

# MINUTES

KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday, February 11, 2016, 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 Jerry Ellis at 9:30 a.m. followed by the Pledge of Allegiance and Prayer.

*Present:* Mayor Jerry Ellis, Secretary Treasurer Jim Pettorini, Vice-Mayor Ron Sutton and Commissioner April Tracy. *Also Present:* City Clerk Cathy Henninger, Assistant City Clerk Kathryn McCullough, Assistant Building Official Steve Britske, Police Chief Kris DiGiovanni and Fire Chief John Johnson. *Excused:* Building Official Ed Borysiewicz.  
*Public:* 12

2. **Approval of Minutes:** Special Meeting January 28, 2016 & Joint Meeting February 3, 2016 -Approved as submitted.

3. **Special Request:** Fee Waiver Requests: World Wide Scouting Day, Sandra Hubbard, 5<sup>th</sup> Street requested a waiver of the fee for a Girl Scout event on 2/20/16. Insurance and the application have been received by the City.

**Motion:** Made by Commissioner DeGraw and seconded by Vice-Mayor Sutton to waive the fee for the Girl Scout event.

**On the Motion:** Unanimous approval.

Marathon Garden Club representative, Sally Wood presented to the Commission the date of their Garden Home Tour Event (3/5/16) and the home featured is at 471 4<sup>th</sup> Street. She requested authorization to work with the Police Chief on traffic and parking issues for that date. The Commission authorized working with the Police Chief and thanked Mrs. Wood. Mrs. Wood did state that they will work to notify the residents of 4<sup>th</sup> Street of the event.

Relay for Life-Golf Ball Drop-Cancer Fundraiser 2/27/16 Lyn Patterson requested the Commission authorize the flying of a helicopter lower than the normal 400 feet to drop the golf balls at the course for this event.

**Motion:** Made by Commissioner DeGraw, seconded by Vice-Mayor Sutton to authorize the helicopter pilot to fly below the 400 feet for this event. The Marathon Fire Department will have staff at the event.

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

4. **Committee and Staff Reports:**

**A. Marathon Fire/EMS** – Chief Johnson stated their department responded to 10 medical calls in the past two weeks, 2 fire alarm calls for burnt food and 1 public assistance call.

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

**C. Beautification Committee** –No report.

**D. Disaster Preparedness Committee** – Steve Britske reported the monthly generator test was completed successfully.

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

**F. Utility Board** – Mayor Ellis shared that the State Revolving Loan program may not meet until August of 2016. Only expenses incurred after the loan approval can be

included in the loan amount. The Mayfield Grant funding balance remains available for current expenses. As a result of the joint meeting the task list has been reviewed by the Mayor and he has begun to gather estimates for the upcoming work. He requested approval from the Commission on two items:

1. Discount Rock & Sand have provided an estimate to remove the one concrete drying bed at a cost of \$9,800.00 (this is a significant savings over the Engineer estimate).
2. Purchase of two new screens for the wastewater plant to relieve some of the load from the aging screens currently in place.

Mayor Ellis shared that the cost of \$110,000.00 is an estimate for the purchase of two screens . He has discussed this approach with the Plant Manager who agrees this should help with the function within the plant.

**Motion:** Made by Vice-Mayor Sutton, seconded by Commissioner Sutton to authorize up to \$140,000.00 for the removal of the concrete drying bed and the purchase and installation of 2 filtration screens.

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

**G. Police Department** – Chief DiGiovanni reported on 1 traffic arrest and 4 medical alarm calls in the past two weeks. Key Colony Beach Officer's assisted with 3 Monroe County Sheriff's Office calls. 8 miscellaneous calls were responded to including noise complaints and a Craigslist scam, (vacation rental). Vacation watch orders, daily business checks, traffic enforcement bicycle and vehicle patrol are also ongoing. 2 Code Enforcement warnings were issued, 8 traffic warnings and 2 citations.

