

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday April 27, 2017 9:50 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 John DeNeale at 9:50 A.M. followed by the Pledge of Allegiance and Prayer.

Present: Mayor John DeNeale, Vice Mayor Ron Sutton, Secretary/Treasurer Jim Pettorini, Commissioner Jerry Ellis 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 and Fire Chief John Johnson.
Public -10

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

3. **Agenda Additions, Changes, Deletions:** N/A

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

5. **Committee and Staff Reports:**

A. Marathon Fire/EMS –Fire Chief John Johnson reported 8 responses to Key Colony Beach since the last Commission meeting; 6 medical calls, and 2 internal fire alarms.

B. Recreation Committee – No report.

C. Beautification Committee – Patti Trefry, Beautification Committee Chairperson, requested approval to modify the Gonzales Landscaping proposal which had been approved by the Commission during the 2016/2017 Budget Workshops. The first change is to exchange 3 single Christmas palms for 2 triple Christmas on the path from City Hall to the mangroves which is currently vacant. It will improve the aesthetics in that area. The new proposal will replace the three rows of hedges in front of City Hall. The current plantings are very old and choked out by weeds. The Beautification Committee recommends these hedges be replaced with 45 3 gallon ixoras and 45 3 gallon bougainvillea. It will provide better visibility and better security. The new plantings will reach height of the current hedge in 5 to 7 months. The 3 single Christmas palms planned for in front of the Cay Condo have been eliminated. Mayor DeNeale said no vote was needed for this as it was approved in the budget. He thanked Ms. Trefry for coming and providing the update.

D. Disaster Preparedness Committee –No report.

E. Planning & Zoning Board -- No report.

F. Utility Board –No report.

G. Police Department –Chief DiGiovanni said there has been 2 medical/alarm calls, 7 Sheriff Office assist calls and 14 miscellaneous calls since the last meeting. The Police Department also issued 18 code enforcement warnings and 4 traffic warnings. Officer

Petrick has resigned from his position with the Police Department with two weeks notice. Chief will start advertising for a replacement. Key3PO, an injured manatee, was released behind City Hall with the Assistance of Mayor DeNeale and Chief DiGiovanni. The work of the volunteers in returning Key3PO to the wild was remarkable. There was also more than 100 bystanders assembled on the dock to witness the manatee return to the canal. Key3PO will be easy to identify as half of his fluke had to be removed due to the injuries received from a boat propellor.

H. Building and Public Works –

1. Approval of 20,000 lb boat lift at 690 10th Street. Building Official Borysiewicz explained the request is for a 20,000 boat lift with 12 foot arms. He has letters from the neighbors on both sides approving the installation of the lift.

MOTION: Motion made by Commissioner Ellis, seconded by Mayor DeNeale, to approve a 20,000 lb boat lift with 12 foot arms at 690 10th Street.

ON THE MOTION: Roll call vote. Unanimous approval.

Building Official Borysiewicz reported Joey, Alan and Estaban are working on trimming the trees around the sewage treatment plant. Joey and Alan have also pressure washed the City Hall and the Post Office Building.

I. City Secretary/Treasurer – Commissioner Pettorini reported the City is at the 6 month review period for budget versus actual. Income is just under \$2 million year to date. This is a 13% increase over the prior year and is \$202 thousand over the current budget. A lot of this is due to increased permit fees due to the amount of construction in the area. On the expense side, while the City is up just over 3% of the prior year, it is still only 85% of the current budget. The Utility Board budget is also looking good. There is a shortfall in the Stormwater budget which will be addressed later in the meeting. Mayor DeNeale reported instructing the City Clerk McCullough and the City Administrator Moonis to prepare a review of reserves for the first budget workshop. Mr. Moonis has a lot of good ideas from his previous experiences. Commissioner Ellis reported the City has insurance coverage for shortfalls in the event of a disaster. He agreed reserves are important but if it became necessary to use reserves for some short period of time, there is actually an insurance policy to cover that gap.

