

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, September 10, 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, Police Chief Robert Petrick and City Clerk Vickie Bollinger. *Excused:* Building Official Edward Borysiewicz. Public: 21

2. Approval of Minutes: Regular Meeting August 27, 2009
First Budget Public Hearing September 3, 2009
Approved as written.

3. Committee and Staff Reports
 - A. Recreation Committee – No report.

 - B. Beautification Committee – No report.

 - C. Disaster Preparedness Committee – No report.

 - D. Planning & Zoning Committee – No report.

 - E. Utility Board – No report.

 - F. Police Department – Chief Robert Petrick reported there was one noise incident that was mishandled by the Sheriff’s Office Dispatch. He assured the commissioners that the dispatch officers will be properly trained for the future.

 - G. Building Department/Public Works – No report.

 - H. City Secretary-Treasurer – Commissioner Vorick stated the check detail report is available for review.

 - I. City Clerk – City clerk stated approximately one-fourth of the business tax renewals have been completed, many are in process, and that they are to be completed by September 30. She reminded the commission and public of the final budget public hearing at 5:15 p.m.

4. Unfinished Business

FDOT Improvements at US 1 and Sadowski Causeway
Mayor Sutton stated that FDOT agreed to be responsible for the irrigation system and planter at the city’s entrance. At this time the documents –Donation of Property and Deed—need to be executed and returned to FDOT.

Motion – Moved by Commissioner Schmidt, seconded by Commissioner DeGraw, to approve the donation of the property to FDOT and authorize the Mayor to sign for the city.
Roll Call Vote: Unanimous approval.

5. Items of Discussion/Approval

Golf Course Lease and Operations

Mayor Sutton provided a brief history of the events at the golf course during the past week. He stated that he was notified by the Spanos that they had to terminate the golf course operating lease with the city due to Mary's health and the poor financial condition of the company. The Spanos had expressed to the Mayor that they wanted to assist the city with a quick and amicable settlement and transition. Mayor Sutton said that a meeting is scheduled for Monday, September 14 with the Spanos attorney to negotiate a settlement. It will be necessary to hold a special commission meeting next week to discuss the settlement. The Mayor said the commission needed to move forward as quickly as possible to resolve the current lease and find a new company to operate the course. The commissioners agreed.

Attorney Wright advised the commission that the 10 days had expired and the city could begin eviction proceedings. He said the Spanos attorney had agreed to negotiate but he cautioned that both parties to the issue need to be careful to protect their bargaining positions. Commissioners discussed the maintenance of the course, staffing of the pro shop, annual memberships, expenses that must be paid, need to recover expenses and lease payments during the negotiations, use of the honor system and that some will play without paying, club rentals will not be available if the honor system is used, Recreation Committee requested that the pro shop be staffed when the course was open, slow time resulting in low revenues, and commissioners staffing the pro shop or use of other volunteers.

Attorney Wright advised that before the city can hire another operator, a court order would be needed to keep the Spanos out. The city may be able to prove abandonment of the course, but the Spanos have expressed a desire for a quick settlement. He recommended the commission wait until after Monday's negotiation meeting to make further decisions on the eviction. Attorney Wright stated that the new lease did not have to go out for bid, but the city could advertise for operators and then negotiate a lease. He added that the lease would be very different from the current one.

Mayor Sutton stated that there seemed to be a consensus that the course should continue to be maintained, the course would remain open, and an honor system would be used rather than staff the pro shop. Commissioners agreed.

Attorney Wright suggested a spending motion be made for the record.

Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Zahn, to authorize payment of expenses of up to \$3,000 to meet golf course obligations during the next four weeks. Roll Call Vote: Unanimous approval.

Public Comments about the golf course:

- City should try to find a volunteer to maintain the course. Commissioners commented that the maintenance required special knowledge.
- Terry Elvers stated she was interested in operating the course and wished to be considered. She said that Ms. Spano had said memberships will be extended since the course was closed for two weeks this summer.
- Peter Hines suggested that golfers come to city hall to pay and get a pass. Commissioners said that this would be inconvenient and city hall was not open in the evenings and on weekends.
- John Ermish said that Bill who maintains the golf course did a good job, had done it for years, and should be retained.
- Buddy Blauth stated he was interested in operating the course. He said the city had lots of resources, the commission should consider a workshop to discuss the new lease, provide clear direction, set goals and guidelines. He said the city and course were gems and the course could be better than it is. He would be glad to work with the city.