**H. Building and Public Works** –Steve Britske reported the permitting for remodels and repairs is quite heavy. He reported there are plans in review now for a duplex and a single family conversion as well. The Public Works department is recommending that the buttonwoods be removed near the tennis courts across from the Casa Clara Condominiums. After Commission discussion, the consensus was to remove the shrubs and determine at that time if any new plantings are needed. The Public Works staff will remove the shrubs. Steve also stated that Marble Hall was not left clean after a busy weekend. He would recommend that the groups who use the Hall be required to provide a \$200.00 deposit to be held in escrow for the cleaning of the Hall. If the Hall is left clean the check will be returned to the group. Mayor Ellis suggested a check be held for the season for repeat groups and refunded at season end. After much discussion the following motion was made.

**Motion:** Made by Vice-Mayor Sutton, seconded by Commissioner Pettorini to require a cleaning deposit of \$200.00 to be held by the City in escrow by any groups who use the Hall until after scheduled event & appropriate cleaning.

**On the Motion:** Unanimous approval.

Steve mentioned that at least three of the round tables are in bad shape and need to be replaced. He is researching the costs of the replacements. Commissioner DeGraw stated that he thinks the tables are at least 15 years old and he believes there were originally purchased by the Community Association. The Mayor stated it is the organizations that use the tables and as the City grants the use of the hall for no fee, he does not feel it is asking too much to have these groups maintain them.

**I. City Secretary/Treasurer** –Commissioner Pettorini reported that the first quarter of the fiscal year is behind us and all payments appear to be on schedule. He stated that the City is ahead in income for the quarter as a result of ad valorem taxes paid in December and January and the increases in fees. Expenses are under budget by approximately \$100,000. for the quarter.

**J. City Clerk-** Cathy Henninger reported the City received a thank you letter from a visitor who requested a ride along with Officer Griffith. The City audit is final today and we should receive a final copy by close of business today. Cathy thanked the Commission for the opportunity to work for the City and wished everyone the best.

5. **Unfinished Business:** None

6. **Items for Discussion/Approval:** None

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

A. City Hall Lighting proposal-Mayor Ellis presented the LED lighting proposal from Net Zero USA for replacement of the lights in the Post Office and City Hall at a cost of \$17,429.74. this cost includes installation (\$2,569.00) and a disposal fee (\$357.00). Mayor Ellis would recommend the Public Works staff complete the install at a savings of \$2,569.00 and disposal at a savings of \$357. reducing the cost to \$14,503. Vice-Mayor Sutton stated the installation of these lights should be done by a licensed electrician and that this expense could be considered at the budget workshops this summer as an infrastructure expense. Mayor Ellis suggested the purchase of 12 kits and installing them in test locations to assess the quality of the light, prior to a large purchase. After much discussion, the Mayor stated he would table the discussion until he can get a price from Net Zero USA to install the 12 kits.

Brian Fullerton, Egret Condominiums suggested rather than look at just light replacements the scope of the work should include a ceiling replacement. He feels the City should consider more than just changing the bulbs.

The Commission approved, by consensus, the Mayor's request for \$1,600. to purchase 12 kits for the City's front office and the post office, to be installed as a trial.

B. Historical Trophies – Mayor Ellis stated three large fishing trophies were found upstairs when performing an attic cleaning out. These trophies date back to the early days of Key Colony Beach. The Mayor asked the commission's feelings on donating the trophies to some historical association that would display them. Commissioner DeGraw stated that Charlie Anderson used to run those fishing tournaments and they were world class events. The Mayor has a gentlemen who will research historical groups that may be interested in the trophies. When he finds a place, the Mayor will bring it back before the commission for approval. Commissioner Tracy asked if they could be displayed in City Hall. It was stated, however, there is really no space in City Hall. Attorney Wright indicated a museum needs to be established in the Middle Keys to house historical items. The Mayor will suggest to his volunteer that he find one or two places that will be willing to display these. The Mayor will bring it back before the Commission before the trophies are given out.

C. Boat Flare Day- Removed from the agenda. The Coast Guard Auxiliary had asked about discharging outdated flares in Sunset Park. The Mayor spoke with the Fire Chief who does not want to participate in this activity. The Mayor stated he gives his outdated flares to the Auxiliary. They can also be taken to the Sheriffs office for disposal. The Fire Chief does recommend that one set of outdated flares be kept on the boat in the event you run out of currently dated flares in an emergency.

