

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday May 25, 2017 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 John DeNeale at 9:30 A.M. followed by the Pledge of Allegiance and Prayer.

*Present:* Mayor John DeNeale, Vice Mayor Ron Sutton, Secretary/Treasurer Jim Pettorini, and Commissioner April Tracy. *Also Present:* City Administrator Chris Moonis, City Clerk Kathryn McCullough, Assistant City Clerk Becky Todd, City Attorney Tom Wright, Building Official Ed Borysiewicz, Assistant Building Official Gerard Roussin, Police Chief Kris DiGiovanni and Fire Chief John Johnson. Excused: Commissioner Jerry Ellis. Public - 22

2. **Approval of Minutes:**

**MOTION:** Motion made to approve the minutes of the 04/27/2017 Regular Commission Meeting.

**ON THE MOTION:** Unanimous approval.

3. **Agenda Additions, Changes, Deletions:** None Requested.

4. **Special Requests:** -

A. Proclamation: Mayor DeNeale read the Proclamation by title.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini, to approve the Motorcycle Safety Awareness Month Proclamation.

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

Mayor DeNeale read the Proclamation recognizing May as Motorcycle Safety Awareness Month. As no one was present, to accept the Proclamation, it will be mailed to ABATE.

5. **Committee and Staff Reports:**

**A. Marathon Fire/EMS** –Fire Chief John Johnson reported 3 responses to Key Colony Beach since the last Commission meeting; 2 medical calls, and 1 public assistance request. Chief Johnson reminded everyone storm seasons starts June 1<sup>st</sup>. Everyone should have their plans in place early. These should include plans to get off the island, how property is going to be secured, and plans for pets, just to mention a few. He announced Kenny, at the Marathon Airport, is retiring after 35 years with the County. There will be a farewell celebration for him at the airport on Friday from Noon to 1:00 PM. This is also EMS Week.

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

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

**D. Disaster Preparedness Committee** –Building Official Borysiewicz reported equipment is being tested and supplies are being ordered for the approaching storm season. Vice Mayor Sutton asked if sand was available if needed for sand bags. Building Official Borysiewicz reported a partial pile of sand is available. Mayor DeNeale asked

the cost of a pile of sand. Mr. Borysiewicz responded about \$500. City Administrator Moonis can approve the purchase of sand.

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

**F. Utility Board** –No report.

**G. Police Department** –Chief DiGiovanni said there has been 1 report, 1 medical/alarm call, 7 Sheriff Office assist responses and 4 miscellaneous calls since the last meeting. The Police Department also issued 7 traffic warnings. Chief DiGiovanni thanked Officer Griffith for assisting Public Works with traffic control while the mangroves were trimmed. He also thanked Officer Smith for spending time with a gentlemen, on vacation, who's wife passed away while on a dive trip. A compliment was made by a resident who would like to see a full force of officers like Sgt. Birkland when it comes to code enforcement. The Chief, City Administrator Moonis and Building Official Borysiewicz are working on improvements to address the concerns of Mary McFadden in reference to the Clara Blvd issue. The Chief and City Administrator Moonis also attended a Marathon Council meeting on Tuesday evening to support Ms. McFadden. There is a Click It or Ticket wave until June 4<sup>th</sup>. He received Commission approval to place a banner at the top of the Causeway reminding drivers to Please Buckle Up. No qualified applications have been received for the night officer position. The Police Boat has been serviced. Chief DiGiovanni will start weekend boat patrols this week. An additional AED, purchased with Impact fees, has been installed in City Hall. Chief Johnson reported he can provide AED and CPR training for the office staff. The Kids Fishing Derby is on schedule. He invited all the Commissioners to the Key Colony Inn on June 14<sup>th</sup> at 1:45 PM for the trophy presentations and luncheon. Chief DiGiovanni reported he is serving on the Medical Examiner nomination committee on June 8<sup>th</sup>, so will not attend the City Commission meeting on that day. Mayor DeNeale reported he has had dialogue with the Marathon City Manager concerning the Holiday Inn Express expansion. Chief DiGiovanni wished everyone a happy, safe Memorial Day weekend.

**H. Building and Public Works** – Building Official Borysiewicz announced the Assistant Building Official will be in Orlando June 12<sup>th</sup> and June 13<sup>th</sup> to obtain the provisional license for 1 and 2 family dwelling inspector. He is also seeking permission to take the test for Building Official. Joey and Alan are at Clara Blvd and Sadowski Causeway, and Clara Blvd and Coral Lane, clearing and trimming bushes. They have also corrected irrigation problems in the City parks. Fifty percent of the new street signs have been installed. The seal coating and stripping of the City Hall parking lot was completed last week. Joey is working on re-organizing the long term boat trailer parking lot. He has also removed the grass in preparation for the new pickle ball tiki hut. The paint to stripe the roads has been ordered. This project will start when it is hot, dry and calm. All three conditions are necessary to apply the stripping paint.

