

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday August 24, 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, Commissioner Jerry Ellis and Commissioner April Tracy. *Also Present:* City Administrator Chris Moonis, City Clerk Kathryn McCullough, City Attorney Tom Wright, Assistant Building Official Gerard Roussin, Police Chief Kris DiGiovanni, and Fire Chief John Johnson. Excused: Building Official Borysiewicz. Public - 8

2. **Approval of Minutes:**

MOTION: Motion made to approve the minutes of the 08/02/2017 Special Meeting Minutes.

ON THE MOTION: Unanimous approval.

MOTION: Motion made to approve the minutes of the 08/10/2017 Regular Commission Meeting.

ON THE MOTION: Unanimous approval

3. **Agenda Additions, Changes, Deletions** - None

4. **Special Requests:** Fee Waiver Request for Use of Marble Hall, Girl Scouts of America. Mayor DeNeale asked City Clerk McCullough if all the proper paperwork had been submitted. Ms. McCullough reported all the paperwork, including the insurance had been submitted. Sandy Hubbard introduced herself as the Director of Operations for the Girl Scouts of America of Florida and a resident of Key Colony Beach. She requested the use of Marble Hall, including a fee waiver, for a training session for all the Keys Girl Scout leaders.

MOTION: Motion made by Commissioner Tracy, seconded by Vice Mayor Sutton, to approve the use of Marble Hall by the Girl Scouts and to waive the fee.

ON THE MOTION: Approved by acclamation.

5. **Committee and Staff Reports:**

A. Marathon Fire/EMS –Fire Chief John Johnson reported six medical calls and one internal fire alarm since the last meeting. Chief Johnson reminded everyone to be prepared as this is hurricane season. There is currently a storm in the gulf headed for Texas.

H. Building and Public Works: Mayor DeNeale requested the Building Department and Public Works give their report now. Joey Boucher is in the audience. It is his 10th anniversary with the City. City Administrator Moonis invited Joey and Assistant Building Official Roussin to the front of the auditorium. Mr. Moonis thanked Joey for his hard

work and tenure. He presented Joey with a gift certificate recognizing his achievement. The Commissioners also congratulated Joey. Photos were taken.

B. Recreation Committee – No report.

C. Beautification Committee – No report.

D. Disaster Preparedness Committee – Assistant Building Official Gerard Roussin reported a full day generator test was run at City Hall last Friday. All the diesel fuel was changed in the generator. City Hall operated on the generator, at full load, from 7:30 AM until 3:00 PM “with no hiccups”. Mr. Roussin estimated the generator used approximately 1 ½ gallons of fuel per hour.

E. Planning & Zoning Board -- No report.

F. Utility Board

1. Approval of Utility Board recommendation to accept proposal for stair replacement at the wastewater treatment. Tom Harding, Utility Board Treasurer, reported the Board reviewed proposals for the replacement of the stairs at the wastewater treatment plant. Replacement of the stairs was not included in the wastewater treatment upgrade. Three proposals were received, two from local companies and one from out of the area. The Utility Board recommends approval of the proposal from Murdock's Welding & Fabrication, a local company, in the amount of \$25,000. Mr. Harding reviewed the budget and capital funds are available to pay for the project.

MOTION: Motion made by Commissioner Pettorini, seconded by Mayor DeNeale, to approve the proposal from Murdock's Welding & Fabrication in the amount of \$25,000 to replace the stairs at the wastewater treatment plant.

ON THE MOTION: Roll call vote. Unanimous approval.

G. Police Department – Chief DiGiovanni said there were 3 medical/alarm calls, 6 MCSO assistance calls and 9 miscellaneous calls since the last meeting. The Police Department also issued 32 code enforcement warnings, 9 code enforcement citations, 12 traffic warnings and 3 traffic citations.

Chief DiGiovanni thanked everyone, again, who contributed to the 12th Annual Kid's Fishing Derby. In addition to the Fishing Derby, \$5,000 was donated to Grace Jones Day Care. Ed Buxton, formerly from Bayview Inn on Conch Key, who always contributes the tee shirts for the Derby, donated another 50 tee shirts for the children at the Day Care.

