

# MINUTES

## KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, October 8, 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, Secretary Treasurer Jim Pettorini, Commissioner Ron Sutton and Commissioner Geraldine Zahn. *Also Present:* City Clerk Cathy Henninger, Building Official Ed Borysiewicz, Fire Chief John Johnson and Police Chief Kris DiGiovanni. *Excused:* Attorney Tom Wright and Vice-Mayor Ed Wovas. *Public:* 30

2. **Approval of Minutes:** Commission Meeting September 24, 2015, First Public Hearing September 10, 2015 & Final Public Hearing September 14, 2015 Approved as submitted.

Commissioner Zahn requested that the Grant application for the Waterfront Landing be added to the agenda. The Commission agreed to add the item.

Waterfront Landing Project: Commissioner Zahn stated that she has learned more concerning the 7<sup>th</sup> Street Canal since supporting and voting for the hiring of Glen Boe & Associates Inc. She has reconsidered her decision and does no longer support it. She stated the grant (\$200,000.00) we have learned has not been funded for FY15/16 which was the intent for the funding source of this project. Commissioner Sutton stated he was uncomfortable with his vote at the previous meeting and had made a point of wanting the public input on any action. Commissioner Pettorini stated his vote was primarily a timing issue, where costs were required in the application for a new grant. He stated he now wishes to wait on any hiring. Mayor Ellis stated that no payment has been made and it was not his intent to hide or take action without public input. He reiterated this grant and project were in the very preliminary stages and before any solid plans can be developed, the possibility of receiving permitting are always explored. He apologized to the audience if he offended anyone with this concept.

**Motion:** Made by Commissioner Zahn, seconded by Commissioner Sutton to retract the authority to hire Glen Boes and Associates Inc.

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

Commissioner Zahn thanked the public for their well written letters explaining their positions of opposition to the waterfront landing and their reasons. She apologized for any confusion this issue caused the citizens.

Connie Foster, 7<sup>th</sup> Street thanked the Commission for their action today.

Ron Foster 7<sup>th</sup> Street provided suggestions for the Commission when considering future projects. They are: determine the impact to property values, life safety concerns, insurance impact and determine an order of magnitude cost from reputable contractors.

Mayor Ellis requested to add an agenda item. He requested to add the selection of a Vice-Mayor to agenda.

3. **Special Request:** Fee Waiver for use of Gazebo Park & Marble Hall April 16, 2015 for use of Gazebo Park and Marble Hall for city employee, JC Smith's daughter's wedding was requested by Commissioner Zahn.

**Motion:** Made by Commissioner Zahn, seconded by Commissioner Sutton to waive the fee of \$175.00 for the use of the Gazebo & Marble Hall for the wedding of JC Smith's daughter.

**On the Motion:** Unanimous approval. Commissioner Zahn stated that hold harmless insurance will be submitted and the deposit for the hall cleaning.

FRDAP Grants Ceremonial Presentation of \$100,000.00 funds by Ken Troisi, representing the DEP. Commissioner Zahn accepted on behalf of the City the check in the amount of \$100,000.00 for the Waterfront Park project and the East Side Park.

4. **Committee and Staff Reports:**

**A. Marathon Fire/EMS** –Chief DiGiovanni reported on Chief Johnson who was called away early from the meeting there were 2 medical calls and 1 public assist during the past two weeks. He also wanted to thank the City for the use of Marble Hall for their Rotary fundraiser this past weekend.

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

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

**D. Disaster Preparedness Committee** – No report.

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

**F. Utility Board** – Mayor Ellis reported that Jim Teague has resigned as Chair of the Utility Board effective October 13, 2015. Mayor Ellis stated he will have a recommendation for a new Chair for the November meeting.

