

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday January 10, 2018 9:35 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 9:36 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, and Fire Chief John Johnson. *Excused:* Building Official Roussin and Police Chief Kris DiGiovanni Public - 20

2. **Approval of Minutes:**

The minutes of the November 8, 2018 Regular Commission Meeting, the November 20, 2018 Regular Commission Meeting, the December 13, 2018 Organizational Meeting, and the December 13, 2018 Public Hearing were approved by acclamation.

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

4. **Special Requests:**

**A. St. Patrick's Day Parade** Jack Crowley, Sunset Beach Apartments, requested permission for the St. Patrick's Day Parade on Sunday March 17, 2019. Vehicles were gather at 4:30 p.m. on 15<sup>th</sup> Circle and walkers will gather at Sunset Park. The Parade will start a 5:00 p.m. He invited all the Commissioners to participate in the Parade. The St. Patrick's Day Parade was approved by acclamation.

**B. Approval of Temporary Storage** Dick Harper, 680 11<sup>th</sup> Street, asked for a 6 month extension to park his trailers on Key Colony Beach. His property suffered structural damage from Hurricane Irma. He reported his flood insurance has paid out and he has filed a supplemental claim for wind damage. He also has an application in with Re-Build Florida. He has permission to park his boat trailer at Ed Nagel's on 11thStreet, to park the black trailer at Fred West's on Coury Drive, and permission to park and live in the camper at Dave Tribbett's on West Ocean Drive. He is still waiting on the engineering plans. Commissioner Trefry asked if he was living in the camper now. Mr. Harper answered, not at the present time as he is cat sitting for a friend. Commissioner Trefry asked if Mr. Harper was a full-time resident. He answered yes. He is homesteaded in Key Colony Beach and has a property in Vermont he visits in the summer. Building Official Borysiewicz reported Mr. Harper is asking for an exception to the City ordinances. He is allowed to park a trailer on his property, but he is asking to use properties other than his. The City has allowed people to live in their campers while repairing Hurricane Irma damage. This one is again different as he is asking for the camper to be on West Ocean Drive. Commissioner Trefry asked if the boat trailer could go in the City lot. Mr. Harper answered his boat is on the trailer, which is not allowed in the City lot. Commissioner

Trefry asked if he could put the contents of the storage trailer in a storage facility. Mr. Harper answered that would stretch him beyond his financial abilities. Mayor DeNeale reported receiving neighbor complaints, for over a year, about the debris in the back yard. Nothing has been done to maintain the exterior of the property. Vice Mayor Sutton said he has seen a ladder leaned against the house, in the front yard, for months. The wind blows it over, then it lays on the ground. Mr. Harper answered Gonzalez landscaping maintains the yard. He has for an explanation of front yard and back yard. Mayor DeNeale told Mr. Harper there is a broken table, a broken pot and a pile of concrete in the canal side yard, that has been there for months. Commissioner Tracy asked if Mr. Osborne has given a time estimated. Mr. Harper answered Mr. Osborne has reported working on the plans this week, for 3 different weeks. City Attorney Wright said this exception would not be approved for Mr. Harper, it would be for the home owner allowing Mr. Harper to use the property. Mayor DeNeale suggested a 3 month extension with monitoring by the Building Department that things are moving.

**MOTION:** Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton, to grant Mr. Harper a 3 month extension based on signed and notarized affidavits from the property owners specifying what trailer it is being permitted, how long it will be permitted and where it will be permitted. The approval is also contingent on Building Department inspections verifying progress is being made.

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

Mr. Harper asked if the City could call Mr. Osborne and request he move forward with the engineer drawings. Building Official Borysiewicz said he would call Mr. Osborne.

5. **Committee and Staff Reports:**

**A. Marathon Fire/EMS:** Fire Chief Johnson reported 6 medical calls and 2 public assists since the last meeting. He said the town has definitely filled up. There have been numerous serious accidents on the highway. He cited the Key Colony Beach sign "What's your hurry. You're here now" and urged everyone to exercise patience while driving. Mayor DeNeale thanked Chief Johnson for the Santa parade through Key Colony Beach.

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

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

**D. Disaster Preparedness Committee:** Building Official Borysiewicz reported Public Works has constructed a wall in the City garage completely separating the Police Department from the rest of the building. The generator will be stored in the Police portion of the building.

