

# MINUTES

## KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, July 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, Commissioner Ron Sutton (by phone). *Also Present:* Attorney Tom Wright, City Clerk Cathy Henninger, Police Chief Kris DiGiovanni and Fire Chief John Johnson and Building Official Ed Borysiewicz Public: 25

Commissioner Sutton requested to participate and vote by phone.

**Motion:** Made by Commissioner Zahn, seconded by Commissioner Pettorini to allow Commissioner Sutton to participate and vote by phone. Attorney Wright stated that due to a health issue Commissioner Sutton was unable to attend in person.

**On the Motion:** Approved by unanimous consent to allow Commissioner Sutton to participate and vote by phone.

2. **Approval of Minutes:** Commission Meeting July 9, 2015 Approved as submitted. Mayor requested that an agenda item be added under resolutions. By consent the Commission approved the addition.

3. **Special Request:** Mayor Ellis stated Resolution 2015-03 is required to set the proposed millage and the Public Hearing dates for the millage and budget for fiscal year 15/16. Attorney Wright read the Resolution 2015-03 by title only.

**Motion:** Made by Commissioner Zahn and seconded by Commissioner Pettorini to approve the resolution setting the proposed millage at 2.2513 and setting the Public Hearing dates at September 10 and September 14, 2015 at 5:15 p.m.

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

Vice-Mayor Wovas stated that the rate is currently at 2.2812 so the rate will actually decrease if it remains at 2.2513 even though there is an increase in valuation of Key Colony Beach properties. Mayor Ellis stated the rate can go down but may not be increased from this point.

4. **Committee and Staff Reports:**

**A. Marathon Fire/EMS** – Chief Johnson stated there were 6 calls to Key Colony Beach in the past two weeks. They consisted of 3 medical calls and 2 internal alarm calls and 1 public assistance call. He reminded everyone of the tropical storm season and to be prepared.

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

**C. Beautification Committee** – No report

**D. Disaster Preparedness Committee** – Ed reported the supplies are on hand if needed and the generator test was successful.

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

**F. Utility Board** – Chairmen Teague offered the follow up to the suggestion to purchase a back-up computer for the reverse osmosis plant. He explained to order one only takes 3 days and the plant can be manually operated if needed. The back-up computer could be out of date by the time it could be needed. Vice-Mayor Wovas appreciated the follow up and the explanation of not purchasing a back-up.

**Coral Lane Project** – Mr. Teague explained the old steel pipe going under the water and back across to the Causeway has had leaks in the past and to be proactive, the Utility Board is searching for options of how to repair it (directional drilling or replace the

existing pipe). Mayor Ellis stated that there are numerous pieces to this issue and that not enough information has been gathered to make a recommendation. Mayor Ellis stated that he and Ed Borysiewicz have reached out to Third Generation Plumbing and the DEO yesterday and the Army Corp of Engineers may need to be involved in this issue and resolution. Commissioner Sutton stated that when a unique situation like this comes up a special meeting can be called to address the issue. After much discussion, Mr. Teague stated he will await word from the Commission on the direction to be taken for resolution.

DEP Permit Modification - Mr. Teague explained the Utility Board recommendation to the Commission to authorize the inclusion of the modification to the DEP permit for the reverse osmosis system to 100,000 gallons from 58,000 gallons in the other permit work being completed by the Mittauer Engineering Firm. After discussion, the Commission voted.

**Motion:** Made by Vice-Mayor Wovas, seconded by Commissioner Pettorini to authorize Mittauer Engineering to include the modification to the DEP permit to 100,000 gallons in their permit package.

**On the Motion:** Sutton: yes; Pettorini: yes; Zahn: no; Wovas: yes; Ellis: no

**Motion carried.**

Laterals and Swales – Mr. Teague stated they have reports confirming salt water intrusion on 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Streets. He is aware that the intrusion complicates the operation of the wastewater plant. To be proactive, the Utility Board is suggesting the planning of both lateral repairs and the swales be done concurrently if the Commission supports that effort. A consensus of the Commission is their plan is supported and to continue and bring costs once known to the Commission.

