

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday September 27, 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 Official Gerard Roussin and Assistant Fire Chief Dumford. *Excused:* Building Inspector Ed Borysiewicz, Fire Chief John Johnson. Public - 6

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: Assistant Fire Chief Dumford told the Commission Chief Johnson is attending a class. He reported 4 medical calls and 4 fire alarms during the last 4 weeks.

B. Recreation Committee: No report.

C. Beautification Committee: No report.

D. Disaster Preparedness Committee: Building Official Roussin reported the generator has been repaired and is fully functional. The generator powered City Hall for a full day with no problems. Mayor DeNeale asked how will the trailers be powered. Building Official Roussin answered a generator will be reserved with Sun Belt Rentals for the administrative trailer. He will check with Superior Electric to confirm what will be needed to run that office. The police trailer will run off the generator for Marble Hall. Commissioner Tracy asked if he had spoken with FKEC. Building Official Roussin replied Superior Electric will contact FKEC. Vice Mayor Sutton reported Wire Nuts has also done work in the City and is a reliable firm.

E. Planning & Zoning Board: No report.

F. Utility Board: No report.

G. Police Department:

Chief DiGiovanni said there were 8 reports since the last meeting; there were 2 reports and 2 suspects were arrested on Sadowski Causeway; a burglary to a residence on 5th Street; a domestic battery on 5th Street; a Baker Act on 5th Street; a traffic arrest on Sadowski Causeway; and warrant service on Sadowski Causeway and a citizen assist on 2nd Street. There were no medical calls. The Police Department also assisted the Monroe County Sheriff's Office 19 times and responded to 13 miscellaneous calls. The Police Officers issued 5 traffic citations, 19 traffic warnings, 1 code citation and 20 code warning. There were 2 phone call messages; 4 text messages and 3 emails received on the K C B Tip line. The Police Department is in the process of moving into the office trailer. Chief DiGiovanni wished everyone a safe and happy Columbus Day weekend.

H. Building Department/Public Works:

1. Approval to Purchase a Kubota Backhoe Loader: Building Official Roussin requested approval to purchase a Kubota Backhoe Loader to replace the old John Deere. If ordered today, delivery could be anytime between the first week of December and the end of February. City Administrator Moonis said the insurance proceeds were received in the amount of \$87,000 for all the equipment that was stored in the public works building. Anything the insurance doesn't cover will be submitted to FEMA for reimbursement. Vice Mayor Sutton asked if the Kubota is similar in size to the one borrowed from Jeff Ryder. Building Official Roussin reported this one is about 5 horsepower smaller. Building Official Roussin said the cycle bar, to be used to trim the mangroves, will be a separate purchase. Vice Mayor Sutton asked if this Kubota has the same lifting power as the Ryder machine. Building Official Roussin answered a Kubota, the same size as Ryder's, will cost about \$12,000 more.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini, to approve \$60,000 for the purchase of a Kubota tractor.

ON THE MOTION: Roll call vote. Unanimous approval.

2. Approval of a 20K Elevator Boat Lift at 161 5th Street: Building Official Roussin reported this request is over the 16K which does not require Commission approval. There is a letter from neighbor at 171 5th Street stating there is no problem with the boat hanging over the property line. Attorney Wright advised the applicant should submit an easement agreement. The Commission should not grant a permit for a boat extending over someone else's property. Mayor DeNeale recommended tabling the request pending receipt of an easement. The Commission agreed.

Building Official Roussin reported Public Works has been trimming trees through the City. They have also been working with Daryl at the Golf Course trimming trees and pruning overgrown plants. Rental inspections are starting to wind down from 20 to 25 per day. Code enforcement resumed on Tuesday with the issuance of 43 violation notices. Building Official Roussin also announced 25 turtles hatched from a nest on Inch Beach.

I. City Secretary/Treasurer: Commissioner Trefry presented a profit and loss chart for August 2018 which showed a year to date loss of \$877,556. This year started with a \$1.1M loss therefore the move is in the right direction. Expenses have been kept in line. Income is down mostly due to the lack of FEMA reimbursements.