Invasive Exotic Animals – Commissioner Schmidt

Commissioner Schmidt stated the inventors of Iguana Be Gone were here today to give a presentation about their products. She also suggested that the animal regulations be reviewed to be sure the city had proper controls and enforcement.

Mayor Sutton welcomed the Iguana Be Gone inventors and stated that this presentation was not an endorsement by the commission for this company or their products.

Kathleen, Suzanne and Steve shared information about the development of their product which includes a spray for plants, treatment for docks and pilings, and pellets to drop into nests. The product is all vegetable and can be used in most areas outside of the home. They said they have been very successful in moving the iguanas into acceptable areas and keeping them out of yards and pools. They have been working with condos, large estates, neighborhood groups, and the Monroe County Extension Service. They had a display of their product and information for anyone interested.

Mayor Sutton thanked them for the information and presentation.

Local Mitigation Strategy Announcement

Mayor Sutton stated that the County's Local Mitigation Strategy Group asked each city to make a public announcement regarding this group in order to be in compliance with FEMA, State and Federal requirements. Mayor Sutton reviewed the announcement stating that all meetings were open to the public and that the group's focus was on identifying and addressing natural hazards throughout the county. He said that this effort including having the auditorium designated as a Refuge of Last Resort which means it would be available to those trying to evacuate, but get caught in the storm. No services would be available and the auditorium is not a designated shelter. The auditorium would be used if the only alternative were something like being outdoors or in a car.

City Insurance Update

Mayor Sutton stated that he had been reviewing all insurance coverage for the city. Insurance agent Jerry Bessemer had provided some alternate plans for employee medical coverage. The best plan was one that increased the deductible from \$1,000 to \$2,000 and left everything else the same. This plan would result in a 6% increase in premium for next fiscal year compared to the 19% previous quoted.

Mayor Sutton also said he had been working with another agent who was providing quotes for our various property and liability insurances. After some analysis and discussion he will report to the commission.

6. City Administrator Items For Discussion/Approval

Update on East Side Stormwater Project

Mayor Sutton reported the stormwater project is progressing well and should be completed this week. The contractor is finishing with laying sod and completing swale work.

7. Ordinances and Resolutions

Resolution 2009-05 Adopting and Executing Deed with Florida Department of Transportation
Attorney read by title only Resolution 2009-05 Adopting and Executing the Deed with the Florida Department of Transportation.

Motion – Moved by Commissioner Vorick, seconded by Vice-Mayor Zahn, to approve Resolution 2009-05 Adopting and Executing the Deed with the Florida Department of Transportation. Roll Call Vote: Unanimous approval.

8. Commissioners' Reports or Comments

Commissioner Vorick said he had reviewed the August financial statements and the city is under budget for both the general and sewer funds and in good financial shape.

Commissioner Schmidt got acknowledgement from all commissioners that there was no desire to stop people from fishing along the shore near the Causeway Bridge. She stated that she would continue her projects to find green alternatives when more citizens return.

Commissioner DeGraw stated the governor was in the city this week and signs were put up in violation of city code. The signs were removed as requested. He suggested the commission provide for exceptions to the code and allow signage with the approval of the commission. He asked that commissioners think about this option.

Vice-Mayor Zahn stated she attended the Monroe County budget hearing where the increase to the garbage collection fees was discussed. Many citizens were there and spoke against the increase. She said the county explained that the increase was not going to the garbage collection company but was needed to replenish the trash fund that had become depleted over the years. She said the county was making efforts to reduce their budget and be more fiscally responsible, but the garbage collection increase was approved. The Vice-Mayor stated she attended a meeting of the Green Initiative Task Force which is a county wide effort to improve the energy efficiency of infrastructure, save money, and be more sustainable.

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

10. Approval of Warrant 0809 Expenses for the Month of August

Motion - Moved by Commissioner DeGraw, seconded by Vice-Mayor Zahn, to approve Warrant 0809 for the Month of August 2009 in the amount of \$428,779.75. Roll Call Vote: Unanimous approval.

11. Correspondence & Citizen Comments - None

The meeting adjourned at 10:50 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.