

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday October 12, 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, and Assistant Building Official Gerard Roussin. *Excused:* Building Official Borysiewicz, Police Chief Kris DiGiovanni and Fire Chief John Johnson. Public - 18

2. **Approval of Minutes:** The minutes of the August 24, 2017 Regular Commission Meeting, the minutes of the August 24, 2017 Budget Workshop and the minutes of the September 6, 2017 First Budget Workshop were approved by acclamation.

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

4. **Special Requests:** -- None

5. **Committee and Staff Reports:**

A. **Marathon Fire/EMS** – No report.

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

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

D. **Disaster Preparedness Committee** -- Assistant Building Official Roussin reported debris cleanup continues. M. Roussin reminded everyone hurricane season is not over yet. Watch the weather and keep your plans in place.

E. **Planning & Zoning** – No report.

F. **Utility Board** –

G. **Police Department** – Mayor DeNeale reported Officer Griffith responded to a Sheriff's Office call for an arrest. Officer Griffith was slightly injured and is in the hospital. Chief DiGiovanni is with him. Mayor DeNeale could not say anything more as it is under investigation by the Sheriff's office. Thoughts and prayers are with Griff.

H. **Building and Public Works:** Assistant Building Official Roussin reported the Public Works crews continue working on storm cleanup. The crew is currently trying to remove most of the big stuff from the golf course. Mr. Roussin also reported the building process is back in full swing. Regular permits and hurricane permits are being issued. Mr. Roussin said, by State statues, an owner/builder permit prohibits the sale or rental of a property for a period of one year after the permit is issued. He also stated owner/builder is owner/builder, it

is not Cousin Joe or Uncle Frank. Mr. Roussin asked that anyone seeing unlicensed activity call the building department. City Administrator Moonis said he and Building Official Borysiewicz met with FEMA to put a process in place for capturing substantial damages to residences. Given the number of substantially damaged properties, it can be handled internally. FEMA will not have to be involved.

**I. City Secretary/Treasurer:** – Commissioner Pettorini said there is little to report. The most recent financial statements are through August only which is pre-hurricane. Commissioner Pettorini said cash reserves are \$1M less than a couple of weeks ago due to hurricane expenses. Cash reserves are a concern. City Administrator Moonis reported he contacted Centennial Bank to increase the line of credit.

**J. City Clerk:** - City Clerk McCullough reported the administrative staff has moved back into City Hall into the small conference. A letter was included in the sewer invoices informing all property owners of the importance assessing any damage to their property as soon as possible. Letters were also sent to property managers extending the date for business tax renewals to December 1, 2017. Additionally property managers were informed the property must be inspected before a license can be issued and before visitors are permitted on the premises.

**K. City Administrator:**

1. Investment Policy City Administrator Moonis requested approval of an investment policy. The policy has been cross checked with Florida Statutes and it has been reviewed by the City Attorney.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Pettorini, to adopt the investment policy.

**Discussion:** Mayor DeNeale said recent events prove the need for more than \$600,000 to \$1M in reserves. It is therefore important to get the best return on investments. Mayor DeNeale also said Florida Statutes requires the City have an investment policy.

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

Mayor DeNeale asked City Administrator Moonis about the status of the canals. Mr. Moonis had previously provided the report, prepared by Chief DiGiovanni, to all the Commissioners and to Florida Fish and Wildlife (FWC), concerning the status of the canals. FWC is coordinating with the Coast Guard and are going to take responsibility, under FEMA, for all debris in the canals. Mr. Moonis is not sure what the schedule will be as the report just went out yesterday. Mr. Moonis recommended the canals be re-opened, however, boaters should exercise extreme caution navigating the canals as there is still debris, both floating and sunken. Vice Mayor Sutton said boaters need to understand they are going out at their own risk.

City Administrator Moonis reported the City has been awarded a \$36,000 TDC grant for construction of ADA restrooms at Sunset Park. Commissioner Ellis applauded Mr. Moonis for obtaining the grant. It is the first TDC grant Key Colony Beach has ever been awarded.

Mayor DeNeale asked when Marathon Garbage Service would start picking up yard trash. Vice Mayor Sutton reported MGS will begin picking up yard trash on Wednesday October 19, 2017. Mayor DeNeale also reported Building Official Borysiewicz is now requiring contractors provide a dumpster for construction debris.

