

# MINUTES

## KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday May 24, 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 9:40 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. Excused: Fire Chief John Johnson. – Public - 11.

2. **Approval of Minutes:**

The minutes of the April 6, 2018 Joint Emergency Commission/Utility Board Meeting and the April 12, 2018 Commission Meeting were approved by acclimation.

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

Mayor DeNeale requested City Lobbyist Jerry Paul be added to the agenda under special requests. Approved by acclimation.

4. **Special Requests:**

**A. Legislative Update – Honorable Holly Raschein:** Ms. Raschein complimented the leadership of Key Colony Beach following Hurricane Irma. She reported a successful State budget was passed. She had requested \$15M to build a hardened Monroe County Category 5 Emergency Operations Center, \$6M was approved. She said \$15M was approved for affordable housing. The Stewardship Act received \$10M split evenly between land acquisition and water-related projects such as wastewater, storm water and canal restoration. Florida Forever was funded for \$100M of which \$5M is allocated to the Keys. Visit Florida and Everglades Restoration were fully funded this year. A tax application process was also approved for property owners to apply to the Property Appraiser in 2019 for a tax rebate on destroyed properties. A bill was passed limiting the Mosquito Control District terms of office to three 4 year terms for a maximum of 12 years. Senate Bill 7026 was the big safety bill that was passed. It addresses gun control, mental health issues and hardening of schools. This bill also establishes the Marjory Stoneman Douglas Safety Commission which will do an in-depth study of the Parkland School shooting. She closed by saying every 20 years there is a Constitution Revision Committee which will have 8 items on this year's ballot for voter approval. It is her personal belief that several of the items could have been handled by Legislative statute rather than by a Constitutional Amendment. Attorney Wright asked the status of efforts to preempt all local regulations of vacation rentals. She answered that bill is 'dead' this year. She used Key Colony Beach as an example of how local governments address this issue. She cautioned this issue will continue to 'rear its ugly head' and she will fight it every time.

**B. Jerry Paul, City Lobbyist:** Mr. Paul said the Florida Keys are unique, and Key Colony Beach occupies a very special role in the Keys. He said Florida is the only state in the union that has a scheduled Constitutional Revision Commission every 20 years. There are 37 appointees on the Commission, half appointed by the Governor and the balance by the Speaker of the House, the President of the Senate and the Chief Justice of the Supreme Court. One of the issues on the ballot will require a 2/3 vote of the Legislature to raise taxes. Another one on the ballot, supported by Mr. Paul, is Marcy's Law. It is a victim's rights proposal which will give victims dignity and access in the process. As this is an election year, a new Governor will be elected. He is hopeful, if not confident, the new Governor will have a history with the Keys. He is also confident there will be continuity with our Legislative Delegation; that is Representative Holly Raschein and Senator Anitere Flores. Mr. Paul has also met with Mayor DeNeale and City Administrator Moonis with respect to Community Block Development Grant (CBDG) funding for Key Colony Beach.

## **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 speaking with a new company in hope of resolving the issue with the generator. All City flags will be taken down and all garbage cans will be stored due to this weekend's anticipated storm.

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

## **F. Utility Board:**

**1. Recommend Approval of the US Water Service contract for the operation of the wastewater plant:** - City Administrator Moonis deferred to City Attorney Wright for comment. Attorney Wright said the Commission is currently embroiled in fairly contentious litigation with US Water. The disagreement is over who is responsible for the maintenance of the manholes and the lift stations. He suggests any renewal agreement with US Water should be 'crystal clear' on this issue. City Administrator Moonis recommended tabling approval of the US Water contract based on Attorney Wright's comments.

**MOTION:** Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton, to table approval of the US Water contract.

**ON THE MOTION:** Approved by acclamation.

**G. Police Department:** Since the last meeting Chief DiGiovanni reported a grand theft on 2<sup>nd</sup> Street and a battery case on 4<sup>th</sup> Street. He also reported 5 medical/alarm calls, 5 assistance calls from the Sheriff's office and 8 miscellaneous calls. The officers issued 13 code enforcement warnings, 23 traffic warnings and 3 traffic citations during this period. Chief DiGiovanni said the patrol boat is back in the water. The police officer applicant is currently taking his last test. Chief DiGiovanni cautioned everyone to keep

an eye on the weather this weekend and into next week. He wished everyone a safe and happy Memorial Day weekend.

**H. Building Department/Public Works:** Building Official Borysiewicz reported Alan Morton and Corky Spehrley have just about completed the irrigation system at Sunset Park. Greg Lawton and Estaban Cabrera have spread the compactible sand on the park walkways and have added some new walkways. Building plans for 3 new duplexes have been reviewed and sent to DEO for approval. A new house is just starting to go up on Coury Drive. The pressure from the RO tank has been too high and has been 'blowing out' the main irrigation lines. Pressure tanks, with bladders, are being installed to resolve this problem. Assistant Building Official Roussin and the Public Works crew are in the process of inspecting, and correcting any problems, on all the irrigation lines in the City.

**1. Approval of a 20K Boat Lift at 120 13<sup>th</sup> Street: - tabled from previous meeting.** Building Official Borysiewicz reported Mr. Sergei, 110 13<sup>th</sup> Street and Mr. Acosta, 120 13<sup>th</sup> Street are in the audience. The property owners at 130 13<sup>th</sup> Street have given written approval for the lift. Mr. Sergei explained he has issues with the size of the lift, the safety of the lift and it blocks the view from his property. He requested the lift be relocated to the other end of the property. Mr. Acosta reported most boat lifts in Key Colony Beach are offset to the side to maximize the use of their property. A 30' boat on the lift will be approximately 15' from the property line.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Mayor DeNeale, to approve a 20K boat lift at 120 13<sup>th</sup> Street.

