

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday August 10, 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, 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 Edward Borysiewicz, Assistant Building Official Gerard Roussin, Police Chief Kris DiGiovanni, and Fire Chief John Johnson. Excused: Vice Mayor Ron Sutton. Public - 6

2. **Approval of Minutes:**

MOTION: Motion made to approve the minutes of the 07/13/2017 Second Budget Workshop.

ON THE MOTION: Unanimous approval.

MOTION: Motion made to approve the minutes of the 07/27/2017 Regular Commission Meeting.

ON THE MOTION: Unanimous approval

3. **Agenda Additions, Changes, Deletions:** Building Official Borysiewicz asked the approval of a 20,000 # elevator boat lift at 250 Sadowski be added to the agenda. This is an emergency request as the previous boat lift collapsed. Mr. Borysiewicz has the written approval of the neighbors on both sides. The request is to replace the collapsed 16,000 # elevator boat lift with a 20,000# elevator boat lift.

MOTION: Motion made by Mayor DeNeale, seconded by Commissioner Ellis, to approve a 20,000 # elevator boat lift at 250 Sadowski Causeway.

ON THE MOTION: Roll call vote. Unanimous approval.

4. **Special Requests:** No requests.

5. **Committee and Staff Reports:**

A. Marathon Fire/EMS –Fire Chief John Johnson reported ten medical calls and two internal alarms since the last meeting. Chief Johnson announced the Marathon City Council unanimously approved the Fire/EMS contract at the Tuesday night Council meeting. He presented the contract to City Administrator Moonis this morning. Mayor DeNeale told Chief Johnson the contract would be on the next City Commission agenda. Commissioner Ellis asked if the internal fire alarms were false alarms and if that happened frequently. Chief Johnson replied they are false alarms, the last 2 were caused when smoke detectors went off because of ‘over-cooked’ items on a stove. They are called false alarms, but they really are not – the alarm worked, there just was not a fire. The fire alarm cannot be shut off without the proper building administrator code. When there is this type of alarm the Fire Department works with Building Official Borysiewicz and the Contractor to correct any problems that may be occurring in the system.

B. Recreation Committee – No report.

C. Beautification Committee –Patti Trefrey, Beautification Chairperson, requested approval of a \$3,000 expenditure to upgrade the irrigation system in Waterfront Park development and in the area along the Causeway where the Christmas Palms were planted. Additionally the grass cannot be improved in this area without upgraded irrigation. She worked closely with Joey Boucher, Public Works, to layout 4 zones, increase the pipe diameter, and the use of pop-up heads. Mayor DeNeale asked City Administrator Moonis if there were funds in the budget to cover the costs. Mr. Moonis replied yes.

MOTION: Motion made by Commissioner Ellis, seconded by Mayor DeNeale, to approve the upgrade to the irrigation system at a cost not to exceed \$3,000.

ON THE MOTION: Unanimous approval.

D. Disaster Preparedness Committee – No report.

E. Planning & Zoning Board -- No report.

F. Utility Board –No report.

G. Police Department – Chief DiGiovanni said there was 1 report, 2 medical/alarm calls, 6 MCSO assistance calls and 9 miscellaneous calls since the last meeting. The Police Department also issued 38 code enforcement warnings, 5 code enforcement citations, 4 traffic warnings and 1 traffic citation. Overall mini season was relatively quiet. Sgt. J C Smith represented Key Colony Beach at the National Night Out event at Stanley Switlik School. Sheriff Rick Ramsey donated 5 body-worn cameras to the Police Department.

Chief DiGiovanni announced, after interviews with several applicants, he recommends hiring Jefferson Rodriguez for the night officer position at a salary of \$50,000 contingent on his satisfactory completion of a psychological exam, drug screen and polygraph examination. Jefferson is currently employed by the Hernando County Sheriff's Office. He is ready to work with a 'family type' agency. He will stay with his family in Marathon until he can secure housing. Chief DiGiovanni thanked Mayor DeNeale, City Administrator Moonis and Sergeant Smith for their assistance in the interview process. Sergeant Smith will be the Field Training for Officer Rodriguez. Mayor DeNeale reported he was very impressed with Mr. Rodriguez and is confident he is the right person for the job.

MOTION: Motion made by Commissioner Ellis, seconded by Mayor DeNeale , to hire Jefferson Rodriguez for the night officer position at a salary of \$50,000 contingent on his satisfactory completion of a psychological exam, drug screen and polygraph examination.