J. City Clerk - City Clerk McCullough reported the administrative staff continues to be very busy. Donations have been received from the Fishing and Boating Club, the Community Association and the Keyettes earmarked to purchase a professional floor cleaning machine for Marble Hall. She thanked Public Works for offering to assume the responsibility for maintaining the floors after the machine has been received. She also thanked Cherie Bombard for handling ordering the device. The final draft of the audit has been received from the City Auditor. Jennifer Johnson and I are reviewing it based on input suggested by Jennifer to insure the audit will comply with the LOGER report required by the State. Blanca Kulig, Utility Clerk, starts her two week vacation on Monday. Becky Todd and Cherie Bombard will cover in her absence. Vice Mayor Sutton asked if the City still had manatee signs. Vice Mayor Sutton was approached by a citizen at the release of Key3PO requesting additional manatee signs be posted in the canals around the City. He asked Ms. McCullough to request more signs from Save the Manatee.org.

6. Unfinished Business: N/A

7. Commissioners Open Discussion:

A. Florida Keys Days Report – Mayor Deneale reported he and Mr. Moonis drove to Tallahassee to participate in Florida Keys and that it was an outstanding experience. The Mayor was able to meet and speak with all the elected officials present and Chris met with the legislative staff. He complimented Chris' abilities in a legislative environment. It has been a difficult legislative session with some of the bills going through the House and the Senate. There are many home rule issues where the State is trying to strip power from the cities. Senator Flores and Representative Raschien are working extremely well together on issues facing the Keys. Some of the main issues facing the Keys are traffic (mainly in Islamorada) wind insurance (low claims but high premiums), and funding for Florida Keys projects (looks very unlikely). Holly Raschien and her staff did a phenomenal job putting Florida Keys Days together, from the scheduling meetings with legislative staff, to entertainment (John Bartus performed) and to great seafood (Mangrove Mikes provided rum punches). It was a long drive but it also provided the opportunity for he and Mr. Moonis to learn about each other.

B. Update on Turtle Lights -- Mayor DeNeale thanked Commissioner Tracy for covering the Turtle Lights meeting when he and Mr. Moonis were out of town. Commissioner Tracy reported meeting with FKEC, FWC, Save a Turtle and Building Official Borysiewicz. FKEC has taken out the lights which FWC has determined effect the turtles. FKEC has ordered 2 amber lights which will be installed, when received, to see the light given off. The consensus of opinion of residents on the east side of the island is a preference for no lights as opposed to lights they don't like. The lights are off now and no one has noticed. Vice Mayor Sutton stated that not all the street lights on East Ocean Drive are off, only those impacting the sea turtles. Commissioner Ellis reporting driving down East Ocean about 9:30 pm and it is pretty dark with the street lights off. He cautioned the Commission about leaving the street lights off for safety reasons. Mayor DeNeale reported amber lights are used at Patrick Air Force base, which is on the beach. The color was a soft amber and much better than the red. Commissioner Tracy said once installed the lights will there permanently. They will not be changed back to white at the end of turtle season. Chris Moonis asked Building Official Borysiewicz to inform the Commissioners when the lights are installed. Mr. Moonis asked the Commissioners to drive and/or walk the area to form an opinion prior to the next Commission meeting.

C. Report on Florida Keys Marine Sanctuary Meeting – Commissioner Tracy reported this is the first meeting of the Florida Keys National Marine Sanctuary Advisory meeting she has attended. She gained a lot a great information. Anyone interested in what the FKNMSA does is welcome to attend the meetings. Former Chairperson Bruce Popham agreed to take the Chair for 6 months. Two vice chairpersons were appointed. Clinton, as Vice Chair, to be trained for 6 months to become the Chairperson and Dave as Vice Chair. (Last names were not used) There was a lot of discussion on Senate Bill 10 concerning a retention area to clean up pollution in the Everglades caused by sugar plants. The proposal for SB 10 which was for 360,000 acres area south of Lake Okeechobee was amended at the last minute to 210,000 acres. The good news is the bill passed but for a lot less acreage than originally requested and it will take at least 2 years to implement. Also of interest, NOAA has started a Blue Star Fishing Star program targeted to educate charter boat captains to encourage their customers to 'take only what you need'. There will be a

Blue Star certification program including stickers for the boat to identify a Blue Star Captain. It is understood recreational fishermen and divers are the most abusive but unfortunately this program does not address any of them. However, the hope is that this will create more awareness. Commissioner Tracy is willing to display “Take Only What You Need” signs at the Cabana Club to help increase awareness. Commissioner Tracy asked Building Official Borysiewicz to compliment the Public Works employees on how good the hedges look at the corner of 2nd Street and East Ocean Drive. She also asked about missing street signs in the area. Building Official Borysiewicz reported replacement signs have been ordered and will be installed as soon as received.

