

# MINUTES

## Amended

### KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, April 23, 2015 9:30 a.m.

City Hall Auditorium

1. **Call to Order, Pledge of Allegiance, Prayer, and Roll Call:** The Regular Meeting of the Key Colony Beach City Commission was called to order by Mayor Ellis at 9:30 a.m. followed by the Pledge of Allegiance and Prayer.

*Present:* Mayor Jerry Ellis, Vice-Mayor Ed Wovas, Commissioner Geraldine Zahn, Secretary Treasurer Jim Pettorini and Commissioner Ron Sutton. *Also Present:* Attorney Tom Wright, City Clerk Cathy Henninger, Fire Chief John Johnson, Police Chief Kris DiGiovanni and Building Official Ed Borysiewicz *Public: 17*

2. **Approval of Minutes:** Commission Meeting April 9, 2015 Approved as written.

3. **Special Request:** ABATE request to recognize May as Motorcycle Safety Awareness Month. Mayor Ellis stated that the City is pleased to support May as motorcycle safety awareness month and asked the City Clerk to read the proclamation aloud. The ABATE leadership accepted the proclamation from the Mayor.

Lupus Foundation requested a Proclamation for World Lupus Day May 10, 2015. Mayor Ellis stated the City is glad to make this proclamation. The City Clerk read the proclamation aloud.

The Commission by acclamation authorized these proclamations.

**Consultants – Castille & DeFoor** update. Mr. DeFoor stated that there have been meetings with the DEO exchanging dialogue over the last couple of weeks. The conversations were long and deep and candid. He summarized that the Commission had entered this agreement for all the right reasons, seeking to work with their partner and proceeded in a cautious way. Their meetings with the DEO Mr. Killingsworth and Ms. Jetton only resulted in a proposal of a more complex formula. Mr. DeFoor proposes to speak with Jesse Panuccio and explain the Commission's position that this proposal seems not to work for Key Colony Beach. They advise this approach before exploring other options. Their belief is that this can be resolved. They will have an update within the next three to four weeks for the Commission. Ms. Castille stated in terms of timing the DEO team is expected to go forward with their proposal to the Administration Commission in May, Ms. Castille stated they want their meeting with Mr. Panuccio to occur prior to that meeting. She also mentioned the Cabinet will be looking for a Capitol for a Day location and she would propose that the Commission invite the Cabinet to hold their Capitol for a Day here in Key Colony Beach. Mr. DeFoor stated there could be higher levels of understanding of this community that a personal visit would afford. Mayor Ellis stated he will extend the invitation and appreciates the work toward a resolution that the consultants are doing.

4. **Committee and Staff Reports:**

**A. Marathon Fire/EMS** – Fire Chief Johnson stated there were 4 EMS calls consisting of 3 medical and 1 public assists during this past two weeks. He reminded everyone to drive carefully, and that it is not too early to begin picking up yard debris in anticipation of the impending storm season.

**B. Recreation Committee** – No report.

**C. Beautification Committee** – No report

**D. Disaster Preparedness Committee** – No report.

**E. Planning & Zoning Committee** – No report.

**F. Utility Board** – No report.

**G. Police Department** – Chief DiGiovanni reported there were three cases in the past two weeks consisting of a lost camera; crash report and a recovered fire alarm. 3 medical/ alarm calls were handled by the City Officers. KCB Officers assisted in 11 instances with the Monroe County Sheriff's Office ranging from a hit and run accident to a family disturbance case. 9 miscellaneous calls were handled. They are: deceased dog in the canal; loud noise complaint; 2 suspicious person complaint, 911 call; accident assistance; vessel tied to mangroves; family disturbance call and a welfare check call. Officers continue their vacation watch order program; daily business checks; traffic enforcement, bicycle and vehicle patrol. The Key Colony Beach Kids Fishing Derby held its kick off meeting this week and the date is set for **June 17, 2015** for the 10<sup>th</sup> Annual Kids Fishing Derby. Applications will be available in City Hall.

**H. Building and Public Works** – Ed Borysiewicz reported the scanning of the building records and permits will begin Monday April 20<sup>th</sup>. The Code Board met this past week and has authorized him to propose their recommendation to the Commission for consideration. Their proposal is to assess an administrative fee to individuals who are found guilty of a violation at a Code Board Hearing. Their recommended administrative fee would be \$300.00. This administrative fee would be in addition to any fine assessed to defray some of the cost of the Hearing and the preparation work. The Commission by consent requested Attorney Wright to draft an Ordinance for Commission review addressing this suggestion. Ed stated the Causeway bridge inspection completed last year determined there are repairs needed to meet compliance. Ed has requested bids of local contractors and will present those as soon as possible to the Commission. The repairs must be made by September 30, 2015. Funding was budgeted in the 14/15 budget for this expense. Steve Britske is attending the FL DOT Bridge meeting in Miami today. He is able to handle the computer work and also the physical work. Ed stated Steve can be kept busy with Code and Building work as well as the scanning of the records. Mayor Ellis asked if Ed was going to mention the need for a part time staff person to assist Joe Boucher with the physical labor that is needed around the City. Mayor Ellis stated he does not want to burn out a good employee and that they had discussed part time help. Commissioner Sutton stated that a possible solution would be some community service help. Commissioner Sutton stated he would not suggest the hiring of a part time person at this time due to the budget considerations. He suggested at budget time this could be discussed. Mayor Ellis stated that funding was in the budget to cover this expense. Mayor Ellis stated that given the nature of the work, with equipment and liability issues that a community service person would not work. Mayor Ellis asked for clarification if he has authority to hire a part time worker. Attorney Wright stated that any expenditure of over \$1,000.00 is to come before the Commission for a decision. Attorney Wright stated the Ordinance that governs expenditures also lists the bidding requirements limitation. Mayor Ellis stated that both of those will be reviewed for updates. Commissioner Pettorini stated those limits clearly need to be adjusted to reflect current pricing. Vice-Mayor Wovas suggested the contingency fund could possibly be used to cover this expense. Commissioner Pettorini stated that this is a part time need in the Public Works Department and would like to see the Building Official have the latitude to hire within budget constraints as needed. He stated he would like to see the matching of expenses to revenues going forward for the budget. Attorney Wright stated the Commission can