ON THE MOTION: Roll call vote. Unanimous approval.

H. Building and Public Works Building Official Borysiewicz presented the pictures of the turtle nest located at Turtle Cay. The new road stripes have been laid out for Clara Blvd. The Public Works crew is painting the yellow stripes on Clara Blvd and 1st Street

to 13th Street will also be completed today. Painting of the white stripes will begin tomorrow. Joey Boucher and Alan Morgan successfully repaired another sewer lateral in front of the Gluntz Ocean Beach Hotel. Gerard Roussin passed the first of four exams required for certification. Commissioner Tracy asked about the street signs missing at 1st Street and East Ocean and at East Ocean and the Causeway. Mr. Borysiewicz reported the signs were replaced yesterday. The new street signs are a lighter blue matching the City Hall sign. The darker blue signs are being phased out.

I. City Secretary/Treasurer – Commissioner Pettorini stated there is nothing new to report on the budget. The July financial reports will be out soon.

J. City Clerk - City Clerk McCullough reported the front desk remains very busy with temporary boat trailer permits with \$4,250 collected in fees between July 23rd and August 9th. This should slow down after school is back in session. So far 89 of the 677 rental inspections have been scheduled. This leaves a lot to be completed by September 30, 2017. There were also 9 property transfers during July. Ms. McCullough displayed pictures of the new library area made possible by a contribution from Thea Ramsey.

K. City Administrator:

1. Draft 380 Agreement - City Administrator Moonis asked the Commission to review the 380 agreement between the Department of Economic Opportunity and Monroe County, Key West, Islamorada, Marathon, Layton and Key Colony Beach before the next Commission meeting. Mr. Moonis explained the agreement is intended to re-allocate certain residential building rights under **their** Rate of Growth Ordinance (ROGO). Because the comprehensive plans, (including Key Colony Beach's) have not been updated, this agreement is the easiest way for the City of Key West to redistribute 107 unused building rights back to the County. Monroe County will then take their portion and redistribute the rest to the other municipalities. Under this agreement Key Colony Beach would receive a 0.85 unit, not even a full building right. Key Colony Beach was made party to this agreement because the City is included as an area of critical state concern and distribution is based on the recent Mayfield grant. City Attorney Wright questioned the allocation based on the Mayfield grant which was for the construction of new sewer facilities. Key Colony Beach did not receive much funding from the Mayfield grant because of our existing wastewater facility. Attorney Wright does not understand the allocation of building rights based on a previous allocation for sewer funding.

Commissioner Ellis questioned why Key Colony Beach would enter into this agreement 'in the spirit of cooperation'. He stated Key West will not give back any allocations to the County. Commissioner Ellis also stated City Administrator Moonis should not encourage Commissioners to speak with him, in private, concerning matters to come before the Commission. He said discussions, especially those that would end up for a vote, should only happen at a public meeting, in the Sunshine. He said the City Administrator's actions are inappropriate. Mr. Moonis respectfully deferred Commissioner Ellis' comments to the rest of the Commission as a matter of public policy. Mr. Moonis said, because of the Sunshine, part of the role of a City Administrator is to give individual Commissioners the opportunity to discuss issues with staff before it comes up for a policy vote. Commissioner Ellis stated those discussions should be done in the Sunshine, in front of the full Commission. "So when you hear what her opinion is, what his opinion is, then you hear my opinion, that might change their opinion." When you have a private discussion it skirts that opportunity completely.

He cautioned Administrator Moonis about having private discussions concerning matters to come before the Commission for a vote.

Mayor DeNeale reported he has been very mindful of the Sunshine Law in discussions with the City Administrator. As long as the Administrator is not a conduit between the Commissioners, there is no violation of Sunshine. He gathers information, as a staff person, so he can better formulate a recommendation to bring to the Commission. He is also providing information to the Commission, such as this 380 Agreement, at a meeting before it is to be voted on, thereby giving the Commission the opportunity to study it. Mayor DeNeale stated Mr. Moonis is doing a very good job in this area. He is functioning as every other City Manager operation under a City Manager form of government. Mayor DeNeale asked if the other Commissioners had experienced Mr. Moonis acting as a conduit, as that would be the only violation of the Sunshine Law. The other Commissioners reported Mr. Moonis has not acted as a conduit between them.

Commissioner Tracy said she does not view discussions with Administrator Moonis as a private meeting but more of an opportunity to learn about an issue. She stated she is not going to let anyone dictate her opinion. Rather, a meeting with the Administrator allows her to learn more about an issue before formulating an opinion.

