

# MINUTES

## KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday February 14, 2019 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 9:00 a.m. followed by the Pledge of Allegiance and Prayer.

*Present:* Mayor John DeNeale, Vice Mayor Ron Sutton (attended by phone, cannot vote), 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 Gerard Roussin, Police Chief Kris DiGiovanni, Police Officer Jeff Rodriguez and Officer Jamie Buxton. *Excused:* Secretary/Treasurer Patti Trefry and Fire Chief John Johnson. Public - 9

2. **Approval of Minutes:**

The minutes of the January 24, 2019 were approved by acclamation.

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

4. **Special Requests:** None

5. **Committee and Staff Reports:**

A. **Marathon Fire/EMS:** No report.

B. **Recreation Committee:** Ted Fischer, Recreation Committee Chairperson, reported the upgrade elements at the 8<sup>th</sup> Street Park are rapidly approaching completion. The pickle ball courts and tiki hut are complete. A stretching station has been ordered for installation on the exercise path. This project was funded with a \$50,000 grant from the Florida Recreational Development Assistance Program (FRDAP) a \$10,000 contribution from the City and \$35,000 in contributions from the Community Association, the Fishing and Boating Club, the pickle ball players and local merchants. He invited the Commissioners to a grand opening on March 6, 2019 at 3:30 p.m. Light refreshments will be served. He also requested Commission approval to dedicate the pickle ball courts to Hans Kolester. Hans introduced pickle ball to the Key Colony Beach community and taught many, many, many people to play the game and getting the courts initially built.

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

D. **Disaster Preparedness Committee:** Building Official Roussin reported Marcos, with Siemens Technology, to determine the type of generators required for the office trailers.

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

F. **Utility Board:**

**1. Approval of FDEP Permit Modification** City Administrator Moonis explained this permit modification is required based on the new processes of the sewage treatment plant.

**MOTION:** Motion made by Commissioner Pettorini, seconded by Commissioner Tracy, to approve FEDP Permit modification.

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

**G. Police Department:** Chief DiGiovanni administered the Oath of Office to Police Officer Jamie Buxton. Her badge was pinned on by her Field Training Officer, Officer Jefferson Rodriguez. Officer Buxton will be ready to start on her own beginning in March. DiGiovanni reported a traffic arrest on Sadowski Causeway, a traffic crash on Sadowski Causeway and a DUI arrest on Sadowski Causeway since the last meeting. The Police Department has responded to 8 medical calls, provided backup the MSCO 20 times and answered 9 miscellaneous calls. The Police Officers issued 7 traffic citations, 7 traffic warnings, 8 code violations and 12 code warnings. There was 1 text message and 1 email to the Tipline. The Police patrol vehicles have been delivered and issued to the officers. Chief DiGiovanni expects the new patrol boat to be ready by mid-March. He thanked the Community Association for sponsoring the Town Hall Meeting. He also cautioned drivers to look and second and third time as there is currently a lot of people in town. Many of them are walkers, joggers and bike riders.

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

**1. Approval of New Door for Marble Hall for \$3,700.** Building Official Roussin reported he received a quote from Sanibel Glass for an Aldora commercial store front door out-swing 37x94 ¾, impact glass door for \$3,700 which includes installation. Attorney Wright asked if there is a requirement for disabled access. Building Official Roussin answered it is an ADA accessible door.

**MOTION:** Motion made by Commissioner Pettorini, seconded by Mayor DeNeale, to approve the purchase of the described door, from Sanibel Glass, in the amount of \$3,700.

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

**2. Approval to Purchase Buoys for \$15,000.** Building Official Roussin has inventoried the buoys around the perimeter of the island. A buoy costs about \$500 complete with the signage, the reflector stickers and installation. It's another \$500 if the anchor system is missing. Building Official Roussin said he is aware of 2 buoys that are completely missing. There are 4 broken buoys and the remainder of the buoys are in pretty bad shape, salt and sun worn. He reported \$15,000 would be needed to replace/repair all the buoys. There is a Monroe County grant available however funding from the grant is at least 18 months out. Mayor DeNeale suggested to apply for the grant at least every other year to replace/repair buoys.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Tracy, to authorize \$15,000 to replace/repair buoys around the perimeter of the island.