**G. Police Department** – Chief DiGiovanni reported there was one medical/alarm call, a false burglar alarm at the Glunz Resort. Key Colony Beach Officers assisted the Sheriff's Office with 12 calls some of which were: suspicious subjects, domestic violence cases; a reckless driver; warrant back up; suicidal subject and a resisting arrest call. The watch order program; daily business checks; traffic enforcement; bicycle and vehicle patrols continue as well. 14 miscellaneous calls handled in the past two weeks consisted of a barking dog citation; noise complaints; a sinking rescue assist; verbal disagreements; intoxicated subject complaints; courtesy rides home; reckless driver; juveniles breaking bottles; homeless setting up camp; road rage incident; juvenile wellness check and assistance with an eviction at a local hotel. 7 code enforcement warnings were issued and one citation during this past two weeks. Chief DiGiovanni provided an update on the southbound lane traffic light at the intersection of Sadowski Causeway and US 1. DOT has informed MCSO that they are planning to adjust the light in the southbound lane in spring 2016. The new police vehicle is to be fitted for police use in the next few weeks. Chief DiGiovanni asked that as more people return to town please be patient and safe in your travels.

**H. Building and Public Works** –Ed Borysiewicz reported the public works staff with Officer Griffith assistance trimmed along the canal edge the mangroves. Steve Britske continues with vacation inspections and code compliance work. 23 building permits were issued during the past two weeks with application fees of \$16,440.00 collected. In addition, \$1,725. in code citations were issued in the same time period. Mr. Borysiewicz reported they are exploring options for replacement of the public works vehicles.

I. **City Secretary/Treasurer** –Commissioner Pettorini stated that in November he will be reporting on the 14/15 fiscal year and provide any trends noted. He stated the City remains in sound financial shape.

J. **City Clerk**- Cathy Henninger reported the city staff are busy issuing the licenses to the vacation, commercial and long term businesses within the city. This quarter is the first quarter where individual owners (who have signed up previously) will have the quarterly payment for wastewater of \$180.00 withdrawn and paid to the City electronically. 35 residents have registered to pay by the ACH method thus far. Forms are available on the web site for those interested in signing up. The DEO requested a timeline for the completion of various tasks of the Mayfield Grant application. The reverse osmosis portion expenses have been submitted for reimbursement. The balance of the One million dollar grant is being requested for reimbursement this month. The budgets for fiscal year 15/16 have been set and input into the computer system of the City. Grant application work is ongoing. The FY 15/16 budgets for both the general and utility sides are both in. The FY 15/16 budget summary has been posted to the City website.

5. **Unfinished Business:** None.

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

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

A. October 22, 2015 Commission Meeting-Mayor Ellis requested to cancel the next Commission meeting due to planned absences of Commissioners.

**Motion:** Made by Commissioner Sutton, seconded by Commissioner Zahn to cancel the October 22, 2015 Commission Meeting.

**On the Motion:** approved by unanimous consent.

B. Vice-Mayor Wovas resignation –Mayor Ellis read the resignation letter (below) aloud.

*October 1, 2015*

*Mr. Jerry Ellis*

*Mayor*

*City of Key Colony Beach, Florida*

*Dear Jerry:*

*This is to advise that I will resign my positions as a City Commissioner and Vice Mayor at the end of the commission meeting scheduled for October 8, 2015.*

*Harriet and I have purchased a home in The Villages, FL 32162 and will take up permanent residence there on October 8<sup>th</sup>.*

*It has been my privilege to serve the community as an elected official and I express my deepest gratitude and appreciation to the entire community for their support.*

*As a courtesy, I would appreciate your allowing this entire communication to be printed in the Minutes of the October 8<sup>th</sup> meeting.*

*Sincerely,  
Ed Wovas*

Mayor Ellis stated that since Ed Wovas has been on the Commission, he has contributed and almost single handedly ensured that our wastewater plant and City not be subject to fines for

lack of compliance. He wanted to thank Ed Wovas personally for his tireless work to make the City better from before he was on the Commission.

Mayor Ellis stated he would like to nominate Ron Sutton as Vice-Mayor to fill the vacancy.

**Motion:** Made by Mayor Ellis, seconded by Commissioner Pettorini to nominate Commissioner Sutton to fill the vice-mayor position.

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

B. Cabinet Meeting Update- Mayor Ellis explained the Cabinet meeting he attended with 8 Keys representatives. He explained that he spoke 4<sup>th</sup> and was well received. The City consultants, Colleen Castille and Allison DeFoor were also in attendance. Two actions were before the Cabinet for a decision that impact the Keys. They were: approval of the Florida Area of Critical Concern Annual Report (prepared by the DEO) and the Key Colony Beach issue. The Cabinet approved the Annual Report and then decided to table the 2<sup>nd</sup> decision of: 1) allow Key Colony Beach to remain issuing permits as they have all these years.