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

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

**G. Police Department:** In Chief's absence, City Administrator Moonis reported a baker act on 12/14/2018. The Police Department responded to 6 medical/alarm calls, assisted the Sherriff's Office 13 times and answered 11 miscellaneous call, which included a

bomb threat to the Cabana Club. The bomb threat was later determined to be a part of a fake emails sent to various businesses across the Country. The Police Officers issued 22 traffic citations, 19 traffic warnings and 5 code warnings. There was one text message to the Tip Line. An applicant was offered the daytime police position on condition of successful background check, finger print, polygraph and drug testing. If all the testing is completed, the applicant will be introduced at the next commission meeting. Boat patrols have increased. The Department is still waiting for the new patrol vehicles. The Police Department has been able to investigate several illegal rentals with tips from residents and City staff. Officer Rodriguez was successful in obtaining a warrant, with a bond of \$300,000, for a suspect charged with exploitation of the elderly and grand theft. Officer Rodriguez worked diligently, for months, on this case including coordination with other agencies and the banking industry. Officer Rodriguez did an outstanding job on this case.

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

**1. Extension of Permit No. 9597, 660 – 670 9<sup>th</sup> Street** Building Official Borysiewicz reported there has already been extensions granted by the Commission to Rudy Krause Construction but due problems getting materials due to Hurricane Irma another extension is being requested. The house is 90% complete on the interior and 95% complete on the exterior. Anna Hubicki introduced herself as the attorney for Rudy Krause Construction. A sixteen month extension can be issued in accordance with Florida Statue 252.363 and several executive orders from the Governor. Vice Mayor Sutton asked if the sixteen month extension is for the time right after Hurricane Irma. Ms. Hubicki said the permit was issued on February 24, 2017 for 15 months, the 16 month extension gets added after that. Attorney Wright said no action was required from the Commission, this is just for information purposes.

Building Official Borysiewicz reported Public Works has been very busy at the garage. The have also started to put up the protective netting at the Pickleball Courts.

The Key Colony Beach Condo is considering the demolition of the two 16 unit buildings, the ocean front recreation/meeting room and the garage on the southwest corner of the property. They will keep the building closest to East Ocean Drive which is the office and managers unit. He has received all the paperwork from the appraiser and the contractors. The units are substantially damaged more than 50% so will be demolished and reconstructed to code. The office will be remodeled and repaired. There are new building materials on the market not covered in the current City code. The City code and the Land Development Regulations (LDR) will be updated to include new building materials. There is a new product on the market being used throughout the State and in the Keys. NextGen is a 2 x 8 metal frame with foam insulation and a masonry board with a stucco finish. It is Miami/Dade and Florida Building Code approved for 200 mph winds. This is what the Key Colony Beach Club is considering for the replacement of the demolished buildings. It is the intent of the Building Department to issue a permit for the use of this product. Commissioner Tracy asked if Key Colony Beach Condo could clean up the area in front of the property. It is really bad. Building Official Borysiewicz answered he will take care it. City Administrator Moonis stated if City Hall is to be rebuilt it is likely this product, or similar, will be used. Marty Flynn, Sherwood Construction, introduced himself and showed a sample of the NextGen product.

Building Official Borysiewicz explained 30' by 5' T docks have been approved, on 13<sup>th</sup> Street and 14<sup>th</sup> Street in Coury 2 Subdivision, beginning back in the 1987 and 1988. Since then sideway expansion of those T docks has been allowed to within 10' of the property line and in the same footprint. Building Official Borysiewicz has a request to rebuild a T dock 5' closer to the property because of mangrove encroachment into the canal. It is his intent to issue the permit even though it is not in the same footprint as the original. This T dock will be 5' closer to the landward side and improve navigation in that canal. Mayor DeNeale asked if the mangrove could be trimmed. Building Official Borysiewicz answered in the past the Department of Environmental Protection has been difficult to deal with on the mangrove issue but recently has been more lenient. Mayor DeNeale asked if this could be test case as there are also canals that are silting in. Building Official Borysiewicz answered it would also depend on what the Corps of Engineers would allow.

**I. City Secretary/Treasurer:** Commissioner Trefry reported nothing for today. She will have the December financial statements at the next meeting.

**J. City Clerk:** City Clerk McCullough reported the W-2's and 1099's have been issued. Her department is working on the rest of the end of the year reports. Julio Buzzi, City Auditor, has been informed the State Retirement System will not have its reports ready until January 15, 2019. He will continue on the audit after those reports are received. She also reported that she has been elected President of the Monroe County Clerk's Association. Becky Todd is serving on the Grand Jury today.

**K. City Administrator:**

**1. Task List** City Administrator Moonis reported instituting a task list which is a management tool. He will provide weekly updates to the Commission. This is intended to improve communications between departments and to track the progress of the various Department projects. Vice Mayor Sutton asked about the contract with Darryl Rice for the operation of the Golf Course. City Administrator Moonis reported meeting with Darryl yesterday. He is negotiating a contract with Darryl and will have it on the January 24<sup>th</sup> Commission agenda. It was a positive meeting with open and frank discussions back and forth. He reported he is also working with another individual interested in moving into that role in the future.

