

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday November 8, 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 and Fire Chief John Johnson. *Excused:*, Building Official Gerard Roussin,. Public - 22

2. **Approval of Minutes:**

The minutes of the August 23, 2018 and the September 13, 2018 Regular Commission Meetings were approved by acclimation.

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

4. **Special Requests:**

A. Request from Havana Jacks for Extended Music Hours on 12/31/2018 and on 02/16/2019. Mark Mistie, Havana Jacks General Manager, requested approval to play music on 12/31/2018, New Years Eve, and 02/16/2019 until 1:00 a.m. A Project Vets Relief is planned for February 16, 2019. Mr. Mistie explained the music on 02/16/19 probably will not go that late but requests the option. Commissioner Tracy said she thought 1:00 a.m. was a little late.

MOTION: Motion made by Commissioner Pettorini, seconded by Vice Mayor Sutton, to approve music at Havana Jacks until 1:00 a.m. on 12/31/2018 and on 02/16/2019.

DISCUSSION: Commissioner Tracy said she does not have a problem with the party going until 1:00 a.m. but felt it was too late for the music. Mayor DeNeale reported approval of this request would not negate the City ordinance against noise.

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

5. **Committee and Staff Reports:**

A. **Marathon Fire/EMS:** Fire Chief Johnson reported 3 medical calls and 1 internal fire alarm since the last meeting. He reported hurricane season is officially over. The Keys were pretty lucky this year, however, the Panhandle was not.

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

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

D. Disaster Preparedness Committee: Building Official Borysiewicz said there is nothing new to report.

E. Planning & Zoning Board: No report.

F. Utility Board: No report.

G. Police Department:

1. Swear In Reserve Officer Ross Bethard: Chief DiGiovanni introduced Officer Bethard saying he recently retired from the Boca Raton Police Department after 25 years of service. He has a strong attachment to Key Colony Beach growing up here and his mother is still a resident. He was a big help when Hurricane Irma hit as he was here while there was still water on the floors in City Hall. Chief DiGiovanni administered the oath of office to which Officer Bethard responded, "I do". Officer Bethard's badge was pinned on by City Clerk McCullough. Chief DiGiovanni said Officer Bethard's main focus will be boat patrols.

Chief DiGiovanni reported a grand theft at Casa Clara and 2 medical calls since the last report. The Police Department also assisted the Monroe County Sheriff's Office (MCSO) 18 times and responded to 12 miscellaneous calls. Sgt. Griffith has turned in a retirement notice effective November 30, 2018. Sgt. Griffith started with the Key Colony Beach Police Department in July 2011. He has been a great asset to the Department. Applications are being accepted to fill his position. Chief DiGiovanni wished everyone a Happy Veterans Day and thanked all those who served.

H. Building Department/Public Works: Building Official Borysiewicz spoke with the General Manager of Havana Jacks who reported they are nearing completion. The kitchen should be open and the food truck removed by 12/01/2018. The Public Works crew will have the mangoes along Sadowski Causeway trimmed before the December 9th boat parade. The Public Works crew has been very busy repairing and replacing all the brackets and outlets for the starfish and banners. They are also working on all the electrical outlets along the Causeway, in the City Hall park, the Gazebo Park and the Eastside park. Building Official Borysiewicz reported a permit has been issued for a new house on 11th Street. He also reported Building Official Roussin has completed the 200 hours required for fire safety inspector and will be taking the exam next week. The new Kubota tractor and the smaller Kubota, which has been in for repairs, should be delivered next week. The new pickup trucks are on a 6 month waiting list so Public Works has been patching up, as best they can, the Hurricane Irma damaged trucks.

Vice Mayor Sutton suggested the distance off the right-of-way should be consistent. It is currently 20' for boat trailers, 25' for signs, 25' motor homes. Vice Mayor Sutton will agenda a discussion of this issue for a future meeting.

Building Official Borysiewicz said the rules had been relaxed, after Hurricane Irma, to allow property owners to stay in travel trailers while homes were being repaired. An issue has arisen where the property has been sold and the new owner is bringing in a motor home. Mayor DeNeale said original owners yes, new owners no. City Attorney Wright reported this was an exception to the ordinances and LDR's based on special

circumstance. He suggested Commission approval or denial should be done on a case by case basis. Vice Mayor Sutton said it should only be for Hurricane Irma related requests. By acclamation the Commission approved January 31, 2019 as the termination of allowing property owners to live travel trailers during Hurricane Irma related repairs. The Commission will address property owners needing more time on a case by case basis.

