

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, November 12, 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, Building Official Edward Borysiewicz and City Clerk Vickie Bollinger. Public: 9
2. Approval of Minutes: Regular Meeting October 22, 2009
Approved as written.

Mayor Sutton introduced Bruce Schmidt who addressed the commission about upcoming changes at Fishermen’s Hospital. Mr. Schmidt apologized that the commission was not addressed about the request for a hospital taxing district prior to the newspaper article. He gave a brief history of the hospital’s management and said the current lease with HMA, the management company, would end in July 2011. He is a member of the Board and they are looking at management options for the future. Although the hospital has about \$1 million of reserves, more may be needed to buy equipment and upgrade facilities if the lease is terminated. One way to finance future needs is to establish a taxing district, similar to the ones that exist for the Lower Keys Medical Center and Mariners Hospital in the upper Keys. The taxing district requires the State legislature to approve it and then it must be approved by the voters in the middle Keys. The district would include the middle Keys, excluding Big Pine but extend up to the Layton city limit. The taxing district would sunset after 5 years.

Mr. Schmidt asked the commission to adopt a resolution to support the efforts of bringing this item to the voters. He said he is not asking the commission to support additional taxes or provide any funds to promote this issue. He said the hospital Board would stand before the public to answer questions and enlist their approval of the taxing district. The hospital Board is only asking that the commission provide a resolution to the State saying they agree that the voters should be allowed to decide this issue.

Commissioners and Mr. Schmidt discussed the hospital finances, management options, and services. Mr. Schmidt provided a sample resolution to Attorney Wright and the commission agreed to address this item at the next regular meeting.

Vice-Mayor Zahn expressed condolences from the commission and entire community on the death of Mr. Schmidt’s father who helped to develop Key Colony Beach.

3. Committee and Staff Reports

A. Recreation Committee – Chair Albin reported the committee met with golf course manager, Daryl Rice, and the Mayor to discuss the management change and planned improvements. Mr. Rice had provided an estimate to revamp the chipping and putting green of \$2,000. Commissioners commented on the excellent reports about the looks of the course and Mr. Rice’s management. All agreed it was great to see the improvements and that the city needed to support the efforts to get the course and equipment in good shape. Mayor Sutton stated that spending for the golf course would exceed the amount budgeted, but the tennis court resurfacing had cost less than budgeted which could be used for the golf course.

Committee And Staff Reports – Recreation Committee – continued

Motion – Moved by Commissioner Schmidt, seconded by Commissioner DeGraw, to approve the renovation of the putting and chipping green as proposed by D. Rice Management Inc. at a cost of \$2,000. Roll Call Vote: Unanimous approval.

Chair Albin reported that the recreation equipment storage shed has been moved to outside of the pro shop and is locked. To use the equipment, the key can be picked up in the pro shop. The honor system will be used for the equipment rental.

B. Beautification Committee – Vice-Chair Barbra Tait reported all the gardens in the city were in good shape and that fertilizer and mulch would be applied soon. She invited everyone to help prepare the holiday decorations. The committee is holding a workshop “party” on November 18 at 10:00 am at the Annex.

Commissioner DeGraw thanked the committee for the plantings around the memorial for Doug Anderson. He said that Kelly Electric had donated lighting and the sidewalk was also completed. The memorial is much more visible and all appreciate the efforts and generous donations that made it possible.

C. Disaster Preparedness Committee – No report.

D. Planning & Zoning Committee – No report.

E. Utility Board – No report.

F. Police Department – No report.

Commissioner Schmidt complimented the police officers for their kind assistance to citizens with recent donations to KAIR and parking issues.

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

- There is only one residence under new construction, but there are lots of renovation projects, especially related to the sewer line inspections.
- Landscape maintenance on foreclosed properties is improving. He has been working with owners and the Code Enforcement Board.

H. City Secretary-Treasurer – Commissioner Vorick stated the October Financial Reports and Check Detail report are available for review and the city is in good financial shape.

I. City Clerk – City clerk stated the staff was still working to complete business tax renewals. She will be out of the office Monday, Tuesday and Wednesday next week. She reminded all that the next commission meeting will be Tuesday, November 24.

In response to a question, she said that there have been no complaints about the new sewer billing, Utility Board Clerk Pat Britske will be working on email statements in the future, and she will be researching the use of credit cards.