**I. City Secretary/Treasurer** – Commissioner Pettorini reported on the financial reports for the 7<sup>th</sup> month of the fiscal year. Income is ahead of projections. The City is in very good shape.

**J. City Clerk** - City Clerk McCullough reported the final taxable value for fiscal year 16-17, as reported by the Property Appraiser, was \$646,427,346. This is \$4,717,291 more than the budgeted projection. Vice Mayor Sutton asked the percentage over last

year. Ms. McCullough did not have percentage available. It was requested she email this information to the Commission.

The Code Enforcement Board recommends the appointment of Tucker DeGraw and Joey Raspe to fill the 2 open positions.

**MOTION:** Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton, to appoint Tucker DeGraw and Joey Raspe to the Code Enforcement Board.

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

Ms. McCullough reported Steve Flood and Tom Harding have been reelected as Vice Chair and Treasurer on the Utility Board. Effective May 23, 2017 Governor Scott signed a bill requiring all public records requests be made in writing to the City Clerk. This notice has been posted on the counter and on the website. The Loger report has been submitted to the State. And, finally, proclamations will be presented to the Commission for a vote at the meeting prior to issuance. ABATE members, arriving late, were presented the Proclamation recognizing May as Motorcycle Awareness Month.

**K. City Administrator:** City Administrator Moonis submitted the tentative budget schedule for approval. The Commissioners found no conflicts with the schedule presented. Mr. Moonis presented a draft investment policy for discussion. The policy addresses how the City manages investments which are legally admissible under State statute and the City Charter. The policy objectives would be safety, diversification, liquidity and return on investments. Mayor DeNeale reported Florida statues indicate the City should have an investment policy with specific language not currently in the draft. Mayor DeNeale suggested the investment policy be discussed at the first budget workshop. Mayor DeNeale reported he and Mr. Moonis met with representatives of the Department of Economic Opportunity (DEO) in Key Colony Beach. It was a very good “meet and greet” on City turf. DEO is very concerned about hurricane evacuation, specifically how to get cars get off the islands. Vice Mayor Sutton stated it would alleviate the traffic situation if the evacuations were issued 24 hours in advance of the current schedule. Mr. Moonis reported attending a meeting, with DEO, the other municipalities and the County, to work on hurricane evacuation solutions. These meetings will continue with the DEO, Representative Raschien, and the local governments.

**6. Unfinished Business:** N/A

**7. Commissioners Open Discussion:**

A. Toll Road Discussion: Mayor DeNeale reported contact with Islamorada Mayor Jim Mooney concerning a proposed toll on US 1. Mayor Mooney thanked Mayor DeNeale for his support. The Villages are not close to figuring out the all the aspects of a toll. Most important, at this time, is the support from the Municipalities and the County. Development of long term strategies can begin once interest is shown by the “Feds”.

**8. Items for Discussion/Approval**

A. **Discussion of Election Dates:** Commissioner Pettorini reported on the issue of aligning the City election dates with Monroe County and the other Municipalities, has been addressed in the past. A citizen also broached the subject at the last Commission meeting. Currently the City Charter requires a two year term for Commissioners. The elections are held on the 2<sup>nd</sup> Tuesday of March, with 3 vacancies filled in the odd

numbered years and 2 vacancies filled in the even numbered years. Therefore it would be necessary to move to a four year term to be in sync with the County. The cost of the elections, charged to the City by the Supervisor of Elections, is significant (\$7,000). There would be no charge if the City elections were held at the same time as the County. The Supervisor of Elections is not mandated to provide this service. Of the 751 registered voters, 310 ballots were cast, or about 41% voted in the recent March election. Of those 310 votes, 110 ballots were absentee. There were no early votes because early voting is not supported for City only elections. The turnout for the most recent General Election, (11/08/16) was 82% of the City's registered voters, of which 207 voted absentee and 112 voted early. Currently the Supervisor of Elections has requests for early and absentee voting through 2020. Some of the questions raised are; 1. What are the legal requirements to make a change; 2. What is the impact on the Charter; 3. Should the Supervisor of Elections be invited to a Commission meeting, and; 4. Should the City consider the change. City Attorney Wright reported a charter revision would be necessary to change the terms of the Commissioners. Vice Mayor Sutton reported the subject has been discussed several times in the past. The citizens want to be present on election day based on previous feedback. Vice Mayor Sutton could not vote for a change without citizen support. Commissioner Pettorini disagreed with Vice Mayor Sutton based on the number of absentee ballots received. The only thing a small voter turnout guarantees is the re-election of incumbents. Clearly, a referendum would be required to make the change. Vice Mayor Sutton agreed a referendum would determine citizen support. Mayor DeNeale thanked Commissioner Pettorini for his presentation.

