

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday January 25, 2018 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 DeNeale at 9:30 A.M. followed by the Pledge of Allegiance, Prayer and a Moment of Silence for Terry Elvers.

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, Building Official Ed Borysiewicz, Assistant Building Official Gerard Roussin, Police Chief Kris DiGiovanni and Fire Chief John Johnson. *Excused:* City Attorney Tom Wright. Public – 29

2. **Approval of Minutes:**

MOTION: Motion made by Mayor DeNeale, to approve the minutes of the 01/11/2018 Regular Commission Meeting.

ON THE MOTION: Approved by acclimation.

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

4. **Special Requests:**

5. **Committee and Staff Reports:**

A. Marathon Fire/EMS - Fire Chief Johnson reported 3 medical calls and 1 motor vehicle accident since the last meeting. He reported the Florida Department of Transportation has started picking up debris from the Overseas Highway and are making a pretty good dent in it. No more hurricane debris is to be placed on the Overseas Highway. He requested anyone seeing this type of activity to report it to the Monroe County Sheriff's office.

B. Recreation Committee – No report.

C. Beautification Committee – Patti Trefrey, Beautification Committee Chairperson, reported everyone came together, as a community, on January 20, 2018 to successfully clean up Sunset Park. She thanked the Fishing and Boating Club, the Community Association, the City Staff, the Commissioners and Centennial Bank for their contributions of coolers, ice, drinks, donuts and pizzas, and of course all the volunteers for all the hard work.

D. Disaster Preparedness Committee -- Building Official Borysiewicz reported they are still working on getting the generator up and running.

E. Planning & Zoning – No report.

F. Utility Board – Mayor DeNeale, reporting for Utility Board member Mike Alexander, said the heavily damaged Condos are requesting relief, and/or help with sewer invoices. Mayor DeNeale will be meeting with Sunset Beach Club following today’s meeting. Commissioner Ellis asked if requests for credits would come back before the Commission. Mayor DeNeale said any decisions to be made would be presented to the Commission for approval.

G. Police Department: Chief DiGiovanni reported 1 traffic arrest, 1 medical call, 2 MCSO assistance calls and 6 miscellaneous call since the last meeting. He has also received 2 reports from residents who have received IRS telephone scam calls. Chief received word that 450 bicyclists traveling from Miami to Key West would be staying at the Holiday Inn. Chief DiGiovanni thanked Alan Morgan for setting up traffic cones on Clara Blvd. and Coral Lane to protect residential properties in that area. The Coconut Crawl is this Saturday so please watch out for walkers participating in this event. Chief requested Commission approval for angle parking along 7th Street for the Fishing and Boating Club Clam Bake on February 19, 2018. By consensus, the Commission agreed to angle parking on 7th Street for the Clam Bake. Chief DiGiovanni informed the Commission Sgt. Birklund, who has been with the City for 20 years, is retiring on 2/4/18. Chief DiGiovanni extended his best wishes for a well earned retirement.

H. Building Department: Building Official Borysiewicz reported Estaban continues to work 50% of the time at the sewer plant. He also reported significant issues with the pick-up trucks and tractors which were damaged during the storm. Arguments continue with the insurance companies concerning these issues. Gerard is booked solid with occupational licenses and studying for the next exam for Building Official. There are 35 to 40 permits, in the office, awaiting approval. Key Colony Pointe Condo has agreed to rebuild a 4’ green vinyl chain link fence on City property and will pay for half of it. Vice Mayor Sutton said that fence belongs to Key Colony Pointe and was in place before the City purchased the adjoining property. It was the consensus of the Commission that the fence belongs to Key Colony Points and if they want it replaced they need to replace it. Mr. Borysiewicz reported 2 condos in the City are approaching 50% damage. The Land Development Regulations (LDR) states a non-conforming building or structure may be repaired on the original footprint if done within 6 months of the damage. Building Official Borysiewicz says he is giving these condos more time. He reports these condos are working as fast as possible to get reports from engineers. Commissioner Tracy asked if a decision is made to rebuild, does the building have to be to current code. Mr. Borysiewicz said it gets complicated. The 50% rule applies to each building within a condo complex. If a building value is estimated at \$1M and the repairs are \$500,000 it would have to be rebuilt to the new required flood elevation. If the damage is less than \$500,000 it can be rebuilt at the below flood level elevation, however, the electrical, plumbing, etc., must be up to code.

MOTION: Motion made by Mayor DeNeale, seconded by Commissioner Tracy to extend the time from 6 months to 1 year for condos approaching 50% damage.

ON THE MOTION: Roll call vote. Unanimous approval.

