

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday April 26, 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, Sergeant Chuck Griffith, Assistant Building Official Gerard Roussin, Public Works Greg Lawton and Fire Chief John Johnson. Excused: Police Chief Kris DiGiovanni Public – 8.

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

3. **Agenda Additions, Changes, Deletions**

Mayor DeNeale asked approval to add a discussion of the status of City Hall under the City Administrator Report. Approved by acclamation.

4. **Special Requests**

**A. Resolution 2018-03 Supporting a Special Taxing District to Support the Construction and Operations of a New Hospital in Marathon:** Mayor DeNeale asked City Attorney Wright to read the Resolution in its entirety. Mike Leonard thanked the City for supporting this Resolution. City Administrator Moonis reported, if the Resolution is supported by all municipalities within the area, the County may be able to establish the Special Taxing District without going to referendum. Mayor DeNeale said after Hurricane Irma Baptist was ‘up and running’ quickly. Without the ‘Mash Unit’, sent down by Baptist, recovery work could not start.

**MOTION:** Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton, to approve Resolution 2018-03 Supporting a Special Taxing District to Support the Construction and Operations of a New Hospital in Marathon:

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

5. **Committee and Staff Reports**

**A. Marathon Fire/EMS:** Chief Johnson reported 2 medical calls, 3 internal fire alarms and 1 public assistance call since the last meeting. Chief Johnson urged everyone to put their plans in place for the upcoming Hurricane Season.

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

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

**D. Disaster Preparedness Committee:** - Building Official Borysiewicz reported they are still working on the generator.

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

**F. Utility Board:** No report.

**G. Police Department:** Sergeant Griffith reported 2 warrant arrests and 1 grand theft arrest since the last meeting. The Department assisted the MCSO and Marathon Fire 12 times. There were 7 miscellaneous calls. The Department is having temporary gas tanks installed in the boat in an effort to get it back into the water.

Mayor DeNeale reported the Florida League of Cities issues a Citizenship Award, a Spirit Award and an Environmental Award each year. He said Chief DiGiovanni applied for the Citizenship Award for the Kids Fishing Derby. The summary submitted with the application read as follows: "The City of Key Colony Beach Police Department hosts an annual fishing derby. The Police want children to view them as friends and not just someone who arrests their loved ones. The City partners with local businesses and a neighboring city to successfully organize this derby. The Police, residents, City staff and Elected Officials donate their time and effort to this derby. The derby aims to attract the less fortunate children who cannot afford to fish. The positive influence the Police have had with the children helps clear any misconceptions about Police and builds a lasting bond with the children and residents. The Kid's Fishing Derby operates on generous donations from residents and businesses. This project can be adopted by any city as long as there are community members who are compassionate for less fortunate children." Mayor DeNeale asked for a motion to authorize him to sign the letter submitting the award.

**MOTION:** Motion made by Commissioner Trefrey, seconded by Commissioner Pettorini, to authorize Mayor DeNeale to sign the letter submitting the award.

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

**H. Building Department/Public Works** Building Official Borysiewicz reported most of the impact windows and interior partitions have been installed at Havana Jacks. The plumbing is being re-done. This has been much more time consuming than anticipated. Mr. Borysiewicz reported no one has complained about the refrigeration truck and the food preparation truck which are still in the front parking lot.

Public Works has almost finished remarking the parking spaces in the boat trailer yard. The Building Department is working on the FEMA 5 Year Audit Recertification. Gerard Roussin and Greg Lawton have been very effective with code enforcement with emphasis on unlicensed contractors, garbage cans, landscape debris and unmaintained properties. Mr. Borysiewicz will be issuing building permits for 3 new duplexes and 1 new single family residence in the next few weeks.

**I: City Secretary/Treasurer:** Commissioner Trefrey reported the profit and loss year-to-date reports show the City \$98,000 in the red. This is all due to Irma and is very correctable once the City receives FEMA and insurance reimbursements. Budget verses income is 'running a little short'. Commissioner Trefrey met with City Clerk McCullough

and the City's CPA Jennifer Johnson. Ms. Johnson recommended a budget amendment to align budget to reflect the impact of Hurricane Irma. The reports next month should show a more accurate representation of the City's financial position.

Mayor DeNeale said the first budget workshop will be scheduled sometime in June as the millage rate has to be set by the first of July. City Administrator Moonis reminded the Commission the City of Key Colony Beach has the lowest millage rate of any municipality in Monroe County. The millage set for the upcoming fiscal year will depend, in large part, on the reimbursements received from FEMA.

**J. City Clerk:** - Ms. McCullough echoed Commissioner Trefrey's comments on the meeting with Jennifer Johnson. Ms. Johnson said the City is not limited to the number of budget resolutions it passes in order to keep the numbers in line with the actual revenue and expenses. Ms. McCullough also spoke with City Auditor Julio Buzzi concerning completion of the Fiscal Year 2016-2017 Audit. The City needs to make a decision on the building to complete the audit, even if that decision is to make no decision.

**K. City Administrator:** City Administrator Moonis reminded the Commission that the Annual Florida League of Cities conference is scheduled for August 16<sup>th</sup> through August 18<sup>th</sup> in Hollywood, Florida.