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

**3. Approval of a 25K Elevator Boat Lift, with 12' Arms at 290 14<sup>th</sup> Street** Building Official Roussin said Commission approval is required for boat lifts over 16K. He has letters from the neighbors, on both sides, approving the lift. Joey Raspe, 510 12<sup>th</sup>

Street, asked if this was a mangrove property with a T-dock. Mayor DeNeale answered yes. Mr. Raspe asked the total encroachment on the canal width? Building Official Roussin answered it was less than 25% of the 100' canal width. After the distances, on the plans were added together, it showed the lift to be 26% of the canal. Mr. Raspe said when a lift, with 12' arms is utilized the arms can extend up to 16" into the canal. He reported the Planning and Zoning Board, when approving a variance request of this type, often stipulates the lift must be returned to the up position after the boat is launched.

**MOTION:** Moved to table until next Commission Meeting.

Building Official Roussin reported receiving, since the last Commission meeting, applications for 16 new single family homes and 5 new duplexes. All the applications have been sent to the Department of Economic Opportunity (DEO). He said approval has been received from DEO, on all except for 2 of the single family homes and the 5 duplexes. He said he hoped to have approval on those by the end of the week. Daniel Hubbard, DEO, has approved all the applications and they are now on the desk of Barbara Powell.

Building Official Roussin reported Public Works is cleaning up around the City for the Clambake. He has also met with the Beautification Committee and Jean Herring, Community Association, in preparation for Key Colony Beach Days on March 3, 2019.

**I. City Secretary/Treasurer:** No report.

**J. City Clerk:**

**1. Approval of Iberia Bank Credit Card** – City Clerk McCullough asked Commission approval for a credit card from Iberia Bank. There would be one master account number, however, under that number would be individual credit cards assigned to each Commissioner, the City Administrator and each Department Head. There are separate spending limits allocated to each card. This will facilitate balancing the account as now it is difficult to determine where to look for a charge with no receipt turned in. It will also allow each card holder to have their own card and not have to share one card when travelling.

**MOTION:** Motion made by Commissioner Pettorini, seconded by Commissioner Tracy, to approve the credit card account with Iberia Bank.

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

**2. Approval of CitizenServe Program Purchase** City Clerk McCullough asked Assistant Clerk Becky Todd to explain what it takes to issue one garbage can citation. After Becky explained the myriad manual steps to issue the citation, City Clerk McCullough explained the CitizenServe program would allow this whole process to be done in the field. The program will record the citation to the property record, it will automatically send the notice of violation letter and email. It will notify the Administrative office of the citation. The increase to productivity is immeasurable. It will replace the ancient Access program and File Maker Pro program. From the live demonstration presented to City staff by CitizenServe it will provide the same level of service for issuing building permits. The program will allow residents to apply for permits, check the status of a permit from the City website and the on-line process is

ADA compliant. The initial first year cost of \$29,800 provides for 6 licensed users, data import from the City's current programs and set up and training. Each additional year will cost \$12,600 for the 6 licensed users. She thanked Building Official Roussin for finding this program. He has been looking for a long time, as has our IT person Eddy Worthington, and the programs they found were cost prohibitive for a small City. Gerard is to be thanked for his tenacity in continuing to search. Eddy Worthington attended the live demonstration and view the program on line and is 100% in favor of the purchase.

**MOTION:** Motion made by Commissioner Tracy, seconded by Commissioner Pettorini, to purchase the CitizenServe program for \$29,800.

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

City Clerk McCullough reported Becky Todd has been working diligently on depositing all the funds for all the permits Building Official Roussin just mentioned. Those permit fees are deposited into several different bank accounts and recorded under several general ledger numbers. Beverly Traeger will be mailing the notices for the long term trailer parking. Mayor DeNeale asked Building Official Roussin if the trailer parking lot had been cleaned. Building Official Roussin answered the lot has been cleaned up but he is not sure if the parking spaces are all numbered.

