

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday March 22, 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 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, Building Official Ed Borysiewicz, Police Chief Kris DiGiovanni, Assistant Building Official Gerard Roussin, Officer Chuck Griffith and Fire Chief John Johnson Public – 43.

Mayor DeNeale requested Commissioner Ellis join him in front of the stage. Mayor DeNeale presented Commissioner Ellis with a flag that flew over City Hall on the First Day of Spring. The inscription on the flag box was Jerry Ellis Mayor/City Administrator. Mayor DeNeale emphasized that Jerry was the last Mayor/City Administrator for the City of Key Colony Beach, which was a huge job. Mayor DeNeale went on to list some of Commissioner Ellis' achievements such as moving the sewer plant upgrade forward, keeping the City out of ROGO and obtaining many grants, including sewer, storm water and park grants. Commissioner Ellis was also responsible for expanding the boat trailer parking area, which generated additional revenues for the City. In addition to the flag, a plaque has been ordered acknowledging all the years Jerry was on the Commission. Commissioner Ellis said he was honored and it was his pleasure to serve the City. Key Colony Beach will always be in his heart. He promised to come back and visit.

2. **Approval of Minutes:** N/A

3. **Agenda Additions, Changes, Deletions:** Building Official Borysiewicz requested a discussion of temporary uses at the Glunz Resort/Havana Jacks under the Building Department Report.

4. **Appointment to the Commission:** Mayor DeNeale said inasmuch as Commissioner Ellis has resigned from the Commission, it is necessary to choose a replacement to fill the unexpired term. He also acknowledged this is not unique for the City. Four of the current Commissioners started their service to City by being appointed to an unexpired term of office. Mayor DeNeale asked for nominations to fill the unexpired term of Commissioner Ellis which will be until November 2020. Commissioner Tracy nominated Patti Trefry. Commissioner Pettorini nominated Yuna Leary. Attorney Wright instructed the Commission, based on City code, Commissioner Ellis will not be able to vote. Mayor DeNeale invited Patti Trefry to make a statement.

Patti Trefry stated her involvement with Key Colony Beach began when she and her husband first became full time residents. She also detailed her experience prior to moving here. She promised to work as tirelessly on the Commission as she has on the Beautification Committee.

Commissioner Pettorini said Yuna Leary could not be present at today's meeting as she was out of town dealing with a medical situation. He said many people know Yuna as she ran for a seat on the City Commission last year. She met the qualifications for office, she campaigned and she received 16% of the vote. He asked Yuna be considered based on the information he provided.

Attorney Wright asked that all Commissioners wanting to vote for Patti Trefry raise their right hand. Attorney Wright requested the minutes show all four Commissioners raised their hand for Patti Trefry. Ms. Trefry's term will begin on April 2, 2018.

## **5. Special Requests**

**A. Fishermens Hospital Presentation** -- Mike Leonard, President of the Fishermens-Baptist Hospital Foundation introduced Rick Freeburg the CEO of both Fishermens Hospital and Mariners Hospital. Mr. Freeburg informed the Commission that in January 2017 Baptist Health 'bailed out' Fishermens by providing an unsecured loan to keep the doors of Fishermens open. In April 2017 the Baptist Board of Directors voted to acquire Fishermens and on July 1, 2017 actually acquired the hospital. Prior to Hurricane Irma, The intent was to renovate the current facility. Although the building still stands the damages sustained have made the interior uninhabitable. Post Irma, Baptist assisted with the cleanup, not only of Fishermens, but also for Fishermens employees. The facility currently operating at Fishermens is a field hospital. To date over 3,500 patients have been attended to in the field hospital. At the end of June construction of a new modular hospital will begin. It should open to see patients around July 4<sup>th</sup>. It will be a 'hard walled' hospital of 8,000 square feet. It will have an emergency room and provide many outpatient services. Once the modular facility is in place, demolition of the old Fishermens and construction of a new 40,000 square foot hospital will begin. Expenses are adding up, however, Baptist Health Care is committed to the middle keys community. It is hard to have a community without schools, without police and fire rescue and without a hospital. Mr. Freeburg estimates completion within 2 to 3 years. When asked what the community could do to help, Mr. Freeburg replied they were going to need to raise a lot of money. Baptist had originally committed \$25M to refurbish Fishermens. It is estimated to cost \$40M to build a completely new facility. Mr. Freeburg said he has been charged with raising the \$15M shortfall. Mayor DeNeale thanked Baptist for really stepping up after Hurricane Irma. Trauma Star was offline. Ambulances could not travel the highway because of debris. The electric companies could not pull wires until there was a functioning hospital. And Baptist was there!!