I. City Secretary/Treasurer: Commissioner Trefry reported the City has received the first ad valorem proceeds of just over \$39,000. She said the warrant for this month is higher than usual because of the first quarterly payment of \$137,000 for Fire/EMS, the purchase of 2 police cars for \$57,000, and the annual RO payment of \$60,000. Additionally there are 2 contractor payments totaling \$782,000 from the utility fund account.

J. City Clerk: City Clerk McCullough reported Jen Johnson, Bishop Rososco, has been in the office to assist the with closing entries for the end of the fiscal year. Julio Buzzi will be in next week to start the annual audit of the books.

K. City Administrator:

1. Underground Utility Lines City Administrator Moonis reported FKEC is putting new electric poles on 3rd, 9th, 10th and 11th Streets to correct low hanging lines. This action has spurred discussions about underground power lines. A local electrician estimated \$20 per linear foot for trenching to bury a line from the edge of the street to the electric meter. The electrician estimated \$10 per liner foot for labor and materials, including 2 telecommunication conduits. The FKEC will do the work to the edge of the property at no cost. FKEC will also do the hook up at the meter box. Vice Mayor Sutton asked for clarification on what FKEC will do for free. City Administrator Moonis answered FKEC will make the cross over, under the street, from the utility pole to the edge of a residential property at no cost. Mayor DeNeale asked City Administrator Moonis to put this information on the City website. Vice Mayor Sutton suggested City Administrator Moonis get a written confirmation from the FKEC prior to posting it on the website. Joey Raspe, 12th Street resident, asked if all the residents had to agree to do this. City Administrator Moonis answered no, this would be on an individual basis. Gregory Burke, 621 8th Street, reported an electric pole on his property that runs to the City. Will the City take care of this pole. City Administrator Moonis said he would look into that.

2. City Hall: Daryle Osborn, P.E. – City Co-Engineer City Administrator Moonis reported he met with Daryle Osborn and discussed the City Hall project, repair or replace. Mr. Osborn was happy to come over and take a look at the building. He knows a lot about City Hall. City Administrator Moonis will develop a scope of work, for Mr. Osborn, in the next couple of weeks. Mayor DeNeale reported the Commission has only decided to investigate repair or replacement of City Hall. Mayor DeNeale said there will be many public hearings to garner public input before any decisions are made.

3. US Water Contract City Administrator Moonis said he had sent the US Water contract proposal to the Commissioners late yesterday. He reported there is a 2.5% increase in costs in this proposal which is 2% less than the previous proposal a few months ago. The 2% decrease recognizes the agreed to the contract language compromise. There is a separation of liabilities under the definition of systems. US

Water will be responsible for the wastewater treatment plant, the lift stations, the mains and the manhole covers. The City will be responsible for the rest of the system. This will give the City more control, allow for an aggressive maintenance program and control of the non-routine costs. The contract also requires pre-approval of any work that will be done by US Water with the exception of emergencies. City Administrator Moonis recommended approval of the US Water contract today. City Attorney Wright reported the contract changes he suggested have been implemented. Building Official Borysiewicz asked if US Water will be responsible for the entire system. City Administrator Moonis answered no. US Water can perform those tasks as non-routine maintenance or the Public Works staff could do the work. The City will be responsible for the liability. Dave Evans, plant manager, confirmed all the manholes and rings are up to date. City Administrator Moonis said, moving forward, it will be the City's responsibility to maintain the manholes and rings. Vice Mayor Sutton said he did not receive this document until after 6:00 pm last night. He requested this item be postponed until the next Commission meeting. Commissioner Trefry agreed with Vice Mayor Sutton. City Administrator Moonis reported an RFP probably would not be required, at this juncture, for this contract. Commissioner Tracy asked the length of the contract. City Administrator Moonis answered 5 years. Commissioner Pettorini said on the surface the contract looks acceptable with the exception of the liability issue which was the "heart and soul" of the dispute before. City Attorney Wright said the liability is a big issue for US Water. He opined City Administrator Moonis has pushed US Water as far as he could on this issue. City Administrator Moonis asked the Commissioners to come to him, individually, to discuss any issues with the contract prior to November 20th Commission meeting. Mayor DeNeale tabled the discussion until the next Commission meeting.

4. Approval of Purchase Thomson Reuters Fixed Access Software in the Amount of \$3,470 City Administrator Moonis said he tried to get this purchase under \$2,500 but with training and upgrades was unable to do so. City Clerk McCullough explained this program will allow the staff to manage fixed assets more efficiently. Currently fixed assets are tracked manually on Excel spreadsheets. She said this is the initial cost of the program which will be followed by a \$583 annual renewal fee. Vice Mayor Sutton said this program will help to make the staff more efficient. The money is in the budget to cover the cost.

