

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday April 25, 2019 9:45 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 9:45 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, 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: City Clerk Kathryn McCullough Public - 20

2. **Approval of Minutes:**

A. The minutes of the April 11, 2019 Regular Commission meeting were approved by acclamation.

3. **Agenda Additions, Changes, Deletions** – None.

4. **Special Requests:** None

5. **Committee and Staff Reports:**

A. **Marathon Fire/EMS:** Fire Chief Johnson reported 2 medical calls and 1 public assist since the last meeting. He encouraged everyone to complete their hurricane preparations and have an evacuation plan established early as summer is quickly approaching.

**B. Recreation Committee:**

1. **Discussion of Sunset Park Hours:** Recreation Committee Chairperson Ted Fischer reported that the committee has unanimously approved a recommendation to extend the closure time of Sunset Park. The current ordinance closes the park at sunset. They consider this impractical because the William Tell overture plays when the sun goes down followed by the singing of the Island Song and a little socializing. It is one of the top trip advisor recommendations for people visiting Key Colony Beach. They request the closure be extended to one hour after sunset as defined in the ordinance in order to allow for time to sing the song and disperse the crowd in a reasonable manner. Assistant City Clerk Todd reported that correspondence was received from Joe Turgeon supporting sunset park closure being extended one hour. City Administrator Moonis stated that it does make sense to allow for some time to exit the park after the sun hits the horizon as there is still light but has no recommendation on much time should be allowed. Attorney Tom Wright confirmed that to change the closing time for the park would require an ordinance change. There was discussion on whether the current closing time is being strictly enforced. Commissioner Lisle and Commissioner Tracy both stated that they

have seen policing issues at closing. Commissioner Trefry pointed out that if closing time is one hour after sunset that the park wouldn't be closing until 9:30 during the summer. Chairperson Fischer conceded that a half hour would address the situation. Mayor DeNeale recommended closing a half hour after sunset as that gives them time to watch the sunset but signals them to leave the park immediately after. Attorney Tom Wright concurred with the Mayor. Per Building Official Roussin there aren't any lights in the park and it would be dark one hour after sunset. Allowing people in an unlit park after daylight could be a liability. Closing as soon as 15 to 20 minutes might be even better. Citizen Brooks Brickham, 161 12<sup>th</sup> St., stated that he lives next to Sunset Park, and he observed that it begins to get dark 45 minutes after sunset. During season there can be 150–200 people there for sunset and they need time to disperse so he recommends the closure be set for one half hour after sunset. Commissioner Tracy recommended amending the ordinance to keep Sunset Park open until a half hour after sunset. There were no objections.

**MOTION:** Motion made by Commissioner Tracy, seconded by Vice Mayor Sutton, to amend the ordinance to allow sunset park to remain open until ½ hour after sunset.

**ON THE MOTION:** Unanimous approval.

## **2. Discussion of Pickle ball/Tennis Court Hours**

Chairperson Fischer presented a recommendation to allow play on tennis and pickle ball courts until 9:00 p.m. in the summer months. Because it is so hot during the days most play is done in the evening and there are available lights on the courts. The concern regarding the noise has been addressed in multiple ways including windscreens, extended landscaping on 8<sup>th</sup> St., and moving play to interior courts. Attorney Wright advised that the way the ordinance is written it would not need to be amended to change the closing time. Only the posted court hours would need to be changed. City Administrator Moonis concurred that steps have been taken to deaden the noise. The consensus a year ago was to limit play at dark to create a balance between recreation and homeowners in that area. Mayor DeNeale stated that any time steps have been taken regarding 7<sup>th</sup> & 8<sup>th</sup> St. without giving those residents a chance to present their side it has rightfully resulted in turmoil. Therefore any decision on this should be postponed until the commission is able to get feedback from those residents. Commissioner Trefry stated that as an 8<sup>th</sup> St. resident she has had an issue with the noise in the past when there was evening play mostly from car doors slamming, car alarms sounding, and yelling and swearing from the players. She recognized that recreation is an important part of the community but property owners right to peace and quiet is important as well. If the park was to stay open from 7:30 am to 9:00 p.m. that would not provide enough quiet time for the residents. She is open to discussing it again in the future as further measures are taken to limit the noise. Chairperson Fischer stated that there is an existing ordinance regarding excessive noise and there is also a health issue with players having to play in the heat and risking heat exhaustion. Any extension of court hours would be helpful but he understands the need to get input from the residents in that area. Gregory Burke, 621 8<sup>th</sup> Street, concurred with Commissioner Trefry regarding the noise and is not in favor of extending court hours. David McKeehan, 2 7th Street, is against extending the hours but supports getting input from the residents before reconsidering the topic again. Mayor DeNeale recommended leaving the hours as they are with no objection from the commission.

