

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday December 13, 2018 10:15 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 10:30 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, Assistant City Clerk Becky Todd, City Attorney Tom Wright, Building Official Ed Borysiewicz, Building Official Roussin, Police Chief Kris DiGiovanni and Fire Chief John Johnson. Excused: Public - 32

2. **Approval of Minutes:**

The minutes of the September 13, 2018 Regular Commission Meeting, the September 13, 2018 First Budget Hearing, the September 27, 2018 Regular Commission Meeting, the September 27, 2018 Final Budget Hearing, the October 11, 2018 Variance Hearing, the October 11, 2018 Regular Commission Meeting, October 25, 2018 Variance Hearing, the October 25, 2018 Regular Commission Meeting and the October 30, 2018 Emergency Meeting were approved by acclamation.

3. **Agenda Additions, Changes, Deletions:** - Vice Mayor Sutton requested the wastewater bid and the bid for the bathroom at Sunset Park be added to the agenda under Items of Discussion.

4. **Special Requests:** None

5. **Committee and Staff Reports:**

**A. Marathon Fire/EMS:** Fire Chief Johnson reported 2 medical calls and 1 internal fire alarm since the last meeting. He reported hurricane season is officially over. The Santa caravan will be at the KCB City Hall on December 22, 2018 at 6:30 p.m. Santa will also be in the Winn Dixie/K-Mart parking lot on December 24, 2018 from 7:00 p.m. to 7:30 p.m.

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

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

**D. Disaster Preparedness Committee:** Building Official Roussin reported the generator is operating at 100%. He will get an electrician to look at what needs to be done to hook up the administrative trailer and the police trailer.

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

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

**G. Police Department:**

Chief DiGiovanni reported a criminal mischief at Sea Pointe Condos, at simple battery at Sea Isle Condos, a drug arrest, internet fraud, a missing person assist (person found), a traffic crash on Sadowski Causeway, found property at Sunset Park and a grand theft on 15<sup>th</sup> Circle since the last meeting. The Police Department also responded to 1 medical call, assisted the Sherriff's Office 15 times and answered 8 miscellaneous calls. The Police issued 13 traffic citations, 18 traffic warnings, 1 code citation and 15 code warnings. There were no calls to the KCB Tip Line. The Tucker DeGraw Memorial Boat parade went very well with 12 boats participating. Officer Niemiec has been radar certified. Radar display signs will be installed soon. Two applicants are being interviewed for the vacant officer position.

**H. Building Department/Public Works:** Building Official Roussin reported Public Works has been extremely busy. They are currently working on the irrigation around the sewage treatment plant and the boat trailer parking lot. All the plantings have been installed in that area and are being watered. The sod has been laid at Sunset Park. Public Works worked very hard to get everything ready for the Christmas Boat Parade including trimming the mangroves. There were a few issues with the sickle blade which are being corrected under warranty.

**1. Impact Fee Discussion** Building Official Borysiewicz reported quite a few properties are considering demolition and rebuilding. New construction pays a permit fee, the State surcharge fee, the KCB Impact fee and the KCB Development fee. The KCB Development fee was added a few years ago to offset some of the costs for lobbyists and Commissioner travel to Tallahassee. There is a Planning & Zoning review fee and a small education fee. The sewer connection fee is \$5,625 per new dwelling unit. There is also a fire safety review and a cleanup bond. Redevelopments will be paying the permit fee, the State surcharge fee, Planning & Zoning review fee and education fee. The sewer connection fee is waived provided the quarterly sewer payment fees are paid. The Impact fee is not charged on the replacement of residential units provided no additional dwelling units are added. The KCB Development fee of \$2,000 per residential unit was implemented just a few years ago. Therefore, residential units to be rebuilt never paid the KCB Development fee. City Attorney Wright reported it would be a matter of policy whether or not to charge the fee only on new development or to also charge the fee on reconstruction. City Clerk McCullough said the Development fee has historically been deposited into the General Fund. She asked if the Commission would prefer those funds be deposited into a restricted account. City Administrator Moonis asked for clarification. Should the Impact Fees be imposed on properties being re-developed. Mayor DeNeale said his opinion is the Impact fees should only be charged on new development. City Attorney Wright said the question is whether the \$2,000 Development fee should be imposed on reconstruction. He said it is clear the Impact Fees are only for new development. Commissioner Trefry reported Impact Fees will stop after the remaining permits are issued. The consensus of the Commission was not to charge the \$2,000 Development fee on reconstruction. It was the consensus of the Commission to move the Development fee to a restricted account.

