

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday August 23, 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 Police Chief Kris DiGiovanni, Building Inspector Ed Borysiewicz Building Official Gerard Roussin and Fire Chief John Johnson. Excused: Public - 15

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

**3. Agenda Additions, Changes, Deletions:** N/A

**4. Special Requests:** N/A

**5. Committee and Staff Reports:**

**A. Marathon Fire/EMS:** Fire Chief John Johnson reported it has been very quiet in Key Colony Beach since the last meeting. He stated we are in hurricane season. He urged everyone to continue to prepare and to have a personal evacuation plan ready. There have been a couple of recent events where the paramedics were called and the individual refused treatment. Chief Johnson stressed the Paramedics are trained in critical care. When testing is requested or a trip to the emergency room is suggested, please follow their advice.

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

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

**D. Disaster Preparedness Committee:** Building Official Roussin reported all the repair work has been done on the generator. A test run powering City Hall is scheduled for Monday.

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

**F. Utility Board:** Utility Board Treasurer Tom Harding reported the sewer plant contractor has requested a contract extension from September 1<sup>st</sup> 2018 to October 1<sup>st</sup> 2018. The contractor has had 2 issues, ie, an airflow meter which was resolved yesterday and a pump vibration problem which should be resolved before the project completion date. The contractor will present an update at next month's Utility Board meeting. All

the financial payments are up to date. There is a contract clause for a \$400/per day penalty if the projected is not completed on time.

**G. Police Department:** Chief DiGiovanni requested approval to purchase to 2 mobile radar signs for \$5,849. Funds are available in Impact Fees for this purchase.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Trefry, to approve the purchase of 2 radar signs, from Impact Fees, is the amount of \$5,849.

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

Chief DiGiovanni said there were 2 reports and 2 traffic crashes since the last meeting. The Police Department also assisted the Monroe County Sheriff's Office 19 times, and responded to 10 miscellaneous calls. The 2<sup>nd</sup> Police vehicle is in Miami waiting to be fitted with the necessary gear. Chief wished everyone a safe and happy Labor Day weekend.

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

Building Official Roussin requested a 6 month extension for Key Colony Beach Club and Ocean Front Condo. They are having the same issues with insurance and FEMA as the City. The Commission approved the request by consensus.

Building Official Roussin reported the Kobota tractor is at Richards Tractors in Homestead. It has been determined the clutch assembly needs to be replaced. The cost estimate to repair it is \$2,800 to \$3,000. Vice Mayor Sutton asked if this has been turned into insurance. City Administrator Moonis responded it had. Vice Mayor Sutton asked if it was okay to repair it and not negate the insurance claim. Mr. Moonis said it could be repaired.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini, to approve \$3,000 for repair of the Kobota.

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

Mr. Roussin said 2 sets of plans are being reviewed by the Building Department, 1 for a duplex on 3<sup>rd</sup> Street and 1 for a single family on 11<sup>th</sup> Street. Greg Lawton is in Orlando before the licensing board for a 1 and 2 family inspector's license. Mr. Roussin will be leaving for Tallahassee tonight for a Fire Inspector One class. He will return on Sunday.

Vice Mayor Sutton asked when someone will be hired to replace Alan in Public Works. Mr. Roussin answered he has interviewed 4 people and will present 2 of those to City Administrator Moonis for his approval.

**I. City Secretary/Treasurer:** Commissioner Trefry reported income through the end of July is \$2,716,991, exactly as projected after the budget amendment. Expenses for the same period are \$3,490,437, again as projected. The profit and loss statement shows a loss of \$700,000, however considering the loss at the beginning of the fiscal year was \$1.1 M, the movement is in the right direction.

**J. City Clerk:** City Clerk McCullough told the Commissioners she and Becky Todd attended a very information active shooters class at the Sheriff's hanger. Iberia Bank is

donating desks and file cabinets to the City. Their movers will even deliver them at no cost. Ms. McCullough asked approval to send a thank you from the Commission signed by the Mayor.

**K. City Administrator:**

**1. Salary Adjustment for Esteban Cabrera:** City Administrator Moonis reporting reviewing current staffing in conjunction with hiring a new Public Works employee. Based on this review he is recommending an immediate increase to \$20/per hour for Esteban. Vice Mayor Sutton suggested an increase to \$21/per hour as the current advertisement for Alan's replacement is offering \$20/per hour. Esteban has been with the City over a year and has demonstrated an exceptional work ethic.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Trefry, to increase Esteban to \$21/per hour effective immediately.

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

**2. Miscellaneous:** City Administrator Moonis reported the inspections of City Hall are ongoing. It has come to a point where the Commission needs to make a decision. He recommended a Declaration of Local Emergency which will allow the Commission to waive the requirement of competitive bidding. The floor slab, as monitored by Building Official Borysiewicz continues to worsen. There is currently a bid out for temporary facilities, as the first round of bidding resulted in an extremely high price. The engineer, for IBTS, after his most recent inspection, said the section of the building from the conference room to the new section should be cordoned off to employees and visitors. Vice Mayor Sutton told Mr. Moonis the slab is on double wood pilings. Mr. Moonis replied the engineers could not find any of the wood pilings. Mayor DeNeale agreed the building is sinking. Mr. Moonis stated, under the Declaration of Local Emergency, he could act on a bid received this morning for temporary facilities.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini, to approve a Declaration of Local State Emergency for public health and safety. The motion to include "the City is still waiting to hear from FEMA whether the building is going to be condemned and if FEMA will credit an amount of money to rebuild City Hall".

