

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday March 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 9:30 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 Gerard Roussin, Fire Chief John Johnson, Police Officer Jeff Rodriguez and Police Officer Jamie Buxton. Excused: Police Chief Kris DiGiovanni. Public - 18

2. **Approval of Minutes:** A. The minutes of the February 14, 2019 Regular Commission meeting were approved by acclamation.

3. **Agenda Additions, Changes, Deletions:** - Building Official Roussin requested the approval of garage doors for the Golf Course Building be added under the Building Department.

4. **Special Requests:**

A. **Discussion of 50/50 Bill** -- Bob Shillinger, Monroe County Attorney, explained, based on a long history with the State of Florida dating back 20 years, Monroe County is proposing House Bill 1019 and Senate Bill 1694, which will codify a verbal agreement where the State will share 50% of the cost of takings cases caused the moratorium on building permits. He acknowledged the County had not properly presented these Bills to the municipalities, i.e., Marathon, Key Colony Beach and Islamorada. Marathon has since voted 5-0 to support the Bills. Mike Forster, Islamorada Commissioner, has toned down his rhetoric against the Bills now that he understands them. Key Colony Beach has a carve out from the building moratorium so is not directly affected by the Bill, however, Monroe County would appreciate City support at Florida Keys Days if asked. Mayor DeNeale said his concern is that this Bill is not tied to the 2012 Memorandum of Agreement (MOU). (Attorney Shillinger's full presentation is available on the tape recording of this meeting.)

B. **Notice of Ordinance Violation at 680 10th Street.** Samuel Zaydan was not present therefore there was no discussion on this issue.

5. **Committee and Staff Reports:**

A. **Marathon Fire/EMS:** Fire Chief Johnson reported 1 medical call, 1 internal fire alarm and 1 good intent call since the last meeting. The Marathon Fire Department will participate in the St. Patrick's Day parade. He cautioned everyone to be alert and

careful on the roadways as recently there has been an accident everyday. He also said now is the time to start to get organized for the upcoming storm season.

B. Recreation Committee: No report.

C. Beautification Committee: No report.

D. Disaster Preparedness Committee: Building Official Roussin reported he is still waiting on the estimates for the generators for both portable trailers.

E. Planning & Zoning Board: No report.

F. Utility Board: No report.

G. Police Department: City Administrator Moonis reported, in Chief DiGiovanni absence, a traffic offense, a crash hit and run and a credit card fraud since the last meeting. The Police Department has responded to 2 medical calls, 2 alarm calls, provided backup to the MCSO 15 times and answered 29 miscellaneous calls. The Police Officers issued 5 traffic citations, 16 traffic warnings, 1 code citation and 2 code warnings. There were no calls, text messages or emails to the Tipline. The Fishing and Boating Club and the Police Department have started to plan for the 14th Annual Kids Fishing Debry. Chief DiGiovanni is planning the first Community Outreach meeting, in April, to hear concerns from residents as it relates to the Police Department. The date is to be determined. The 7 Meter Bridge run, across the Sadowski Causeway bridge, is set for Friday March 15, 2019 at 2 p.m. The St. Patrick's Day, on March 17, 2019, will begin at 5 p.m.

H. Building Department/Public Works: Building Official Roussin reported the Public Works crew worked through the weekend for Key Colony Beach Days which was a big success. Greg Lawton's paperwork for 1 and 2 family building inspector certification has been submitted to the State.

1. Approval to Purchase a 200 Gallon Portable Diesel Fuel Tank for \$3,550
Building Official Roussin reported the current diesel fuel tank has been patched twice that he is aware of. There are water, rust and sediment problems with it. They are not using fuel from this tank for any of the new equipment. The proposed tank is a 200 gallon portable tank with a Raygor fuel filter system and a battery operated pump. This item is not in the budget but was included in a FEMA reimbursement claim. City Administrator Moonis reported money was received from insurance proceeds. Additionally a FEMA work order, for the reimbursement of equipment losses, is about to be obligated. Building Official Borysiewicz said there are also funds available in the Road Fund.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini, to approve the purchase of a 200 gallon portable diesel fuel tank for \$3,550 from the Road Fund.

ON THE MOTION: Roll call vote. Unanimous approval.