## **6. Committee and Staff Reports:**

**A. Marathon Fire/EMS** - Chief Johnson reported 2 medical calls and 1 public assistance call in the last 2 weeks. He reported there are a lot of people in the Keys right now. Accidents have increased. He requested that everyone be patient and try to take a deep breath. Just remember the motto of Key Colony Beach, why speed, you are already here. Chief Johnson thanked Commissioner Ellis for his service and said it was a pleasure working with him.

**B. Recreation Committee** – Mike Alexander, and Ted Fischer, Recreation Committee members, reported their meeting last week resulted in some recommendations for the pickle ball situation. Ted Fischer reported a possible solution to the pickle ball issues that were encountered last year when preparing for expansion of the courts. He reported a rapid growing community of young ‘baby boomers’ who want to play a few sports to stimulate their health. Mr. Fischer explained pickle ball is ‘tennis for baby boomers’ played on a reduced court size using whiffle balls. There are currently two courts on 7<sup>th</sup> Street which attracts 60 to 70 players on a daily basis. There is one dedicated pickle ball court on 8<sup>th</sup> Street and a tennis court that has also been painted for pickle ball use. Last year a \$50,000 grant was awarded by the State to increase the number of courts and for other improvements around the 8<sup>th</sup> Street park. Only \$27,000 of this grant was designated for pickle ball. The new plan is to move completely off the 7<sup>th</sup> Street side of the park and to build three new courts on the inland on the 8<sup>th</sup> Street side of the park at an approximate cost of \$45,000. With the agreement of the tennis players, one pickle ball court will be remapped on each side of one of the tennis courts using a non-intrusive color. Temporary pickle ball nets will be used on the remapped courts. Estimated cost \$4,000. Priority play for tennis would be maintained on Mondays, Wednesdays and Fridays from 9 to 11 AM. Once these courts are in place, the 7<sup>th</sup> Street court would be returned to basketball. Parking would be on 8<sup>th</sup> Street and on the 8<sup>th</sup> Street side of the utility building. There will be a funding shortfall of about \$20,000. The Recreation Committee recognizes the City is strapped for cash this year due to Hurricane Irma. This can be addressed with private fund raising. Mike Alexander said the Recreation Committee is looking to the Commission for approval of this plan. City Administrator Moonis has reviewed the plans and said this would resolve all the previous issues. Commissioner Ellis asked if this plan had been discussed with Darryl Rice and if he was okay with it. Mr. Fischer answered that it had been discussed with Darryl who has no objection. Commissioner Pettorini asked if the 7<sup>th</sup> and 8<sup>th</sup> Street residents had been made aware of this plan. Mr. Moonis said the plan was emailed to all interested parties.

**MOTION:** Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton, to approve the plans, pending funding.

**Discussion:** A resident asked who owns all property north of the wastewater treatment plant as it looks like a good area for pickle ball courts. Vice Mayor Sutton reported that part of the property is designated by South Florida Water Management District as a retention area.

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

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

**D. Disaster Preparedness Committee** -- Building Official Borysiewicz reported waiting on parts for the generator which should be received in a week or two. The generator will then be back in full operational mode.

**E. Planning & Zoning** – No report.

**F. Utility Board** – Mayor DeNeale reported a critical startup of the new ISAM tank will be placed in operation soon. After that is completed the old tank will be shut down for repairs. This has been a big project and it is coming close to completion.

**G. Police Department:** Chief DiGiovanni called Officer Griffith to the front of the stage. He recounted Officer Griffith started with the Key Colony Beach Police Department in July 2011, during which time he has been a true community-oriented police officer. Most recently Officer Griffith stayed through Hurricane Irma to protect the residents who also stayed behind. Chief DiGiovanni said he was honored to offer Officer Griffith a promotion to Sergeant. The badge was pinned on Sergeant Griffith by City Clerk Kathryn McCullough.

