

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday April 11, 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 April Tracy and Commissioner Kimmeron Lisle. *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, Police Chief Kris DiGiovanni, Public Works Greg Lawton and Fire Chief John Johnson. Excused: Public - 22

2. **Approval of Minutes:**

A. The minutes of the March 14, 2019 Regular Commission meeting were approved by acclamation.

B. The minutes of the March 28, 2019 Regular Commission meeting were approved by acclamation.

3. **Agenda Additions, Changes, Deletions** – Mayor DeNeale requested an addition to the agenda, under Special Requests, to address rumors concerning City Hall.

4. **Special Requests:**

A. **Rumors Concerning City Hall** – Mayor DeNeale reported there are a lot of rumors going around, but the main one is the Commission wants to spend \$5M on a new City Hall. That's not true. He said, to keep everyone informed, he has been updating the City Website and sending articles to the Key Colony Beach Community Association. The FEMA process has been way too long. FEMA completely changed procedures after Hurricane Harvey. Even FEMA representatives were struggling with the changes. The City hired consultants, ex FEMA personnel, who had trouble with the new procedures. Governor Scott's administration wanted a 100% audit of each work package before a dime was released. Because of the lack of reimbursement all capital projects were stripped out the City budget. A few ways to obtain funding from the State is through the appropriation process or with grants. The City is currently advertising for requests for qualifications (RFQ) for an architectural engineer. Regardless if the City decides to repair or replace a City Hall an architectural engineer will be needed. City Administrator Moonis reported FEMA will reimburse 75% of the cost of the Administrative trailer, the Police trailer and the restroom trailer. The State will contribute another 12.5% of these costs. City Clerk McCullough confirmed the trailer costs are in the budget. Tom Tucker, 160 1<sup>st</sup> Street, thanked Mayor DeNeale and City Administrator Moonis for the very productive talk on Tuesday. Commissioner Tracy said it was best explained at an EOC meeting in Tallahassee. Hurricane Harvey hit and FEMA realized 'how really screwed up' things were so they immediately began revamping the whole system. Then Hurricane Irma hit which had FEMA dealing under 2 different systems. When Hurricane Michael, the new

system was in place allowing the claims for that storm to be processed quickly. Most of those claims have been processed, but FEMA is still trying to 'straighten out' Hurricane Irma. Mr. Tucker thanked Commissioner Tracy for the explanation. He now realizes the adversity the City is working under. He again thanked Mayor DeNeale and City Administrator Moonis for the meeting. Vice Mayor Sutton told City Administrator Moonis he misstated the FEMA reimbursement for the trailers. This project is still in the works with FEMA. It has not been obligated. City Administrator Moonis answered it is a qualified expense that can be reimbursed. Vice Mayor Sutton stressed the reimbursement is working through the process, it has not been approved by FEMA. Mayor DeNeale reported putting together a work package is like doing your income taxes with an IRS agent sitting beside you. A FEMA representative is with you while you are putting together the work package. He was told, on one of his trips to Tallahassee, that the Key Colony Beach work packages are some of the best he has seen. Mayor DeNeale said it would be extremely rare for the work package to be disapproved. Mayor DeNeale reminded everyone that Building Official Borysiewicz reported the building to be unsafe had to be vacated. It was an emergency situation. Chet Dunn, 200 12<sup>th</sup> Street, said he left the meeting with Mayor DeNeale and City Administrator Moonis satisfied the City was being reimbursed for the trailers. Now he is dissatisfied again. Mayor DeNeale asked Mr. Dunn for his recommendation. Mr. Dunn answered 'don't exaggerate'. One story is the City is being reimbursed, the other story is the City is not being reimbursed. Which story should he believe? Mayor DeNeale said the chance for reimbursement is 99.9%. Corky Spehrley, 520 12<sup>th</sup> Street, said the restroom trailer at \$3,000 per month for 2 years is \$72,000. The trailer could be purchased for \$40,000. City Administrator Moonis said the reason for the 2 year agreement is because that is the estimated time to repair or replace City Hall. Mr. Spehrley asked if it was because the building was condemned that FEMA would reimburse for the trailers. He asked if the condemnation was based on the engineer reports that were received by the City. Building Official Borysiewicz answered it was a combination of the engineering reports and a video report. The video showed City Hall had life safety issues throughout. It showed the open walls and the exposed electrical wiring. He also recently found out, from a report that was produced 18 months ago, there is asbestos in the building. Mr. Spehrley asked if it is determined, by FEMA, the reports are wrong will reimbursement still be made. Commissioner Tracy said that is speculation. Mayor DeNeale reported FEMA was here after the storm and agreed on the damage but only for a limited squared footage. Another engineering report was done showing the actual footage of the damage which FEMA now agrees with. Mayor DeNeale reported he met with FEMA representative Rich Gobel a week after the storm. A Department of Emergency Management representative was also here at that time. Nobody is trying to pull the wool over anybody's eyes, nor trying to defraud anyone. There are differing engineers reports. This has all been negotiated and FEMA is happy now. Tom Tucker, 160 1<sup>st</sup> Street, said this is taking way too much time. City Administrator Moonis reported he estimates a total \$2.3M to \$2.4M FEMA reimbursement less any insurance proceeds received. He said, to date, \$331,386 has been obligated which does not include any debris reimbursement. The estimated City Hall net reimbursement, a specialized project, is \$582,000. He will have a list of all the projects, and where they are in the process, at the April 23<sup>rd</sup> City Hall Workshop.