Late fee proposal on utility bills – Mr. Teague stated that the fee of \$10.00 per month in place now includes issuance of a billing per month. The Utility Board is proposing a late fee on the quarter of \$30.00 that can be assessed once the quarterly payment is determined to be late. After much discussion, Mayor Ellis tabled the topic until an ordinance is provided that details the exact proposal.

**G. Police Department** – Chief DiGiovanni reported there were 2 reports: a crash and a forgery case. Officers assisted with 5 medical calls and 19 miscellaneous calls. 3 of which were noise complaints; verbal warnings to walkers; verbal warnings for no lights on bikes; safety concern - power line down; suspicious persons issues assistance with evictions; overcrowding complaint follow up and business assistance. The Officers assisted the Monroe County Sheriff's Office with 7 cases ranging from traffic stops and intoxicated drivers to fraud and fire alarm calls at local businesses. The Officers continue their vacation watch order program; daily business checks; traffic enforcement, bicycle and vehicle patrol. Additional officers will be on the water for the mini-lobster days. Chief DiGiovanni requested the Commission consider an expenditure of up to \$5000.00 from infrastructure funds to supplement the trade in value of the Dodge Charger and the Crown Vic and the reserve funding of \$17,600.00 toward the purchase of a new police vehicle (Ford SUV) similar to the evening patrol vehicle.

**Motion:** Made by Commissioner Zahn, seconded by Commissioner Pettorini to authorize the total purchase of a new vehicle at a cost of \$26,668.50 with up to \$5,000.00 from infrastructure funds. Balance of the purchase will be paid for with reserves and the trade in value of 2 vehicles (Dodge Charger and Crown Vic). Vice-Mayor Wovas made an additional request that the Chief move toward a brand in color and style of vehicle and appointments for the police vehicles of Key Colony Beach. Chief stated he will try to match the look of the night car if that color remains available and Ford remains the contract holder for purchases.

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

Chief DiGiovanni reported on the turtle hatchlings that made their way to the Ocean with assistance from Officer Petrick and numerous neighbors and staff from the Turtle Hospital. Officer Griffith, Public Works staff and the Chief have updated the signage on the water with canal entrance street signs and no wake signs.

**H. Building and Public Works** –Ed Borysiewicz presented the variance request from Our Better Halves dba Cabana Breezes. Attorney Tom Wright and Commissioner Pettorini both recused themselves from this variance request. Attorney Wright stated he has done work for the Glunz family and Mr. Pettorini explained he currently works part time for the Glunz Family. Mayor Ellis summarized the Planning and Zoning recommendation which is to allow the Glunz to permanently cover the areas currently under canvas. Janet Bishop stated her family has been in business successfully over 127 years. She stated her family is determined to make a success of the Cabana Breezes Restaurant as well. She sees the extension of roofing either with a tiki hut style roof or another covering as being integral to the success of this business venture. Additional plans include an inside service bar to more efficiently service customers; a zone sound system and a new name. Shade, temperature, a more secure roof structure and reduced sound travel were mentioned by employees and a consultant of Cabana Breezes as reasons to grant this variance. April Tracy, 425 E. Ocean Drive, adjoining neighbor to the West stated that the issue is not shade but the design of a tiki hut. She acknowledged a tiki hut is a Keys style structure; however, the height of the structure is her concern. The sight line is her concern and issue. Ms. Tracy stated that many winter visitors want the access to sunshine that it is a balancing between the seasons. Mayor Ellis asked if there was some compromise that could be reached between the neighbors and proposed leaving 10 ft. from the water open. Commissioner Zahn stated in full disclosure that she did go over and meet with Janet Bishop to view the site. She acknowledged that the meeting will not interfere with her decision concerning this variance request. Commissioner Zahn stated allowing for a 10 ft. open air space from the water would be her suggestion as well. After much discussion, Mayor Ellis asked both Janet Bishop and April Tracy if that would be an acceptable compromise allowing a permanent roof back from the water 10 ft. Both owners stated that would be acceptable. The height of the roof was then discussed at length and a compromise height of 18ft was agreed upon.