MOTION: Motion made by Vice Mayor Sutton, seconded by Mayor DeNeale, to approve the purchase of the fixed asset software for \$3,470.

ON THE MOTION: Roll call vote. Unanimous approval.

5. Acceptance of Paul Cole's Offer to Donate Trees for the Retention Pond Area City Administrator Moonis said the City has the opportunity replace the trees that were originally at the retention. He contacted Janie Byland, Beautification Committee Chair, who suggested 6 trees, yellow flowering hardwoods for the outside area, double Christmas palms on the inner ring and a big tree in the center....The estimated cost is \$2,000 to \$3,000. Mayor DeNeale thanked Paul Cole for the offer. Paul Cole, 8th Street resident, asked if the grass was going to be completed. Vice Mayor Sutton reported the sod is totally complete in the original retention area and the dirt totally removed. Three pallets of sod, donated by the contractor, has been laid on the slope. Sixteen thousand square feet of sod will be required to complete the project at an estimated cost of between

\$9,400 and \$10,400. Another option would be to plant grass seed. City Administrator Moonis said getting a depth of organic material brought in then over seeding it is an option. Building Official Borysiewicz said the additional sod would start at the sewer plant, go down to Shelter Bay, turn the corner and continue for another about 200', toward the injection well. Mr. Cole said he would prefer to see the work completed by the City before he and his neighbors will commit to making a contribution. Vice Mayor Sutton acknowledged Mr. Cole had made previous comments concerning his neighbors' dissatisfaction with the City's progress. Vice Mayor Sutton reported he polled 4 of Mr. Cole's neighbors from the sewer plant to the end of Shelter Bay. Everyone he spoke to was very appreciative of the City's progress in the last year. Mr. Cole said he is the only one impacted by the dirt in the retention pond area because of his location and the prevailing winds. His property encompasses the entire western side. Mayor DeNeale explained the City went into the current hurricane season with \$800,000 in the bank. Hurricane Irma cleanup cost \$2.5 million. The City cannot afford to spend a lot of money before the end of this hurricane season. The retention pond was done because of a really great price received on the sod. Commissioner Trefry asked if RO water would be used to water the trees. City Administrator Moonis reported Janie Byland said the City's 500 gallon tank would be sufficient to water the trees. Mayor DeNeale directed staff to prepare a plan, for this area, including sod and trees for next Commission meeting.

6. Commissioners Open Discussion:

A. Monroe County Health Department Conference Mayor DeNeale reported he attended an assessment of the Monroe County Health Department and health systems in all of Monroe County. The conference was attended by 35 representatives from across the county, i.e. the municipalities, the Sheriff's Office, EMS, charities, hospitals and medical organizations all who answered a 100 question survey. The survey resulted in good marks for; 1. Coordination across government, medical and NGO services, 2. Response to emergencies and disasters, and 3. Day to day services such as the exercise classes in KCB. The Health Department received positive marks for hurricane recovery, disease containment including coordination with Mosquito Control, and the hospitals. The attendees did request a searchable data base for health and emergency services.

7. Items for Discussion /Approval:

A. 11/19/2018 Workshop Agenda for Comp Plan and Building Permits Mayor DeNeale presented, based on a suggestion from Attorney Wright, an agenda for the Comp Plan/Building Permits Work Shop on November 19, 2018. The agenda starts with where KCB is today and a review of the plat map. Next is where the City stands with the Department of Economic Opportunity (DEO) followed by a discussion of the Memorandum of Understanding (MOU) with the DEO. Finally, push for a 36 hours evacuation plan and removal from the Critical Area of State Concern for all of Monroe County. Commissioner Pettorini stated this agenda could not be completed in a month, there is just too much data and information. It needs to be prioritized. City Administrator Moonis said he will act as a facilitator. Commissioner Tracy asked if the City did a recap evaluation after Hurricane Irma, what we did right, where we need to improve. Mayor DeNeale answered no we have not. It needs to be done. Vice Mayor Sutton asked if Monroe County has done this. City Administrator Moonis answered yes. He attended one of the two meetings Monroe County had. He said the main issue was the lack of communications. Attorney Wright suggested Frank Greenman, retired Marathon attorney who wrote the recent articles in the Keynoter, be invited to the workshop.

Mayor DeNeale would like to invite Holly Raschein and/or her staff and the City lobbyist.

