

# MINUTES

## KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, August 26, 2010, 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 and Commissioner John DeNeale. *Excused:* Commissioner Mary Schmidt. *Also Present:* Attorney Thomas Wright, Building Official Ed Borysiewicz and City Clerk Vickie Bollinger. *Excused:* Police Chief Robert Petrick. Public: 15
  
2. Approval of Minutes: Regular Meeting August 12, 2010  
Approved as written.
  
3. Special Requests  
*Boat Lift – 16,000 Pound Cradle Lift – 11 7<sup>th</sup> Street, Robert & Dina Tampa, Owners*  
Building Official Borysiewicz stated the owners of 11 7<sup>th</sup> Street wished to install a 16,000 pound cradle lift. Per city code commission approval is required. The permit will only be issued after ACOE and DEP permits are received. This lift is similar to other lifts approved throughout the city and on 7<sup>th</sup> Street.  
**Motion** – Moved by Commissioner Vorick, seconded by Vice-Mayor Zahn, to approve installation of a 16,000 pound cradle lift at 11 7<sup>th</sup> Street, Robert & Dina Tampa, Owners. Roll Call Vote: Unanimous approval.  
  
*Boat Lift – 24,000 Pound Cradle Lift – 285 14<sup>th</sup> Street, Gary L. Hein, Jr., Owner*  
Building Official Borysiewicz stated owner of 285 14<sup>th</sup> Street wished to install a 24,000 pound cradle lift. This property is at the end of 14<sup>th</sup> Street and is on Vaca Cut. There is an existing L-shaped dock with an elevator lift. The elevator lift will be removed and the proposed cradle lift installed. Per city code commission approval is required. This is similar to other lifts approved along Vaca Cut. Permits from ACOE and DEP have been received.  
**Motion** – Moved by Vice-Mayor Zahn, seconded by Commissioner Vorick, to approve installation of a 24,000 pound cradle lift at 285 14<sup>th</sup> Street, Gary L. Hein, Jr., 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 – No report.
  
  - D. Planning & Zoning Committee – *Appointment of New Members*  
Vice-Chair Marie Flood stated that Chair Bill Danaher resigned after 22 years of service to our city and thanked him for his many years of service to our city. She said that the current alternate member, John Curry, agreed to become a full member and Gail Cortelyou agreed to become the alternate member.  
Mayor Sutton stated that Ms. Cortelyou has resigned from the Code Enforcement Board. Current alternate member of the Code Board, Tom Moore, has agreed to become a full member of that Board. The Code Board still has one alternate member.

Committee and Staff Reports – Planning & Zoning Committee – continued

**Motion** – Moved by Commissioner Vorick, seconded by Commissioner DeNeale, to appoint John Curry as a full member and Gail Cortelyou as an alternate member of the Planning & Zoning Committee and Tom Moore as a full member of the Code Enforcement Board. Roll Call Vote: Unanimous approval.

Mayor Sutton presented Bill Danaher with a plaque recognizing his 22 years of service on the Planning & Zoning Committee and thanking him for his dedication to our city.

E. Utility Board – Chair Steve Flood reported the Board:

- Is researching replacing the dip tank and one or both screens.
- Agreed to create a list of contractors who are qualified to make emergency repairs. Information about each contractor's capabilities and insurance will be kept on file for reference when an emergency repair is needed.
- Is working to create ordinances that provide specifications about excavating, compaction, and repair of roads.
- Reported about 133 sewer lateral inspections have been received.
- Received a proposal from FKAA about operating the sewer plant. The cost was a little higher than current costs. The proposal will be kept on file for future reference when the current contract expires.
- Continues to budget for asset replacement and has \$489,000 in reserves.

F. Police Department – No report.

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

- All trees and grass have been fertilized.
- A new dumpster company will be used which will save money.
- Sewer lateral inspections and repairs continue. Repairs at Ocean Front condo are currently underway.
- A flooding problem at the corner of Clara and the Causeway is the result of a clog underneath US 1. FDOT was contacted and agreed to reimburse the city for cleaning the pipes. Commissioners asked Building Official Borysiewicz to get the agreement to reimburse the city in writing from FDOT.