2. Approval to Purchase an Ice Machine for \$3,060.77 Building Official Roussin said this purchase is in the budget for \$2,500. The ice machine will be used by Public Works, the Golf Course, the Wastewater Treatment Plant and in disaster preparation. This machine can store 1,000 pounds of ice. Building Official Roussin reported it can also be used for special functions throughout the City such as the Clam Bake and Key Colony Beach Days. Commissioner Tracy asked where it would be located. Building Official Roussin answered in the Public Works building in a spot already plumbed for a refrigerator. She asked if that space was air conditioned. She provided information for an air cooled versus a water cooled system. Commissioner Trefry asked the daily usage for ice. Building Official Roussin answered the Public Works crews use 2 10 gallon buckets of ice per day. He stated Darryl Rice would like to start putting ice back out on the golf course. There used to be 3 ice stations on the course. The Wastewater plant uses about 2 10 gallon buckets per day. Mayor DeNeale said a timer and a lock could be placed on the ice machine.

MOTION: Motion made by Commissioner Tracy, seconded by Vice Mayor Sutton, to approved the purchase of the ice machine for \$3,060.77.

ON THE MOTION: Roll call vote. Unanimous approval.

3. Approval of a 20K 4 Post Boat Lift at 23 7th Street Building Official Roussin explained this boat lift requires Commission approval because it is over 16K and because it is a 4 post lift. He has letters from the adjoining property owners not opposing the boat lift and permits from the State and Federal governments.

MOTION: Motion made by Commissioner Trefry, seconded by Mayor DeNeale, to approve a 20K 4 post boat lift at 23 7th Street.

ON THE MOTION: Roll call vote. Unanimous approval.

4. Approval of Garage Doors for the Golf Course Building (added to the agenda at the start of the meeting) Building Official Roussin reported receiving a proposal, this morning, from Victors Door Service for 4 garage doors at the old Public Works Building, 460 8th Street, in the amount of \$6,475. The current doors are in very bad shape and a hazard. Building Official Roussin said these are standard lift, interior lock, hurricane proof doors including installation into 2" x 6" wood framing. Mayor DeNeale asked if the cost was in the maintenance budget. City Administrator Moonis answered this is from insurance proceeds.

MOTION: Motion made by Mayor DeNeale, seconded by Commissioner Tracy, to approve the purchase of 4 garage doors in the amount of \$6,475 for the 460 8th Street building.

ON THE MOTION: Roll call vote. Unanimous approval.

I. City Secretary/Treasurer: No report.

J. City Clerk: City Clerk McCullough reported fiber optic cables are being installed by AT&T today. She said staff is looking forward to having high speed internet in the near future. Utility Clerk Pat Hyland has made the first annual payment, on the wastewater improvement loan, to the Florida Department of Environmental Protection. Pat has filed liens on 2 seriously delinquent wastewater accounts. Responses are coming in for the

permanent boat trailer renewals. Assistant City Clerk Becky Todd will be stepping up to the City Clerk position so advertisements are out for her position. City Attorney Wright said the City Charter requires the City Clerk be appointed by the City Commission.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Pettorini, appoint Becky Todd to the City Clerk position upon the retirement of City Clerk McCullough.

ON THE MOTION: Roll call vote. Unanimous approval.

K. City Administrator:

1. Sunset Park Restrooms City Administrator Moonis reported 2 bids were received for the construction of restrooms in Sunset Park. Public Restroom Company submitted a bid of \$142,239 and Modular Connections submitted a total bid of \$70,708. Both in excess of the \$36,000 Tourist Development Grant with City matching funds of \$18,000. City Administrator Moonis requested an extension of that grant, which was approved until December 31, 2019, conditioned that no reimbursement requests are submitted prior to October 1, 2019. Vice Mayor Sutton reported he looked at a restroom, contracted by the City of Marathon, at Coco Plum Beach. It appeared the restroom was constructed in place and not a modular. Vice Mayor Sutton said he would like to have the restroom project rebid and constructed on site. He suggested City Administrator Moonis get together with the Building Department to draft bid specifications. Commissioner Trefry agreed with Vice Mayor Sutton. Mayor DeNeale agreed also. Building Official Borysiewicz asked for approval for the City Engineer, or a local engineer, to draw the plans. City Administrator Moonis reported he has had no response from the City Engineer. Mayor DeNeale asked that a Request for Qualifications (RFQ) be advertised for a City Engineer. Mayor DeNeale said RFQ would not fire Mr. Osborne, it would bring an additional engineer on board. Joey Raspe, Chairman of the Planning and Zoning Board and the Code Enforcement Board, reported he still is receiving phone calls objecting to restrooms in Sunset Park. Mayor DeNeale said objections should be made to the Commission. That can be done through the City Clerk, the City Administrator or by attending the Commission meetings. Vice Mayor Sutton reported the complaints were dealt with during the approval process. Commissioner Trefry said an ordinance had been passed concerning the use of Sunset Park. Enforcement of the ordinance should help alleviate some of the resident's fears.

