

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Tuesday, November 24, 2009, 9:35 a.m.

City Hall Auditorium

1. Call to Order – The Regular Meeting of the Key Colony Beach City Commission was called to order by Mayor Sutton at 9:40 a.m. immediately following the Variance Public Hearing. *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 November 12, 2009
Approved as written.

Mayor Sutton stated that Bruce Schmidt of the Fishermen’s Hospital Board had asked to address the commission regarding the hospital taxing district and the resolution requested by the Hospital Board.

Mr. Schmidt stated that despite the recent news articles and Monroe County Commission action, the Hospital Board was working to keep moving forward. He acknowledged that politics was playing a part, but the Board continues to look at options for 2011 and the taxing district is one option. He asked the commission for leadership to support legislation to allow Middle Keys voters to decide whether to pay a tax to support the hospital. He explained that the resolution would go to the state legislators showing support that this issue should be placed before the voters. He emphasized he was not asking the commission as a group or individually to support the tax, nor asking the city to help fund this effort. The Hospital Board only needed the commission’s support that this issue should be decided by the voters.

David Kirwan, Hospital Board President, stated the Board was looking at many options; the taxing district just one. The taxing district would last for five years and the money used to buy equipment when the lease ended in 2011. The process to establish a taxing district takes time and the Board needed to keep moving forward.

Commissioners and Mr. Schmidt discussed the financial impact if the hospital closed, support for the taxing district, taxpayers should be given the opportunity to vote on this issue, using some of the hospital beds for a nursing home, and hurricane evacuation.

Mayor read Resolution 2009-08 by title only (*Agenda Item #7*).

Motion – Moved by Commissioner Vorick, seconded by Commissioner Schmidt, to adopt Resolution 2009-08 to Support Efforts to Establish a Fishermen’s Hospital Taxing District. Roll Call Vote: Unanimous approval.

3. Committee and Staff Reports

- A. Recreation Committee – Mayor Sutton stated renovations to the putting/chipping green should be completed in about 3 weeks. In response to a comment, the Mayor invited anyone who was unhappy about one tennis court being striped for pickleball to come and discuss it with him.

- B. Beautification Committee – Mayor Sutton reported that the holiday decorations were being put up this week and next.

- C. Disaster Preparedness Committee – No report.

Committee and Staff Reports - continued

D. Planning & Zoning Committee – No report.

E. Utility Board – City Clerk stated the Utility Board met and minutes have been distributed. She was asked to call attention to some future equipment needs. There are some funds in a reserve account, but it may not be enough. The following will be needed in the next year or two and funding will be an issue: Skid for the reuse water system for \$170,000; crane replacement or repair for \$60,000; and 2 Mixers for \$10,000 each. The Board requests assistance in looking for grants or stimulus money funding.

Mayor Sutton will continue discussions with Chair Keach and Sewer Plant Manager David Evans about these equipment needs.

F. Police Department – Chief Petrick stated that five lower units from boat engines were stolen along Vaca Cut; a propeller was also taken. Currently there are no leads, but he stated he is working with Monroe County Sheriff's Office where there have been 70-80 similar incidents this year. The County is part of a South Florida Task Force to address this problem which is wide spread throughout South Florida.

Commissioners, Attorney Wright, Chief Petrick, and the public discussed the problems in catching the thieves, different types of surveillance equipment, additional boat patrols, property owner responsibility to have alarms or lights, different types of deterrents that could be used, police officer and boating safety at night, and actions property owners could take as deterrents or reporting criminal activity.

Mayor Sutton expressed support for Chief Petrick and the officer's efforts with these thefts and stated concern for the safety of officers doing night patrol. He asked everyone to think about the issues and possible solutions. He said Chief Petrick was working on a plan to address the issues with the resources available. Commissioners agreed to discuss this further at the next commission meeting.

Chief Petrick encouraged everyone to be vigilant and immediately report any suspicious activity. He asked Commissioner Vorick, Bob Willy, Joe Schmidt, and John DeNeale to meet with him Wednesday, November 25, 2009 at 9:00 a.m. to discuss surveillance equipment. By comparing notes, further research would not duplicate anyone's efforts.

Purchase of In-Car Video Equipment

Chief Petrick recommended the city purchase a video system for the night shift car at a cost of \$4,848 using the Bryne Technology Grant. No city funds will be expended.

Commissioners and Chief Petrick discussed whether the grant could be used to purchase surveillance equipment as discussed above. Chief Petrick stated there is about \$1,100 available from this grant for this purpose, but he could see if all of it could be used for surveillance equipment. It was pointed out that the in-car systems protect the city from lawsuits as well as our officers and they were used when an officer was out of the vehicle for an official stop. Commissioner decided to not try to change the grant.