authorize the hiring of a part time staff person by motion if they chose to without the change to the Ordinance. The details of hours of work, pay rate and so on can be researched.

**Motion** Made by Commissioner Pettorini, seconded by Vice-Mayor Wovas to authorize the Mayor to hire a part time person to work in the Public Works area.

**Discussion:** Commissioner Zahn stated there is an urgent need for staffing needs in the office as well and that she will be bringing it as an action item to the budget workshops.

**On the Motion:** Roll Call Vote: Unanimous approval.

- I. City Secretary/Treasurer**—Jim Pettorini introduced Peter Rosasco who will review the one page summary of the first six months of the fiscal year. He stated the City is in good financial condition. The one page document was available for the public in attendance. Mr. Rosasco stated that this document was created with the Mayor's input last quarter to offer a snapshot of the City's financial position at a fixed point in time. He offered an overview of the various funds and sources, including general, local option gas tax, infrastructure and non-major governmental funds. He also explained the enterprise funds, required by FL Statute to be run like a business, the sewer and storm-water funds. These two utilities are funded from user fees. Mr. Rosasco explained the bottom line is the City has a healthy reserve. Treasurer Pettorini stated that upon review of the report, he determined the general fund (first column) is the area that the Commission has the most oversight of. The funding for general fund balance is primarily the ad valorem tax. The remaining funds are restricted in terms of expenditures. Mr. Rosasco stated he recommends to his government clients to keep a healthy reserve for emergencies like a storm. He cautioned that FEMA will be able to assist with funding but it is reimbursed funding. The expenses must be incurred and then claimed for reimbursement. A healthy reserve will allow for timely repairs after a storm. Vice-Mayor Wovas asked for clarification of the uncommitted cash available on 3/31/15 in light of the anticipated expenditures needed for the work needed at the wastewater plant (estimated 2 million dollar commitment). Mr. Rosasco stated the general fund dollars should not be utilized for sewer project expenses. He mentioned the 1 million dollar Mayfield Grant that is anticipated within the next few months. Vice-Mayor Wovas acknowledged that is anticipated, however, it remains unknown as to when those dollars will be available. Vice-Mayor Wovas asked about the sewer fund balance and how much of that is available for use on this pending project. Vice-Mayor Wovas stated the Commission has some heavy financial decisions pending in relation to the wastewater plant project. Mr. Rosasco stated that approximately 1 million would be available for the project. He offered that the DEP is aware of City's financial needs to complete large wastewater projects and the state revolving loan program is available for such projects. John DeNeale suggested the report should have the projected expenses for the balance of the fiscal year listed. Jim Teague stated the ad valorem tax for the most part is already included in the number listed based upon the time of year.
- II. City Clerk**- Cathy Henninger gave an update on the boat trailer lot project. Trees are ordered for the north end of the lot, timbers and paint have been purchased. Jim LaRue, City Planner has submitted the water usage and quality comprehensive plan amendment to the State. We should hear back from the state DEO on that document by mid June. Tentative budget workshop dates are Monday June 15 and Tuesday July 14<sup>th</sup>. Cathy requested the Commission advise her if those dates will work with their schedules. Updated signature cards have been submitted to all the banks. Authorized signors include the Mayor, Vice-Mayor, Treasurer and the City Clerk. Two signatures are required on any checks. An easement issue will be researched by Attorney Wright having to do with

the sewer lift station on Coral Lane. Attorney Wright will research it and provide an update for the next Commission meeting. Two FRDAP Grants have been applied for. The projects will be at East Side Park and Waterfront Park. The value of each grant is \$50,000.00.

5. **Unfinished Business:** None.

6. **Items for Discussion/Approval:** A. Sunset Park Caution Signage- Commissioner Zahn recommended that the Commission consider signs on the rocks at Sunset Park to keep off. Ed Borysiewicz stated that many years ago there had been signage warning to stay off the rocks. Commissioner Zahn stated though she is not a fan of more signs out there is the liability issue to the City. Mayor Ellis stated he would follow up on that and understood the liability issue.

