

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, August 27, 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: 2
2. Approval of Minutes: Regular Meeting August 11, 2009
Approved as written.
3. Special Requests
Boat Lift – 20,000 Pound Elevator Lift – 481 10th Street, John A. Kearns, Owner
Building Official Borysiewicz stated that Mr. Kearns applied to install a 20,000 pound boat lift. The neighbors verbally stated they have no objection. The project does comply with all other codes and building standards.
Commissioner Vorick suggested that the neighbors be contacted by the city, not the contractor or the owner. Neighbors may feel pressured and actually have objections, but do not express them to the owner or contractor.
Commissioners stated that the owner or contractor has always been responsible to contact neighbors; this was a unique situation where one neighbor was a commissioner; and there is no reason to change this now.
Attorney Wright said the contact with neighbors was requested by the commission and that even if the neighbors object, the commission may still grant approval.
Motion – Moved by Commissioner Schmidt, seconded by Commissioner DeGraw, to approve the installation of a 20,000 pound elevator boat lift at 481 10th Street, John A. Kearns, Owner. Roll Call Vote: Unanimous approval.
4. Committee and Staff Reports
 - A. Recreation Committee – *Bid Opening Tennis Court Resurfacing*
Mayor Sutton said three bids were received for resurfacing the tennis court and the low bidder was Accurate Tennis Courts at a cost of \$12,315. This contractor provided licenses, insurance, and five references were checked.
Motion – Moved by Mayor Sutton, seconded by Commissioner DeGraw, to approve the bid and hire Accurate Tennis Courts of Pompano Beach to resurface the tennis courts at a cost of \$12,315. Roll Call Vote: Unanimous approval.
 - B. Beautification Committee – No report.
 - C. Disaster Preparedness Committee – Building Official Borysiewicz stated supplies have been purchased and they are ready.
 - D. Planning & Zoning Committee – No report.
 - E. Utility Board – No report.

Committee And Staff Reports – continued

F. Police Department – No report.

Commissioner Vorick praised the Police and Code Enforcement Departments regarding their work with rentals. However, there was an incident on August 10 regarding overcrowding at a residence on 4th Street. He stated that the Property Manager and/or Local Contact should be driving by the residence as required by city code to be sure renters are in compliance with city codes. He asked that procedures be in place to get these issues handled quickly.

Commissioners discussed the role of the property manager and the difficulties with proving overcrowding at a residence. Renters are allowed to have visitors. Chief Petrick acknowledged that the residence in question was checked for overcrowding, there was no violation, the property manager was called and did respond as requested. He said he did not know if the property manager went to the property. Commissioners acknowledged that this residence is large and historically has been a gathering place for families that have rented several residences on the island. Chief Petrick stated he was satisfied that there was no overcrowding and with the property manager's response.

Attorney Wright said that the operation of a rental unit is a business and that the property manager, not the city, must enforce the rental agreement. If the property manager or local contact refuses to come to the property when asked by Police or Code Officers, there is a problem. Any refusal should be reported to the City Clerk for code action—action can include revoking the certification to act as a property manager in the city. In response to a question, he said that the city could call the property manager to be sure city code requirements are known and understood.

Commissioner Vorick stated that he wants all property managers to comply with city code and regularly monitor their rental properties. He said that garbage had been on the street for a week at a residence on 10th Street making it clear that no one was monitoring the property. Building Official Borysiewicz will follow-up.

Mayor Sutton stated that overall there were few problems during the summer rental season and agreed that the Police and Code Enforcement Departments have done a good job.

G. Building Department/Public Works – Building Official Borysiewicz reported that the third turtle nest hatched and most of the hatchlings made it to the ocean. However, 12 were found in other places and were gathered up and released that night. He said that 30-40 properties were sent landscape maintenance violation letters and all but 16 are now in compliance. Those 16 properties will be sent to the Code Board. Six of the properties were cleaned by a landscaper. Mayor Sutton thanked Building Official Borysiewicz for his good work and said Mr. Borysiewicz will be on vacation for the next two weeks.

