

Committee And Staff Reports – Building Department/Public Works – continued

- There was a report of snakes at a vacation rental property on 8th Street as well as a report of a 7.5-foot crocodile in the canal between 8th and 9th Streets. There is no seawall at the location where the croc was sited, and the report could not be verified.
- A new type of boat lift is available. The cradle for the boat sits on a dock. The entire dock is an elevator lift. This allows the owner to be able to walk around and have access to the boat on all sides while it is out of the water. In response to questions, he said this is a 4-post lift, would require commission approval to install, and may encroach into the canal further than current lifts. City code allows posts to be only 5 feet into the canal, but some large elevator lifts already extend beyond that. He said this was presented as information only.

H. City Secretary-Treasurer – Commissioner Vorick asked when the September financial reports would be available. City clerk stated they would be available next week.

I. City Clerk – City clerk stated approximately 90-95% of the business tax renewals have been completed. She stated a renter at 320 10th Street stopped to pay a boat trailer parking ticket and asked that the commissioners be told that there should be more leniency with visitors regarding boat trailer parking, finding the ticket was not a happy welcome to the city, and the police officers should be knocking on doors asking people to move their trailers. Chief Petrick stated that this renter was asked by a police officer to move their boat from the right-of-way. The renter moved it to someone else's property where it was ticketed for being illegally parked.

The clerk asked for direction on the use of city parks. A few weddings have occurred when city hall was not notified, fees paid, or insurance provided. In one case 30-50 chairs were set-up by a rental company and not removed until the next day.

Commissioners discussed that this was a public park; no one wanted to stop a wedding for not having a permit; if two weddings happened at the same time the one with the proper rental papers would have priority; and the insurance and liability issue. Mayor Sutton will contact the insurance carrier for guidance.

4. Unfinished Business

Golf Course Lease

Mayor Sutton stated he, Attorney Wright and Daryl Rice had worked last week on a lease. The only change to the document not shown on the copy provided to commissioners is on page 3, paragraph 2: the words “and off of” should be deleted. Mr. Rice will not be responsible for irrigation parts that are not part of the golf course. Attorney Wright said he had no problem with that change and all commissioners agreed.

Commissioners discussed the equipment listed on Exhibit A and agreed to needed repairs, such as replacement of blades, belts, bearings to make the equipment fully functional. Also they agreed to make repairs to the irrigation system prior to making Mr. Rice responsible. The consensus was that all items should be in good working order before turning the maintenance responsibility over to Mr. Rice. The estimated cost for equipment repairs is up to \$1,000 and the irrigation system about \$600. In addition, the city purchased sand to restore the greens at a cost of \$800.

The Mayor reported that Mr. Rice has agreed to place \$20,000 in a certificate of deposit at Orion Bank as security and to buy the remaining inventory at a price of \$3,000. He said Mr. Rice has requested to pay for the inventory with 12 monthly payments of \$250. The first payment will be due on November 22. Lease payments are due on the 22nd of each month.

Unfinished Business – Golf Course Lease - continued

Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Zahn, to approve the lease with D. Rice Management, Inc. to operate the golf course and to authorize the Mayor to sign the lease and Bill of Sale for the \$3,000 of Inventory for the city. Roll Call Vote: Unanimous approval.

Attorney Wright asked Mr. Rice if he also accepted the Lease and Bill of Sale. He responded that he did.

5. Items of Discussion/Approval

Code Violation Notices – Vice-Mayor Zahn

Vice-Mayor Zahn said she attended the Code Board Hearing and complimented the Board and all city committees for the great job they do. She said one owner who was present at the Code Hearing stated that when he received notice of his violation, the notice was not clear. He suggested the city provide more clarification of the violation and possibly a picture when a notice is sent. She asked staff to try to follow this suggestion.

Building Official Borysiewicz stated that he does take pictures, but when this owner's violation was noted, there were 29-30 others. He said when owners receive the first notice, most of them call him as the violation letter suggests and he can discuss the exact nature of the violation with them. In the future he will be more specific and send a picture.

In response to a question, Building Official Borysiewicz stated that landscape debris should be removed from the property within one week of the time it is cut/trimmed/picked up.

City/Rental Property Managers – Commissioner Vorick – taken during Agenda Item 3E – Committee And Staff Reports – Police Department

Commissioner Vorick asked Chief Petrick if the State Attorney's investigation meant there was criminal activity. Chief Petrick said that is what the investigation will determine. Commissioner Vorick expressed lots of empathy for those owners and renters affected by the closure of Island Palms. He said that the city has done everything possible to help, but there is nothing more to be done. Rentals are a business and have to be treated as such. All agreed that the city should not take any further action; this is a civil and may be a criminal matter.

Causeway Bridge Report

Mayor Sutton reported the state DOT had evaluated the bridge and sent a report. The deck of the bridge which was replaced in 2007 was in great shape, but the support structure needed repairs. He emphasized that there is no danger and the structure is in good shape; it just needs some repair work due to spalling. He said contractors have reviewed the documents and bridge and estimated the cost to repair from \$10,000 to \$40,000. The Mayor encouraged commissioners to begin planning for the repairs and identifying funding sources. He said the budget for this year was already completed and this project could wait until next fiscal year. Commissioners agreed that now was the time to plan and repairs should be made as soon as possible to minimize the cost and prevent continued deterioration. Mayor Sutton and staff will work with contractors and look for funding sources.