**Discussion:** Commissioner Pettorini said the fact that it is before the commission indicates this request is an exception. Mayor DeNeale reported 16K boat lifts limit the size of a boat to fit within a small lot. Attorney Wright explained before boat lifts became so popular many property owners had concerns about restricted line of sight. The requirement for Commission approval of a 20K, or larger, boat lift was to provide property owners with an 'escape valve'. These requests to the Commission are generally approved as this is a fishing and boating community, however, like today, it gives adjacent property owners the ability to express concerns. Commissioner Tracy asked if this lift was for a 42'boat. Mr. Acosta answered no, this lift would only hold, at the maximum, a 30' boat. Commissioner Pettorini said these requests are routinely approved, however, this request presents a problem for an adjacent property owner.

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

**I. City Secretary/Treasurer:** Commissioner Trefry explained today's charts reflect the City finances after the budget resolution. Income is pretty much right in line with the budget. Expenses, year-to-date, are budgeted \$3.17M compared to actual of \$2.12M. The year-to-date profit and loss report shows a loss of \$156,000+. Commissioner Tracy reported that she will be completing new commissioner basic training before the next meeting.

**J. City Clerk:** - City Clerk McCullough reported Pat Hyland applied for the open Utility Clerk position. She is well qualified for the position, therefore, based on City policy, she

has been promoted to that position. The Administrative Assistant position, vacated by Ms. Hyland, will be advertised. Ms. McCullough recognized Kitty Sutton for ‘filling in’ again to give Blanca an opportunity to train Pat.

**K. City Administrator:**

**1. Navigational Signage:** City Administrator Moonis reported navigational signage is becoming a more prominent issue. He and Sgt. Griffith took the boat and inventoried the signs. Due to the hurricane, the signs in stock are woefully short. He will work with Public Works to order and install the ‘No Wake’, ‘Idle Speed’ and other signs. He will work with other authorities in regard to the channel markers. Commissioner Tracy said it would be great if those signs could be installed before the boating traffic increase starts in July.

**2. Pickle Ball Update.** Mr. Moonis said an RFP was advertised for construction of the pickle ball courts. Unfortunately no bids were received. He, Mike Alexander and Ted Fischer will work on this and hopefully have a recommendation by the next meeting.

**3. Sunset Park.** Mr. Moonis reported an RFP has been advertised for ADA restrooms at Sunset Park. Most of the infrastructure for the restrooms has been installed by Corky Spehrly and his volunteers.

**4. Irma Update.** Mr. Moonis reported he and IBTS continue to push FEMA hard. FEMA has changed the representative for Key Colony Beach. The FEMA representative ‘pushed the button’ on City Hall so that is now processing through the system. Close to \$6.5 million has been entered into the system for FEMA reimbursement. Mayor DeNeale asked if a letter to our Federal Representatives, copied to our State representatives, requesting their help with FEMA is appropriate at this time. Mr. Moonis answered yes, it can’t hurt. Gerard Ducote, IBTS, confirmed the Key Colony Beach projects are actively being processed at the CRC. The City is requesting a time frame on when will these funds be received. FEMA is very uncomfortable with this type of question. Mr. Moonis said to expect a 3 week turn around at the State once the FEMA obligation is received. Mr. Moonis said an RFP for temporary facilities is scheduled to be opened on June 8, 2018.

**7. Commissioners Open Discussion:**

**A. Budget Discussion Overview:** Mayor DeNeale reported the Property Appraiser is anticipating a 3.5% increase in property values, even after the storm. The Monroe County Administrator said he is ‘shooting for roll back’. Mayor DeNeale said the City budget should not contain any capital projects this year, except for what is absolutely necessary to clean up from the storm. He would like to schedule the first Budget Workshop right after the second Commission meeting in June. City Administrator Moonis agreed, however, there are some small capital expenditures necessary to continue hurricane damage repairs.

**8. Items for Discussion /Approval**

**A. Code Change – Silt Fence -** Mayor DeNeale explained, in trying to protect his home and hedges from construction going on next door, he went to Home Depot and purchased silt fencing. It is cheap, it is easy to install and every contractor he spoke too agreed with the idea. Vice Mayor Sutton agreed City Attorney Wright should be requested to write an ordinance for approval. Mr. Wright said he would have the ordinance ready for the next Commission meeting.

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

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

**11. Commissioners Reports or Comments:**

Commissioner Tracy asked if there were developments on the Marina project. City Administrator Moonis answered there have been no updates received, from the developer Jupiter Realty, on the project. He said both property owners are frustrated with the lack of communication. He explained to them there is not a lot of communication, as there are a lot of hurdles for the developer to overcome.

Commissioner Pettorini asked the status of moving the staff offices. Mr. Moonis said an RFP for temporary office trailers will be opened on June 8, 2018. He reported, when he went to FEMA to expedite the process as the building was deemed unsafe, he was told to have measurements done to determine how fast the building is settling. Mr. Borysiewicz has been doing those periodic measurements.

Commissioner Trefrey reported Monroe County is setting up training sessions for emergency response teams. Certified emergency response personnel will be the first ones allowed back into the County after a disaster.

**12. City Attorney Report** No Report.

**13. Citizen Comments and Correspondence** City Clerk McCullough reported an email from Jacqueline Moore complaining about the lack of debris clean up in the canal between Sadowski and Coral Lane. An email was received from Laura Bacon expressing concern of the number of boats not respecting the no wake rule.

The meeting adjourned at 11:30 a.m.

Respectfully submitted,



Kathryn McCullough, City Clerk