Chief DiGiovanni announced there will be enhanced DUI coverage until September 4th. He reminded everyone the Police Department will provide a ride home from one of the local restaurants, and back the next day to get your car, if you've had a too much to drink.

There is one more test to schedule for the Police Department new hire before he can properly give 2 weeks notice to his current employer. He anticipates he will start the third week of September.

Detective Underwood, MCSO, lost his home to a fire on August 9th. There are two benefits planned for Detective Underwood and his family. The Overseas Pub & Grille is hosting a benefit on August 27th from 2 p.m. to 6 p.m. There will also be a charity yard sale at the Calvary Baptist Church on 76th Street.

H. Building and Public Works: Assistant Building Official Gerard Roussin reported the mow trim malfunctioned while Public Works were trimming the mangroves. The mangrove trimming will continue as soon as the small breather valve is received from NAPA. The Public Works crew has finished the stripping on Clara Blvd. and at other locations around the City. East Ocean Drive will be redone in September when there are fewer cars on the island.

I. City Secretary/Treasurer: – Commissioner Pettorini directed Commission attention to the graphs showing actual income and expenses compared to the budget through July 2017. Actual income is ahead of the budget primarily due to the revenue generated by building permits. Commissioner Pettorini acknowledged the Department Heads for holding expenses below budgeted estimates.

J. City Clerk - City Clerk McCullough reported her staff has been working with Iberia Bank to streamline the ACH payment processing of the wastewater treatment invoices. The current application is cumbersome, however, the Iberia Bank Treasury Management Department has a program that should be more efficient. Staff is working on getting the data together for the next billing cycle. Code violations have been sent to several property owners for vacant lot maintenance and for coconuts over hanging the City right of ways. Becky will be conducting another Property Manager's Class on September 7, 2017. Nineteen people are currently enrolled for the class. Ms. McCullough congratulated Joey on his 10 year anniversary and thanked him for all he does for the City. She also wished everyone a happy and safe Labor Day.

K. City Administrator:

1. Approval of the Fire/EMS Agreement with the City of Marathon. City Administrator Moonis reported the agreement is a 3 year agreement at a cost of \$550,000 per year, payable quarterly. The agreement also includes a provision for a \$25,000 per year contribution for of infrastructure funds for Fire/EMS related infrastructure expenditures. Although there is a typo in document stating 2 years, the agreement may be extended for an additional 3 years with cost consideration. Mr. Moonis recommended approval of the agreement and requested the correction of the typo be noted in the motion.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini, to approve the initial 3 year agreement with the City of Marathon for Fire/EMS Services, and to approve the provision for a 3 year extension with cost considerations.

ON THE MOTION: Roll call vote. Unanimous approval.

6. **Unfinished Business:** None

7. **Commissioners Open Discussion:** None

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

A. Florida League of Cities –

1. Medical Marijuana – Mayor DeNeale reported this topic was over a half day discussion at the convention that covered a lot of material. Medical marijuana is a plant oil derived edible or vapor driven medication. It is reduced to an oil so it can be dosed properly. It is ordered, rather than prescribed, because it is not legal federally. There will be a State issued ID card and everyone approved for the use of medical marijuana will be on a State maintained registry. Checks are cleared through the

Federal Reserve Banks, and because it is not legal federally, the medication must be paid for in cash. It also cannot be charged to a credit card. A medical marijuana treatment center may not operate more than 25 dispensing facilities unless the medical marijuana use registry reaches a total of 100,000 active registered qualified patients. Because of the demographics and economics there will probably be only one or two dispensing facilities in the Keys. A county or municipality may, by ordinance, ban medical marijuana dispensing facilities from being located within the boundaries of the county or municipality. However, if the county or municipality does not ban dispensing facilities it may not place specific limits on the number of facilities that may locate within that county or municipality. Mayor DeNeale said Islamorada, Marathon and Monroe agreed on a countywide symposium to discuss the issue. The State statute does stop/limit Key Colony Beach from being a drug free work place.