Chief DiGiovanni said there had been 2 reports, 13 assistance calls from Monroe County Sheriff's Office and 13 miscellaneous calls since the last meeting. The Officers also issued 15 code enforcement warnings and 3 citations. Eleven (11) traffic warnings and 3 citations were also issued. Chief DiGiovanni reported the 7 Meter Bridge run went off without incident, even though Causeway was closed to traffic for 2 minutes. He is still interviewing for a day shift officer. Chief DiGiovanni thanked Commissioner Ellis for the years he supported the Police Department.

**H. Building Department:** Building Official Borysiewicz reported Public Works, with the advice from FKEC and the assistance of a private contractor, were able to straighten all the light poles along the Causeway. Washout at the Causeway Bridge was repaired with concrete and boulders. The contractor was also able to remove a tin roof found floating in Bone Fish Bay. Public Works also replaced irrigation around City Hall and added some additional irrigation going around the back. Assistant Building Official Roussin has been officially certified as Building Code Administrator. All permitting is currently up to date; there is no waiting list. Mr. Borysiewicz also reported he is reviewing plans for 3 new duplexes and 1 new house.

There is an important issue at the Glantz properties, i.e. the hotel, the townhouses, the restaurant, and the pier bar. The Glantz priorities were, the beach area first, followed by the hotel, the townhouses, the pier bar and the restaurant, in that order. The pier bar is now open so work has begun on the restaurant. The Cabana Club, next door, was very efficient in repairing that facility which is now open for business daily. Working on the restaurant is difficult, as it is adjacent to the Cabana Club which is packed with customers every day. There is noise and dust. There is also a health department approved mobile food trailer and a tractor trailer sized, generator operated, refrigerator/freezer truck on the property. Mr. Borysiewicz has received questions from residents asking how long the food trailer and refrigeration truck will be on site primarily because of the generator noise. Mr. Borysiewicz said the Commission would have to grant permission for the food trailer and refrigeration truck to remain on the property. Mark Mistie, Glantz Manager for the Glantz properties, reported the food trailer was brought on site, immediately following Irma, to provide meals for their employees, workers and citizens. These are temporary but are needed to generate some revenue and to keep employees working. The pier bar opened on St. Patrick's Day and the restaurant should be finished in 6 to 8 weeks. He requested Commission approval to keep the food trailer and refrigeration truck on site. Commissioner Tracy asked if permits had been issued for the restaurant. Mr. Mistie replied the kitchen plans have not been finalized. The interior cleanup has started. Tony Peters, 370 E. Ocean Drive, asked if electricity for the truck could come from the building or if the truck could be turned around. Mr. Mistie said he would see if the truck could be turned around. Commissioner Tracy asked if 6 to 8 weeks

was realistic to complete the restaurant. Mr. Mistie replied, based on the time frames for reconstructing the other elements of the property, 6 to 8 weeks is realistic. Commissioner Pettorini asked if there are other options for noise abatement. Mr. Mistie said turning the truck is the only option and it can be done in the next few days. Attorney Wright informed the Commission a motion is not necessary, rather staff can be directed on how to handle and monitor the issue. City Administrator Moonis said staff will monitor the situation and report to the Commission at the next meeting.

**I: City Secretary/Treasurer:** Commissioner Pettorini comically described budget vs. actual graphs that could not be shown on the screen as the power point presentation was not working. In his closing comment Commissioner Pettorini said “All things considered, the City is in really good shape.”

**J. City Clerk:** - City Clerk McCullough thanked Commissioner Ellis for all he has done for the City. He was City Administrator when she became City Clerk and he was always supportive of her and the City staff. Blanca Kulig has mailed the sewer invoices mailed. Becky Todd will be conducting a property managers’ class this afternoon for 35 attendees. Ms. McCullough announced a Celebration of Life for Tucker DeGraw on Sunday March 25<sup>th</sup>, 2018 here in Marble Hall.

**K. City Administrator:** City Administrator Moonis expressed his appreciation to Commissioner Ellis who was the City Administrator when Mr. Moonis came on board. The direction he received from Commissioner Ellis was invaluable. He thanked him for his leadership to the community and for all the valuable services he provided.