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

**D. Disaster Preparedness Committee:** Building Official Roussin reported that they are scheduling the tree trimming for the city and will probably begin that next week. Inventory of supplies is being taken to determine what needs to be re-ordered. Brooks Brickman, 161 12<sup>th</sup> Street, asked if there would be measures taken to secure the benches in the event of a storm. Building Official Roussin reported that they would at least secure them all together or possibly move them into the public works building if space is available.

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

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

**G. Police Department:** Chief DiGiovanni reported a traffic arrest on the Causeway in reference to a warrant was made since the last meeting. The Police Department also provided backup to the MCSO 14 times and answered 19 miscellaneous calls. The Police Officers issued 8 traffic citations, 14 traffic warnings, no code citations and 7 code warnings. There were 3 calls to the Tipline; 1 call in reference to indecent exposure at Sunset Park and 2 calls in reference to loud noise at Havana Jack's. Chief DiGiovanni reported \$40,000 was budgeted in infrastructure for a new patrol boat and \$34,571 has been spent on purchasing the boat leaving \$5428 available. He requested approval to spend an additional \$4053 to have sirens and lights installed. City Administrator Moonis confirmed that the money is in the budget and recommended approval of the purchase.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Tracy, to approve the purchase of lights and sirens for the police boat.

**ON THE MOTION:** Unanimous approval.

Chief DiGiovanni requested approval to purchase a boat trailer for the new boat which would be used to haul it out for maintenance or in the event of an approaching hurricane. He has received one quote for \$3500 but will search for a less expensive one. Per the City Clerk there is over \$40,000 available in general fund reserves. He requests approval to use the remaining \$1300 available in infrastructure and an additional amount up to \$2200 from general fund reserves to purchase the trailer.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Tracy, to approve the purchase up to \$3500 for trailer for the police boat.

**ON THE MOTION:** Unanimous approval.

Chief DiGiovanni thanked everyone who came to the police meet and greet. He also thanked the KCB Fishing and Boating club for their donation of \$4500 to the police department which is being used to update the new police vessel with a new GPS, VHF, chart plotter and 2 speed radars.

**H. Building Department/Public Works:** Building Official Roussin reported that according to city code pilings must be in the ground by 90 days after a new home permit is issued. There is a time constraint problem as the permit is sent to the state once issued and can take 45 days to get their approval. The state building code requires work commence within 180 days from issuance of the permit or the permit is considered null and void. His suggestion is to amend the city ordinance to match the state. Mayor DeNeale recommended that we amend the ordinance and the commission agreed.

Building Official Roussin requested approval to purchase a 10 x 12 tiki hut to be installed by Hole 3 on the golf course in the amount of \$2600. Mayor DeNeale asked if the funds were budgeted or there are donations to cover the cost. Building Official Roussin stated he thought that there was insurance proceeds to cover the cost but didn't know the answer. City Administrator Moonis stated that we have not received or been obligated funds from FEMA for the hut but he is comfortable using insurance proceeds in the meantime. Joey Raspe stated the KCB Fishing and Boating Club would be willing to provide an additional donation for the project.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Lisle, to approve the purchase up to \$2600 tiki hut for the golf course.

**ON THE MOTION:** Unanimous approval.

Building Official Roussin reported that the first new public works truck is due in May 10<sup>th</sup> and the second one is due in 2 weeks after that.

**I. City Secretary/Treasurer:** Commissioner Trefy reported after ending the 2<sup>nd</sup> quarter of the fiscal year the budgeted income is \$4.3 million and the actual income is \$2.3 million. The budgeted expenses are \$3.75 million and the actual expenses are \$1.92 million. The year to date profit is \$358,000. The county is offering specific property owners a reduction in their property tax. She is working to determine how this will affect our ad valorem income as owners apply for a refund. She will report back her findings.

**J. City Clerk:**

Assistant City Clerk Becky Todd reported that a replacement for her Assistant City Clerk position has been hired and will start May 13<sup>th</sup>. City Clerk McCullough had a scheduled vacation and requested an extension until the next commission meeting for her report on minutes discussing/approving portable bathrooms. There is a blood drive scheduled 1:30 – 5:30 p.m. on May 7<sup>th</sup>. Utility Clerk Pat Hyland has been sending certified mailings to delinquent accounts. Mayor DeNeale inquired if the letters to the vacant lot owners had been mailed which City Administrator Moonis confirmed they have been mailed.

**K. City Administrator:**

**1. Keys Engineering Services \$3000 Invoice**

City Administrator Moonis requested and recommended that the commission approve a \$3000 invoice from Keys Engineering for schematics and scope of work performed for the sunset park bathrooms at the request of Building Official Borysiewicz.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Trefry, to approve the payment of the \$3000 invoice from Keys Engineering.