**B. Pickleball Court Concerns from 7<sup>th</sup> Street Residents.** Vice Mayor Sutton reported all the Commissioners have received emails concerning the Pickleball courts primarily from the residents of 7<sup>th</sup> Street. Residents on one side of the issue report Pickleball courts are needed to alleviate the number of people waiting to play. The 7<sup>th</sup> Street residents oppose the courts for noise and parking concerns. Vice Mayor Sutton stated an agreeable compromise can be found. Vice Mayor Sutton suggested the parking area near the tennis courts and also one close to the sewer plant, be used. There are spaces to cross, through the hedge row, to get to the proposed courts. Vice Mayor Sutton is not sure the City needs all of courts at this time. Commissioner Tracy asked how many Pickleball courts there are currently. Mayor DeNeale answered there are 2 on 7<sup>th</sup> Street and 2 on 8<sup>th</sup> Street. The 2 on 7<sup>th</sup> also serve as basketball courts. Of the 2 on 8<sup>th</sup> Street, 1 also serves as a tennis court. There is presently only 1 dedicated Pickleball court. Vice Mayor Sutton said 3 are proposed to be added to 7<sup>th</sup> Street, which he states is 'over kill'. Some of the money saved by not building all the courts could be used for plantings to buffer the sound.

Sally Wood, 68 7<sup>th</sup> Street reported spending a lot of time researching the impact of Pickleball. The impact is noise, a loud penetrating noise when the plastic ball hits the solid wooden or graphite paddle. And it is repetitive. Noise from yelling, shouting, or hooting from excited players. Another concern is parking. The spaces across from the homes on 7<sup>th</sup> Street are used by homeowners, renters and playground visitors. If there are 40 to 60 players a day using the additional courts, is that an additional 30 to 50 cars? Property values may be impacted. The impact on infrastructure can be significant with increased traffic, parking difficulties, bathrooms, trash and the need for increased police presence. Has Key Colony Beach changed from a fishing and boating community, with recreational amenities, for homeowners because of the popularity of Pickleball. Will Key Colony Beach, with the only courts in the middle keys, attract more Marathon and middle

keys players. These visitors contribute no revenue to the City, leaving the taxpayers to pay the ongoing costs.

Yuna Leary, 421 8<sup>th</sup> Street, introduced herself as a cancer survivor and previously a very avid tennis player. She can no longer play tennis, however, she can play Pickleball. She agreed with Ms. Wood, people who are not residents are using the courts. She finds it difficult to use a court to play because of all the non-residents. She tried to establish a system where everyone would be able to play, but no one agreed with it. She also agreed with Ms. Wood about the noise. She is sure a 'soft ball' will be invented to alleviate the noise.

David McKeehan, 2 7<sup>th</sup> Street, agreed with Vice Mayor Sutton and Yuna Leary concerning compromise. There has not been a vetting or review process for the residents affected. There should be professional renderings, estimated costs and protocols for the use of the courts. Everyone is concerned about the noise which, with 4 people on the court, can sound like a popcorn machine on steroids. He proposes a 'step back' with a 60 or 90 day review period. A study should be done by a disinterested 3<sup>rd</sup> party to evaluate the cost/benefit to Key Colony Beach.

Patti Trefry, 471 8<sup>th</sup> Street, introduced herself as the Co-Chair of the Beautification Committee. She asked Vice Mayor Sutton for clarification on the parking area he was proposing. Vice Mayor Sutton explained the area he is proposing is the second lot used as temporary boat trailer storage. There is also a grass area by the sewer plant which could be used for parking. Ms. Trefry asked for clarification on the number of proposed future Pickleball courts. She understood it to be nine additional courts. Vice Mayor Sutton reported 2 new courts on 8<sup>th</sup> Street and 3 new courts on 7<sup>th</sup> Street for a total of five. He also stated Mike Alexander, a resident and Pickleball player, was instrumental in developing the proposed plan. Unfortunately he is currently in Alaska.