**K. City Administrator:**

**1. Golf Course Lease** City Administrator Moonis reported he had incorporated the suggestions from some of the Commissioners into the lease agreement. Those are marked in red. Darryl Rice has agreed to all the changes in the lease agreement. He is in Colorado until Friday and will sign the lease on his return. It is a one year lease with a 90 day advance notice opt out clause for both parties. City Administrator Moonis recommended approval of the Golf Course lease.

**MOTION:** Motion made by Commissioner Tracy, seconded by Commissioner Pettorini, to approve the Golf Course lease.

**DISCUSSION:** Commissioner Tracy reported Cindy Cato, representative of the Women's Golf League would like to arrange a 'walk though' on the golf course with Darryl to get together of list of what they would like to see improved and/or added. They would also like a list from Darryl of his goals and plans for the course. Commissioner Tracy would also like Ted Fischer, Recreation Committee Chairperson, to have a copy of the lease. Mayor DeNeale asked, since a work order is in for the Golf Course, if FEMA could deny the claim because repairs had been done. City Administrator Moonis answered the work projects are constantly updated with the amount of work accomplished along the way. He said you have to spend the money before you can be reimbursed for it. Commissioner Tracy said there are some concerns that are not hurricane related. For example the phone is working now but it only has a recording. There is no phone number in the case of an emergency. She said there are also other small items that need to be addressed.

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

**2. Professional Services Agreement with Capitol Access** City Administrator Moonis stated Capitol Access is Jerry Paul and Rosanna Catalano, the City's lobbyist in Tallahassee. They have been doing a great job for the City. The initial agreement was for \$3,000 per month. They are requesting an increase to \$4,000 per month. City Administrator Moonis recommended the Commission consider the \$1,000 per month increase. Commissioner Tracy noted that one place in the agreement the monthly cost is written as \$3,000 per month but the numeric amount is \$4,000 per month. City Administrator Moonis said he will have that corrected. Commissioner Pettorini commented a \$1,000 increase on a \$3,000 is a 33 1/3% increase. He asked if that was warranted. Mayor DeNeale answered initially the City had no idea what they were going to be able to do for us. He has been extremely impressed with the level of service on major issues such as the building permits, City Hall and vacation rentals. Commissioner Tracy asked Vice Mayor Sutton his thoughts on the increase. Vice Mayor Sutton said, with their contacts in Tallahassee and what they've already accomplished, we need these folks. City Attorney Wright suggested an inclusion in the agreement that Capitol Management not represent any other municipality in Monroe County. He said they should have undivided loyalty to Key Colony Beach.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Tracy, to approve the professional service agreement with Capitol Access for \$4,000 per month contingent that they represent no other government or special taxing district in Monroe County.

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

**3. Agreement with Manson, Boves, Donaldson, and Varn** City Administrator Moonis reported this is a legal firm, recommended by Capitol Access, for a legal opinion on the City's building rights issue. The letter of engagement does not have a not to exceed amount, only the \$250 per hour for the principal and \$100 per hour for the paralegals. City Attorney Wright said he thought it was a good idea to have an attorney in Tallahassee in light of all the things happening up there. City Attorney Wright recommended approval of the agreement.

**MOTION:** Motion made by Commissioner Pettorini, seconded by Mayor DeNeale, to execute the agreement with Manson, Boves, Donaldson and Varn and for it to be managed by City Administrator Moonis.

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

**4. Policy Change -- Increase Purchase Order Spending Limit from \$250 to \$400** City Administrator Moonis explained he instituted a purchase order policy to track the spend and to provide accountability. He initially set the limit at \$250 however after reviewing the purchase orders the \$250 limit is too low. Therefore, he would like it on record that the purchase order limit be raised to \$400. By consensus the Commission approved the policy change.

