also complaints about noise and trespassing. He reported that Officer Kyles Murphy is on leave and he will know by August 19 if he will be returning to work. In response to a question, Chief Petrick stated he will be updating the Vacation Watch Request form to ask more specifically who is allowed on the property.
  - G. Building Department/Public Works – Building Official Borysiewicz reported:
    - 5 new fire hydrants will be installed soon and prior to resurfacing of the Causeway.
    - Stormwater project is going well and keeping him busy.
    - 4 contractors have picked up bid packages for the Causeway resurfacing project.

Committee and Staff Reports – Building Department/Public Works - continued

- Monroe County Emergency Management and the National Hurricane Center have created an internet site to be used during teleconferences regarding storms. Pictures of storm paths and related data will enhance the information and understanding during storm events.
- Tiki Hut was constructed at Eastside Park – a donation by the contractor.
- Violation notices for mangrove trimming have been mailed and some for landscape maintenance are in process.
- Construction issues at the duplex at the corner of 10<sup>th</sup> Street and West Ocean continue. Attorney Wright stated there have been lots of calls and time getting the parties to understand that this is a civil issue to be resolved between them and it is not the city's responsibility.

H. City Secretary-Treasurer – Commissioner Vorick stated the city is in good financial shape.

I. City Clerk – *Hiring of Smith, Ortiz, Gomez and Buzzi, P.A. for Annual Audit*

City clerk stated commissioners were provided with the Engagement Letter for the annual audit. Cost of the next audit is the same as last year and modest increases were estimated for future years. In comparison to prior years, the audit would cost less, but other services needed to be considered such as year end processing of W-2 and 1099 forms and reports to the state and federal governments.

**Motion** – Moved by Commissioner DeGraw, seconded by Commissioner Zahn, to approve the Engagement Letter with Smith, Ortiz, Gomez and Buzzi, P.A. to complete the audit for the next three fiscal years and to authorize the mayor to sign for the city.  
Roll Call Vote: Unanimous approval.

4. Unfinished Business

*Repairs to Private Improvements in the City Right-of-Way – Commissioner*

Commissioner Vorick led a discussion that clarified the city's policy of repairing concrete and asphalt driveways in the right-of-way after doing utility work, but not replacing tile, brick or other surfaces. Attorney Wright stated that property owners need to understand when the city consents to allow them to make improvements to the right-of-way in front of their properties that the city must have access and that any repairs to the improvements will be at their expense. Owners of brick or tile driveways are given the same choice of repairs (concrete or asphalt) as all other owners.

5. Items of Discussion/Approval

*Amending Personnel Policy for Longevity Pay Program*

Mayor Sutton stated that the commission had established a longevity pay program, but did not provide rules to administer it. The proposal as discussed at the recent budget workshops is for a 5% (of base pay) lump sum payment at the end of every four years of service on the employee's anniversary date. Eligibility for payments would begin October 1, 2009. Years of service prior to October 1, 2005 would not be included and there would be no pro-rated payment at termination.

It was pointed out that employees hired prior to October 1, 2005 may receive the payment months after a newer employee due to a later anniversary date (someone hired August 10, 1998 will receive longevity pay on August 10, 2010 whereas someone hired December 2, 2005 will receive longevity pay on December 2, 2009). It was suggested that all employees with 4 or more years of service be given longevity pay on October 1, 2009.

*Items of Discussion/Approval - continued*

Commissioners agreed to approve the policy as originally proposed.

**Motion** – Moved by Commissioner Zahn, seconded by Commissioner DeGraw, to approve the rules for longevity pay as proposed. Roll Call Vote: Unanimous approval.

*Insurance Requirements for Renting City Hall Facilities*

Attorney Wright stated that Monroe County Health, an agency of the State of Florida, had requested use of city hall auditorium, but when the hold harmless agreement was returned parts had been crossed out stating the city would be held harmless in all respects and for all claims and liability. He advised that city insurance does not apply when the facility is used by another group and that the city has been sued recently (although the city was found not liable). Commissioners agreed that as much as they would like to be cooperative, especially with other government agencies, it would not be responsible to allow use of city facilities without insurance protection. The city clerk was directed to contact the agency and explain.

6. City Administrator Items For Discussion/Approval

*Hot Dog Stand at the Golf Tournament*

Mayor Sutton stated that Stan Haines had contacted him about bringing a hot dog stand into the city for use at a golf tournament. He said this has been done before and commissioners and attorney discussed liability issues. Mayor Sutton will follow-up regarding insurance coverage. If the city is covered, commissioners agreed to allow the hot dog stand.