B. Wastewater Project – Vice-Mayor Wovas stated the project is moving forward. A joint meeting is requested for May 14<sup>th</sup> at 1:30 p.m. with the Utility Board to receive an update from the Mittauer engineer. The Commission approved May 14<sup>th</sup> for the meeting. The instrumentation has been ordered for the plant. The integration of that equipment is set for GE Zenon to program. The electrical bid is due April 30<sup>th</sup>.

7. **City Administrator Items for Discussion/Approval:**

A. Farmers Market – Mayor Ellis explained he was approached by the organizer of the Farmers Market through the Keys and southern Florida for permission to hold a farmers market in Key Colony Beach. Mayor Ellis had Attorney Wright review the insurance coverage provided by the organizer. Mayor Ellis approved the event on a trial basis for two Wednesdays. The organizer advertises the event, sets up and cleans up and the hours will be 10:00 a.m. till 3:00 p.m. Mayor Ellis stated that in hindsight he should have brought this offer to the Commission first but would request that the Commission ratify his action. **The Green Market event planner will pay the City \$1,000.00 per month for use of the park grounds.**

**Motion:** Made by Vice-Mayor Wovas, seconded by Commissioner Zahn to ratify the Mayor's action to allow the farmers market to set up in the City Park area.

**On the Motion:** Unanimous approval.

B. Fish Carcass disposal compliance review – Mayor Ellis stated the Commission had unanimously supported this idea of a plaque for the fish cleaning stations last July. He is now asking the commission to consider rewriting the ordinance to coincide with the correct disposal methods. The Commission was unaware that the current ordinance prohibits anything being discarded in the canal. The Commission is directed to provide any suggested wording to the city clerk so that an amended ordinance can be presented to the Commission at a future meeting.

8. **Ordinances and Resolutions-** First Reading –Ordinance 441-2015 Utility Board - Mayor Ellis explained this ordinance amendment is to provide for a change in how the Chair is selected for the Utility Board. Attorney Wright read by title only the Ordinance.

**Motion:** Made by Vice-Mayor Wovas, seconded by Commissioner Pettorini to approve the Ordinance 441 – 2015 Utility Board.

Discussion: the city clerk read a summary of Renee Svendsons letter against this amendment. Commissioner Zahn stated that she does not see the need for an amendment in that the Commission has the approval of each of the Utility Board members annually. She also mentioned that the need to have the new Chair bring their appointees back to the Commission seems unnecessary. Commissioner Pettorini asked if the leadership of the other Board and Committees is handled this same way. Commissioner Zahn stated that

each Board selects their own chair and leadership positions. The unique aspect of the Utility Board is the financial responsibility of the Board with a substantial budget. Commissioner Zahn stated that the Commission has complete oversight of that budget approval. Tucker DeGraw stated that he sees no need for this change. He stated the Utility Board has served the City without any issues all these years. Commissioner Sutton stated he did not agree with this amendment.

**On the Motion:** Roll Call Vote: Sutton: No; Pettorini: Yes; Zahn: No; Wovas: Yes; Ellis: Yes. Motion passed.

First Reading Ordinance 442-2015 Outdoor Lighting- Attorney Wright read the ordinance by title only.

**Motion:** made by Vice-Mayor Wovas, seconded by Commissioner Pettorini to approve the amendment to the ordinance 442-2015 on outdoor lighting.

**On the Motion:** Roll Call Vote: Unanimous approval.

9. **Commissioner Reports and Comments:** Commissioner Sutton asked Mayor Ellis if he had considered asking the consultants to handle their updates by conference calls rather than incur the travel expense for the trips from Tallahassee. Mayor Ellis stated that there is value in the face to face visits which are needed. Commissioner Zahn asked how the nomination of the Utility Board Chair will be handled. Mayor Ellis stated that he has someone in mind to nominate and that other Commissioners can nominate a candidate as well. This will occur after the second reading of the ordinance and if it passes.

Mayor Ellis mentioned there is a second fine and fee workshop scheduled for April 29<sup>th</sup> at 9:30 a.m. in the City Hall Conference room.

10. **City Attorney Report:** Attorney Wright provided an update on the property at 520 5<sup>th</sup> Street. The current owner appeared before the Code Board and has met with the Mayor. No resolution occurred and the current owner is planning to deed the home back to the Frost family. Attorney Wright will research the foreclosure action if any pending on the property.

12. **Correspondence and Citizen Comments:** Orlando Fernandez emailed the City concerning the prohibiting of locks on the trailers in the trailer lot. Tom Tucker emailed the City over large fish remains and chum located in the middle of 2<sup>nd</sup> street. Judy Sanders contacted the City over a code violation. Jim Teague requested a copy of the letter and fish cleaning plaque. Andy Forberg submitted a letter thanking the City for the informative minutes which allow him to keep up with activities in the City. Renee Svendson submitted an email against the adoption of the amendment to the Utility Board Ordinance.

Meeting adjourned at 12:02 p .m.

Respectfully submitted,



Cathy Henninger, City Clerk **Note: These minutes are unofficial and have not been formally approved by the Commission. The approval will be at the next scheduled Commission meeting.**

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