Building Official Roussin reported a fund raiser will be held at the American Legion on Saturday, December 15, 2018 to help defray the medical costs for Samantha Schofield.

**I. City Secretary/Treasurer:** Commissioner Trefry reported income for October and November was a little over \$791,000. Expenses, year to date, are right at \$771,000. Therefore the City is a little on the plus side. , So far in December, is 65% of the Ad valorem tax has been collected. This will be reflected in the December financial reports.

**J. City Clerk:** City Clerk McCullough reported Becky Todd just held a Property Managers class and will be setting the schedule for next years classes. She has issued, to date, 510 rental licenses and has 2 pending. Rental licenses are down 125 from the previous year. This sounds like the work load should be less, however, rather than issuing licenses during on concise time frame, thanks to Hurricane Irma, issuing licenses has spread throughout the entire year. Pat Hyland has worked very diligently with Iberia Bank to streamline the ACH sewer payments. She will also be sending out the sewer invoices this week. Beverly has made the hotel reservations for Florida Keys Days. These hotel rooms go fast, but Bev was faster and secured reservations for all the Commissioners. City Clerk McCullough thanked the entire Commission for their service to the City.

**K. City Administrator:**

**1. Discussion of Christmas Eve** City Administrator Moonis requested the Commission consider approving closing for City business on December 24<sup>th</sup> and December 31<sup>st</sup> in line with Monroe County and the other local municipalities.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Trefry, to close for City business on December 24<sup>th</sup> and December 31<sup>st</sup>

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

**2. Golf Course Lease** City Administrator Moonis reported there are some long term solutions to the operations of the Golf Course. He asked to postpone this discussion until January. Vice Mayor Sutton asked when the lease with Darryl Rice ended. City Administrator Moonis answered October. Commissioner Trefry asked if City Administrator Moonis was hoping for a lease in January. He answered there are some ‘moving parts’ and he would like to have a solution worked out by January. Commissioner Tracy reported members of the Women’s Golf League talked to her at length about the conditions at the Golf Course. She encouraged City Administrator Moonis put this on the ‘front burner’. He said he will have it at the January 10, 2019 Commission meeting. Vice Mayor Sutton said he wants a definite at that time, whether there will be a new lease with Darryl Rice or if the City will be moving on. Commissioner Tracy said the Women’s Golf League has brought legitimate concerns to her attention. She said if Darryl has not made a decision then it is the City’s responsibility to make a decision. Commissioner Trefry agreed 100%.

**3. Recommendation for Refrigerator Fund Raiser** City Administrator Moonis recommended advertising an auction for the items, donated by Windswept Appliances, to be conducted during the January 10, 2019 Commission Meeting. City Attorney Wright said there should be language requiring the items be removed, at the expense of the purchaser, within a certain number of days after the bid opening.

6. **Commissioners Open Discussion:** Commissioner Pettorini reported he and his wife have decided to leave the area and return to the Chicago suburbs to be closer to family. He would like to continue on the Commission until then.

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

**Added by Vice Mayor Sutton, Discussion of Wastewater Bid and the Bid for the Restroom at Sunset Park** Vice Mayor Sutton reported he is concerned about the bid for the operation of the Wastewater Treatment. City Administrator Moonis said, at the last meeting, it would be put out to bid and be on the agenda for this meeting. That time frame seemed impossible as it would have to be advertised for a period of time and then reviewed by the Utility Board before it could come before the Commission. Vice Mayor Sutton asked Administrator Moonis to make a decision that will work. City Administrator Moonis answered he has that worked out. The bid will go into the paper on December 17, 2018; bids will be opened on January 18, 2019 and be presented to the Commission on January 24, 2019. There may have to be a special meeting of the Utility Board to review the bids. Vice Mayor Sutton asked about the bathrooms for Sunset Park. City Administrator Moonis reported the bid for the Sunset Park restrooms will be advertised no later than January 11, 2018, with a bid opening on February 12, 2019, at the latest, for presentation to the Commission on February 14, 2019.

**A. Discussion of Sunset Park Sign** Mayor DeNeale requested approval of a sign at Sunset Park to recognize all the efforts, by all the groups, the residents and City Staff, to put the park back together. It was suggested the City Commission also be added to the sign. Vice Mayor Sutton asked if the sign required by Florida Forever was destroyed by Hurricane Irma. That sign is required by Florida Forever to recognize the Grant funds used to purchase the Park. It will need to be replaced. Building Official Roussin will look into this.