Or

2) force a rule on the City of Key Colony Beach placing Key Colony Beach under ROGO. The Cabinet agreed to table the Key Colony Beach decision until their meeting in March, 2016. Until that time, Key Colony Beach will continue to issue permits as in the past. Mayor Ellis stated he has no idea why the decision to allow Key Colony Beach to maintain their current arrangement was not approved at this meeting. He did state that Bill Killingsworth, DEO representative did recommend to the Cabinet to allow Key Colony Beach to remain as is with no ROGO. Mayor Ellis stated the DEO will be visiting the Keys in November and will be invited to our City for possibly a special meeting. More information will be posted once a meeting date is known. Commissioner Pettorini asked for the correct numbers of the City, for clarification. Mayor Ellis stated the City has 520 vacation rentals currently and 154 vacant parcels of land. Mayor Ellis stated the city wants to remain in a position where we are not liable for takings lawsuits.

Mary Schmidt, 13<sup>th</sup> Street stated she disagrees with the signing of the MOU back in 2012 and states she feels that it was not in the best interest of the citizens that it was signed. She requested a copy of the report approved by the Cabinet and Mayor Ellis stated he would provide her a copy. She disagrees with no action on the part of the Commission awaiting the March meeting. Mrs. Schmidt stated if we do not go to bat now, the City will be under ROGO in 2016. Commissioner Sutton suggested to Mayor Ellis that we remain in close contact with consultant, Allison DeFoor to ensure that we are informed and aware of the thinking of the Cabinet prior to the March meeting.

**8. Ordinances and Resolutions**-None.

**9. Warrant Approval for September 2015**

**Motion:** Made by Commissioner Zahn seconded by Commissioner Pettorini to approved the warrant for September in the amount of \$202,695.00.

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

**10. Commissioner Reports & Comments:** Commissioner Zahn thanked all three residents who have given notice, Ed Wovas, Jim Teague and Eric Larsson for all their hard work for the City. Commissioner Pettorini also expressed his appreciation for their hard work and commented they would all be sorely missed. Commissioner Zahn also asked Ed Borysiewicz to express her appreciation for all the hard work Joey, Felix and Steve are doing around the City. Mayor Ellis thanked Jim Teague for all his work on the Utility Board.

**11. City Attorney Report-** No report.

**12. Correspondence and Citizen Comments:** Cathy read the list of property owners who have opposed the Waterfront Landing Project. (attached) In addition, 2 public record requests were received during this time period, from the Monroe County Attorney and Ron Foster. David Grego requested clarification on a pool inspection and Eric Schaefer (DEO) requested data on permits issued in the City. Tucker DeGraw and John DeNeale both offered by email to step in for the vacancy on the Commission. 4 emails were received in support of John DeNeale as filling in for the remainder of Ed Wovas's term. They are: Connie Foster; Pol Raynal; Bill Fahs and Dick and Donna Shaffer.

## **Emails received opposed to the Waterfront Landing 10 7 15**

- 1. Mary & Bud Schmidt**
- 2. Sally Wood & and Bob Dickens**
- 3. Jon Graves**
- 4. Donald Miller**
- 5. Bill & Marilyn Avery**
- 6. Charles & Donna Burkhart**
- 7. Edwin Rice**
- 8. Andrea Felton & Michael Church**
- 9. Richard Shaffer**
- 10. Robert Shaffer**
- 11. Robert & Gail Betlem**
- 12. Meredith & Malcom McDonald**
- 13. John Bush**
- 14. Joan & Arthur Smith**
- 15. Keith and Kimberly Hyatt**
- 16. Ron & Connie Foster**
- 17. Don & Monica Larsson**
- 18. Tom Seaton**
- 19. William & Sally Gill**

Meeting adjourned at 10:35 a.m.



Respectfully submitted,  
Cathy Henninger, City Clerk, CMC

\*\*ATTACHMENTS: List and Resignation Letter

**Note: These minutes are unofficial and have not been formally approved by the Commission. The approval will be at the next scheduled Commission meeting.**