D. Waterfall- City Hall Park- The waterfall at the end of City Hall park is not functional and is beyond repair. The Beautification Committee would like the plumbing removed from the Waterfall so they can turn it into a planter. Commissioner DeGraw is concerned with mosquitos if bromeliads are planted in this area. Commissioner Tracy questioned who is

responsible for maintaining the fountain at the Gazebo Garden as she feels it generally does not look good. Steve Britske reported on the actions taken by Public Works to maintain this fountain on a monthly basis, however, there is not filter on the fountain and it does not self fill, making it very difficult to maintain. It was the general consensus of the commission that the waterfall garden be transformed into a planter.

8. **Ordinances and Resolutions:** Ordinance No. 448-2016, Prohibition on Drones, first reading. Ordinance read by title only by Attorney Wright. Chief DiGiovanni stated one resident has permission from the airport to operate his drone within 5 miles of the Marathon airport. This ordinance would prohibit the use of drones in City parks, but not on private property. Attorney Wright explained this ordinance is another park rule similar to the time the parks close. Commissioner Pettorini has done some research on this issue. As far as the City's liability is concerned, there is no exception for drones in our insurance coverage, so any incident would be covered by the liability policy. There has been one drone, one incident. The existing regulations for drones is very specific, down to a size of one half of one pound, or two sticks of butter. It must be registered, it must be certified and that certification must be carried. The penalties for violation of the Florida Statues is a third degree felony. Commissioner DeGraw stated there are currently more drone licensees than there are pilots. Over 325,000 drone licensees. He also stated, Bill Packer a local helicopter pilot is very concerned about drones. Commissioner DeGraw also reported there is a website, "Know before you fly" that states recreational drones should not be flown over unprotected people.

**Motion:** Motion made by Commissioner DeGraw, seconded by Vice Mayor Sutton to approve Ordinance No. 448-2016.

**On the Motion:** Vice Mayor Sutton, yes. Commissioner Pettorini, no. Commissioner DeGraw, yes. Commissioner Tracy, no. Mayor Ellis, no. Motion failed.

Resolution No. 2016-01 Amending Impact Fees. Resolution 2016-01 read by title only by Attorney Wright. City Clerk Henninger explained this is a house keeping item. The increased impact fees for new construction were approved during the budget cycle, however, this fee was inadvertently omitted from the original budget resolution. This resolution corrects the oversight.

**Motion:** Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini to approve Resolution No. 2016-01.

**On the Motion:** Unanimous approval.

9. **Warrant Approval:** January 2016

**Motion:** Motion made by Vice Mayor Sutton, seconded by Commissioner Tracy to approve the January 2016 warrant in the amount of \$439,284.00.

**On the Motion:** Unanimous approval.

- 10: **City Attorney Report:** Attorney Wright reported there is currently no litigation pending against the City. On a personal note, Attorney Wright expressed his appreciation to Cathy Henninger, City Clerk. She has been a pleasure to work with during her tenure and an asset to the City. She will be missed.

- 11: **Correspondence & Citizen Comments:** City Clerk Henninger reported thank you note was received from Tom Tucker, a resident on 1<sup>st</sup> Street. He wanted to say thank you to Public Works for the work done at the parking lot across from Casa Clara. A petition was received from residents on the Causeway requesting an increased police presence for

traffic. The Police Department has increased patrols on the Causeway at random times in addition to placing the Radar Trailer on the Causeway. The City Clerk thanked Norval Smith for all his work with the City sound system. Currently three microphones are ordered to replace the ones completely pulled off and stripped. Mr. Smith will install these as soon as they are received.

**12:Commissioner Reports & Comments:** Commissioner Tracy expressed her appreciation to the City Clerk. She will miss Cathy. Commissioner Pettorini stated that during the short time he has been on the Commission the City Clerk has been a life saver. He will miss her. Commissioner DeGraw reported he has already spoken to Cathy. He will miss her like crazy. Vice-Mayor Sutton wished Cathy well. He hopes all the problems with her family work out. He wishes her all the best. Mayor Ellis echoes all the previous comments. He wished Cathy well and hopes she will come back and visit us.

Meeting adjourned at 10:30 a.m.



Respectfully submitted,  
Kathryn McCullough, Assistant 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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