

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday April 12, 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 Patti Trefry, Commissioner Jim Pettorini 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, Public Works Greg Lawton, and Fire Chief John Johnson Public – 18.

2. **Approval of Minutes:**

The minutes of the March 22, 2018 Regular Commission Meeting and the April 2, 2018 were approved by acclamation.

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

4. **Special Requests**

**A. Health District Special Taxing District** Mike Leonard stated he is seeking approval for a new Special Taxing District for the benefit of Fishermens/Baptist Hospital. The taxing district will run from 7 Mile Bridge to just this side of Layton and will include Duck Key. The proposed is a half mill tax that will sunset in ten years. The City of Marathon Commission, on Tuesday, unanimously approved issuing a letter in full support of the taxing district. The tax on homesteaded properties will be minimal. Mr. Leonard said he believes the tax is fair as it taxed evenly among all residents, all homeowners, all retail establishments and all snowbirds. Baptist purchased Fishermens, a failing institution, for \$13,105,000. We would not have a hospital had Baptist not done so. Baptist has lost \$10M since the purchase. It will cost \$3.5M to purchase a modular facility. Monthly losses are \$1M. By the time the new hospital is built Baptist will have sustained \$75 to \$80M in losses. Baptist had expected to invest \$25M, but now the investment they will have to make is 3 times that. No one, unless it was a government entity, has invested that much money in the Middle Keys. Mr. Leonard said he respected that investment and he hoped Key Colony Beach would support the taxing district. Vice Mayor Sutton asked why not repair the hospital. Mr. Leonard said the hospital is beyond repair.

Jay Hershoff, Mariners Hospital Board Chairman, reported being approached, quite some time ago, to ask his support in approaching Baptist Health to take over Fishermens. It was agreed Baptist would take over at midnight on June 30, 2018. Mr. Hershoff said

Fishermens was facing closing the doors because there were not enough funds to meet payroll or to pay vendors. Baptist quickly arranged for a \$3M Line of Credit to keep Fishermens open until the takeover. At the closing Baptist paid of the \$5.8 M mortgage, forgave the line of credit and gave \$5M to the Fishermens Board of Directors to payoff the vendors. Added to all of that Baptist has been averaging a \$1M per month loss since Hurricane Irma. These expenses were not anticipated and are going to continue for many years to come. Mr. Hershoff asked for unanimous support of the Special Taxing District from the City Commission.

Vice Mayor Sutton asked if there was FEMA funding available for Fishermens. Mr. Hershoff answered he did not expect any funding received from FEMA to be anywhere near what would be needed.

Mayor DeNeale asked how much the Special Taxing District is expected to generate. Mr. Hershoff answered \$1.5 M per year for 10 years. Mayor DeNeale asked why the Taxing District does not include Big Pine Key. Mr. Hershoff reported there is already a Special Taxing District covering Big Pine Key.

City Administrator Moonis asked if Baptist had approached the State Legislature. The answer was 'yes', for several million dollars. The State allocated \$500,000 which has not been received yet.

Mayor DeNeale instructed staff to put this on the agenda for the next Commission Meeting.

**B. Ride and Roll, Saturday May 5, 2018** Jessica Borraccino, Coldwell Banker Schmitt Charitable Foundation, said Key Colony Beach, for the last 5 years, has approved the Ride and Roll to be held on the island to raise funds for the Foundation. The Ride and Roll is basically a dice roll, on bike, had been previously approved for October, but was postponed due to Irma. Ms. Borraccino requested the Ride and Roll be approved for May 5, 2018. Mayor DeNeale asked the group coordinate with Chief DiGiovanni. He said the community is looking forward to the event.

**9.B -- Resolution No. 2018-02 Opposing Offshore Oil & Gas Drilling & Exploration --**

City Administrator Moonis requested this item be next on the agenda so Representative Alison Johnson does not have to wait until the end of the meeting. City Attorney Wright read the resolution by title only. Ms. Johnson, Oceana, explained seismic testing is an array of acoustic devices pulled behind a boat that goes off about every 10 seconds. This disrupts behavior and breeding cycles. It can actually damage organs of fish, shellfish, dolphins and turtles. This is just to find oil deposits. She also said the undiscovered oil deposits, off the Atlantic coast, would only last 7 months at the current consumption rate. This resolution, if passed, will be sent to Governor Scott and to President Trump to let them know this is not wanted off the Florida Coast.