**B. Building Permit Allocations** - Mayor DeNeale summarized where the City is with building permit allocations. The governing documents are the 1992 Comprehensive Plan, last updated in 2015, the August 2012 Hurricane Evacuation Memorandum of Understanding (MOU), the December 2015 Department of Economic Opportunity (DEO)/KCB MOU to monitor permit issuing and the June 2018 KCB letter to DEO and the November 2018 response from DEO. The Comprehensive Plan governs how we will properly build the City, i.e. to ensure the infrastructure is there for sewer, streets, environmental issues, evacuation, and much more. The August 2012 MOU set out how many building permits each municipality/governing body receives between now and the cutoff of all building in the Keys in 2023. The December DEO MOU does not set out a number of permits, but monitors the ones issued, however, it did not negate the August 2012 MOU. The City's June 2018 letter to DEO requested the correction of transient units miscounted as residential units. DEO responded in November 2018 requesting more information. The City is working on that response. The bottom line is in 2012 KCB requested 92 permits but was only given 60. The City currently needs 81 permits for full build out. The recommendations from the Comp Plan workshop are to send a letter back to DEO requesting correction of the transient unit miscount, to further request monitoring only until another evacuation model based on the 2020 census and to address

the City's full buildout needs. The overall strategy should be to address this issue at every opportunity with the Governor, Cabinet Officers and Legislators.

**C. City Hall Issue Paper** Mayor DeNeale reported hearing several rumors concerning City hall. Everything from the Commission is going to build a new structure without community input to the Commission is doing nothing. The fact is the City is following a very difficult and long FEMA and FDEM process. Appeals have been filed with the insurance companies. The FEMA assessed value of City Hall is \$1,052,907, pre storm condition. The FEMA preliminary repair estimate, to pre storm condition, is \$913,000 less insurance and 12.5%. This may change as more information is collected by FEMA. The considerations for repair or replacement are compliance with the building codes, i.e., wind and flood plain. The functions of the building such as serving as an emergency operations center, public records storage and essential services. Also to be considered is whether to replace all or only part of the current building. City Administrator Moonis reported a FEMA representative said this process could take between 5 and 10 years to complete. Mayor DeNeale said he has been providing the Bee Line with updates as they occur. He will also make sure the KCB website is updated as the City moves through this process.

**8. Approval of Warrant:**

**MOTION:** Motion made by Commissioner Trefry, seconded by Vice Mayor Sutton, to approve warrant number 1118 in the amount of \$425,950.55.

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

**9. Ordinances and Resolutions** None

**10. Commissioner Reports** Commissioner Pettorini said selecting the City Mayor and Vice Mayor was difficult. He said the input from the residents was highly valuable. Vice Mayor Sutton wished everyone a Merry Christmas. Commissioner Trefry reported she is continuing to work on an agreement with RMA to evaluate the economic growth opportunities of the City. Mayor DeNeale wished everyone a Merry Christmas and Happy New Year.

**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 from Habitat for Humanity for the use of Marble Hall for their spelling bee fund raiser. She reported 25 emails citing a preference for Mayor. All emails were forwarded to the Commissioners.

Dick Harper, 680 11<sup>th</sup> Street, reported his home, purchased by his grandfather in 1984, was heavily damaged by Hurricane Irma. He has become a 4 trailer household which are parked on various friends properties throughout the City. Looking ahead, he expects plans from Daryl Osborne shortly and he has contracted with Charlie Miller to repair the house. He would like to keep the camper and 1 storage trailer on his property until Charlie Miller can start the repairs. Ed Nagel will store the boat and trailer on his property and Fred West will store the other trailer. He is requesting a 6 month extension for parking these trailers and camper. Vice Mayor Sutton asked why it has taken so long to do something with his

property. Mr. Harper answered his property suffered structural damage requiring engineering. He has been trying to get an engineer signed up for 13 months. He was finally able to get Mr. Osborne to agree to do the job. City Administrator Moonis said the Commission had extended the use of campers until the first meeting in January. City Attorney Wright said Citizen Comments is not the place for this discussion. He suggested Mr. Harper contact the City Clerk and be placed on the next agenda under Special Requests.

Cliff Rydell, Clara Blvd., requested approval to play the first video of the KCB Show hosted by Sally Flagg. Mr. Rydell was not able to play the video, but explained the first thing it shows is the City Seal. He is therefore is requesting permission to use the Seal on the videos he produces promoting KCB. The videos will be shown at the Marathon Community Theater and are being posted on the City website.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Mayor DeNeale, to allow Cliff Rydell to use the City logo in promotional videos, for a period of 5 years, contingent on approval of the content by the City Administrator.

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

The meeting adjourned at 11:45 a.m.

Respectfully submitted,



Kathryn McCullough, City Clerk