##### **5. Committee and Staff Reports:**

**A. Marathon Fire/EMS:** Fire Chief Johnson reported 3 medical calls, 1 internal fire alarm, 1 NDA on the Causeway and 1 public assist since the last meeting. He said some

traffic relief should be seen in the next 2 weeks. In the meantime he asked everyone to be patient on the roadways.

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

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

**D. Disaster Preparedness Committee:** Building Official Roussin reported waiting for a proposal from Superior Electric for a transfer switch for both trailers. Public Works will be trimming all the coconut trees in the next 2 weeks in preparation for storm season. He is compiling a list of supplies needed for the season.

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

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

**G. Police Department:** Chief DiGiovanni reported a fraud report at the Mobile Gas Station, a medical call on US1 and a traffic crash on 8<sup>th</sup> Street since the last meeting. The Police Department also responded to 3 medical/alarm calls, provided backup to the MCSO 15 times and answered 15 miscellaneous calls. The Police Officers issued 6 traffic citations, 10 traffic warnings, no code citations and 6 code warnings. There were 2 calls to the Tipline; 1 call in reference to indecent exposure at Sunset Park and 1 call in reference to a trailer in the right of way on 4<sup>th</sup> Street. Chief DiGiovanni reported Reserve Officer Bethard is assisting getting the patrol boat outfitted with lights and sirens. Decals, when received, will be installed in the Public Works garage. Officer Buxton went to each business and Condo/Hotel requesting updated emergency contact information in the event of burglar/robbery alarms. The Police Department and the Fishing and Boating Club will have the first meeting for the 14<sup>th</sup> Annual Kids Fishing Derby on June 12, 2019. The Police Department will host a Community Meeting on April 18, 2019 at 5:00 p.m. in Marble Hall to give the public the opportunity to get to know the Police Department.

**H. Building Department/Public Works:** Building Official Roussin reported the first truck, ordered for Public Works, will arrive on May 10, 2019 with the second one arriving 2 weeks later. Public Works Greg Lawton has been using his personal truck since he started with the City. Esteban is cleaning the cassette for the wastewater plant every Monday. Public Works is working on the getting all the irrigation systems up and running with the help of Beautification Chair Janie Byland. The 7<sup>th</sup> Street Park gardens should be completed today. He reported 16 day markers are missing from the Bonefish Tower cut. A \$4,900 proposal for the day markers has been received from the company replacing the buoys. No wake signs are also missing. Building Official Roussin said he hopes to have all this work completed within the next 6 weeks in time for the start of the summer season.

Building Official Borysiewicz reported Darryl Osborne has been the City Engineer for over 15 years without invoicing the City for the help provided. Mr. Osborne has been very busy so Building Official Borysiewicz contacted William Campbell to ask if he would be interested in being an associate engineer. He suggested a rate of \$125 per hour

for Mr. Campbell. Mayor DeNeale said the City is advertising an RFQ for a co-engineer and said Mr. Campbell should apply.

Building Official Borysiewicz requested confirmation of City policy providing a property owner who demolishes an existing structure who continues to pay the wastewater invoices does not have to pay a sewer re-connection fee. If the wastewater invoices are not paid the property owner will have to pay the connection fee at the rate in effect at the time. Key Colony Beach Club will be demolishing that structure in a week or two. The Commission confirmed the policy, therefore if Key Colony Beach Club continues payment of the wastewater invoices, a sewer reconnection fee will not be charged.