**5. Fence Between Sunset Park and Key Colony Point** City Administrator Moonis stated he is awaiting estimates for the fence. He has a commitment for up to a \$3,000 contribution for the fence. City Administrator Moonis recognizes the fence currently is the responsibility of Key Colony Point, however, he would like to have the fence constructed on Sunset Park property. He has initial estimate, not to exceed \$6,000, for a

very nice aluminum powder coated fence. It will have a rail so you can see through the fence and a lockable gate between the properties. Thinking long term, Sunset Park would be more secure if the fence was on City property. City Attorney Wright strongly recommended the fence be on City property.

**6. Disposition of Donated Appliances** City Administrator Moonis said the public auction was an epic fail. There were people in attendance but no one bid on the appliances that had been donated to the City by Windswept. He recommended the City re-gift them to the Community Association and maybe ask for half the proceeds they receive. Mayor DeNeale said Corky Spehrley made that recommendation when the donation was first made to the City. Commissioner Tracy agreed the appliances should be given to the Community Association.

**7. U. S. Water Contract** City Administrator Moonis reported the management agreement with U. S. Water expires tomorrow therefore the new management agreement is dated 2/15/19. He said he has reviewed the notes Building Official Borysiewicz made on the contract. He will talk to U. S. Water on how to administer those items however he believes these items are inherently included in the agreement. City Administrator Moonis recommended approval of the U. S. Water contract. City Attorney Wright said he has reviewed the contract and has no objections. Mayor DeNeale said he liked the changes in the agreement. The whole issue was having U.S. Water drop all the liability on the City. That appears to be reversed in this agreement. Commissioner Tracy asked if there is a plan for reining in some of the costs. City Administrator Moonis answered yes, the City will have 5 days to review everything above the normal routine items unless it is an emergency. It will be on the City, to make sure on a monthly basis, that the things that are warranted are getting done. City Administrator Moonis stated U. S. Water will perform 2 manhole inspections, per year, but will only charge the City for 1 manhole inspection. Commissioner Pettorini stated the e=lesson learned throughout this process is completion helps.

**MOTION:** Motion made by Commissioner Pettorini, seconded by Commissioner Tracy, to approve the U. S. Water Contract.

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

**6. Commissioners Open Discussion:** None

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

**8. Approval of Warrant:**

**MOTION:** Motion made by Commissioner Tracy, seconded by Commissioner Pettorini, to approve warrant No. 119 in the amount of \$518,346.02.

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

**9. Ordinances and Resolutions** None

**A. Ordinance 457-2019 Amending Chapter 12, Recreation Committee Membership (First Reading)**

City Attorney Wright read the ordinance by title only. City Administrator Moonis explained sometimes it is difficult to get Board Members who are permanent residents of the City. City Attorney Wright stated the first change says the City Attorney Wright said

the first change in the ordinance says it is preferred that each Board Member be a resident. He suggested leaving the original statement unchanged, saying each Board Member must be a resident. Then add the language allowing the Commission to change the residency requirements in case of unforeseen and unusual circumstances that are in the best interest of the City.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Pettorini, to approve the ordinance leaving the first statement unchanged and adding the language to allow the Commission to waive residency requirements

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

**B. Ordinance 258-2019 Amending Chapter 1, Code Board Membership (First Reading)**

City Attorney Wright read the ordinance by title only. City Administrator Moonis said the same situation is the same as the reading of the previous ordinance. City Attorney Wright suggested the same changes.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Tracy, to approve the ordinance leaving the first statement unchanged and adding the language to allow the Commission to waive residency requirements

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

**C. Ordinance 459-2019 Amending Chapter 14, Utility Board Responsibilities (First Reading)**

City Attorney Wright read the ordinance by title only. Mayor DeNeale said this change in the ordinance will allow for a decrease in the loan interest rate and requires a capital equipment replacement plan.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Pettorini, to approve the ordinance.