**2. IBTS – Contract Clarification Addendum** City Administrator Moonis reported it clearly states in the IBTS contract that when the City is reimbursed by FEMA then IBTS will receive payment. City Administrator Moonis wants the contract to state more clearly that not only will IBTS not be paid until FEMA reimbursement is received but the reimbursement will only be for direct administrative costs. It is implied in the current agreement but he wants it more definitively spelled out. He has not yet received the addendum from the IBTS legal department so it will be on the January 24<sup>th</sup> Commission agenda.

**3. Miscellaneous** City Administrator Moonis reported he met with the Recreational Committee and will be asking for a potential ordinance language change from specifying a full time resident to preferably a full time resident. It is getting more difficult to get volunteers who are full time residents. Commissioner Trefry asked if the intent was for a resident who comes for the winter or a Marathon resident, or another designation. City

Administrator Moonis answered someone who has property in Key Colony Beach but doesn't live here full time. Attorney Wright said you could specify a property owner. Mayor DeNeale reported his renter is a legally a Florida resident but doesn't own property. City Attorney Wright said that would make him a full time resident. Commissioner Tracy said a committee member would have to be able to make as many meetings as possible as it can be difficult to get a quorum. Commissioner Trefry agreed. City Administrator Moonis said he will take those comments into consideration and make the ordinance language work.

City Administrator Moonis reported he, Mayor DeNeale and Vice Mayor Sutton will be going to Tallahassee from February 4<sup>th</sup> to February 7<sup>th</sup> to meet with the Legislature and Cabinet members to put Key Colony Beach issues in front of them.

City Administrator Moonis reported they are waiting for the delivery of pumps to the Wastewater treatment plant to finish that project. The pumps were to be delivered by the end of December however they are still not here.

A flyer will be sent, via the City email blast, advertising the donated appliances at the back of the room. They will be auctioned off at noon on January 24<sup>th</sup>.

City Administrator Moonis reported he and Commissioner Trefry will be meeting with a consulting firm later this afternoon for a tour of the City. This firm will help identify potential long term economic opportunities in Key Colony Beach.

6. **Commissioners Open Discussion:** Mayor DeNeale said Representative Raschein and Senator Flores will be at the Marathon Government City Hall, at 10:00 a.m. on January 15<sup>th</sup>, to get input for the next legislative session. Mayor DeNeale is putting together talking points, similar to his issue papers. He has not pushed for the letter to the Department of Economic Opportunity (DEO) as Representative Raschein's office is working on it and has asked him to 'stand by'.

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

- A. **Sign Distance from the Street** Vice Mayor Sutton reported the distance for boat trailers is 20' back from the centerline of the road. Other restrictions for signs, motorhomes, etc. is 25' from the center of the road. Vice Mayor Sutton stated it makes common sense to have all the restrictions the same distance from the center of the road. Building Official Borysiewicz he doesn't have a problem with it, but even with the boat trailers at 20', people will park them at 18'. He said it is a Commission decision. Vice Mayor Sutton stated it would be much easier to enforce if the distances were all the same. Commissioner Pettorini asked why this is an issue. Vice Mayor Sutton said it is an issue for real estate signs. Building Official Borysiewicz said after the election he picked up the political signs, which were all in the right-of way. There was one real estate sign in the right of way so it was picked up too. Mayor DeNeale said to be careful of changing the rules. It should be more of an enforcement issue rather than a change of the ordinance. Vice Mayor Sutton said a lot of people live in Key Colony Beach because of the rules. If enforcement is lax everyone will start ignoring the rules. Commissioner Trefry asked if it was more of an enforcement issue rather than an ordinance issue. Vice Mayor Sutton said it is difficult on code enforcement and the public when there are 3

different distances. He said he would make a motion. Commissioner Pettorini said he did not feel another regulation was needed. Motion died for lack of a second.

**8. Approval of Warrant:**

**MOTION:** Motion made by Commissioner Trefry, seconded by Commissioner Pettorini, to approve warrant number 1218 in the amount of \$425,864.67.

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

**9. Ordinances and Resolutions** None

**10. Commissioner Reports** Commissioner Trefry reported she is excited about the meeting this afternoon and hopes she has a lot of good information to present at the next Commission meeting.

**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 an email from Dave Tribbet concerning parking the camper in his driveway.

The meeting adjourned at 10:48 a.m.

Respectfully submitted,



Kathryn McCullough, City Clerk