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

**J. City Clerk:**

**1. Approval of Iberia Bank Resolution:** City Clerk McCullough said this resolution will allow Assistant City Clerk Becky Todd to access the Iberia Bank website for the recently issued credit cards.

**MOTION:** Motion made by Commissioner Trefry, seconded by Commissioner Tracy, to approve the Iberia Bank Resolution.

**ON THE MOTION:** Unanimous approval

**2. Appoint Gary Furtak to the Code Enforcement Board:** City Clerk McCullough explained the Code Enforcement Board, by Code, should have 7 members but has only had 5 members since Hurricane Irma. Gary Furtak has offered to sit on the Code Enforcement Board.

**MOTION:** Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton, to appoint Gary Furtak to the Code Enforcement Board.

**ON THE MOTION:** Unanimous approval.

City Clerk McCullough reported she, Building Official Roussin and Attorney Wright will meet at the end of this meeting to discuss the height restrictions in the Land Development Regulations. Three applicants for Becky Todd's position will be interviewed on Friday. She reminded the Commission she will be out next week on a long planned cruise to Cuba.

**K. City Administrator:**

**1. Letters to Lot Owners:** City Administrator Moonis reported City Attorney Wright has approved the letter to vacant lot owners explaining the City's position on issuing new construction permits. The letter also addresses the building moratorium that maybe placed on the entire Keys in 2023 based on hurricane evacuation times.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Mayor DeNeale, to authorize the letter to the vacant land owners.

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

**2. Workshop Agenda:** City Administrator Moonis showed a draft agenda for the City Hall Workshop on April 23, 2019 at 9:30 a.m. The meeting will start with a review of the building codes by Building Official Roussin. City Administrator Moonis will discuss the legal and insurance considerations. Building Official Roussin will discuss repair and

replacement considerations. City Administrator Moonis will discuss general space requirements for the various departments, building design recommendations, cost estimates and funding recommendations.

**6. Commissioners Open Discussion:**

**A. Report on Leadership Monroe, Government Session:** – Mayor DeNeale said he attended Leadership Monroe round table discussion with the local Mayors, State Representative Holly Raschein and Congresswoman Debbie Mucarsel-Powell. The Mayors of Marathon and Key West could not make the session. All governments are still struggling with FEMA. Rate of Growth Ordinance (ROGO) will be updated based on the 2020 census and storm predication capabilities. All the local Government Lobbyists are coordinating weekly. Monroe County is measuring the road levels. A 1 penny sales tax idea to cover Fire and EMS was discussed. The City of Islamorada is studying replacing the Snapper Creek Bridge.

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

**A. IBTS Contract:** Vice Mayor Sutton reported the City entered a contract with IBTS on April 26<sup>th</sup> 2018 to assist with FEMA submissions. An addendum, approved on January 9, 2019, replaced paragraph 4 and required monthly invoices which will be paid within 15 days after reimbursement FEMA. Vice Mayor Sutton remembered City Administrator Moonis telling him IBTS would receive 5% of the FEMA reimbursement however the contract amendment says reimbursement will be for direct administrative costs. Concerned a percentage is not in the IBTS amendment, he asked City Administrator Moonis if there was something from FEMA stating the percentage they will pay. Vice Mayor Sutton stated he has reminded City Administrator Moonis twice but has not received anything from him. Vice Mayor Sutton told City Administrator Moonis he submitted an evaluation his performance over the last year. He said, in the report, City Administrator Moonis does not follow through and get back to the Commission, and to Vice Mayor Sutton. He said he is tired of it. It is part of the job duty to get back to any Commissioner who asks for an item. Vice Mayor Sutton said this is getting worse. City Administrator Moonis said he told Vice Mayor Sutton he would get it to him but not right away. He said Vice Mayor Sutton only asked for this once. Vice Mayor Sutton disagreed saying the first answer was ‘I can’t get it to you by tomorrow as it is a commission day’. City Administrator Moonis said, ‘not to mince words’, if Vice Mayor Sutton wants a meeting to discuss his employment, he can do that right now. Vice Mayor Sutton said that would be a discussion by the Commission. He said ‘I’m not trying to hit you over the head with a hammer’. Vice Mayor Sutton reported going to see City Administrator Moonis every day and that he has tried to help him. He is not making a recommendation for the Commission to fire City Administrator Moonis, he would just like the Commission to think about what could be done. Commissioner Trefry asked if Commissioner Tracy had done a performance review for City Administrator Moonis. Commissioner Tracy answered she had not. Commissioner Trefry reported she had not done one either. Commissioner Trefry asked City Administrator Moonis what IBTS is doing as they have not submitted an invoice this fiscal year. City Administrator Moonis answered they are getting the final questions answered for FEMA. In his opinion ITBS is about done. City Administrator Moonis said he is aware invoices have not been submitted. He will follow-up with IBTS, however, payment will only be made for what FEMA approves. Commissioner Trefry said without invoices it looks like IBTS has done no work. City Administrator Moonis reported he would contact IBTS today and have