H. City Secretary-Treasurer – Commissioner Vorick reported the city is in good financial shape and that discussions at the Florida League of Cities (FLC) conference proved the city is doing very well compared to other cities. He mentioned that TRIM notices had been sent in addition to a notice that garbage services fees will increase over \$100.

Commissioners discussed the garbage service increase: it is a tough year for that kind of increase, it's been 13 years since the last increase, and smaller increases during those years would have been better.

Peter Hines, 3rd Street, stated that there were recurring problems with the company's performance and that he and other residents want to know who to address their concerns to. He asked if the letters should be addressed to the commission who would take them to the public hearing and speak for the city or addressed to the county.

Committee And Staff Reports – City Secretary-Treasurer – continued

Commissioners, staff, and public discussed the services provided by the garbage company and the increase as proposed. The county handles the contract with the garbage service company and any issues should be addressed to the county.

I. City Clerk – Updates to FY2009-2010 Budget

City clerk stated she had spoken with Planning Consultant Jim LaRue who reminded her that DCA requires a review of the 5-year Capital Improvement Plan for the Comp Plan during the budget hearings. Approval of the 5-year plan will be placed on the budget public hearing agenda. She informed the commissioners that Mr. LaRue had provided help and guidance regarding comp plan amendments several times during the last year at no charge to the city.

City clerk asked the commission for direction on which fiscal year to charge the last pay period of this fiscal year. The normal schedule has employees being paid on the first day of the new fiscal year for work performed this fiscal year. Commissioners agreed that payment for work performed this fiscal year should be expensed in this fiscal year. This will be a one-time exception and employees will be paid on September 30, 2009.

Motion – Moved by Commissioner Schmidt, seconded by Vice-Mayor Zahn, to pay employees on September 30, 2009 for the pay period ending September 27, 2009. Roll Call Vote: Unanimous approval.

Sewer payments continue to indicate difficult economic times. There are 37 residential accounts that are not current by one or more quarters.

90 out of 630 Business tax renewals have been completed. All should be completed by September 30.

DCA and Grant Consultants Jordan & Associates will be here this afternoon for an on-site visit for the CDBG grant. A Fair Housing Newsclip has been added to the website to fulfill a requirement of that grant.

City clerk received an email from the Monroe County Health Department asking the city to add a link to the State of Florida website about the H1N1 Swine Flu. They do not have a website and ask for help to provide citizens with information. The clerk offered to add a news item giving the website and address rather than providing a link. Commissioners agreed to add the news item to the website.

5. Unfinished Business*FDOT Improvements at US 1 and Sadowski Causeway*

Mayor Sutton stated Attorney Wright sent a letter to FDOT asking that they be responsible for any changes to the sprinkler lines and the planter where the city sign is located. He said he received an email with an updated drawing showing that FDOT will be responsible for those items. In response to a question, the Mayor said that improvements will be made to the east side of the Causeway as well, but all the improvements will be within the FDOT easement. Attorney Wright was asked to review the deed and other documents and prepare them for commission review and approval.

6. Items of Discussion/Approval*Code Section 14-5 Sewer Pipe Testing and Inspection – Commissioner Vorick*

Commissioner Vorick stated that city code requires testing and inspection of sewer pipes, but there is no code requiring those that fail to be fixed. He suggested the city consider setting a date for those repairs to be completed, if they are necessary. Attorney Wright stated that the commission could do that if they desired.

Items of Discussion/Approval - continued

Commissioners discussed that due to the economy now was not a good time to require this work to be done and that the code does require repairs if there are leaks. Building Official Borysiewicz stated that about 75 properties have been tested and those that failed have voluntarily been repaired. If there are other properties that have failed, those were not reported to him.

Attorney Wright stated that at the time the ordinance was passed, the commission recognized the difficult economic times and allowed owners a few years to complete the test and plan for any repairs. If raw sewage is leaking into the ground, there is plenty of legal action that can be taken to remedy the situation.

Commissioners acknowledged that owners still have two years to plan for this expense. If the property is being sold, the inspection and repairs can be made a part of the sale. Building Official Borysiewicz stated that realtors have been calling to ask if this inspection has been done at properties that are selling. All property owners are required to have the testing completed by June 30, 2011.