2. Approval of Peters Consultants, Inc. Invoicing City Administrator Moonis said he cannot stop getting things moving through the system with respect to reports that are required by FEMA that are changed all the time. He, therefore, reached out to an Engineer/Surveyor he knows from Pennsylvania but who also has a home in the Keys. First in Key Colony Beach and now on Duck Key. City Administrator Moonis said invoices in the amounts of \$1,363.75 and \$1,121.25 have been paid to Peters Consultants. There is now an invoice in the amount of \$4,841.90. City Administrator Moonis recommended the invoice be paid. He also recommended the City continue to use Mr. Peters until the City has a local responsive engineer. Mayor DeNeale asked if this is a Florida company being paid. City Administrator Moonis answered no, the payment of the invoice would go to Mr. Peters office in Pennsylvania. He said Mr. Peters is part of Criterium Engeneering. The principal of Criterium, Alan Mooney, is Florida registered professional engineer. Any reports coming to Mr. Moonis, from Mr. Peters, have been reviewed by Mr. Mooney and bear his Florida P E stamp. Mr. Peters is in the process of

obtaining a Florida reciprocal license. Vice Mayor Sutton said Mr. Moonis had spent more money than allowed without Commission approval. Vice Mayor Sutton asked if Mr. Peters was the engineer for the same Pennsylvania township where Mr. Moonis was the manager. City Administrator Moonis answered yes and he knows Mr. Peters work. Vice Mayor Sutton said he does not feel there is any conclusion but the perception is there. Commissioner Trefry said Mr. Moonis had reported talking to this firm at their meeting 2 weeks ago, however, the invoices are dated back to December. She asked what the invoice amounts are based on as no hourly rate is shown for Mr. Peters or his assistant. City Administrator Moonis answered it is his responsibility to get things done in the best interest of the City. He said he reached out to Mr. Peters because he has a personal and professional relationship with him. He has worked with him in two other municipalities. He said, under his contract, he has the authority to reach out for professional consultants when necessary. He agreed the amount exceeded his \$2,500 authorization. He did not have an estimate but the report is voluminous. He can provide a copy of the report, on a thumb drive, to anyone who wants to see it. If this was a bad idea, then he needs another route, because he needs engineering services and he needs responsive engineering services. He said he made a sound decision. Vice Mayor Sutton asked, in retrospect, if City Administrator Moonis thought he should have informed the Commission awhile back. He said the way the format is now Mr. Peters has an open ticket. City Administrator Moonis answered it is that way because the 'asks' of FEMA. Therefore he does not have an estimate of what it could cost. Mayor DeNeale said an emergency meeting can be called in a 'heart beat' if you think something may exceed your \$2,500 authority. City Administrator Moonis said he did not expect the cost to be this high but the report is 'ridiculously' long. City Administrator Moonis reported Mr. Peters did a site visit, he took measurements and he met with Norry Lynch, an IBTS expert. Commissioner Tracy asked if there are plans. City Administrator Moonis answered it is an engineering report. Mayor DeNeale said FEMA sent their representative to evaluate the building. The report was horrible. Negotiations with FEMA resulted in them agreeing to accept an engineering report produced by the City, which had a deadline. He said Mr. Moonis was trying to meet that deadline. FEMA is happy with the engineer's credentials. Mayor DeNeale said, his recommendation, to Mr. Moonis, is when in doubt request an emergency meeting. Commissioner Pettorini asked if these invoices are for work that has been done or for work that is to be done. City Administrator Moonis answered the invoices are for work that has been done. Commissioner Pettorini asked for the status going forward. City Administrator Moonis answered there will be one final cost for a mitigation report on the building that is required for FEMA. Mayor DeNeale asked if Mr. Moonis could get an estimate for that report. Mr. Moonis answered yes, he would try to get that estimate today. Commissioner Pettorini said at that point the City would be waiting for FEMA to determine if any additional work needs to be. The City would not be contracting with Mr. Peters for any future work at this time. City Administrator Moonis said that is correct. Commissioner Trefry asked if these cost are reimbursable by FEMA. City Administrator Moonis answered yes. Tom Tucker, 160 1st Street, said he never heard a more convoluted excuse for wrong doing by the City Administrator. Mr. Tucker stated, it is his understanding, that an engineer cannot be hired to do work for the City if not licensed in Florida. City Administrator Moonis answered everything Mr. Peters has done is under the Criterium Florida license and Mr. Peters is the process of obtaining a Florida license. Mr. Peters is allowed, under Florida statue, to do one project while waiting to obtain his Florida license. Ed Sims, Sims Contracting, Inc., asked if Mr. Peters also designed the slab for