**MOTION:** Motion made by Commissioner Tracy, seconded by Commissioner Trefrey, to approve Resolution No. 2018-02 Opposing Offshore Oil & Gas Drilling & Exploration.

**DISCUSSION:** Commissioner Pettorini said this is a resolution, not an ordinance, so it does not have the impact of law, however, it does set a policy position. He further stated he has no information, other than a statement from a lobbyist group, what geo-political impact, economic impact or national security impact this might cause. He said it is preliminary to create a resolution against something the Commission knows nothing about.

Mayor DeNeale reported he has been sitting on water quality boards for years. He would like to take this resolution to the National Marine Sanctuary Water Quality Steering Committee, which meets at the end of May, and discuss it with them. He suggested postponing this until more research can be done and until after the Water Quality Steering Committee in May.

City Administrator Moonis requested Ms. Johnson provide all the research she can. He also requested a list of the counties and municipalities, in the State of Florida, that have passed similar resolutions.

**ON THE MOTION:** Roll call vote. Commissioner Trefry, no; Commissioner Pettorini, no; Commissioner Tracy, yes; Vice Mayor Sutton, no; Mayor DeNeale, no. Motion Failed.

Mayor DeNeale requested the Resolution be tabled until the first meeting in June.

## **5. Committee and Staff Reports**

**A. Marathon Fire/EMS** Chief Johnson reported 4 medical calls and 1 internal fire alarm since the last meeting. He also said Marathon City Manager Chuck Lindsay is currently testifying in front of Congress regarding some of the delays being experienced in getting FEMA money. He is explaining how all the municipalities and Monroe County went into debt to get the Hurricane Irma debris cleaned up. There have also been meetings, over the last two weeks, with Governor Scott, Senator Rubio and some Cabinet members.

**B. Recreation Committee** - No report.

**C. Beautification Committee** - No report.

**D. Disaster Preparedness Committee** - Building Official Borysiewicz reported reordering supplies and working on the generator.

**E. Planning & Zoning Board** - No report.

**F. Utility Board** Mayor DeNeale reported a Joint Commission/ Utility Board meeting on Friday April 6, 2018 to approve the cost for a diver to repair a sluice gate in the tank. This was necessary to continue work on the Wastewater Treatment Plant upgrade. Mayor DeNeale showed slides of the repair process.

**G. Police Department** Chief DiGiovanni said there were 6 reports since the last meeting which included a warrant arrest on Sadowski, a suspicious incident at the Post Office, a drug arrest on Sadowski Causeway, a domestic battery arrest on Sadowski, a

criminal mischief/battery arrest on West Ocean Drive and an information report on 5<sup>th</sup> Street. The Police Department also assisted the Monroe County Sheriff's Office 13 times, answered 18 miscellaneous calls, issued 5 code enforcement warnings, 25 traffic warnings and 1 traffic citation. Planning has started for the Kids Fishing Derby on June 13, 2018, potentially. The 7 Mile Bridge run is scheduled for this weekend. Runners will be signing in at the Holiday Inn Express between 6 pm and 9 pm on Friday. The Public Works Department will be setting traffic cones on Coral Lane, Clara Blvd. and Sadowski Causeway to protect residential properties. A conditional offer has been made to a young man for the night shift police officer to replace Sgt. Birkland.

#### **H. Building Department/Public Works**

1. **MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Trefry, to approve a 4 post 24 K elevator boat lift at 940 Shelter Bay Drive.

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

2. **MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini to approve a 33 K elevator boat lift with 12' arms at 721 8<sup>th</sup> Street.

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

3. **MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Pettorini, to approve a 6 post, amended to a 4 post, 24K vertical boat lift with aluminum piles at 48 7<sup>th</sup> Street.

**DISCUSSION:** City Attorney Wright asked if Mr. Borysiewicz had an amended application for a 4 post lift. Mr. Borysiewicz indicated he did. Mayor DeNeale said the drawings seem to show the boat lift on the property line. Mr. Borysiewicz reported the posts for the lift are inside the property line.