Objects/Improvements Placed in the City Right-of-Way

Mayor Sutton said that the city right-of-way extends about 25 feet from the center of the road and that many people make improvements in this area in front of their homes. These improvements have not been a high priority unless there was a safety issue. Mayor Sutton stated a commissioner had provided a picture with a note to Building Official Borysiewicz about his neighbor's bricks in the right-of-way and asked if they are being ignored.

Items of Discussion/Approval - Objects/Improvements in the City Right-of-Way - continued

The Mayor said that he and the Building Official looked at the bricks which had been removed previously and discussed it with Commissioner Vorick. This appears to be a neighbor dispute. Back in 2001, the city sent letter to all owners with items in the right-of-way and received a lot of criticism. The commission at that time decided not to require owners to remove items in the right-of-way unless they were a safety hazard.

Mayor Sutton stated that this was placed on the agenda because the neighbor, Mr. Kearns sent a letter to the city with a list of 69 other properties with items in the right-of-way and asked the city to take action.

Commissioners discussed/commented:

- No desire to do anything unless there is a safety hazard.
- All owners must be treated the same; can't do selective enforcement
- Other cities and the county have had to deal with this issue. When Marathon sewers are installed, items in the right-of-way are removed.
- City ordinances are to protect the city. If an expensive improvement in the right-of-way is damaged, the city is not responsible for repairs. Owners should know this if they make improvements to the right-of-way and that any safety hazard must be removed.
- What would happen if someone's property – car or tires – were damaged from these improvements?
- It's disappointing to have disputes over picky things. Some like the amount of enforcement and rules in the city to keep it looking nice; others think we have too many rules. The city should not micromanage property, whether it's paint color, bricks, or roof tiles. Neighbor disputes are sad.
- There are more positive comments about city rules and enforcement than negative ones. This is not a serious problem.
- This is personal between two parties. The commission addressed this years ago. We should only deal with safety hazards.

Commissioner Vorick said these subjective issues are difficult. He requested that Building Official Borysiewicz document all violations in the city in writing and keep them on file.

Commissioners directed Building Official Borysiewicz to write to Mr. Kearns telling him he may reinstall bricks in the right-of-way as long as there are no spikes which could pose a safety hazard.

Payment of Commissioner Monthly Stipend

Mayor Sutton asked the commissioners to set a policy for when monthly stipends should be paid. He said one commissioner had expressed an opinion different from his and he wanted input from all commissioners. The Mayor said he had reviewed the code and felt that it should be paid the week of the second regular commission meeting.

The commissioners discussed: the code did not specifically state when during the month the stipend should be paid, history of when payments were made, changes in the code to a monthly stipend instead of a per meeting payment, and convenience to staff for preparing the payment. Attorney Wright stated that this was a matter of policy for the commission to decide, the commission could just give direction to the staff, and city code did not need to be amended. All agreed that the stipend should be paid during the week of the second regular commission meeting each month.

6. City Administrator Items For Discussion/Approval*Canal Dredging Between 12th – 13th Street and 13th – 14th Street*

Mayor Sutton gave a brief history of this project and said the ACOE has declared it a “non active” file. They requested another benthic survey which will cost a few thousand dollars and there is no money for the survey or the mitigation required before dredging can start. Attorney Wright stated that canals are owned by the property owners in the subdivision.

Canal Dredging Between 14th Street – 15th Circle

Mayor Sutton stated the homeowners on this canal had formed an LLC and had applied for a dredging permit. The city received a copy of the application which stated the LLC was acting in conjunction with the city. Mayor Sutton suggested the city should send a letter stating this is not a joint venture and the city is not a financial partner. Commissioners agreed they support the project and wish the homeowners success, but there are no funds to provide any financial support.

Motion – Moved by Commissioner DeGraw, seconded by Vice-Mayor Zahn, to authorize Mayor Sutton to write a letter stating the city’s support for the project, but the city is not working with the LLC and is not providing any financial support for the project. Roll Call Vote: Unanimous approval.

7. Ordinances and Resolutions – None8. Commissioners’ Reports or Comments

Commissioner Schmidt suggested calling 511 to get updates about road closures before traveling on US 1, said that Helen Gessell and Vice-Mayor Zahn are looking for Relay for Life teams, KAIR needs donations of food, and she will be at the Leadership Monroe class in the Everglades the first weekend in November.

Commissioner Vorick thanked the Code Enforcement Board for the good work they are doing to help keep our community the desirable place it is.

Commissioner DeGraw encouraged everyone to support Relay for Life charity.

Vice-Mayor Zahn reported US 1 was designated an All American Highway due to the hard work and intelligence of the Scenic Highway Committee. A drive to celebrate this important accomplishment will be held on Saturday and all were welcome to participate.

9. City Attorney Report – Thomas D. Wright – No report.10. Approval of Warrant 0909 Expenses for the Month of September

Motion - Moved by Commissioner Vorick, seconded by Vice-Mayor Zahn, to approve Warrant 0909 for the Month of September 2009 in the amount of \$318,576.39. Roll Call Vote: Unanimous approval.

11. Correspondence & Citizen Comments – None

The meeting adjourned at 10:55 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.