8. Items for Discussion/Approval:

A. Stormwater Project Update – Vice Mayor Sutton reported the bids for the Stormwater Project for 12th Street came in much higher than anticipated. Even with the \$100,000 grant from South Florida Water Management District (SFWMD) there are not adequate funds available to complete the project. In an effort not to lose the grant, Vice Mayor Sutton contacted the SFWMD Project Manager, Roxanne Taylor, to determine if it would be possible to downsize the project to only do a portion. She was very positive indicating we could make the request, in writing, stating the reason is financial, but also acknowledging water quality would still be improved. Once received, the application will be submitted it to the SFWMD Board for approval. Vice Mayor Sutton discussed this, at length, with Mr. Moonis who agrees this is the best course of action. Vice Mayor Sutton requested approval from the Commission to move forward with SFWMD to obtain approval to downsize the project. Commissioner Ellis questioned how the project went from a \$500,000 estimate to a \$1,000,000 bid. Building Official Borysiewicz reported a local contractor had provided an estimate of \$510,000. The same contractor changed estimators who then bid the project at double. That was the only contractor to submit a bid. Vice Mayor Sutton stated if SFWMD approves downsizing the project, there may be more contractor participation for a smaller scale project. Commissioner Ellis suggested a project to include only the injection wells. Mr. Moonis reported, the contractor has agreed, in writing, to hold the overall price of the bid for six months. Roxanne Taylor has agreed to a tentative May 18th visit to Key Colony Beach. Hopefully, by then, there will be more definitive answers for the District, the grant and the overall project.

MOTION: Motion made by Vice Mayor Sutton , seconded by Commissioner Tracy, to approve that he and Mr. Moonis continue working with SFWMD to downsize the scope of the 12th Street project.

Discussion: Mayor DeNeale spoke with John Dalton, Utility Board Chairperson, and reported the Utility Board wants to stay involved with this project. Vice Mayor Sutton assured the Utility Board would be involved.

ON THE MOTION: Vice Mayor Sutton withdrew the motion. Commissioner Tracy withdrew the second.

MOTION: Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton, to not accept the bid at this time and to downsize the scope of work with the SFWMD to fit it into the City’s financial situation to accept the \$100,000 grant.

ON THE MOTION: Roll call vote. Unanimous approval.

9. City Administrator Items for Discussion/Approval:

A. Discussion/approval of Proposal to Sealcoat City Hall Parking Area – City Administrator Moonis reported the City Hall parking lot is need of maintenance to avoid replacement in the near future. Building Official Borysiewicz solicited proposals from 2 contractors. The low proposal, from Affordable Asphalt, in the amount of \$8,634 and a

proposal from Slazar Construction in the amount of \$13,786, to sealcoat and stripe the City Hall parking lot. Staff recommends acceptance of the Affordable Asphalt proposal. Jennifer Johnson, Bishop & Rosasco CPA's, reports it is acceptable to utilize Transportation Impact Fees for this project. Vice Mayor Sutton agrees with the recommendation.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini, to accept the proposal from Affordable Asphalt in the amount of \$8,634 to sealcoat and stripe the City Hall Parking Lot.

ON THE MOTION: Roll call vote. Unanimous approval.