2. Update on the 12th Street Stormwater Project. – City Administrator Moonis has sent an extensive email to South Florida Water Management District (SFWMD) for their approval, under the existing grant agreement for \$100,000, to downsize the project by redefining the scope of work. Preliminary approval is expected from SFWMD by the end of next week.

3. TDC Grant Update - City Administrator Moonis reported the Tourist Development Council (TDC) will be hosting meetings with individual grant applicants. Key Colony Beach is scheduled for an individual meeting in October. As a reminder, the TDC grant application is for the construction of ADA restroom facilities in Sunset Park.

4. US 1 Toll Input – City Administrator Moonis requested input from the Commissioners on the US 1 toll issue before the next meeting including questions and concerns. Monroe County has requested the City's position on a US 1 toll. Commissioner Pettorini asked Mr. Moonis to resend the US 1 toll information.

5. Pickleball Live Webcast, August 23, 2017 - City Administrator Moonis informed the Commission he will host a live webcast on August 23, 2017 at 5:00 PM to get input from all parties interested in the Pickleball issue. Mayor DeNeale requested the Webcast be advertised as a public meeting. Commissioner Tracy asked how the webcast will work. Mr. Moonis said if someone is unable to attend the meeting in Marble Hall they will be able to log in on the internet. Log in instructions will be sent to everyone on the Pickleball contact list.

6. Leadership Monroe XXVI – At the suggestion of Mayor DeNeale, Mr. Moonis and Chief DiGiovanni have applied to attend Leadership Monroe XXVI.

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

7. **Commissioners Open Discussion:** Commissioner Pettorini announced he will attend the Florida Keys National Marine Sanctuary Advisory meeting on August 15, 2017 in Marathon for Mayor DeNeale who will be out of town. Mayor DeNeale reported the primary focus of this meeting will be to introduce the new Sanctuary director. He thanked Commissioner Pettorini for attending the meeting on his behalf.

Commissioner Pettorini informed the Commission the Supervisor of Elections has advised the City of a cost increase from approximately \$7,000 to approximately \$10,000 for the City's elections. A change in the length of the Commissioner term of office is necessary to align the City election cycle with Monroe County. City Attorney Wright informed the Commission a change in term will require a charter amendment which must be approved by referendum. A mechanism will also be necessary, in the beginning, for some Commissioners to be elected for 2 years and some for 4 years. Commissioner Ellis reported the City of Marathon and the rest of Monroe County are on the same election cycle. Key Colony Beach is the only City that is not. City Clerk McCullough said the referendum language has to be to the Supervisor of Elections by December to be included on the March ballot. Attorney Wright suggested a workshop meeting to review the Charter and to insure all necessary changes are addressed. Mr. Moonis suggested a workshop be scheduled in October, after all the budget hearings are concluded.

Mayor DeNeale reported he was invited to a meeting with Senator Albritton who is the Agricultural and Natural Resources chair for the State. He is a good friend of Holly Raschein and Anitere Flores. Senator Albritton wanted to meet with local officials while vacationing in the Keys. The County officials in attendance were Monroe County Mayor George Nugent, County Administrator Roman Gastesi and the Mayors from Marathon, Islamorada and Key Colony Beach. George Nuegent informed Senator Albritton the Keys needed 400 million dollars plus to buy property or the ROGO thing has to go away. The Keys cannot be bankrupted over this. Mayor Nuegent suggested an extending the hurricane evacuation time from a 48/24 hour evacuation time to a 72/36 hour evacuation time. This would solve the problem. Fire Chief Johnson reported many advancements in hurricane predictions and accuracy over the last several years. Evacuation times are re-evaluated about every 10 years which should be occurring again soon.

8. **Items for Discussion/Approval:** - N/A

9. **Approval of Warrant 72017 in the amount of \$656,684.60**

MOTION: Motion made by Commissioner Tracy, seconded by Commissioner Pettorini, to approve Warrant 72017 in the amount of \$656,684.60.

ON THE MOTION: Roll call vote. Unanimous approval.

11. **City Attorney:** No report

12. **Citizen Comments and Correspondence:**

City Clerk McCullough reported receiving a flyer from the Florida Keys SPCA announcing free adoptions on Saturday August 19, 2017 from 10:00 AM to 6:00 PM at both the Key West Campus and the Marathon Campus.

There being no further issues, the meeting adjourned at 10:30 A.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kathryn McCullough".

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.