4. Unfinished Business - None

5. Items of Discussion/Approval

Insurance Deductibles on Bids and Contracts – Commissioner Schmidt

Commissioner Schmidt thanked Attorney Wright and office staff for assistance with this issue. She stated it was brought to her attention that although contractors who work for the city must provide proof of insurance and bonds, they do not have to provide information about deductibles. If an insurance claim occurs, and the contractor does not pay the deductible, the city may be held liable. If the deductible is large, there could be a large liability for the city. She stated that the contractor can also cancel insurance coverage and the city would not be notified. She suggested that the commission take action to protect the city in the future from this potential liability.

Commissioners and Bill Danaher, agent for Johnsons Insurance, discussed/commented:

- Most certificates of insurance do not show deductibles.
- Insurance companies research financial condition of the business before offering insurance because the insurer pays the claim and then gets reimbursed for the deductible. The insurance company wants to be sure they will be reimbursed. The bonding company will also check the financial condition of the business. Large deductibles are approved if the business has the financial ability to pay a claim.
- Deductible amounts are determined differently for private property. Researching financial condition to set deductibles applies to commercial businesses, like building contractors.
- An incident on 5th Street was investigated by the Police Department and fault could not be determined. City officials provided assistance, but the city has no liability.

Commissioner Schmidt stated she brought this to the commission's attention to be sure the city was protected from liability when contractors were working on city projects.

Employee Vacation Time Accumulation – Mayor Sutton

Mayor Sutton stated the employee policy allows an employee to carryover a maximum of 25 days vacation. Two employees have more than the maximum. The policy states the extra days must be taken in the following year. Mayor Sutton asked that the words "through the next year" be deleted so that the employees have more time to use the carryover days. He stated he requested these employees to stay in the city to work on the Causeway and stormwater projects. These employees should not be penalized.

Commissioners discussed the policy and that it allows for employees to be paid for this time rather than allow it to accumulate. The city administrator does have some discretion, but the commission must authorize any payments. Mayor Sutton will discuss the policy with the employees and provide more information at the next meeting.

Police/Code Enforcement Response Form for Vacation Rental Property Managers/Local Contacts – Commissioner Vorick

Commissioner Vorick stated that he had asked for a plan to satisfy all parties when code problems arose at vacation rental properties. He stated he had talked to property managers and they wanted to cooperate with the city so that when a complaint is made, it gets resolved quickly. He suggested a paper trail be created. Commissioner Vorick referred to a previous incident where it did not seem clear about what had happened.

Chief Petrick stated he had reported that the property manager in that incident was not asked to meet at the property, but that the property manager was responsive to phone calls. He said he did not see a need to ask the property manager to meet him at the property. The complaint was investigated and resolved. He said the calls were documented on the police activity reports and copies are available if requested. If a violation had been found, a citation would have been issued.

Items of Discussion/Approval – Police/Code Response Form - continued

Commissioners asked that in general complaints be handled quickly with no ambiguity.

Chief Petrick stated the officers are instructed to call the property manager if there is an emergency, otherwise they report to him and he will call the property manager on the next business day to discuss any issues at a rental property.

Commissioners agreed that there are very few rental problems and that the current policy is sufficient.

6. City Administrator Items For Discussion/Approval

Mayor Sutton stated he will be in Key Largo tomorrow morning attending a meeting of the South Florida Water Management District. The SFWMD Board may approve a \$150,000 grant for the city to continue stormwater improvements.

7. Ordinances and Resolutions – None

8. Commissioners' Reports or Comments

Commissioner Vorick asked about a new sign at Sunset Park stating special events should be registered at city hall. Mayor Sutton said he had contacted the insurance company as requested at the last meeting and they suggested the sign be installed. He followed their advice.

Commissioner DeGraw reminded everyone about the lane closures on US 1 and encouraged people to check for delays before traveling.

Commissioner Schmidt stated 2 sharks were caught and released in the 5th Street canal. She reported on Leadership Monroe training and encouraged all to enroll. She asked if there were any objections to inviting one of the lecturers to repeat their presentation on water conservation and quality here at city hall for anyone interested. There were no objections.

9. City Attorney Report – Thomas D. Wright

Attorney Wright encouraged everyone to donate and/or attend the Salvation Army sale on December 12 to assist those who are less fortunate, especially during the holiday season. The sale will include a visit from Santa and bake sale.

10. Approval of Warrant 1009 Expenses for the Month of October

Motion - Moved by Commissioner Vorick, seconded by Vice-Mayor Zahn, to approve Warrant 1009 for the Month of October 2009 in the amount of \$308,349.96. Roll Call Vote: Unanimous approval.

11. Correspondence & Citizen Comments – None

The meeting adjourned at 11:18 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.