**Discussion:** Mayor DeNeale said this was not a financial decision on FEMA's part. Their action was based on FEMA engineering reports from previous events around the Country. Mr. Cole, 8<sup>th</sup> Street resident, asked if the rental units would be like the trailers staff and the post office were in immediately after Hurricane Irma. Vice Mayor Sutton answered no. He has inspected the proposed trailers and they are very nice. The trailers are similar to those at the San Pablo Church. Mr. Cole asked why not move the offices into Marble Hall thus eliminating the rent. Vice Mayor Sutton answered that would create a real security issue for the police and for the public records. Mayor DeNeale stated Marble Hall is also used a lot during snowbird season and residents count on that. He also said FEMA will fund the temporary facilities so the City will only be responsible for 12.5 % of the cost.

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

City Administrator Moonis asked the Commission to approve the temporary trailer lease in 6 month intervals as required by the State, with Williams Scotsman of Pembroke

Pines, FL. The approval would be for one 60' by 12' mobile office for the Police Department and for one 60' by 24' mobile office for the Administrative staff.

**MOTION:** Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton, to approve a 2 year lease of a 60' by 24' mobile office in the amount of \$50,245.60 and to approve a 2 year lease of a 60' by 12' mobile office in the amount of \$26,015.36.

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

6. **Commissioners Open Discussion:** Commissioner Trefry reported the white fly problem is really bad right now. She encouraged everyone to take preemptive measures against the white flies. Mayor DeNeale asked Public Works to keep an eye on the City's trees.

7. **Items for Discussion /Approval:**

**A. Florida League of Cities:** Mayor DeNeale reported the conference was very good this year. There was a focus on Home Rule. The State has been challenging Florida Cities right to make and enforce their own rental codes. He said Airbnb has been causing a lot of problems in Cities. Airbnb does not want rental units registered or inspected.

Another issue with rentals is reporting code violations. Residents are uncomfortable reporting on neighbors. A tip line for code violations has worked very well in other Cities. Mayor DeNeale spoke with Chief DiGiovanni, Building Official Roussin and IT consultant Eddy Worthington. It is easy to implement. All that is necessary is another cell phone. You can send emails to it, you can send texts to it, you can send pictures and videos. To remain anonymous simply hit \*67 before making the call. Mayor DeNeale asked for a consensus for staff to look into establishing a tip line.

Mayor DeNeale reported another concern is 5G. The State has preempted a City from approving this, however, a City can put limits on it. The limitations must be in the City's code. Mayor DeNeale asked staff to look into this and to coordinate with FKEC. Commissioner Tracy asked who would be putting this in. Mayor DeNeale answered, right now, it would be AT&T. They are putting in fiber optics and you must do this to install the 5G.

Mayor DeNeale reported meeting with the City lobbyist regarding issues with the Department of Economic Opportunity (DEO). Key Colony Beach is requesting DEO reclassify some units classified as residential that are actually transient units. This would result in more market rate rights. Both the DEO and the Governor are pushing for workforce housing. Workforce housing might be built on some of the dry lots in the City and HUD might pay for it. The position Mayor DeNeale presented is the City will help with workforce housing if the DEO works with the City on the reclassification of residential units to transient units.

Vice Mayor Sutton reported there were not quite as many seminars as usual, primarily because of the Home Rule controversy. He did attend the ethics seminar. He also attended a Home Rule seminar and one on Leadership.

Commissioner Tracy attended a session on this year's State Constitutional Amendments. So many of the Amendments are very complicated. She stressed everyone should look at these Amendments to make an informed decision.

City Administrator Moonis asked Commission approval to put Amendment One on the website so residents can educate themselves on the impacts of this Amendment. The language of this amendment is very misleading. The Commission approved this request.

Commissioner Pettorini encouraged everyone to go to the Florida League of Cities website for Amendment One. The number of Constitutional Amendments this year, 16 or 17, is at an all-time high. Florida is unique as the municipalities predate the State. So real government comes from the municipalities. The State's attempt to preempt Home Rule is a critical one for the municipalities. The special interest groups want the State to preempt Home Rule. Commissioner Pettorini stressed we want make sure Home Rule continues.

**B. FDEM Agreement:** Mayor DeNeale reported working on getting this agreement. He wants to keep this item on the agenda until an agreement is executed.

**C. Update on the Stormwater Project:** Vice Mayor Sutton reported the project is complete. The City has the 'as builts'. They were submitted to South Florida Water Management District (SFWMD) by Mike Tibble, Mittauer & Associates. SFWMD turned them down as they were not signed by a surveyor. That has been corrected. The final payment was issued to Toppino for the project. All the paperwork has been submitted to SFWMD so the City can get the \$100,000 grant.

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

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

**10. Commissioners Reports or Comments:** Commissioner Pettorini reported early voting has started. Commissioner Pettorini encouraged everyone to get out and vote.

**11. City Attorney Report:** City Attorney Wright reported the Campbell case has been settled. The bill Airbnb championed before the State Legislature, was essentially an Airbnb wish list for limiting restrictions, it also prohibited local Code Enforcement from looking into issues. The proposal would also set up a State agency for that purpose. It would really be disastrous to Key Colony Beach if that bill had passed.

**12. Citizen Comments and Correspondence:** None

The meeting adjourned at 10:48 a.m.

Respectfully submitted,



Kathryn McCullough, City Clerk