invoices submitted for the fiscal year. City Attorney Wright said it is a violation of a requirement the contract if services have been performed but invoices have not been submitted. City Attorney Wright said IBTS needs to be told perform the contractual requirement. Tom Tucker, 160 1<sup>st</sup> Street, reported an email request to Mayor DeNeale, in July of 2018, for a number of documents. The request was forwarded to the City Administrator. Nine months later he is still waiting for the documents. Mr. Tucker supplied the some of the Commissioners with a thumb drive of the Peters Engineering Report and was asked, by them, why the report came from him and not the City Administrator. This is what fuels rumors. City Attorney Wright reported document requests should be put in writing to the City Clerk.

**B. Peters Consultants Engineering Report:** Vice Mayor Sutton reported speaking to Corky Spehrley, and a few others, about the thumb drive of Peters Consultants Engineering Report. He asked City Clerk McCullough for a copy of the report and she said she did not have it. He then asked City Administrator Moonis for one, which he received about a week later. He said the City Clerk should have had the document, it is public information. The report stated on March 5, 2019 there was no settlement of City Hall due to Hurricane Irma. A revised report was subsequently put out stating there was minor settlement. Vice Mayor Sutton said he does not understand why the report was not done right. The Peters report stated the weight of 3' of water in City Hall caused the settlement, however, Vice Mayor Sutton has pictures showing the highest water level is 18". Vice Mayor Sutton said he heard Mayor DeNeale state the report was going to be thrown out. He felt that should be a Commission decision. Mayor DeNeale disagreed saying City Administrator Moonis is the person signed up as the point of contact with FEMA. Commissioner Tracy reported, in the 556 pages, of the document there were at least 5 different opinions on the settlement of the floor in City Hall. Vice Mayor Sutton reported Building Official Borysiewicz reported a ½ inch settlement. Mayor DeNeale asked Building Official Borysiewicz to quantify the settlement of the floor. He reported 3" of settlement from 1987 to Hurricane Irma (September 2017) or .01" per year over 30 years. He reported 0.5" of settlement from Hurricane Irma to March 2019 or 0.33" inches per year. That is 3.3 times the 30 year rate. Building Official Borysiewicz reported the settlement in Marble Hall had not changed, nor had the settlement in the hallway. The ½" settlement occurred over the copy room, by a bearing wall. At that point there is a lot of weight in the attic. The roof system sits on high reinforced concrete block walls. The attic floor is sitting on some bearing walls. Building Official Borysiewicz had put a lot of weight in that area but had to move some filing cabinets out because the floor was getting so 'bouncy'. Mayor DeNeale said the big issue is where do we go from here. Vice Mayor Sutton said Mayor DeNeale had to bring to City Administrator Moonis attention, the discrepancy in the Peters report. Vice Mayor Sutton cited the Peters report was completed in March however nothing was done about the report, by City Administrator Moonis, until the report was questioned by Corky Spehrley. City Administrator Moonis said he can only give his non-professional engineering suggestions to the engineer. Ultimately it is the engineer's opinion. It is his stamp on the document and if he doesn't like the results of it he can't tell the engineer to change it. Vice Mayor Sutton asked Becky Todd if one check had not been sent out yet. Becky Todd answered that is correct. Vice Mayor Sutton said he felt the engineer should not be paid. Chet Dunn, 200 12<sup>th</sup> Street, said he was glad to be in the building next to a condemned building. Mayor DeNeale asked Mr. Dunn to bring his comments to the April 23, 2019 City Hall Workshop.