1. FEMA Meeting & Hurricane Update City Administrator Moonis reported \$2.2M in costs have been submitted to FEMA. He expects 75% reimbursement from FEMA and 12 ½ % reimbursement from the State. Alan Musgrove, IBTS, reported receiving a recommendation from CSA, a Florida engineering company, concerning City Hall, which has been provided to FEMA and to Mr. Moonis. Categories A and B have been uploaded to FEMA. Gerard DuCote, IBTS, explained Category A is debris removal. Category B is emergency services and repairs. – Coming next will be the heart of the recovery i.e. City Hall, wastewater, mitigation projects, parks and recs, streets and the golf course. Mr. Moonis reported FEMA is generally processing work orders normally. The problem is what the State is going to do with the reimbursement once it is obligated. The City has reached out to our State Senators and House Members for assistance with the process. Mayor DeNeale and the City lobbyist have also been active. Vice Mayor Sutton asked for the details of the engineering report that was received. Alan Musgrove said the engineer’s recommendation is that the building is not suitable for repair due to the extent of damage and that it cannot be lifted. Commissioner Ellis said the City needs to be careful not to put themselves in a trap by declaring the building is not salvageable then finding there is no money to replace the building. Mr. Moonis said there is no action to be taken today. This will be a long process and the Commission will be provided with detailed information along the way.

2. Drone Procedures City Administrator Moonis said the information provided to the Commission outlines FAA regulations and questions and answers related to the operation of drones. This essentially is the information that will be put on the City website along with the courtesy information that will be requested from drone users. Mayor DeNeale

asked if the police officers will be trained in the procedures to follow in the case of an accident. Chief DiGiovanni said the officers would be trained.

3. Letter of Support – Tourist Development Council City Administrator Moonis reported the Tourist Development Council has requested a letter of support from the City. Mayor DeNeale received a request from Monroe County Commissioner Nugent to include in a letter of support a stipulation that the percentage allocated to bricks and mortar projects remain the same. Mr. Moonis will draft the letter for the Mayor's signature.

4. Legislative Update from Florida Legislative Session 2018 City Administrator Moonis reported, because of the Parkland school shooting, many of the Keys issues did not make it to the 'table'. Mayor DeNeale said the Cabinet Meetings, when issues are presented to the Governor, will be in May. Mayor DeNeale has 4 major issues this year; 1. FEMA; 2. ROGO, 3. Funding from Community Development Grants for disaster relief, and 4. Support Fishermens/Baptist Health requests for State funding.

For the Commissioners' information, a developer went before the Planning and Zoning Board with a conceptual redevelopment plan for the marina and commercial area on the Causeway. There was no action, however, the P & Z Board was generally in favor of the plan. The intent of the developer was to gauge the reaction from the Board. There will be a lot of hurdles to overcome. Attorney Wright suggested determining if Tallahassee would increase the number of Key Colony Beach development rights.

**7. Commissioners Open Discussion:**

**8. Items for Discussion /Approval**

A. Stormwater Update -- Vice Mayor Sutton reported the notice to proceed, for the 12<sup>th</sup> Street Stormwater project, was issued to Toppino & Sons. Letters have been sent notifying the 12<sup>th</sup> Street residents of the construction going on. Drilling will begin this Monday, March 26, 2018 with project completion projected for July 28, 2018.

**9. Approval of Warrants:**

**MOTION:** Motion made by Commissioner Pettorini, seconded by Commissioner Tracy, to approve Warrant No. 22018 in the amount of \$374,070.44.

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

**10. Ordinances and Resolutions: N/A**

**11. Commissioners Reports or Comments: -**

Commissioner Pettorini wished Commissioner Ellis and Lyn all the best in their future endeavors. Commissioner Tracy congratulated Commissioner Ellis on his retirement and welcomed Commissioner Trefry. Mayor DeNeale congratulated Commissioner Ellis on 'another' retirement.

**12. City Attorney Report -** Attorney Wright reported receiving a Mediation and Trial Order on the Campbell case. The deposition of Building Official Borysiewicz was postponed to the end of April. Tom Wright told Commissioner Ellis he brought amazing energy and

intelligence to all the things he'd done on behalf of the City. His accomplishments for the City were amazing. He said had been a pleasure working for him.

**13. Citizen Comments and Correspondence N/A**

The meeting adjourned at 11:23 A.M.

Respectfully submitted,

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

Kathryn McCullough, City Clerk

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