the Sunset Park restrooms. City Administrator Moonis answered yes, under the Criterium license. He said he does not understand how the invoices are processed or how that money is divided up. The plans for the restrooms bear the stamp of a Florida Professional Engineer. Mr. Sims stated he has an engineering report that he just received this morning indicating City Hall can be repaired. It was too late to get to the Commissioners before the meeting. Mr. Sims will send it to all of them later. Mayor DeNeale said there are many options for City Hall. The only 2 Commission determinations, at this point are; one, to look for funding and two, to put out a RFQ for an Architectural Engineer. Any recommendations the community has should be presented to the Commission. Those recommendations will all be put together into how a determination will be made with respect to City Hall. Mayor DeNeale asked City Attorney Wright for a legal opinion regarding the engineer. City Attorney Wright reported there is nothing unusual about an out-of-state engineer having a Florida licensed engineer approve the work. He does not have an issue with it. City Attorney Wright recommended reaching out to the local engineers if it is a matter of urgency. Paul Cole, 8th Street, asked the status of the Peters invoices.

MOTION: Motion made by Mayor DeNeale, seconded by Commissioner Pettorini, to approve an invoice to Peters Consultants Inc. in the amount of \$4,841.90.

ON THE MOTION: Roll call vote. Unanimous approval.

Vice Mayor Sutton asked City Administrator Moonis if there is funding available to purchase vacant lots in the City. City Administrator Moonis answered he has spoken with DEO concerning CBDGR funding. Mayor DeNeale reported he has asked the City lobbyist to set up an appointment with DEO to discuss funding. Vice Mayor Sutton asked about the Stewardship Grant. City Administrator Moonis answered the Stewardship Grant funds are designated for water quality projects. He said there is a County program for land acquisition. He does not know much about it but he will make inquires to the County. City Attorney Wright said Monroe County is using several strategies to address their building permit issue. He said, at this point, the City's best strategy is to communicate to vacant lot owners to develop their property prior to 2023.

6. **Commissioners Open Discussion:** Commissioner Pettorini announced his house has sold and they will be moving north. Therefore, the next Commission meeting will be his last. He said both he, and his wife Paula, have been very happy to live here and to meet so many wonderful people. He thanked everyone for the honor of serving the City. Mayor DeNeale asked the open position be placed on the City website and that an email blast be sent. He directed staff to place the issue on March 28, 2019 meeting agenda.

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

8. **Approval of Warrant:**

MOTION: Motion made by Commissioner Trefry, seconded by Commissioner Tracy, to approve Warrant No. 0219 in the amount of \$321,057.65.

ON THE MOTION: Roll call vote. Unanimous approval.

9. **Ordinances and Resolutions** - N/A

10. **Commissioner Reports** N/A

12. City Attorney Report: City Attorney Wright reported no pending or threatened litigation at this time. City Attorney Wright suggested scheduling a workshop to discuss height limitations in Key Colony Beach.

13. Citizen Comments and Correspondence: City Clerk McCullough reported an email from Jeff Ryder supporting an increase in height limitations.

The meeting adjourned at 11:10 a.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kathryn McCullough".

Kathryn McCullough, City Clerk