*Construction of Tiki Hut at Eastside Park*

Mayor Sutton stated that he asked the contractor who built the Sunset Park tiki hut for an estimate to put a similar structure in Eastside Park. The cost estimate would be included in a possible grant. The contractor, Javier Hernandez, again agreed to erect the tiki hut at no cost to the city. Plaques will be placed in both tiki huts stating they were donated by Mr. Hernandez and a plaque will be given to him at the next opportunity. It is hoped commissioners and others will be present to show appreciation to Mr. Hernandez for his generous gift to our city.

*Stormwater Update on 9<sup>th</sup> and 10<sup>th</sup> Streets*

Mayor Sutton reported that work continues with the contractor and utility companies to complete this project: well structures are being placed in the ground, driveways are being paved, swales are being dug on 9<sup>th</sup> Street, and the second well is being drilled.

*Recreation Grant – Meeting with Grant Consultant Ryan Ruskay*

Mayor Sutton reported he met with Ryan Ruskay of RMPK Funding about applying for recreation grants. Mr. Ruskay explained that two grants are needed, one for Eastside Park and one for the 7<sup>th</sup> and 8<sup>th</sup> Street area. Each grant would be for \$50,000 and require no match. They could be used for tennis court resurfacing; bocce, horseshoe, and shuffleboard court repairs; golf course mats; basketball court resurfacing; floor in new tiki hut; walkways; landscaping; playground equipment; rock in the parking lot; among other things. Application deadline is September 30 and we would not know if we are awarded the grant until next spring. Cost to the city is \$3,000 per grant. If the grants are awarded that cost would be paid by the grant, otherwise the city would have to pay the cost. Mayor Sutton stated he was impressed with Mr. Ruskay and his record of getting grants for the city. Commissioners discussed the grant and possible uses and agreed to proceed.

**Motion** – Moved by Commissioner DeGraw, seconded by Vice-Mayor Stevens, to hire RMPK Funding to apply for two recreation grants at a cost of \$6,000. Roll Call Vote: Unanimous approval.

7. Ordinances and Resolutions

*2<sup>nd</sup> Reading Ordinance 402 – 2008 Amending Chapter 9 Business Taxes, Permits and Business Regulations, Section 9-21 Definitions*

Attorney read by title only Ordinance 402 – 2008 Amending Chapter 9.

**Motion** – Moved by Commissioner Zahn, seconded by Commissioner DeGraw, to adopt Ordinance 402 – 2008 Amending Chapter 9 Business Taxes, Permits and Business Regulations, Section 9-21 Definitions. Roll Call Vote: Unanimous approval.

*2<sup>nd</sup> Reading Ordinance 403 – 2008 Amending Chapter 5 Boats, Boat Trailers, Marine Facilities and Waterways*

Attorney read by title only Ordinance 403 – 2008 Amending Chapter 5. Mayor Sutton stated the only change is for the dates for the permanent boat trailer permit.

**Motion** – Moved by Commissioner Vorick, seconded by Commissioner DeGraw, to adopt Ordinance 403 – 2008 Amending Chapter 5 Boat, Boat Trailers, Marine Facilities and Waterways. Roll Call Vote: Unanimous approval.

*Resolution 2008-08 Amending Miscellaneous Fee Schedule*

Attorney read by title only Resolution 2008-08 and stated this amendment was necessary for the Fee Schedule to be consistent with the ordinance just passed.

**Motion** – Moved by Vice-Mayor Stevens, seconded by Commissioner Zahn, to adopt Resolution 2008-08 Amending the Miscellaneous Fee Schedule. Roll Call Vote: Unanimous approval.

8. Commissioners' Reports or Comments

Commissioner Zahn reported on a GLEE meeting and biodiesel summit where she reported on the city's progress with wastewater and stormwater issues. Although biodiesel does not affect our city, other cities reported its use at a great cost savings. She reported on other green projects such as the new FKEC offices in Tavernier.

Vice-Mayor Stevens stated there were two rental issues: one regarding noise and one for trespass as reported by Chief Petrick. He asked commissioners for input on erecting a flag pole at the city's entrance at an estimated cost of \$1,500. Installation could be done by the city and Public Works will maintain the pole and flags. Commissioners agreed it was a good idea, discussed different options for the pole (single pole or nautical), and asked that cost estimates be presented at the next commission meeting.

9. City Attorney Report – Thomas D. Wright - None

10. Correspondence & Citizen Comments

Correspondence - None.

Citizen Comments

In response to a question, Mayor Sutton stated that the grant for Eastside Park would include new walkways to the tiki hut.

The meeting adjourned at 10:40 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.