City Administrator Moonis has spoken with concerned residents but has not talked with Mr. Alexander. He recommended the Commission request a "stay" of 60 days to get additional input. Commissioner Tracy asked if a 'stay' would affect the grant. Commissioner Pettorini expressed his appreciation for the noise concerns. He is not near the Pickleball courts but lives on a canal. Sound travels over water. He would like contractors to start later than the current 7:00 a.m. Some resident concerns could be addressed by only allowing Key Colony Beach residents use of the courts. Vice Mayor Sutton reported the grant stipulations require public access. It cannot restrict access to only residents. Commissioner Pettorini recommended this be turned back to the Recreation Committee. There was obviously a reason they proposed the Pickleball courts.

Yuna Leary reported trying to resolve the usage issue by organizing league play so residents could be given priority use of the courts. She stated real estate values increased in Naples due to the access to Pickleball courts. A lot of seasonal renters and vacationers choose a community where Pickleball is available.

Trudy Troiano, 360 10<sup>th</sup> Street, stated it seems property values and the peace and quiet of Key Colony Beach are at stake. Ms. Troiano asked, considering the grant, could fees be charged? City Attorney Wright said there should be not prohibition to fees as long as the fees are evenly applied. Ms. Troiano said fees could be used to maintain the courts. And league play could control who uses the courts.

**MOTION:** Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton, for the City Administrator to place a 90 day stay on the construction of the Pickleball courts and to include the Recreation Committee, along with resident and 3<sup>rd</sup> party input, to work out a compromise.

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

**C. Stormwater Project Update:** Vice Mayor Sutton reported he and City Administrator Moonis had a very positive meeting with Roxanne Taylor of the South Florida Water Management District (SFWMD). He, Building Official Borysiewicz and Mr. Moonis gave her a tour of the entire City pointing out the City's stormwater efforts. She commented our progress is remarkable and Key Colony Beach is way ahead of many other cities. She was very positive concerning approval of downsizing the 12<sup>th</sup> Street project for financial reasons. She was given a written request to submit to her supervisors for consideration and approval. Mittauer & Associates are working on revised plans and bid specifications for the project. Bid documents should be ready for advertisement within the next two to three weeks. Vice Mayor Sutton stressed to Ms. Taylor the 12<sup>th</sup> Street wells will be completed in a timely manner. SFWMD does not like extension requests. The costs will be provided to Ms. Taylor after bids are opened at which time she will request final approval for downsizing the project. Mayor DeNeale thanked Vice Mayor Sutton for all his hard work on this project.

**D. Update of Turtle Lights:** Commissioner Tracy reported the Florida Keys Electric Coop (FKEC) has installed 2 the amber turtle lights. One light appears to be much brighter than the other. Building Official Borysiewicz said the amber turtle light installed at the intersection of East Ocean Drive and 4<sup>th</sup> Street is an 80W bulb. The other light, installed in the Gluntz parking lot, is 40W. There is a switch in the bulb which will reduce it from 80W to 40W. FKEC is offering the City 3 options: No. 1; Install the amber turtle lights, set at 40W, with ability to change to 80W, on all the poles along East Ocean Drive. No. 2; Install the amber lights only where required by Fish & Wildlife. If this option is chosen, when a white lights burn out it will be replaced with an LED light which is brighter and harsher. No. 3; No lights. Mr. Borysiewicz recommends installing the amber turtle lights, set at 40W, on all the poles along East Ocean Drive. The lights can be reset to 80W for public safety if necessary. The installed amber turtle lights will not be changed back to white at the end of the turtle season. FKEC will install the lights at no cost, however, if changes are made after installation, a fee will be charged.

**MOTION:** Motion made by Commissioner Pettorini, seconded by Vice Mayor Sutton, to install the amber turtle lights, with the adjustable bulb, on all the poles on East Ocean Drive.

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

9. **City Administrator Items for Discussion/Approval:** Nothing further.

10. **Commissioner Reports and Comments:** Mayor DeNeale wished everyone a safe and happy memorial day.

11. **City Attorney:** No report.

12. **Citizen Comments and Correspondence:** City Clerk McCullough reported a letter from Rob Apostolakis, a new owner on 7<sup>th</sup> Street, expressing appreciation of the helpful and professional assistance he received from all City staff. An email was received from Warren Jones, 441 10<sup>th</sup> Street thanking Ed Borysiewicz and Gerard Roussin for their assistance during his seawall project.

Mary McFadden, 6 Clara Blvd., thanked Chief DiGiovanni and City Administrator Moonis attending at the Marathon Public Hearing concerning the Holiday Inn Express. It was 2 ½ hours before the Holiday Inn Express issue was discussed, and the room was hot, therefore even greater appreciation is extended for their presence. It raised her spirits.

There being no further issues, the meeting adjourned at 11:20 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.**

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