J. City Clerk: City Clerk McCullough reported a seamless move from the conference room to the new office trailers. She thanked Vice Mayor Sutton for his tenacity in pursuing the trailer acquisition. She thanked Mayor DeNeale for his truck and his back. She also thanked the Administrative Staff and KCS Technical Solutions. The biggest thank you to the Public Works Crew, Greg Lawton, Esteban Cabrera and Jack Garcia. Pat Hyland has seen the Doctor and she is cleared to return to work on Monday. City Clerk McCullough asked for help stuffing the Wastewater Treatment invoices. The Young Marines have requested a City resolution designating October 23 – 31, 2018 as Red Ribbon Week. The Commission instructed City Clerk McCullough to prepare the resolution for the next meeting.

K. City Administrator:

1. Reserve Police Officer: City Administrator Moonis reported hiring Ross Bethard as a reserve officer. Officer Bethard retired from the Boca Raton Police Department after 25 years of service. Before that he served as a military police officer with the US Air Force. He will work on a part-time basis with primary emphasis on the patrol boat.

2. FEMA/Insurance Update & Disaster Funding – CDBG – DR: City Administrator Moonis reported one FEMA project has been obligated to the State of Florida. He also reported IBTS is working to get debris removal and a couple of protective measure projects obligated. Commissioner Tracy asked what insurance monies have been received. City Administrator Moonis answered a pittance has been received from the insurance companies. He reported appealing the insurance reimbursements. Norry Lynch, IBTS, is working on the appeals at the insurance companies highest levels. Enough insurance reimbursements have been received to cover the losses at the Public Works Building. The reimbursement for City Hall is totally inadequate. City Administrator Moonis reported funding is also available through Community Development (CDBG) - Disaster Relief (DR). Another IBTS staff person, with CDBG-DR experience, will be joining the team shortly.

3. US Water Contract Discussion Update: City Administrator Moonis reported outlining the contract issues with US Water representatives.

6. Commissioners Open Discussion: N/A

7. Items for Discussion /Approval:

A. FDEM Agreement: Mayor DeNeale Mayor DeNeale explained the Federally-Funded Subaward and Grant Agreement (FDEM) is required by the State of Florida to as ‘pass through entity’ for federally funded domestic assistance. This agreement will only have to be executed once.

MOTION: Motion made by Vice Mayor Sutton, seconded by Mayor DeNeale, to approval the FDEM agreement with the State of Florida.

ON THE MOTION: Roll call vote. Unanimous approval.

B. November/December Commission Meeting Schedule: Mayor DeNeale reported as the second November Commission meeting will fall on Thanksgiving Day, therefore he requested that meeting be moved to Tuesday November 20, 2018. The seconded meeting

in December is 2 days after Christmas so he requested that Commission meeting be cancelled.

MOTION: Motion made by Commissioner Pettorini, seconded by Commissioner Trefry, to move 2nd Commission meeting in November to Tuesday November 20, 2018 and to cancel the 2nd Commission meeting in December.

ON THE MOTION: Motion approved by acclamation.

8. Approval of Warrant: N/A

9. Ordinances and Resolutions:

A. Ordinance No. 465-2018 Amending Chapter 12, Parks & Recreation, Section 9, Limitation on Use of Park Properties – Second Reading: Attorney Wright read the ordinance by title only.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Trefry to approve the second reading of Ordinance No. 465-2018 Amending Chapter 12, Parks & Recreation, Section 9, Limitation on Use of Park Properties.

Discussion: Paul Cole, 8th Street resident, asked if the ordinance was for certain parks or for all parks? Attorney Wright answered Section Chapter 12, Section 9 A, refers to all the parks, Section 9-B refers to Sunset Park. The bulk of the changes refer to Sunset Park. Mayor DeNeale explained, with the pending addition of restrooms to Sunset Park, the ordinance was drafted to better identify the approved use of the Park. He also said Chief DiGiovanni requested the change to codify City policy. The first reading of the ordinance was amended to restrict the use of the pickleball courts to the hours of 7:30 am to sunset.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Trefry, to approve the second reading of Ordinance No. 465-2018 Amending Chapter 12, Parks & Recreation, Section 9, Limitation on Use of Park Properties.