H. City Secretary-Treasurer – Commissioner Vorick stated the July financial statements and check detail report are available for review and the city is in good financial shape.

I. City Clerk – *AHEC Exercise Classes Use of Auditorium*

City Clerk stated she met with the Director of AHEC and discussed future use of city hall facilities for exercise classes. Beginning in October, AHEC will begin charging \$25 per month for the class. The grants used to pay the costs of these programs are matching grants and AHEC will not have the necessary funds without charging participants. It has been city policy that if there is a charge for classes, the city will not sponsor them and the organization must provide insurance, hold harmless agreement, and pay to use city facilities. City Clerk reported that AHEC has no problem with these conditions or the lack of city sponsorship. AHEC appreciates all the support and help with the exercise classes that have been a huge success. AHEC does pay other facilities they use 20% of the amount collected from participants and would agree to do that if the commission decides not to waive the fees. City Clerk asked for direction as to whether to allow AHEC to use the facilities and at what cost.

Committee and Staff Reports – City Clerk – continued

Commissioners commented that this has been a popular program for citizens and agreed that city hall could be used if proper paperwork is provided.

**Motion** – Moved by Vice-Mayor Zahn, seconded by Commissioner DeNeale, to allow AHEC use of the facility providing proof of insurance and hold harmless are submitted and pay 20% of the monthly fees. Roll Call Vote: Unanimous approval.

5. Unfinished BusinessInterlocal Agreement with Marathon for Fire/EMS Services

Mayor Sutton stated that the Marathon Council approved and signed the agreement.

**Motion** – Moved by Mayor Sutton, seconded by Vice-Mayor Zahn, to approve the Interlocal Agreement with Marathon for Fire/EMS Services and authorize the Mayor to sign for the city.

Mayor Sutton stated that Commissioner Schmidt was out of the city and chose not to participate in today's meeting by phone.

Attorney Wright stated he had extended an offer to Commissioner Schmidt to hold this item until the next meeting, but she indicated it would be fine to continue in her absence. He also wanted it to be clear that the last payment for this fiscal year had not yet been paid and is due to Marathon under the current contract. He said the city was given the opportunity to draft this agreement and Marathon made few changes.

All commissioners agreed to move forward with this issue. Commissioners commented:

- The agreement includes everything the city asked and is written in clear language.
- This issue has been thoroughly analyzed and all sources agree that the city's ISO rating would drop and result in increased premiums for all property owners. Common sense tells us to move forward and stay with Marathon.
- It was good to have the County's proposal which included the possibility of housing the service on the island. The city had two good proposals, but due to ISO, the city cannot go with the County.

**On the Motion:** Roll Call Vote: Unanimous approval.

Commissioners agreed to a short recess at 9:55 a.m.

Mayor Sutton reconvened the meeting at 9:58 a.m.

Truck Traffic on Clara Boulevard

Attorney Wright stated he had discussion with Police Chief Petrick and Building Official Borysiewicz. Clara has been used by trucks to service the convenience store for decades. Prohibiting this use of Clara may result in legal issues. He encouraged the commission to look for specific problems, like maybe garbage trucks that use the store to take breaks, and address the specific problem rather than try to do a blanket prohibition of all trucks.

Attorney Wright and Commissioners discussed:

- An ordinance would be needed to enforce the existing sign or any new ones.
- If Clara was not available, delivery trucks would have to turn around or back out onto US1 from Coral Lane, which could create traffic problems.
- It's understandable that the residents want peace and quiet, but the commercial structures have been there for decades.
- Maybe it would help to prohibit truck traffic, unless they had a business purpose, such as making deliveries or trash collection.
- City issued a building permit to the store fully aware of the use of Clara and Coral Lane, and did not raise this issue at that time.

Commissioners agreed that it was best to not take any further action at this time.

*Unfinished Business – continued**Interlocal Agreement with Monroe County for Boating Improvement Funds – Buoys*

Mayor Sutton stated the commission had approved applying to the county for reimbursement for the purchase and installation of the buoys. He asked for authorization to sign the Interlocal Agreement. Commissioners agreed.