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

4. **Glunz Update** - Building Official Borysiewicz reported the generator truck was repositioned with the generator toward the ocean. The food truck is also still there. He has not received complaints on either one. He made a detailed inspection inside of Havana Jacks. The concrete had to be broken up and all the sewer lines had to be replaced. They are in the process of replacing the impact doors and windows. The walls inside are being replaced at they were prior to the storm.

Building Official Borysiewicz reported Assistant Building Official Roussin and Greg Lawton have all the building permits up to date. Alan Morgan and Corky Spehrley are installing irrigation at Sunset Park. Normal code enforcement will be restarting. Darryl Rice, Key Colony Beach Golf Course, will assist in obtaining fast growing grass seed for the swale area on Shelter Bay Drive.

**I: City Secretary/Treasurer:** Commissioner Trefry has nothing to report. She is waiting for the April financials.

**J. City Clerk:** - City Clerk McCullough reported she is still working on insurance issues. She thanked Island Service who did not charge for the last inspection of the vehicles. She thanked Assistant Building Official Roussin for replacing the doors and walls on the storage closets in Marble Hall.

**K. City Administrator:** City Administrator Moonis reported reaching out to the Department of Economic Opportunity (DEO) for funding in the form of Federal dollars through CBDG Grants for disaster relief. He and Mayor DeNeale will be in Tallahassee on May 8<sup>th</sup> and May 9<sup>th</sup>. Critical meetings have been scheduled with various agencies, and Cabinet members, including a meeting with Julie Dennis of DEO. Mr. Moonis informed the Commission bids will be opened the day before the next Commission meeting for the continuation of disaster recovery assistance. IBTS was the emergency contractor for these services. A request for proposals was advertised, in compliance with Federal procurement policies, to continue past the emergency period.

Now that the specifications have been prepared for the pickleball courts, a bid will be advertised for their construction.

Mr. Moonis is preparing a ‘pros and cons’ of the City Administrator. It is not required by his employment agreement but it is something he would like to see happen. It is a learning experience for both the Administrator and the Commission. Mayor DeNeale requested Chris prepare a write up and then he would respond to him and the Commission. After which the Commission can have further discussions.

City Administrator Moonis requested the Commission consider a more ornamental fence between Key Colony Point and Sunset Park. He said he believes he can find the funding for it. Vice Mayor Sutton cautioned if there is another storm the City would be responsible for replacing it. Vice Mayor Sutton said the first step would be to get a cost estimate. Commissioner Tracy said if it is a fence it should be on the property line and in that case it should be a cost share. Commissioner Trefry reported there was only \$1,500 approved in the project budget for Sunset Park. This is not enough for plants to screen the fence. City Attorney Wright said there should be a formal agreement with the condominium association addressing modifications, maintenance, repairs, what would be allowed to attach to the fence. It’s more than let’s go 50/50 and build a fence. A private public agreement always has challenges.

**7. Commissioners Open Discussion:**

Commissioner Pettorini reported he was surprised at the resolution of the off-shore drilling that was discussed earlier in the day. There had been no prior discussion about this issue. Oceana is a lobbyist group. If this was a game plan Commissioner Pettorini said he would have done exactly what was proposed here. He stated, he personally, does not like being influenced by a lobbyist. It may be a good idea that warrants further discussion he was, therefore, pleased it was postponed until further information could be gathered.

**8. Items for Discussion /Approval**

**A. City Hall Discussion**

Mayor DeNeale reported Cabinet level discussions, on May 9<sup>th</sup> in Tallahassee, will basically be on Keys issues. Even though he is the one going to Tallahassee, he speaks for the Commission. To address City Hall he said it was built on wood pilings, after which, Marble Hall was ‘pin piled’. The pin piles used were 4” pipes and it is staying pretty well. Although one contractor the Mayor spoke with said it could still fail and he did not recommend staying with it for too long. There are not grade beams meaning it is basically built on a slab. There is no rebar in the slab. Building Official Borysiewicz confirmed the

only place in City Hall with rebar is the Post Office and the front addition. The roof structure is not up to code for 180 mph winds. It is not above base flood elevation. Even if there was no Hurricane Irma, there is not enough room in this building. It lacks enough space for public records retention, an interview room/holding cell for the police, an emergency operations center to safely house first responders in the event of another major storm. Recounting recent actions, Mayor DeNeale cited a 2005 ad hoc committee recommended replacing City Hall. In 2014 and again in 2016 \$50,000 was included in the budget to stabilize the conference room floor. This was not done either time. \$200,000 in reserves were earmarked for City Hall renovation in the 2017 budget. The staff was directed, in a 2017 Budget Work Shop, to hire an architect to design a new City Hall.