Motion – Moved by Vice-Mayor Zahn, seconded by Commissioner DeGraw, to purchase the in-car video system for \$4,848. Roll Call Vote: Unanimous approval.

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

- Public Works - John Thomson and Joe Boucher - have been re-stripping the streets, hanging holiday decorations, and putting up the tennis court screens.
- He continues to work on landscape maintenance issues.
- He issued a citation to a contractor who littered the city with baggies filled with rocks to advertise his business.

Committee and Staff Reports – Building Department/Public Works - continued

- A barge that installs boat lifts and mooring piles has been working in the area. The contractor uses a couple vacant lots with the owner's permission to receive deliveries. This only happens for work in our city, but any complaints should be addressed to him.

H. City Secretary-Treasurer – Commissioner Vorick stated the city is in good financial shape.

I. City Clerk – City clerk reminded all that the only commission meeting scheduled for December will be Thursday, December 10; the December 24 meeting was canceled.

4. Unfinished Business

Employee Vacation Time, Other Paid Time Off, and Policy Issues – Mayor Sutton

Mayor Sutton stated that he has been talking to employees and is aware other commissioners have questions. He suggested the commission hold a workshop meeting to discuss all the issues and hear everyone's thoughts and ideas.

Commissioners commented that they have concerns about the liability to the city, accumulations of vacation and sick leave, possible payouts and that a workshop was a good idea. They agreed to schedule a workshop to discuss issues related to the employee personnel policy on January 5, 2010 at 9:30 a.m.

5. Items of Discussion/Approval

Commissioner or Employee Recommendations for Businesses/Contractors – Mayor Sutton

Mayor Sutton stated he had been asked if the city had a written policy regarding city employees or commissioners making recommendations for contractors or businesses. He said he contacted Attorney Wright who agreed that a written policy would be a good idea.

Attorney Wright stated he did not research the State's Code of Ethics which may include this topic and would be applicable to commissioners, but recommended a written policy be developed that would include both employees and commissioners.

Mayor Sutton said he would follow-up with the city clerk to create a written policy.

Contractor Responsibility – Commissioner Vorick

Commissioner Vorick suggested that any contractor working in the city should be aware that if they damage either public or private property, they are liable.

Attorney Wright stated that the city requires proof of insurance to be sure claims will be paid and that the laws of liability support that contractors will be held responsible.

Commissioners commented/discussed:

- City needs to continue to protect itself with insurance requirements, but don't make it so complex that contractors do not want to deal with us.
- City practice of getting insurance certificates, and that policies have deductibles is common business practice.
- Maybe the city should ask about the deductible and ask that if the policy gets canceled the city is notified within 24 hours.
- Contractors need to be held responsible for any damage they do while working in the city.

Bill Danaher stated that insurance certificates state they will endeavor to notify of cancellation, but there is no guarantee. City contractors are not large enough to get insurers to change that language and guarantee notification of cancellation.

Mayor Sutton stated he will at a minimum ask that deductible amounts be shown in the bid documents.

6. City Administrator Items For Discussion/Approval

South Florida Water Management District Grant of \$150,000

Mayor Sutton stated he attended a meeting of the South Florida Water Management District. The SFWMD Board approved a \$150,000 grant for the city to continue stormwater improvements consisting of installing injection wells along West Ocean Drive from 7th through 12th Streets. This grant requires matching funds from the city.

Post Office Hours Effective December 28, 2009

Mayor Sutton stated the Post Office intends to reduce the number of hours the counter will be open beginning in late December. He contacted Post Office officials who told him this was due to budget constraints and the volume of mail received. He stated he has emailed US Representative Ileana Ros-Lehtinen who is working with the Key West Post Office regarding their hours being reduced. He is hoping she will include Key Colony Beach in any discussions she has. He will report on her reply when it is received.

7. Ordinances and Resolutions

Resolution 2009-08 Supporting Efforts to Establish a Fishermen's Hospital Taxing District (This agenda item was taken after Item #2 Approval of Minutes.)

8. Commissioners' Reports or Comments

Commissioner DeGraw expressed disappointment at misstatements made in Commissioner Schmidt's blog of the last commission meeting. Commissioner Schmidt acknowledged and thanked him for his comment.

Commissioner Schmidt reported she had received several complaints about mosquitoes. She said the Mosquito Control Office recommends drilling holes in the bottom of garbage cans to prevent them from holding water where mosquitoes breed.

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

10. Correspondence & Citizen Comments

City clerk stated one email was received from John DeNeale commenting on boat patrols and asking that more patrols be done in the canals. This was previously discussed during the Police Department Report.

The meeting adjourned at 11:30 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.