Mayor DeNeale recommended the following;

- a. a memo to employees informing them medical marijuana is not to be used, nor can they be under the influence of medical marijuana, during working hours;
- b. an ordinance not allowing medical marijuana facilities in Key Colony Beach, and
- c. that Chief DiGiovanni apply for access to the medical marijuana use registry.

Commissioner Ellis stated as soon as an ordinance is passed prohibiting something in Key Colony Beach someone will sue the City. He doesn't want to see it in the City but he also does not want to put the City in a libelous situation. City Attorney Wright suggested the City watch what the other governments are doing. He also stated the issue may be better addressed in the Land Development Regulations rather than in an ordinance.

2. Home Rule -- Mayor DeNeale reported Home Rule was under attack by the Florida Legislature, this year, in the areas of voting dates, vacation rental laws, wireless facilities in cities, drones and transportation network companies (Uber). Speakers at the conference stated this is only going to get worse. The FLC initiative this year is "Let Cities Work". Leaders from Islamorada, Marathon and the county agreed to a united front for home rule needs to be presented in Tallahassee.

3. Vacation Rentals – Mayor DeNeale said vacation rental regulations are a big issue across the state. Key Colony Beach has a "grandfathered in" very good rental ordinance, however, should the city decide to 'tweak' the ordinance it would be thrown out. The State would then be in charge of the rental program in Key Colony Beach. State regulations allow single night rentals. The state has also approved houses to be used as wedding venues in residential areas. Mayor DeNeale will work with our neighbor cities and Monroe County to deliver a united message, on this issue, to Tallahassee next January. He suggested a special meeting in December to further discuss the rental issue.

4. Council/Manager Relations – Mayor DeNeale reported he, Vice Mayor Sutton and City Administrator Moonis attended the session on Council/Manager Relations. Mayor DeNeale reported the highlights, 1.) an IBM Study, presented in this session, found city manager governments are 10% more efficient, 2.) trust and clear expectations are a must on both sides.

9. Approval of Ordinances/Resolutions:

A. Resolution 2017-005: Supporting Affordable Housing and the Concept of Local Gov'ts transferring ROGO Allocations and Declining to Enter into the Agreement:
Attorney Wright read the Resolution by title only. City Administrator Moonis recommended tabling approval of the resolution pending further discussion with the County and the other Municipalities. City Attorney Wright agreed with the Administrator's recommendation.

MOTION: Motion made by Mayor DeNeale, seconded by Commissioner Tracy, to table Resolution 2017-005 until the next Commission meeting.

ON THE MOTION: Roll call vote. Unanimous approval.

10. Commissioner Reports and Comments: Vice Mayor Sutton reported on the classes he attended at the Florida League of Cities conference, specifically Records Management and Political Communications. He gave a recording of the Records Management session to Ms. McCullough for her information and use. Vice Mayor Sutton said the conference was very beneficial and he learned a lot at the Conference. Commissioner Pettorini reported attending the Florida Keys Sanctuary Advisory meeting which was very informative. The new superintendent was introduced. Commissioner Pettorini stressed boater education and training is critical to protect the fragile Keys environment. Commissioner Tracy thanked Mr. Moonis for the pickleball webcast last night. She reported the webcast went very well even though this was the first time. She said communication with residents is very important. Residents should also be reading the Commission minutes to keep abreast of any issues. Vice Mayor Sutton shared with the Commission, and everyone reading the minutes, his appreciation of Mr. Moonis. He was hired as a part-time administrator for 20 hours a week. However with so many issues to be addressed Mr. Moonis is on the job for many more than the required 20 hours without complaint. Vice Mayor Sutton said this shows Mr. Moonis heart is here with Key Colony Beach. Vice Mayor Sutton wanted to publicly thank Mr. Moonis for all his efforts.

11. City Attorney Report: City Attorney Wright told the Commission he is available to discuss the previously tabled Resolution, one on one, with any Commissioner that wants more information on the issue. There has been no recent communication concerning the lawsuit against the City. Attorney Wright does not anticipate that this lawsuit will more along quickly.

12. Citizen Comments and Correspondence: City Clerk McCullough reported receiving a thank you from the family of Officer Griffith's life partner for the contribution to her memorial.

The meeting adjourned at 10:35 A.M.

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.