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

- 10. Commissioner Reports** Mayor DeNeale reported a great trip to Tallahassee by himself, Vice Mayor Sutton and City Administrator Moonis, to meet with the legislative representatives and any departments they “could hit on the fly”. Lobbyist Jerry Powell requested City Attorney Wright come up and meet with the attorney from Manson, Boves, Donaldson, and Varn. Senator Flores laid out a great plan to get the City money for City Hall. Representative Raschein is in full agreement. Mayor DeNeale said they also briefed the Legislators on the building permit issues. Requests were also made to push FEMA funding at the State level. They also met with Jerry Moskovitz the new Director of Emergency Management. He said he doesn’t understand why the previous administration was holding up FEMA funding. He is re-writing department procedures to get the funding to the City as soon as possible. City Administrator Moonis explained reimbursement request are submitted to FEMA. The State wanted to see those submittals which were then sent to FEMA again to be obligated. It is then sent back to Florida where it is 100 audited again. City Administrator Moonis said 6 or 8 of the City projects that are waiting for funding. There several more projects with FEMA such as the swales and the golf course.

**12. City Attorney Report:** City Attorney Wright reported it is clear there is going to continue to be a "push and pull" as far as vacation rentals are concerned. He informed the Commissioners there is a dispute between various owners at the Continental Inn. Some owners run their vacation rentals through the Condominium Association and some do not. Reported the City has received several requests for the City to get involved in one way or the other. However, this is primarily a civil dispute between owners. The City has always assumed the Inn is a hotel and units can be rented by the night. The City is also requiring vacation rental licenses. If it is indeed a hotel there in no reason for the City to regulate any differently the Gluntz hotel. Building Official Roussin will contact the Department of Business and Professional Regulation to determine if the State considers it a hotel. If the State says it is a hotel then the City will have to take a look at the vacation rental licenses.

Commissioner Tracy asked if there is any update on Key Colony Beach Club. Building Official Roussin said plans have been submitted to the State. Based on the plans, the front office will be maintained, the 2 residential units will be demolished, demolishing the pool house (it may be re-built) and removing the garage. Commissioner Tracy thanked the person who cleaned up in the out front it. It looks a lot better.

**13. Citizen Comments and Correspondence:** City Clerk McCullough reported receiving an email from Marie Sweeny concerning the parking regulations in Key Colony Beach. A copy was forwarded to all Commissioners.

Marie Sweeny asked where it is written that you cannot park on the street. Chief DiGiovanni said a vehicle can only be stopped momentarily to pick up or discharge a passenger. Florida Statue 316.1945 says a vehicle can be parked momentarily to pick up or discharge a passenger. Ms. Sweeny read further from the statue describing where a vehicle could park in the roadway. Chief DiGiovanni reported this stems from a complaint he received from Marie Sweeny concerning one of the Officers. Ms. Sweeny told Chief DiGiovanni she was intimidated by the officer turning his lights on her. She said awhile back she had been threatened with a ticket when trying to hook up their boat trailer. Commissioner Tracy reported it can take a while to hook up a boat trailer. She would like to see a little consideration given. Ms. Sweeny said that is exactly the point. She reported contractors, landscapers, etc. parking in the middle street all the time. She said the citizens should get the same respect as the plumbers, landscapers, etc. who are sometime parked in the roadway all day. City Attorney Wright stated contractors shouldn't be allowed to leave vehicles in the middle of the road. Mayor DeNeale thanked Ms. Sweeny for bringing the issues to their attention. Mayor DeNeale reported City Administrator Moonis and Chief DiGiovanni.

Commissioner Tracy asked about the status of the cooking trailer at Havana Jacks. Building Official Roussin answered the trailer is supposed to be moved to the Stuffed Pig by 02/28/2019

Mayor DeNeale asked status of the issue on 11<sup>th</sup> Street where affidavits were to be signed allowing him to park on their property. Building Official Roussin reported he still does not have plan for the house. City Clerk McCullough reported an affidavit was signed by



the property owners allowing him to park a travel trailer on their property for a period of 90 days. She reported having no other affidavits.

The meeting adjourned at 11:15 a.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Kathryn McCullough', written in dark ink.

Kathryn McCullough, City Clerk

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