6. **Unfinished Business:** - None

7. **Commissioners Open Discussion:** - Vice Mayor Sutton said Darryl Rice may be requesting a contract extension at the golf course for one year with no rent. Vice Mayor Sutton states the request has merit and asked the request be considered in the upcoming contract renewal negotiation. Mayor DeNeale asked to add this discussion to the agenda.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Ellis, to instruct the City Attorney to draw up a contract with D. Rice Management, Inc. for the operation of the golf course and to waive the rental fee for the first year, October to October.

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

8. **Items for Discussion /Approval**

A. **City Hall Discussion – Mayor DeNeale** reported FEMA and the independent engineer didn't find enough damage to warrant demolishing and rebuilding City Hall. There is also a question about insurance, however, it does not look like there will be enough funding to demolish and rebuild. Mayor DeNeale met with Jeff Rider, Ed Borysiewicz and Chris Moonis to discuss options given the fact the building is below flood level. Marble Hall was pin piled years ago but there is a question of stability. Mayor DeNeale said his recommendation, for discussion, is to demolish and rebuild City Hall. The square footage of the building is about 10,000 square foot. Jeff Rider estimated about \$275 per square foot to rebuild. Mayor DeNeale recommended staff hire an architect/engineer to start the design of a new City Hall. FEMA would pay for office trailers during reconstruction. Commissioner Ellis asked why not just move back into City Hall while another building is constructed. It should not cost that much to put up some drywall. Mayor DeNeale indicated the next step would be to explore funding options.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Ellis, to hire an architect for the purpose of designing a new city hall and to improve the current city hall to use as temporary headquarters, and to direct the City Administrator investigate funding options.

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

B. **380 Agreement – Mayor DeNeale** said he added this to the agenda because Monroe County wants Key Colony Beach to sign this agreement. This was tabled at a prior meeting to give the City Attorney time to do some research. City Attorney Wright said his concern remains the same. There is nothing in this agreement that benefits Key Colony Beach. It would set a terrible precedent to agree to the distribution of units outlined in the agreement. Commissioner Ellis stated he hoped the City did not do this. He understands the pressure other municipal and county officials put on the office but he is totally against signing it. Commissioner Pettorini agreed it was not in the best interest of Key Colony Beach to join in the 380 agreement.

**MOTION:** Motion made by Commissioner Ellis, seconded by Commissioner Pettorini, not to sign the 380 Agreement.

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

- C. Resolution to Florida Power and Light re: Use of Cooling Canal System - Mayor DeNeale asked the Commission if it would be interested in passing a resolution similar to the one passed by the City of Marathon seeking a commitment for Florida Power and Light to discontinue the use of the cooling canal system at Turkey Point. Based on the interest expressed by other Commissioners, Mayor DeNeale asked staff to prepare a similar resolution for approval at the next commission meeting.
- D. Proclamation of Red Ribbon Week – Mayor DeNeale asked the Commission if it would approve of a Proclamation supporting the Young Marines of the Marine Corps League designating October 23 – 31 as National Red Ribbon Week. Based on the interest expressed by other Commissioners, Mayor DeNeale asked staff to prepare a Proclamation for presentation at the next commission meeting.
- E. Update on Debris Hauling and 2 Week Plan – Vice Mayor Sutton reported the City is still working on debris removal and is in much better shape than a few weeks ago but the job is not finished. He stated the City is out of the 30 day, 90% reimbursement from FEMA period and into the 75% reimbursement from FEMA. Vice Mayor Sutton recommended no more weekend overtime for the debris haulers to see how that works and in an effort to save money. He asked for permission for he and City Administrator Moonis to make future decisions on the intensity of the debris hauling, including stopping it, without coming back to the Commission for approval. There is a problem with the stockpiled debris. There is an Inter-Local Agreement (ILA) with Monroe County for the removal of these stockpiles. Vice Mayor Sutton has pressured the County hauler as much as possible with little or no success. Mayor DeNeale reported discussing the issue with Monroe County Mayor Neugent. Commissioner Tracy asked how long the City will be picking up debris because that is the question she is getting from residents. City Administrator Moonis answered there is no set time line, rather it is a balancing act between the cost of debris removal and the amount of debris being generated. He stated a letter has been sent to all residents urging them to get here to handle their residences as the City cannot keep doing this forever. Commissioner Pettorini agreed with Mr. Moonis.

**MOTION:** Motion made by Commissioner Ellis, seconded by Commissioner Pettorini, to authorize Vice Mayor Sutton and City Administrator Moonis to make decisions on debris hauling.

