

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday June 28, 2018 9:40 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 DeNeale at 9:40 a.m. followed by the Pledge of Allegiance and Prayer.

*Present:* Mayor John DeNeale, Vice Mayor Ron Sutton, Secretary/Treasurer Patti Trefry, Commissioner Jim Pettorini and Commissioner April Tracy. *Also Present:* City Administrator Chris Moonis, City Clerk Kathryn McCullough, City Attorney Tom Wright, Building Official Ed Borysiewicz, Police Chief Kris DiGiovanni, Assistant Building Official Gerard Roussin, Public Works Greg Lawton and Asst. Fire Chief Eric Dunford. Excused: Fire Chief John Johnson. – Public - 12.

2. **Approval of Minutes:** N/A

3. **Agenda Additions, Changes, Deletions:**

Attorney Wright asked the Commission for a closed door session, toward the end of today's meeting, to discuss the Green law suit. The Commission meeting will reconvene after the closed door session.

Building Official Borysiewicz asked that a request by A Deep Blue Dive Center be added under the Building Department.

Both requests approved by acclimation.

4. **Special Requests:** N/A

5. **Committee and Staff Reports:**

**A. Marathon Fire/EMS:** Assistant Chief Dunford reported 2 medical calls and 2 alarm calls since the last meeting.

**B. Recreation Committee:** - No report.

**C. Beautification Committee:** - No report.

**D. Disaster Preparedness Committee:** Assistant Building Official Roussin reported he is still working on resolving the issues with the generator. When the repairs are completed the generator will be dedicated to City Hall.

**E. Planning & Zoning Board:** - No report.

**F. Utility Board:**

**1. US Water Contract** City Administrator Moonis recommended the US Water Contract be tabled at this time. The Commission agreed to table the US Contract.

**2. UV Electrical Building** City Administrator Moonis reported some required terminology, necessary to submit for FEMA reimbursement, was inadvertently omitted from the RFP. Mr. Moonis recommended this item be tabled. The Commission agreed to table the UV Electrical Building.

**G. Police Department:** Since the last meeting Chief DiGiovanni reported a grand theft on 12<sup>th</sup> Street, a narcotics investigation on East Ocean Drive, a domestic battery and Baker Act on 5<sup>th</sup> Street, a trespass arrest at the Circle K and a narcotics arrest on 12<sup>th</sup> Street. During this time frame the Police Department also responded to 4 medical/alarm calls, assisted the MCSO 21 times and answered 15 miscellaneous calls. The officers issued 26 code enforcement warnings and 12 traffic warnings.

The 13<sup>th</sup> Annual Kid's Fishing Derby was a huge success. They took 52 children fishing on the Marathon Lady. Officer Niemiec started on June 18, 2018. Chief DiGiovanni wished everyone a safe and happy 4<sup>th</sup> of July.

**H. Building Department/Public Works:**

Building Official Borysiewicz explained the A Deep Blue Dive Center has been operating out of a closed container on the marina property. A Deep Blue Dive Center is requesting the authority to install a portable trailer to use as temporary office for up to one year. The Commission had no objection to Mr. Borysiewicz issuing the Deep Blue Dive Center a permit for the temporary office, conditioned it is tied down.

Mr. Borysiewicz reported the Public Works crew has been working on the temporary boat trailer parking lot to ready it for the summer season. On a sad note, he reported Alan Morgan has resigned effective mid-August. Alan will be relocating to Minnesota. Gerard Roussin is studying for Fire Certification examination.

**I. City Secretary/Treasurer:** Commissioner Trefry reported May income and expenses are on target with the budget. She showed slides for both income and expenses compared to budget for October 2017 through May 2018. The profit and loss slide shows a year to date loss of \$191,511, primarily due to the \$1M+ loss in October 2017. The majority of the October loss is unreimbursed hurricane expenses.