Building Official Borysiewicz told the Commission the residents of Key Colony Beach have received a 10% discount on flood insurance for the last approximately 20 years. This is a result of working with FEMA and making the building code stronger. Once every 5 years FEMA audits the City files. Part of that audit is the Annual Progress

Report which states what the City has done in the last year. Some of the items in this report include the new causeway bridge, 80% completion of the Stormwater project, a new RO building, and upgrading the sewage treatment plant to meet future EPA requirements.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini to approve the CRS Activity, Floodplain Management Planning Annual Progress Report.

ON THE MOTION: Roll call vote. Unanimous approval.

Commissioner Ellis asked if there are plans to fill Joey Boucher's position? City Administrator Moonis said the City is actively recruiting to fill Joey's position.

I: City Secretary/Treasurer: Commissioner Pettorini reported the City is currently through the first quarter of the fiscal year. He said the City had to go into contingency funds to meet the costs of the Hurricane. The revenues have started to come in from the ad valorem taxes which helps with cash flow.

J. City Clerk: - City Clerk McCullough reported the administrative staff has been working very hard to gather the documentation required for the FEMA submittal. She also reported a sympathy card had been sent to the Terry Elvers family from the City Commission and staff.

K. City Administrator: City Administrator Moonis introduced Corky Spehrley to address the Commission on his concept for the restoration of Sunset Park. Mr. Spehrley started by saying Sunset Park was the gem of Key Colony Beach and before Hurricane Irma there was almost nothing wrong with it. The goal is to bring it back. The problems that did exist before the storm was the lack of restroom facilities and the lack of parking. A few minor issues were trying to dance in the sand/grass and there was too much vegetation. Vice Mayor Sutton asked if Mr. Spehrley had discussed his plans with the Beautification Committee as this committee has been appointed by the Commission. Mr. Spehrley indicated he had spoken with Beautification by he has not sat down with the entire committee. Mayor DeNeale said he requested Mr. Moonis coordinate with the Beautification Committee. Mr. Spehrley displayed a satellite photo of Sunset Park before the Hurricane which he over-laid with his design. It is essentially the same with the exception of an increased parking area. The basic structure of the pier is in good condition but there is the issue with the railing. A location for the restroom has not yet been determined. Mr. Spehrley envisions that all the labor will be done by volunteers, including plumbing, electrical, carpentry, etc. etc. etc. Therefore the only cost will be for materials. In addition, Mr. Spehrley is of the opinion many individuals will be willing to donate to the project. Commissioner Tracy asked how many parking spaces would be added. Mr. Spehrley only knows how many spaces he has planned for, not the number currently there. Patty Trefrey reported two professional landscapers told her sod would require an inch or two of top soil under it. Mr. Moonis said the first phase of Mr. Spehrley's plan will cost about \$15,000. Mr. Moonis suggested if Mr. Spehrley could obtain \$10,000 in contribution maybe the Commission could approve \$5,000 from reserves for the first phase of the plan. Vice Mayor Sutton said he would rather wait until Mr. Spehrley and the Beautification Committee agreed on a plan. Sandy Bauchman, Beautification Committee member, asked about leaving the park all in sand. When asked about the rail on the pier, Building Official Borysiewicz said a licensed contractor would be required to install the rail. The proper insurance would be required including longshoremen's insurance as it is over water. Commissioner Pettorini

reported a volunteer would be covered by workers compensation insurance if injured while working on a project. The larger issue is liability insurance. It is as much of a legal issue as it is an insurance. Questions of equipment usage and supervision issues can also increase the City's exposure. Commissioner Ellis stated this is not Mr. Spehrley's first project, and all his projects have been successful.