6. Items of Discussion/Approval

*Sewer Lateral Inspections and Separation of Lines at Duplexes*

Mayor Sutton stated inspection reports for all properties are to be submitted by June 30, 2011. He said some issues had arisen, especially in the case of older duplexes where one side connects to the other side and then the lateral goes to the city lines. If the owners cannot agree on timing of inspections and repairs, it is in the city's best interest to have clear rules.

Attorney Wright stated that the code requires inspection, but is silent regarding repairs. He advised that if both sides of a duplex pass inspection, then nothing should be done. The sewer connections as they exist are grandfathered and should be left as is. However, if repairs are needed, then each half of the duplex should be required to meet current code which states each half must have its own connection to the city lines. The second issue is if the owners of the duplex do not agree about the timing of the repair. Access to city sewer lines must be maintained. The owner of the half duplex that has the pass through from the other side must keep those pipes in place until the other half has completed their repairs and has its own connection to the city system. At that time, the owner with the pass through can cap or remove those lines. This does not prohibit the owner with the pass through from making repairs to their half. The ordinance should also include that the owner without the pass through must repair the laterals on their property; they cannot go through their neighbor's property.

In response to questions, it was stated that no impact fees will be collected for these connections; owners cannot disconnect their neighbor from sewer services, and there may be issues regarding crossing the neighbor property to individually connect to the city lines.

Commissioners discussed that notices should be placed in sewer bills reminding everyone about the inspection deadline, penalties for non-compliance need to be set, and a deadline for repairs should be set. Commissioners considered different deadlines for repairs such as 2 years or the state mandated date for sewers of 2015 and possible penalties for not submitted an inspection by June 30, 2011.

Commissioners asked that the Utility Board discuss the issues of penalties for not submitting an inspection report and a deadline for repairs to be completed. They asked for a recommendation at the next commission meeting. Chair Flood said he would try to hold a special meeting of the Board.

*Policy for Documents/Handouts at Commission Meetings – Commissioner DeNeale*

Commissioner DeNeale stated a handout was available at the last commission meeting. He stated that handouts were a good tool especially for complex issues and he would like to see a policy for their use. He suggested:

- Handouts available at meetings must be directly relevant to an item on the agenda. He stated one of the handouts at the last meeting was not relevant.
- Handout should have the "Agenda Item" stamp on it, like items in the agenda packet.
- Commissioners are made aware of the handout prior to the commission meeting. He stated he did get a copy of the handout prior to the meeting, but was unaware that it would be a handout available at the meeting.
- Note should be placed on the agenda that the handout is available.
- Source of the handout should introduce the information and provide any explanations.

Unfinished Business – Policy for Handouts – continued

- Source of the handout and the date should appear on the handout.

Commissioner DeNeale said the handout comparing Fire/EMS service from the County and Marathon was given to the Marathon Chamber on August 10 by Marathon Finance Director Peter Rosasco and it was indicated that it was created by Marathon Manager Roger Hernstadt on August 8. He said we all have biases and it helps to know the source of information so everyone can evaluate it fairly. He stated that clear guidelines would be fair to everyone.

Mayor Sutton stated that he disagreed. He stated that he had provided the handout at the commission meeting, and he had previously given the handout to the city clerk and all commissioners. He said that no commissioner had asked any questions about the document when they received it. The Mayor said this handout was a public record and city procedures were followed. He did not think any additional policies were needed.

Commissioner Vorick agreed handouts should be relevant to agenda items and he felt this handout was relevant since the commission voted on which party was to provide services. He said that he reviewed city codes and Sunshine Laws and agrees there was no violation. He said the public should be allowed to see these documents and make their own decisions. Commissioner Vorick stated this issue was not handled well.

Commissioner DeNeale stated he does not think there was a violation, but suggested a written policy would make it clear to everyone about the source of documents and that the handout is related to agenda items.

Vice-Mayor Zahn believes this issue is already covered by city policy. She said this was a difficult issue and everyone should be given all information available.