B. Discussion/Approval of Proposal to Repair Sunset Pier – City Administrator Moonis deferred to Building Official Borysiewicz to describe the issue at Sunset Pier. Building Official Borysiewicz reported Sunset Park Pier is in a state of disrepair that can be a safety hazard. Pieces of the pier have been replaced after tropical storms in the last few years, however, the walkway from the shoreline out to the observation deck needs a new deck, new railing and new bents and stringers. The walkway will be replaced with 2 x 6 lumber rock. Pressure treated lumber, with stainless steel connectors, will be used for the bents and stringers. Proposals were received from Ed Sims Development for \$21,800 and from Marathon Marine Construction LLC for \$24,879.75. Both contractors are qualified to perform the repairs therefore Building Official Borysiewicz recommends accepting the proposal from Ed Sims Development. City Administrator Moonis explained the railing will be replaced with wood as lumber rock would bow in the longer hand rail lengths. Attorney Wright, for the record, stated this project is small enough to request proposals, and is exempt from the formal bidding process per City code. Vice Mayor Sutton asked City Administrator Moonis if this project would be eligible for a Tourist Development Council (TDC) grant. Mr. Moonis indicated it might be, however, he is not aware of the actual requirements or the time line for a TDC grant. Commissioner Ellis reported Key Colony Beach has never received a dime from the TDC. Commissioner Ellis would like City Administrator Moonis to work on a TDC grant for bathrooms at Sunset Park. Monroe County Mayor Neugent has offered to help with that grant application. George Garrett, with the City of Marathon, has also offered assistance. City Administrator Moonis said there are funds available in the current budget to cover this cost.

MOTION: Motion made by Commissioner Ellis, seconded by Vice Mayor Sutton, to approve the \$21,800 proposal from Ed Sims Development to repair the walkway, railing, bents and stringers on the Sunset Park Pier.

ON THE MOTION: Roll call vote. Unanimous approval.

City Administrator Moonis reported meeting previously with the District 6 Secretary of Florida Department of Transportation (DOT) and yesterday with the District 6 FDOT planning staff. He was successful in getting the signalization at US1 and Sadowski Causeway on the record. The pedestrian crossing was discussed along with the near misses at the intersection. FDOT committed to looking at the pedestrian issue and to realigning the traffic lights to coincide with the travel lanes. Transportation, as it relates to the traffic on US1, is a big issue for the Cities of Islamorada, Marathon and Key West and, indirectly, Key Colony Beach. He has started Department Head Meetings twice a month on the weeks between Commission Meetings. He is holding meetings with the entire staff once a month. It was decided to have a Special Meeting Workshop on May 10, 2017 at 9:30 AM to discuss the City Administrator's responsibilities and a possible City Manager/Administrator ordinance.

Commissioner Tracy was excused from the meeting at 10:30 AM.

City Administrator Moonis had scanned, to the Commissioners, a resolution recently passed by the City of Islamorada to start the discussion and process of potentially putting a toll on US1. There is a movement among all the municipalities to begin data collection as it relates to a toll. It is City Administrator Moonis understanding the toll would be southbound only using 'toll by plate' technology and would not be charged to residents. This is something that can be discussed when more information is available. Mr. Moonis and Mayor DeNeale have made a concentrated effort to invite your Representatives, your Senator, and some key staff members in the House and Senate to the City to discuss issues that directly impact Key Colony Beach. Mayor DeNeale reported Congressman Curbello has also expressed an interest in visiting. Lastly Mr. Moonis has been setting up meetings with the other Keys City Managers. Mayor DeNeale would like a City Administrator Report added as an item to the agenda.

11: **Commissioner's Reports or Comments:** Commissioner Pettorini questioned if anything can be done concerning the home rule issues occurring during this current session of the State legislature? Mayor DeNeale stated it is too late to address this far into the Legislative session. The Commission should begin looking at the Legislative agenda sometime in February next year. The Florida League of Cities has been very active in addressing the home rule issues. City Administrator Moonis stated most of the big preemption issues have been "squashed". It is the "back end" of the session so bigger issues, like budget, will hopefully prevent any of the smaller remaining bills from getting out of committee. Mayor DeNeale received a positive report from a Chicago visitor. She complimented the courtesy and professionalism of the office staff when she stopped in to ask a question. She reports she will definitely visit Key Colony Beach again.

12: **City Attorney Report:** No report.

13. **Citizen Comments and Coorespondence:** City Clerk McCullough reported receiving a thank you from the Moonis for the contribution the City made in memory of Chris' father. Representative Ben Diamond, House District 68, thanked the City for the support of Visit Florida. He voted against the budget cuts on that issue. The Keyettes sent a thank you for the use of Marble Hall and included a \$400 contribution that went toward the purchase of the floor scrubber. Planning & Zoning Board Member Trudy Troiano thanked the Commission for the gift card she received for volunteering.

The meeting adjourned at 11:00 A.M.

Respectfully submitted,



Respectfully submitted,
Kathryn McCullough, 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.