Mayor DeNeale said 'it all comes down to money'. Reimbursement from insurance, although it has been an issue, should provide some loss reimbursement. There are many grant programs including mitigation grants. FEMA has a very good low cost loan program. Special disaster funds can be authorized by the Governor. Mayor DeNeale said DEO is the place to start as they have disaster funds. Commercial loans and private foundation loans are also a possibility. Some FEMA money, if it does come in for reimbursement of debris removal, could also be used to get the 'ball rolling'.

Mayor DeNeale recommended to continue sourcing funds to build a new City Hall. Vice Mayor Sutton agreed sourcing funds to build a new City Hall should continue. In the meantime, however, Vice Mayor Sutton suggested cosmetic repairs to 'buy some time' and to get staff back into their original offices.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Trefrey, to authorize repairs to the original offices in an amount not to exceed \$10,000.

**ON THE MOTION:** Unanimous approval.

#### **B. Stormwater Update:**

Vice Mayor Sutton reported the contractor finished drilling the three wells yesterday. The contractor is cleaning up the staging area today. The structure boxes were ordered yesterday. They should be delivered in 2 to 3 weeks. The project should be completed by July. There was a minor issue with a brick column which has been temporarily repaired. The contractor did sign an agreement to totally restore the column at the completion of the project.

#### **9. Approval of Warrants:**

**MOTION:** Motion made by Commissioner Pettorini, seconded by Vice Mayor Sutton, to approve Warrant No. 32018 in the amount of \$498,968.44.

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

#### **10. Ordinances and Resolutions:**

**A.** Ordinance 453-2018 Banning Establishment of Medical Dispensing Facilities in the City of Key Colony Beach, First Reading. City Attorney Wright read the ordinance by title only. City Attorney Wright recommended moving this ordinance, at an appropriate time, into the City's Land Development Regulations.

**MOTION:** Motion made by Commissioner Pettorini, seconded by Commissioner Trefrey, to approve the first reading of Ordinance 453-2018 Banning Establishment of Medical Dispensing Facilities in the City of Key Colony Beach.

**DISCUSSION:** Mayor DeNeale reported attending a Mayor's Conference where it was recommended an ordinance of this type for small cities. Key Colony Beach does not have the resources to monitor this type of cash business operation.

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

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

Commissioner Tracy has been talking with the Heath Department and FWC concerning the iguana issue. There will be an iguana workshop on May 3<sup>rd</sup>, 2018 at 3:00 pm in City Hall with presentations from both the Health Department and FWC.

Commissioner Pettorini asked the next step in Fishermens/Baptist Hospital request for a Special Taxing District. City Administrator Moonis replied Fishermens is looking for support from the Commission on the Special Taxing District. Mr. Moonis also said a Special Taxing District would require a referendum. City Attorney Wright said he's not sure if a referendum is required. He will have to research it.

**12. City Attorney Report** - City Attorney Wright reported nothing new on the Campbell case.

**13. Citizen Comments and Correspondence**

Chief Johnson congratulated Chief Kris DiGiovanni on his completion of the Leadership Monroe training. He will graduate on Saturday.

City Clerk McCullough reported receiving 2 emails from Timothy Prohaska regarding boat lifts. He request the City 'stick to their guns' and not approve a 6 post boat lift at 48 7<sup>th</sup> Street. A handwritten note was received from Rick and Debbie Rolf thanking the Commission and staff for the City cleanup. An email from Mike Phillips is concerned the golf course it not getting the attention needed. An email from Diane Beall suggested selling engraved pavers for the walkways in Sunset Park as a way to raise funds.

The meeting adjourned at 11:23 A.M.

Respectfully submitted,



Kathryn McCullough, City Clerk