**J. City Clerk:** City Clerk McCullough reported the Wastewater invoices are in the mail. She thanked Kitty Sutton for assisting with 'stuffing' the envelopes. Becky Todd will begin sending vacation renewal letters on July 1. The final draft audit was received and should be finalized today. Jennifer Johnson, City Accountant, has prepared the CAFR, which is the report, required by the State, that ties all the financial data back to the audit.

**K. City Administrator:**

**1. Hurricane Irma Congressional Letter** - City Administrator Moonis informed the Commissioners that the letter to the City's Federal Senators and Representatives requesting help with the Hurricane Irma Disaster PW's was mailed on June 25, 2018. Copies were also sent to the City's State Senator, State Representative and to Jerry Paul.

**2. Building Rights Letter** - City Administrator Moonis presented a draft letter to Director Proctor of the Department of Economic Opportunity (DEO) explaining 56 hotel rooms (transient units) had been mischaracterized as residential dwelling units. The

purpose of the letter is to open up a dialog on finding a solution to the number of building rights available between now and 2023. Currently the city is potentially in need of additional building rights. The letter outlines a solution to the issue and asks the Department of Economic Opportunity to discuss and ultimately agree to our methodology.

**3. Seeding Retention Area** – Mr. Moonis reported he has engaged a hydro seed company from south Florida to hydro seed three (3) test areas for grass growth at the 7<sup>th</sup>/8<sup>th</sup> Streets & Shelter Bay Drive retention pond. The purpose of these test sites is to determine which type of grass seed may germinate. After 2-3 weeks, it will be determined if grass will grow and root in the area. In advance of the testing the soil was sampled and found it to be high in PH. Instructions were given to add agricultural sulfur to the area. Nitrogen was a little low but the hydro seed would carry enough nitrogen to compensate for the current soil. The fee for the hydro testing is \$700. If successful it will cost approximated \$20,000 to hydro seed the entire area. Mayor DeNeale asked if this is a FEMA reimbursable cost. Mr. Moonis answered yes.

**4. Code Enforcement Letter** – City Administrator Moonis presented the letter, addressing Code Enforcement, which will be included with the Wastewater invoices. After Hurricane Irma the enforcement of City Codes was relaxed due to the situation. This letter, to the residents, explains the Building Department and the Police Department are again enforcing the code.

**5. Appoint Gerard Roussin as Building Official Effective July 1, 2018** - Mr. Moonis announced Mr. Roussin has meet all the State requirements for Building Official, therefore, he requested Mr. Roussin be appointed as the City Building Official effective July 1, 2018. Mr. Borysiewicz, who will be retiring in about a year, will stay on as Building Inspector, and will continue to mentor Mr. Roussin. The salary adjustment for Mr. Roussin will be discussed at a later date.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Trefry, to appoint Gerard Roussin as the City Building Official effective July 1, 2018.

**ON THE MOTION:** Roll call vote. Unanimous approval.

**6. Temporary Office Facilities/FEMA Update** – Mr. Moonis said the City is awaiting direction from FEMA as to whether or not to rebid the temporary office facilities in order to assure reimbursement. Vice-Mayor Sutton indicated he had an alternate solution and was inquiring as to any direction from FEMA. Administrator Moonis indicated guidance is expected soon. Administrator Moonis will finalize bid specifications in the event it will need rebid as to not delay a decision on how to proceed. Administrator Moonis then discussed the status of the 3 Cat A (Debris hauling) and 2 Cat B (Mold Remediation/Safety Electrical Inspections). He indicated each of those particular projects are moving toward FEMA obligations with the largest of the Cat A reimbursement under Final FEMA review. One of the Cat B (Mold Remediation) projects, in the amount of \$86,000, is being reviewed by the State of Florida which is even further along.