ON THE MOTION: Commissioner Pettorini, yes; Vice Mayor Sutton, yes; Commissioner Trefry, yes; Commissioner Tracy, no; Mayor DeNeale, yes. Motion passed.

- 10. Commissioners Reports or Comments:** Commissioner Tracy said the Commission needs to be careful overregulating themselves. Key Colony Beach is known as a fishing village, yet there is not one place in the City where people can fish. At Sunset Park there is no swimming, no snorkeling, no wading, no persons in the water at any time, no fishing on the water's edge or from the observation deck, no shrimping, no crabbing, no lobstering, no entry to the water from the observation deck, no floating vessels can be launched. Commissioner Tracy reported she has a real problem with this. Vice Mayor Sutton said Sunset Park is not a sanctioned water body beach. He also said it is a liability for the City. Commissioner Tracy asked what if it is posted 'at your own risk'. Mayor DeNeale stated, to do it safely, the City would have to buy property on the ocean and certify it as a beach. Commissioner Tracy reported citizen complaints restricting the use of Sunset Park. Commissioner Tracy said she remember signs saying swim at your own risk. Commissioner Trefry asked Attorney Wright if those signs would protect the City from

liability. Attorney Wright answered no. Commissioner Pettorini agreed with Commissioner Tracy. He asked if the City could appeal the beach designation. Attorney Wright stated changing the designation of Sunset Park would be a radical change in City philosophy. Vice Mayor Sutton said he is not in favor of turning Sunset Park into a swimming beach. He also heard Mayor DeNeale say the same thing. Commissioner Trefry is not in favor of it either especially complaints have already be received for residents in that area. Attorney Wright said the deed restrictions would have to be researched prior to any change. He also told the Commission non-Key Colony Beach residents could not be barred from using the beach. Sandy Bachman, 8th Street resident, agreed with Commissioner Tracy.

Commissioner Pettorini reported on an interesting meeting he attended in Islamorada concerning the 12 amendments on the ballot. Commissioner Pettorini stated it is very difficult to understand the amendments. He encouraged everyone to go to the Supervisor of Elections website and get a copy of the sample ballot with all the amendments. The US Constitution only has 27 amendments. There are 12 amendments to the Florida Constitution on this ballot alone. Several of the amendments are bundled which means more than one issue is addressed in the amendment.

Commissioner Tracy reported several residents participated in the iguana classes sponsored by the Health Department. Several of the participants are will to help other citizens with iguana problems. Jim Bach, 3rd Street resident, has also offered to pick up trapped iguanas and deliver them to FWC for humane disposal. Anyone who wants more information should contact Commissioner Tracy.

12. City Attorney Report: No report.

13. Citizen Comments and Correspondence: Jeff Sharp, Conch Wastewater, stated the current contract with US Water has expired and been extended. He reported several local companies in Monroe County would be interested in bidding on this contract. City Administrator Moonis responded he had been tasked, by the Commission, to enter contract negotiations with US Water. If unsuccessful the contract will be advertised. He said this should happen within the next 45 days. Paul Cole, 8th Street resident, asked the City's game plan if FEMA funding for City Hall is not approved. Mayor DeNeale answered funding commitment from FEMA generally takes 2 years. He said the City Administrator is working to obtain funding from CBDG – DR grants. He also said the City is working with State Representative Raschein for a State appropriation bill. And finally, there are very low cost loans available through FEMA and the State. Mr. Cole also asked about the plans for the 'sand pile' at the retention pond. City Administrator Moonis reported there are funds in the FY 19-19 budget to sod the retention pond area. He is currently getting proposals to remove the remaining debris from that area.

City Clerk McCullough reported no correspondence.

The meeting adjourned at 10:55 a.m.

Respectfully submitted,



Kathryn McCullough, City Clerk