1. Update on City Hall Report- IBTS: City Administrator Moonis introduced Gerard Ducote, Institute for Building Technology and Safety (IBTS), who in turn introduced Eric Cruz, Senior Technical Advisor, IBTS. Mr. Cruz told the Commission IBTS staff members have met with their FEMA counterparts on several occasions to address the building and the conditions. The draft report, presented to the Commission, separates the cost to return the building to pre-storm condition into two (2) categories, i.e. windstorm damage and flood damage. This breakdown complies with the 2017 Public Assistance Guidelines format requested by FEMA. The IBTS professional recommendation is the abandonment of the building due to substantial damages that occurred during Hurricane Irma. The recommendation is based on the estimated cost of repairs to bring the structure back to its habitable condition. Several borings, made to get a better visualization, show the building sustained critical washout of the sand cushion the structural slab rests on. There is evidence of a failing structure in the exterior and interior of the building which can now be seen in the building envelope seams and in the structure itself. Mayor DeNeale asked Mr. Cruz if this model meets exactly what FEMA requires. Mr. Cruz answered it meets all the FEMA requirements. Mayor DeNeale thanked Mr. Cruz for a 'meticulous job' preparing the report. City Administrator Moonis said the current structure is -3' base flood elevation. The cost to raise the building, if a contractor could be found to do it, to at least a +1' base flood elevation would cost more than the building is worth. He also said Building Official Borysiewicz has this report. Mr. Moonis told the Commission this will be a cost/benefit decision. He also said a recommendation concerning City Hall would be presented at the 02/22/2018 Commission Meeting. Commissioner Ellis asked if it was a preliminary thought that a new City Hall would be put on this piece of ground. Mr. Moonis answered he envisions a new stilted City Hall, with parking underneath, being built on the remaining portion of the City Hall park. Commissioner Ellis asked, that being the case, would the current structure survive another 2 years? Eric Cruz answered, in the absence of a storm, the building may limp by however he recommended against it, based on the failures noted since Hurricane Irma. Commissioner Ellis said staying in the current building would be the least expensive approach. He stated he would like to have a local engineer determine if the building is safe. Mr. Cruz said a Florida professional engineer has evaluated the property and written a report stating this building is not safe to be occupied. Vice Mayor Sutton asked if FEMA would pay for any percentage a new structure? Mayor DeNeale reported IBTS is working with FEMA to determine what will be approved for the damage. Mayor DeNeale also said the City lobbyist, the State Senator and the State Representative are working to obtain funding assistance for the building. He will also be working with the executive branch, and the insurance companies. Paul Cole, 8th Street resident, questioned if he heard correctly that FEMA would not provide funding for a new building. Mayor DeNeale replied FEMA would provide the funding to repair this building, then in compliance with Federal regulations, the City can decide to apply that funding to the construction of a new building. The funding will have to be in place before any decision can be made. Corky Spehrley, 12th Street resident, asked about the post office as it is an important social center of the City. Mr. Cruz answered that

several options are being considered for the post office. One option being considered is to leave the post office in its current location.

2. Update on FEMA Reimbursements: City Administrator Moonis reported the new FEMA model has seriously slowed down the reimbursement process. To date, no Monroe County governmental entity has received any reimbursements from FFEMA. Gerard Ducote, IBTS, reported everything is 'on target' to have all the required submittals to FEMA by January 29, 2018.

City Administrator Moonis reported there are still residents living in RV's on their property. Permits have been issued to repair the properties however the contractors have yet to show up. Building Official Borysiewicz said he has no issue with the trailers remaining as long as necessary to complete storm damage repairs. Mayor DeNeale said this helps the citizens. The trailers should be able to stay until the Building Official signs off on the completed permit and a couple weeks after that for furniture delivery.

7. Commissioners Open Discussion: None

8. Items for Discussion /Approval

A. Discussion of February 8, 2018 Commission Meeting: Mayor DeNeale recommended canceling the 2/8/18 Commission meeting as it conflicts with Florida Keys Days which both he and Vice Mayor Sutton will be attending.

MOTION: Motion made by Mayor DeNeale, seconded by Commissioner Pettorini, to cancel the February 8, 2018 Commission meeting.

ON THE MOTION: Roll call vote. Unanimous approval.

Mayor DeNeale asked Corky Spehrley, as a representative of the Community Association if the 2/8/2018 Town Hall meeting could also be rescheduled to February 13, 2018. Mr. Spehrley did not see a problem with this request.

B. Discussion of Stormwater Project Contract: Vice Mayor Sutton reported Slazar, the contractor awarded the contract for the 12th Street Stormwater project, has not been able to secure the required bonding. Slazar was notified, by certified letter, if the bonding is not secured by 01/26/2018, the City could decide to award the contract to the next lowest bidder. Toppino and Sons, the second low bidder on the project, has agreed to complete the project for their original bid amount if the Commission rejects the Slazar bid. Vice Mayor Sutton reported the Toppino bid is higher, however it is important to get the project completed so as not to lose the SFWMD grant. Commissioner Ellis reminded the Commission the Toppino bid was \$100,000 more than the Slazar bid. Ms. Garcia, a representative of Slazar Construction, told the Commission there are only 2 items left to complete on the bond application. She requested a 2 week extension as Slazar does not want to lose the contract. Commissioner Tracy asked when the project needs to be completed to comply with the SFWMD grant. Vice Mayor Sutton answered September. Commissioner Pettorini suggested a 2 week extension to save \$100,000 was reasonable. Mayor DeNeale said a decision on this issue would be tabled until the February 22, 2018 Commission meeting.

9. Approval of Warrants: N/A

10. Ordinances and Resolutions: None

11. Commissioners Reports or Comments - None

12. City Attorney Report - None

13. Citizen Comments and Correspondence None

The meeting adjourned at 11:10 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.