**6. Commissioners Open Discussion:** - None

## **7. Items for Discussion /Approval:**

**A. Update on Florida Keys National Marine Sanctuary (FKNMS) -** Mayor DeNeale reported on the last meeting of the FKNMS meeting he attended. The Water Quality Committee discussed canal cleanup following Hurricane Irma. Also the coral disease, which started outside Miami, has spread rapidly. It is currently down to Looe Key and is affecting over 50% of the coral species. All the data analysis, collected by the canal water quality subcommittee was rendered useless by Hurricane Irma. Weed gates were damaged and cleaned canals filled with debris. The new direction of the committee will be to create a 'how to document' on maintaining clean canals.

Mayor DeNeale said Bruce Popham, Chair of the FKNMS Advisory Council reported the major marine regulations concern is 'getting the word out'. Visitors, who are not aware of the rules, appear to be the biggest problem. The question is how to get the word out. To help, captains and dive masters volunteer for a FKNMS education program on rules and best practices to protect the fishery and ecosystem, to help with visitor education.

Mayor DeNeale said Jeff Manning, Monroe County Emergency, reported on the lessons learned from Irma. Communication, after the storm, was a problem. More staff is necessary to man the EOC. And re-entry. All these issues are being addressed.

**B. Report on Meeting with Senator Bill Nelson –** Mayor DeNeale was invited, along with other County and City representatives, to meet with Senator Bill Nelson in Key West. Senator Nelson opened with several of his national political concerns and that the State is not helping with FEMA. Mayor DeNeale presented a letter to Senator Nelson requesting his assistance, at the Federal level, to expedite FEMA processing. Senator Nelson said he would work with Senator Rubio on the City's issues. Senator Nelson is also concerned that the Keys receive money for canal cleanup as soon as possible.

**C. Update on Stormwater Project –** Vice Mayor Sutton reported the 12<sup>th</sup> Street project is 85% complete. The asphalt has not been done. Toppino may not have the flapper valves until August 1<sup>st</sup>. The flapper valves have been ordered. The valve opens and closes the outflow. The competition date for the Toppino is July 28, 2019. There is a \$500/day fine if the project is not completed on time. The City still has time, in the grant, to complete the project.

**D. City Hall Options –** Vice Mayor Sutton reported the bid received to temporarily house staff was extremely high at over \$1M for 3 years. The option to lease commercial property is also going to be high for the buildout and mobilization. Vice Mayor Sutton has a more reasonable alternative. Vice Mayor Sutton asked Attorney Wright if another RFP would be required for a lower cost lease. FEMA may require another RFP.

## **9. Approval of Warrants:** N/A

## **10. Ordinances and Resolutions:**

**Ordinance No. 454-2018 Adopting a New Ordinance Amending Chapter 6 of the Code of Ordinances Adding Section 6-21, Silt Fences -** Attorney Wright read the ordinance by title only.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Tracy, to approve the first reading of Ordinance No. 454-2018.

**ON THE MOTION:** Roll call vote. Unanimous approval

**11. Commissioners Reports or Comments:** N/A

**12. City Attorney Report:** Attorney Wright requested the Commission adjourn the Commission meeting and convene in closed session to discuss the Green law suit.

The Commission meeting adjourned at 11:30 a.m. to meet in closed session.

The Commission meeting reconvened in regular session at 11:56 a.m.

**MOTION:** Motion made by Commissioner Pettorini, seconded by Commissioner Tracy to allow the US Water contract, for the operation of the sewer plant, to expire, without renewal, at the end of the current term.

**ON THE MOTION:** Roll call vote. Unanimous approval.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Tracy, to authorize City Administrator Moonis to negotiate a temporary agreement with the Florida Keys Aqueduct Authority or Conch Wastewater, Inc. for the operation of the sewer plant.

**ON THE MOTION:** Roll call vote. Unanimous approval.

**13. Citizen Comments and Correspondence:** City Clerk McCullough reported receiving a letter from John Albin updating all with Ellen's progress.

The meeting adjourned at 12:11 p.m.

Respectfully submitted,



Kathryn McCullough, City Clerk