The City received one response to a request for proposal (RFP), advertised for 30 days, for a professional service contract for disaster recovery. The bid was from IBTS. Mr. Moonis stated he has been very pleased with the services provided by IBTS under the emergency services contract which expired in April. This is an open ended disaster recovery and FEMA public assistance contract which is based on time and materials. IBTS would still not be paid until the City was reimbursed by FEMA. It is an ongoing contract as long as it is mutually productive. IBTS will continue to help with disaster recovery but will also be helping with longer term issues like mitigation projects and CBDG grants. Mr. Moonis also stated he negotiated a 5% reduction of the hourly rates listed on page 52 of the RFP response. The IBTS fees will be reimbursed 75% by FEMA and 12 ½ % from the State. The remaining 12 ½% will be the City's responsibility. City Administrator Moonis strongly recommended approval of the agreement with IBTS. Vice Mayor Sutton asked if IBTS would inform the Administrator prior to initiating a billable action on behalf of the City. Mr. Moonis answered IBTS would provide the scope of work on a weekly basis. Mr. Moonis said he would closely monitor the contract. Mayor DeNeale reported IBTS has submitted, when compared to Marathon, a significant number of 'line items'.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini, to approve the open ended agreement with IBTS for disaster recovery and FEMA public assistance.

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

City Administrator Moonis advised the Commission that he and Mayor DeNeale will meet with the Department of Emergency Management in Tallahassee on May 8, 2018 and they will be available to attend the Cabinet Meeting on May 9, 2018.

The RFP for the Pickle Ball courts has been advertised. It is also on the City website. Bids received for this project will be opened at 3:00 pm on May 18, 2018.

Mr. Moonis reported the current submissions to FEMA, for reimbursement, are in excess of \$2.2M. There are a ridiculous number of stages each submittal must go through. The submission for the mold remediation of City Hall, in the amount of \$85,000+, is the furthest along in the process. It is at stage 6 of 9 stages. The next projects, totaling \$2.1M, are for debris removal. Mr. Moonis reported he continues to 'push the projects' with the assistance of IBTS, the City's lobbyist and State Representative Holly Raschein. He has not contacted Federal Representatives at this point in time, however, he will do so if necessary.

With respect to City Hall, Mr. Moonis reported a P.E. stamped letter and all the building damage descriptions are ready to be submitted in the required FEMA format. Also, Mr. Borysiewicz determined, following Hurricane Irma wind and storm surge, extensive washout occurred under the building. Because of the washout substantial slab settlement is continuing making it no longer safe to occupy. Mr. Borysiewicz urgently requested all staff office space and restrooms be unoccupied due to the damages. Mr. Moonis said, based on the Building Official's report, IBTS has been working to line up office trailers to house the staff. This will require an RFP. It will be quite an expensive venture but the trailers would be adequate. IBTS estimated a minimum of 60 to 90 days to have trailers on site. Mr. Moonis suggested the administrative staff and the police department temporarily move into Marble Hall. Mr. Moonis questioned the liability of remaining in the current space until trailers are delivered. Vice Mayor Sutton said this problem did not exist until the Commission decided to refurbish the original office space and relocate the staff. He reported IBTS said, at that time, not to do anything to the building as it could jeopardize any FEMA reimbursement. Mayor DeNeale said he knew this was going to happen at some point in time. He stated Mr. Borysiewicz is the City Building Official and the conscience of the City. Mayor DeNeale said he supports Mr. Borysiewicz and the decision he made. Building Official Borysiewicz agreed this was a very difficult decision. He was hoping FEMA would make the decision but that was taking too long. So he made the decision that the administrative staff area is not safe. He is also concerned about the liability. Commissioner Pettorini asked Mr. Borysiewicz for a time frame to prepare Marble Hall for office use. He answered it would take at least a month to order office partitions, move the telephone lines and the computer lines. City Attorney Wright reported, from a legal liability standpoint, a move should happen as soon as possible. City Clerk McCullough reported she is against moving into Marble Hall. She supports moving into trailers as quickly as possible. She reported the administrative staff is comfortable staying in the small conference room. Every move is disruptive. The phones have to be reprogrammed, the computer lines moved, the files relocated. The server will have to move, the copy machine will have to move, the office supplies will have to move. She questioned where all that goes. City Administrator Moonis recapped the issue is liability. Commissioner Trefry said it is not just staff, but also residents coming in and out of the building. Mayor DeNeale requested a motion to explore this as an emergency and to direct staff to contact the Department of Emergency Management and FEMA to try to get the employees into trailers as soon as possible. It was decided a motion was not needed to direct staff to investigate the options.

**7. Commissioners Open Discussion:**

**8. Items for Discussion /Approval**

**A. Approval of Application for the Spirit Award** – Mayor DeNeale reported the Florida League of Cities also awards a Spirit Award every year. Based on the Community, the Beautification Committee and Staff efforts to clean up the City, and primarily Sunset Park, he and his wife put together an application for Key Colony Beach to be considered for the Spirit Award. He showed the pictures of Key Colony Beach before Irma, immediately after the storm, and the Sunset Park after the storm and after the Community effort to clean up the park, which were included in the application.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini, to approve submitting the Spirit Award application to the Florida League of Cities.

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

**9. Approval of Warrants: N/A**

**10. Ordinances and Resolutions:**

**A. Ordinance 453-2018 Banning Establishment of Medical Marijuana Dispensing Facilities in the City of Key Colony Beach, Second Reading.** City Attorney Wright read the ordinance by title only.

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

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

**11. Commissioners Reports or Comments:**

Commissioner Tracy reminded everyone the Health Department and FWC will be hosting an Iguana Workshop on May 3, 2018 at 3:00 pm in Marble Hall. She encouraged attendance.

Mayor DeNeale reported he and City Administrator Moonis will attend a Surge Conference on May 1, 2108 in Key West.

**12. City Attorney Report** - City Attorney Wright reported the Campbell case is still in the discovery stage. Building Official Borysiewicz deposition has been postponed to sometime in June or July.

**13. Citizen Comments and Correspondence** City Clerk McCullough said a letter was received from Emilie Burroughs resigning from the Code Enforcement Board. Her property received substantial damage so she is relocating to Ft. Myers.

The meeting adjourned at 11:04 a.m.

Respectfully submitted,



Kathryn McCullough, City Clerk

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