B. Update on Retention Area No report.

C. Allow Casa Clara Residents to use East Ocean Drive Parking Lot. Vice Mayor Sutton reported he was approached by a resident requesting permission to use the City owned parking lot on East Ocean Drive during the repairs to Casa Clara. Commissioner Tracy reported employees of the Cabana Club and Havana Jacks park in that lot. Commissioner Trefry reported seeing a boat parked on a trailer in that lot. City Administrator Moonis said the area where the boat is parked belongs to Casa Clara. City Attorney Wright said overnight parking is prohibited in this lot. Vice Mayor Sutton suggested contacting Smitty to request permission for Casa Clara residents to park in the vacant lot. Vice Mayor Sutton will inform Casa Clara the parking in the City lot is first come first served with no overnight parking. He will also tell them the City will make contact with the owner of the vacant lot to request approval to allow parking there.

8. Approval of Warrant:

MOTION: Motion made by Commissioner Trefry, seconded by Vice Mayor Sutton, to approve warrant number 1018 in the amount of \$1,424,151.38.

ON THE MOTION: Roll call vote. Unanimous approval.

9. Ordinances and Resolutions

A. Resolution No. 2018-111 Amending the City's Fiscal Year 2017-2018 Budget

Commissioner Trefry reported this is required by State Statute to be completed within 60 days of the close of the fiscal year.

MOTION: Motion made by Commissioner Trefry, seconded by Mayor DeNeale, to approve Resolution No. 2018-111 amending the City's fiscal year 2017-2018 budget.

ON THE MOTION: Roll call vote. Unanimous approval.

- 10. Commissioner Reports** Commissioner Tracy wanted to discuss the City Administrator's significant other working with IBTS. She is concerned because she was not aware of it and because it may be a conflict of interest. She said this is something that should have been brought to the attention of the entire Commission. Commissioner Trefry agreed because she also found out second and third hand. Commissioner Pettorini said he was not aware of this until just now. Mayor DeNeale reported he was aware of the situation and apologized for not informing the Commission. City Attorney Wright said the relevant question is does it create a conflict of interest. The Commission tasked City Attorney Wright with contacting the Commission on Ethics to determine if this is a conflict of interest. Commissioner Tracy also discussed the vote for the position of Mayor. She said there are 2 very qualified people on the Commission to fill that position. She asked if each of them would present, at the next Commission meeting, why they would like that position to help the Commission with that decision. Mayor DeNeale answered everyone on the Commission is qualified to be Mayor and they should have a shot at it if they want it. He tells people, in the community, to tell the Commission who they want for Mayor. He said he will be Mayor if you want him to be Mayor. He will be happy either way. He ran for Commissioner, he did not run for Mayor. Vice Mayor Sutton said he would sign up again to be Mayor. He was Mayor for many years and only resigned because of health matters in his wife's family but he did continue as Vice Mayor. He said he does a lot of

things, he is hands on, he is involved, if there is a project going on he is there. He stated he hoped the Commission would consider that in making their decision. Commissioner Pettorini said he would be very comfortable with anyone on the Commission being Mayor. Commissioner Pettorini reported on information he had from the recent election. There are 33 voting precincts in Monroe County. The voter turnout for this election, county wide, was almost 70%. The Key Colony Beach precinct had the highest turnout in the middle keys at 72.2%. Early voting and absentee voting was a big factor in this election. The polling site with the most poll worker volunteers was Key Colony Beach. The unofficial result, for all of Monroe County, for Senator was 18,021 votes for Rick Scott and 18,020 votes for Bill Nelson. Your vote counts.

12. City Attorney Report: City Attorney Wright said there is no pending or threatened litigation at this time.

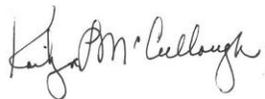
13. Citizen Comments and Correspondence: City Clerk McCullough reported a thank you note from Ron and Kitty Sutton for the basket sent on the passing of Kitty's mother. An email was received from Paul Cole addressing concerns regarding the retention pond, the contaminated soil and the pile of dirt.

Commissioner Tracy thanked the Building Department/Public Works for the repairs to Marble Hall.

Jeff Sharp, Conch Wastewater President, asked the requirement for a project to go out to bid. Vice Mayor Sutton said it is \$25,000. City Attorney Wright stated this is Citizen Comments not a question and answer session. Mr. Sharp asked when was the last time the contract for the Wastewater plant went out to bid. He asked the length of the current proposal with US Water. Mayor DeNeale asked Mr. Sharp to ask his questions of the City Administrator.

The meeting adjourned at 11:20 a.m.

Respectfully submitted,



Kathryn McCullough, City Clerk