**Motion:** Made by Vice-Mayor Wovas, seconded to Commissioner Zahn to approve the variance request of the Our Better Halves dba Cabana Breezes modified to allow the building of a Tiki Hut structure placed 10 ft. from the mean high water line (ocean side) to overhang 10 ft. from the west side of the property line. The height of the tiki is not to exceed 18 ft. and the sides 7ft. 6 inches from the existing concrete floor to the bottom of the main wood beam.

**On the Motion:** Roll Call Vote: Sutton: yes; Wovas: yes; Zahn: yes; Ellis: yes; Pettorini: recused. Motion carried.

Ed Borysiewicz stated that Bentley family variance request was heard by Planning and Zoning and the Committee is recommending the variance be granted. This variance is for a Tiki Hut built set back from the water.

**Motion:** Made by Commissioner Zahn, seconded by Commissioner Pettorini to approve the variance as requested by Theodore and Katherine Bentley.

**On the Motion:** Unanimous approval by consent.

Ed Borysiewicz reported that Code Enforcement is monitoring for compliance with the trash cans street side. Tickets continue to be issued to gain compliance. The pier railing at Sunset Park has been repaired and reinforced. New doors have been installed in the

restrooms near the golf course. A new turtle nest has been noted at the Casa Clara Condos. The trailer parking area clearing of brush and trees is now completed. Estimates for a tiki hut repair and pulling and resetting pavers at the Gazebo Park area have been received. The tiki hut repair estimate is \$840.00 and the paver work at \$1600.00.

**I. City Secretary/Treasurer** –Commissioner Pettorini stated that the financials of the City remain in good shape. He reported the quarterly summary review normally scheduled for this meeting is postponed until the August 13<sup>th</sup> meeting. He reminded everyone the second budget workshop is scheduled for July 31<sup>st</sup> at 9:30 a.m.

**J. City Clerk-** Cathy Henninger stated the vacation rental inspections are underway and going well. There has been another scam case with a Craig's listing of a Key Colony Beach property. The second budget workshop is scheduled for July 31<sup>st</sup> at 9:30 a.m. The public hearings for the budget and millage are scheduled for September 10<sup>th</sup> and September 14<sup>th</sup> at 5:15 p.m. Vice-Mayor Wovas stated he is pleased to see the effort with code violations and would like to see detail of number issued and paid going forward.

5 **Unfinished Business:** None.

6. **Items for Discussion/Approval:**

A. Second hand smoke -Vice-Mayor Wovas stated he received an email from the Second Hand Smoke Advisory Board in Key West who is working to get the word out about the bad effects of secondhand smoke. Vice-Mayor Wovas wanted to mention the issue and see if the Commission was interested in proposing a resolution for the City. At this time, there was no consensus to proposing a resolution and Vice-Mayor Wovas will respond to the Advisory Board.

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

Consultant's update- Mayor Ellis stated he remains in weekly contact with Colleen Castille. She met with the DEO leadership yesterday and continues to work toward a good solution for the City.

8. **Ordinances and Resolutions**-Resolution 2015-03 Proposed Millage Rate & Public Hearing Dates – see special requests above.

9. **Commissioner Reports and Comments:** Vice-Mayor Wovas requested the Commission authorize Attorney Wright to begin working on an ordinance to address fireworks in the City.

10. **City Attorney Report:** Attorney Wright stated that the utility payment of \$7500.00 has been received on the former Frost property on 5<sup>th</sup> street.

11. **Correspondence and Citizen Comments:** Cathy reported 2 emails were received from Bill Knickman, 9<sup>th</sup> Street with suggestions on trash can compliance and parking concerns. John DeNeale, 10<sup>th</sup> Street submitted an email concerning the increase in business license fees and his opposition. Mr. Jewczwaski submitted a letter of appreciation for the law enforcement of the City of Key Colony Beach.

Meeting adjourned at 12:00 noon.

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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