7. City Administrator Items For Discussion/ApprovalUpdate on East Side Stormwater Project

Mayor Sutton reported:

- The stormwater project is progressing well and should be completed on schedule in mid-September.
- The county has asked the city to sign an interlocal agreement for the pledge of support for FIRM to fight the windstorm insurance rate increase. The city pledged a maximum of \$2,200. Other cities and the county are participating in this expense.

Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Zahn, to approve the interlocal agreement with Monroe County for the support for FIRM in the amount of \$2,200 and to authorize Mayor Sutton to sign for the city. Roll Call Vote: Unanimous approval.

- Commissioner Schmidt's request for a scholarship for Leadership Monroe was denied. The commission previously committed to pay one-third of the registration fee. He said Commissioner Schmidt is now asking that the city pay one-half and she will pay one-half. Commissioners discussed funding options and that precedent was being set. All agreed that the city would pay one-half of the registration for any commissioner who wished to take the Leadership Monroe classes.
- The check for the August golf course lease payment was returned by the bank. He said he made four calls to Ms. Spano to try to resolve the situation, but she was unable to take his calls and did not return the calls. Finally, Ms. Spano had told the Mayor she would come to city hall in the following week to resolve the issue.

Commissioners and Attorney discussed: options to declare her in breach of the lease, the revenue stream, past history of bad checks, and alternative operators of the golf course. Commissioners directed Attorney Wright to write a letter to Ms. Spano stating she was in breach of the lease and giving her 10 days to comply with the terms, otherwise the city would start eviction proceedings.

8. Ordinances and ResolutionsOrdinance 412-2009 Adding Chapter 15 Stormwater Utility System

Attorney read by title only and stated that residential customers would be assessed \$60 and commercial customers \$120.

Ordinances and Resolutions - continued

Motion – Moved by Commissioner DeGraw, seconded by Commissioner Vorick, to approve the 1st Reading of Ordinance 412-2009 Adding Chapter 15 Stormwater Utility System. Roll Call Vote: Unanimous approval.

9. Commissioners' Reports or Comments

Commissioner Schmidt read a list of people who had registered for the Leadership Monroe class and stated that those community leaders also felt it was a worthwhile program. She said she attended several seminars at the FLC Conference and returned with information to organize several citizens to help to preserve our city's history and research installing broadband technology using stimulus money. She brought back information about State bill 216 restricting dollars the city can spend to promote issues within the city and recommended the city should be pro-active to opt out of any taxes or fees for services the city does not receive. Commissioner Schmidt said she would continue researching ways to improve our energy efficiency in the fall and suggested that the city have a Relay for Life team in the April 9-10, 2010 event.

Commissioner Vorick said he also found the FLC Conference enlightening. He attended many sessions that were financially oriented with discussion of ways to cut expenses and increase revenues. He stated it was a good learning experience with good speakers.

Commissioner DeGraw stated he also enjoyed the speakers at the FLC Conference and attended a seminar about gun safety. He recommended that gun owners have a record of their guns with serial numbers. This list can be provided to the police in the event of theft. He attended a seminar regarding foreclosures and reported some cities are demolishing abandoned structures which have become a nuisance.

Vice-Mayor Zahn stated she also enjoyed the FLC Conference and attended some of the same sessions already discussed. She attended small city forums and shared that some cities have found Dodge police vehicles more economical than the Ford Crown Vic. She recommended that citizens carefully review the proposed Taxpayer Bill of Rights which on the surface sounds good, but may place too many restrictions on cities that will result in inefficiency and financial difficulties.

10. City Attorney Report – Thomas D. Wright

Attorney Wright stated the FLC sent an update on the claim involving the swales on the east side. The FLC feels that this is a weak case and there will be a good outcome for the city.

11. Correspondence & Citizen Comments

City clerk stated: One email was received from Hans Kolster, Recreation Committee Member, thanking the Mayor and Commissioners for the fence at the pickleball court.

Citizen Comments - None

The meeting adjourned at 11:15 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.