**C. Portable Restroom:** – **Vice Mayor Sutton** reported the portable restroom is costing \$3,000 per month while the Administrative Trailer and the Police Trailer, together, cost is just over \$3,000 per month. He said he went on-line when he heard about the cost and priced the same building at \$41,000 to \$42,000. The City could buy one and then it could be used anywhere in the City, such as at the Clambake, or at Sunset Park. Or it could be sold when the City didn't need it anymore. Commissioner Tracy recalled City Administrator Moonis brought that to the City's attention in a meeting. City Administrator Moonis said he thought he did also. Vice Mayor Sutton said he researched back through the minutes because he couldn't see the Commission agreeing to spend \$3,000 per month when the 2 other much bigger trailers were the same amount of money. He shared with City Administrator Moonis that he did not remember it coming before the Commission for approval. He asked City Clerk McCullough about it and she reported it was in the budget. That doesn't matter, something in the budget is to cover costs if they do occur. But should be voted upon by the Commission before the cost is incurred. City Administrator Moonis said he would go back through the minutes a few weeks ago. Vice Mayor Sutton asked do you see where I am going with this. Mayor DeNeale said yes, you are going after Mr. Moonis' performance, you are not discussing the portable restrooms. Vice Mayor Sutton said yes I am. Mayor DeNeale agreed with Commissioner Tracy, there was a declaration of emergency by the Building Official. We had to get out of there, we had to get these things moving. It was discussed, it was budgeted and we asked Mr. Moonis to make sure it was covered by FEMA before he made a move. There were several options with FEMA, to rent or to buy. Mayor DeNeale said we told him to do things best with FEMA. That is the way he remembers the conversation. This not something that was not expected to happen. The City Administrator was told to go forth and make it happen. If we missed on the dollar amount, shame on us. Vice Mayor Sutton agreed Mayor DeNeale's logic was right. Vice Mayor Sutton said, back to John's statement where you said the Commission told Mr. Moonis to move forward the best way to do it, whether to lease or to buy. He asked why would Chris spend \$72,000 when it can be purchased for \$41 or \$42 thousand. Mayor DeNeale said the Commission's job is oversight and if it was missed, then yes, it was missed. Now do we want to go back to Chris and say, go look at buying one. Vice Mayor Sutton asked if we could get out of the lease now. Mayor DeNeale, said by a consensus of the Commission, to ask Chris to see where we stand on the contract and to bring back numbers for buying or renting. Vice Mayor Sutton agreed that was good, but he still wants to see the minutes. Mayor DeNeale asked how long to do a records request for the Vice Mayor. City Clerk McCullough said she will be out of the office next week. Mayor DeNeale asked by the next commission meeting. City Clerk McCullough said she would have it for the next Commission Meeting. Gary Furtak, 150 10<sup>th</sup> Street, asked why wait until this meeting if there was a performance review to be done, that apparently some Commissioners didn't even know about. This should be done at a performance review, not here. Commissioner Trefry explained the reason it has to be discussed at a Commission Meeting is because of the Sunshine Law. Commissioner Tracy said if there is to be a performance review it has to be done in front of everybody. But if each Commissioner is do a review that can be done individually.

## **8. Approval of Warrant:**

**MOTION:** Motion made by Commissioner Trefry, seconded by Commissioner Tracy, to approve warrant number 319 in the amount of \$205,910.49.

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

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

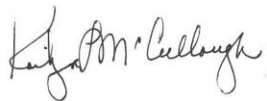
**10. Commissioner Reports** Mayor DeNeale welcomed Commissioner Lisle. Commissioner Tracy asked if there was an update on Key Colony Beach Club Condos. Building Official Borysiewicz answered they have the demolition permits and have put up the safety nets. Everything has been gutted inside and removed everything valuable and donated it to the Salvation Army. There is a subcontractor in there removing the aluminum and copper and anything else that can be recycled. They are now working on getting the required asbestos and lead paint letters. Demolition should start the last week of April or the beginning of May.

**12. City Attorney Report:** City Attorney Wright reported no pending or threatened litigation at this time.

**13. Citizen Comments and Correspondence:** City Clerk McCullough reported a letter from the Virginia Episcopal School thanking the City for the \$50 donation made in memory of Commissioner Trefry's family member. A letter was received from Nadine Baugher thanking Sgt. J. C. Smith for his caring concern. Ms. Baugher also made a \$100 contribution to the Giving Tree.

The meeting adjourned at 11:09 a.m.

Respectfully submitted,



Kathryn McCullough, City Clerk