Susan DeNeale, 10<sup>th</sup> Street, stated she is very aware of the issues and sat beside a citizen at the meeting who did not understand the handout, was confused, and was asking her questions. She felt the handout did not include all information, gave incorrect information, and if properly reviewed could have been corrected.

Mayor Sutton stated many citizens expressed appreciation for the handout, but he will in the future try to be clearer and/or more complete.

7. City Administrator Items For Discussion/Approval

*Update on Stormwater Project*

Mayor Sutton stated the stormwater project is completed. At closeout, it came to our attention that the project is over budget. Early invoices from the engineer showed minimum contract amounts with only one well being installed. That amount was added to construction costs to determine the project budget would be met. However, the project allowed for six wells, so design costs were higher than minimum contract, putting the project over budget by \$16,862.50. SFWMD was contacted about increasing the grant amount so that they would pay half and indications are that they will agree. The city has \$92,000 in the stormwater account that can be used to pay all of half of the cost overrun.

*Employee Health Insurance*

Mayor Sutton stated that he had been working with the insurance agent to reduce this cost. A new company, Cigna, has proposed a plan that costs less than the current Blue Cross/Blue Shield plan. The Blue Cross plan increase for next year is 17.7%; 15% was included in the budget. A meeting is scheduled next week with the agent and employees to discuss the plans and the options, but it looks like the city could save a lot of money by changing companies. The biggest difference in the plans is that employee out-of-pocket would increase from \$2,500 to \$4,000.

8. Ordinances and Resolutions – None

9. Commissioners' Reports or Comments

Commissioner DeNeale stated he attended the Florida League of Cities (FLC) conference for the first time and learned a lot. He said the city has done a lot over the summer and suggested a town hall meeting in November to inform citizens about sewer, Fire/EMS, stormwater and other issues and answer questions. This would serve as a welcome back informational meeting.

Commissioner Vorick stated he found the FLC conference interesting and lots of state issues were discussed. He expressed appreciation for FLC who support home rule. He stated that the Fire/EMS was a business decision and due to the insurance issue remaining with Marathon was the only smart thing to do.

Vice-Mayor Zahn stated she also got some ideas from the FLC conference and agrees that a town hall meeting this fall would be good. She said it was interesting listening to what other cities were doing and felt very lucky that historically and currently the city's budget is under good control. She said she attended the Utility Board meeting and thanked Utility Board Clerk Pat Britske for catching a billing error and saving the city money.

Mayor Sutton stated that the city had budgeted \$25,000 for fire hydrants this year, but the project will not be completed. He said that the commission has budgeted \$25,000 for next year and asked the commission whether this year's amount should be added to next year for a total of \$50,000. The Mayor said the FKAA will not be doing the engineering so an engineer will have to be hired. The cost of the fire hydrants will be more next year. In response to a question, Mayor Sutton said that he will address the FKAA Board in October about upgrading water lines so that additional hydrants can be installed. This is a safety issue. This city will request the line replacements be included in their capital budget.

**Motion** – Moved by Mayor Sutton, seconded by Commissioner Vorick, to add \$25,000 to the FY2010-2011 Budget for fire hydrants for a total of \$50,000. Roll Call Vote: Unanimous approval.

10. City Attorney Report – Thomas D. Wright

Attorney Wright stated that Forgotten Felines contacted him and expressed disappointment that the city does not allow them to feed feral cats in the city.

Mayor Sutton said that the city recently paid to have the parks sprayed for fleas and these cats contribute to the problem. He said the city commission agreed the cats should not be fed.

11. Approval of Warrant 0710 Expenses for the Month of July

**Motion** – Moved by Commissioner Vorick, seconded by Vice-Mayor Zahn, to approve Warrant 0710 for the Month of July 2010 in the amount of \$399,824.11. Roll Call Vote: Unanimous approval.

12. Correspondence & Citizen Comments

City clerk stated emails were received after the last meeting from the following regarding Fire/EMS services. Commissioners received a copy of each: Dan Minor, Wilba Andrews & Dorothy A. Robinson, William & Rhonda Poenitsch, John Curry, Charles A. Lankford, Families of Laura Mongerson Friend, Carol Gilley, John Mongerson & Susan Schilligo  
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.