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

Commissioner Tracy asked someone to visit the lot on 2<sup>nd</sup> Street because the debris stockpile is so big it is intruding on to the neighboring property. Vice Mayor Sutton has previously requested this debris pile be pulled back on the sides. He will visit the site again.

- F. Update on Insurance Claims – Commissioner Pettorini reported meeting with the claims adjusters for the City's insurance policies. Basically the adjuster does not interpret the insurance policy rather only reports the damage that has been done. The insurance policy dictates what gets paid for and what does not get paid for. Commissioner Pettorini met with the adjusters from Florida Municipal Trust which covers the City's vehicles. He also met with the adjuster for Wright Insurance for flood damages to the properties. And he met with Public Risk Management for the excess flood policy the City carries. He

said this is essentially an umbrella policy that covers damages in excess of what the flood policies cover, however, it also has a \$500,000 deductible. He also reported, as the policies are not replacement value, the estimates will be based on depreciated values. At this point there are no numbers to report.

**F. Discussion of Charter Workshop for Upcoming Elections and Commissioner Terms of Office – Commissioner Pettorini** reminded the Commissioners of previous discussions concerning aligning the City election cycle with that of Monroe County. It currently costs the City about \$10,000 for the Monroe County Supervisor of Elections to conduct each City elections. If the City aligns elections with the County it will not cost anything. However it also requires the Commissioner terms of office be changed from a two year term to a 4 year term to match the County schedule. This will require a change to the City Charter which must be done by referendum. The next step is to schedule a workshop to draft the referendum language. Commissioner Ellis said this has to be done as there will come a time when the Supervisor of Elections will decide to no longer handle the Key Colony Beach elections. City Administrator Moonis was instructed to set a date for a workshop in early December.

**9. Approval of Ordinances/Resolutions:** N/A

**10: Commissioner Reports or Comments:**

Commissioner Ellis reported the Fishing and Boating Club (FBC) had contacted him to use Marble Hall on November 3, 2017. He said a decision needs to be made when Marble Hall can be used. Vice Mayor Sutton reported speaking to Joe Schmidt who understands Marble Hall is in rough shape. Mr. Schmidt said the FBC could make it work. Commissioner Ellis asked if the FBC could schedule their meeting at a later date. Vice Mayor Sutton said FBC wants to get involved with other organizations to start gathering contributions for Beautification. This would be the ‘kick-off’ meeting. He further stated the first FBC meeting is pretty small. Mayor DeNeale said city staff should make the decision concerning the use of the Hall. City Administrator Moonis said he had spoken with Mr. Schmidt. He understands there are no kitchen facilities. The meeting will be catered. Commissioner Ellis said as long the staff is okay with it then it is okay with him.

Mayor DeNeale reported a meeting of Mayors requested by Key West Mayor Cates who would like to establish a relief fund for Keys people. There is an organization in Key West, Samuels House. It is run by a person, very effective in fund raising, who has agreed to establish the fund. The Keysstrong.org web address has been donated for the organization. Boche Pastuer, a well known South Florida promoter, would work to set up events. A fifteen person board, with representatives from each municipality, would oversee it. Mayor DeNeale asked for suggestions for someone who would be interested in serving on this Board.

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

**12. Citizen Comments and Correspondence:** City Clerk McCullough reported letter from Lyn Paterson objecting to the benefit package requested by Mr. Moonis. An email was received from Tucker DeGraw strongly objecting to any change in the election cycle. Mary McFadden contributed \$1,000 to the Beautification Committee and offered her assistance any place she may be needed.

A resident asked if the City has a handle on which owners have returned or not returned. City Administrator Moonis explained there is not a mechanism to determine that. A letter was included with the recent sewer bill mailing stressing all residents need to assess damages to their properties as soon as possible. City Attorney Wright said if a situation at a property is not an emergency it should be sent to the Code Board. If it is an emergency he should be contacted to determine a plan of action on a case by case basis.

An 8<sup>th</sup> Street resident asked if Ashbrite or Brands Mart was responsible for removing the white goods. He reported the refrigerator contents were being dumped prior to loading. Vice Mayor Sutton said the contents were supposed to be put in a container with lime. The resident has not seen any lime put on the dumped contents. City Attorney Wright suggested the resident make a video of those actions. Mayor DeNeale said the debris is a statewide problem – much bigger than anyone ever thought. Mayor DeNeale also reported a hazardous waste pick up has been requested for the City.

The meeting adjourned at 11:50 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.**

---