**ON THE MOTION:** Unanimous approval.

**2. Departmental Report**

City Administrator Moonis reported that he considers the work with IBTS to be complete and is going to meet with Attorney Wright next week to review the contract and he will have an updated report at the next commission meeting. He is interested in hiring Nory Lynch who is a subcontractor of IBTS to assist with the city hall project. Mayor DeNeale suggested that the City Administrator present a contract for them to consider.

The advertising dates for the request for bids for the sunset park bathrooms have to be reset as there was a delay in preparing the bid packet. The TDC has approved extending

the grant until December 31, 2019 but there is no reason not to diligently proceed forward with the project. The advertising will be on May 2<sup>nd</sup> for bids to be received by May 31<sup>st</sup>. City Administrator Moonis reported that he has researched options for purchasing a bathroom trailer facility for City Hall. He has not received a quote to purchase the existing facility from Miami Express Waste which is the company we are currently leasing the trailer from but the quotes that he's gotten from direct suppliers of the trailers range from \$40,000 - \$65,000. Vice Mayor Sutton inquired if the City Administrator has discussed the ability to terminate the existing lease agreement with Miami Waste Express if they didn't come to an agreement to purchase it. City Administrator stated it was very probable as it is a new unit and the company could easily deploy it elsewhere.

The RFQ for Architectural & Engineering companies will be advertised May 2<sup>nd</sup> in The Weekly and The Citizen with a bid received date of May 24<sup>th</sup>. Mayor DeNeale noted that if we have to appeal FEMA we have the option of using the city engineer. Administrator Moonis announced that the first city hall workshop has been completed and there will be future workshops to provide complete transparency as the project progresses. The slides from the workshop are available on the city's website.

Mayor DeNeale requested that the budget workshops be scheduled and the dates for voting on setting millage rate.

#### **6. Commissioners Open Discussion:**

**A. Report on FKNMS Meeting:** – Mayor DeNeale reported on the Florida Keys National Marine Sanctuary water quality protection meeting. There is no cause or pathogen identified as for the coral reef disease. It responds to amoxicillin which could be an indication that it is a bacterial disease. This is the first disease that has been reoccurring on the reefs. There is a lot of work being continued on the research and restoration of the coral reefs.

Also, DEO wants a 10 year plan to clean up all canals in the keys.

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

**A. Agenda Items Need to Describe the Full Breadth of the Issue Especially under Items for Discussion/Approval:** Mayor DeNeale reported that he has sent out an issue paper to the commission requesting all to be more specific when placing items on the agenda especially with items for discussion/approval so that the commissioners can be well prepared for the meeting.

**B. Schedule Commission Discussion of City Administrators Annual Performance Review:** Mayor John DeNeale created a job scope increase to outline the additional job duties that have been tasked to the administrator since his last job performance and a span of control diagram to show how many employees report to him and how many people he must report to. These are indicators of what drives the administrator's time. He requested that the commissioners review them along with the administrator's contract and create a performance review to be discussed at a future commission meeting. Vice Mayor Sutton reported that he used an evaluation form from Rocket Lawyer for previous evaluations and will share the form with the city clerk if any other commissioners would like to use it in their evaluation. Mayor DeNeale said his performance evaluations were in an executive summary form. Commissioner Tracy obtained an evaluation form from her payroll company that she is willing to share as well. Administrator Moonis offered to check the ICMA website for a standardized evaluation

form for city administrators. Mayor DeNeale requested an evaluation form review be on the agenda for the next meeting for the commission to select which form they want to use.

**8. Approval of Warrant:** N/A

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

**10. Commissioner Reports:** Commissioner Trefry shared that she has witnessed lionfish in her canal. Also, Chip Casper from the Key West National Weather Service has offered a personalized tour of the National Weather Service & NOAA operations center for any commissioners or staff that would like to attend. Commissioner Tracy reported that the demolition of KCB condos has created an unsightly mess. Building Official Roussin committed to inspect it.

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

**13. Citizen Comments and Correspondence:** Joey Raspe, 510 12<sup>th</sup> St., stated that at the February 10<sup>th</sup> commission meeting it was stated that \$2 million was reported obligated from FEMA with an estimated receipt date of 60-90 days and inquired as to the status of that money. Treasurer Trefry and Mayor DeNeale confirmed that the money is still committed and in process to be paid. Dave McKeehan reported that the beautification committee spent \$5000, mostly donated from KCB Fishing and Boating Club, for Ereka's on 7<sup>th</sup> Street and have converted irrigation on the golf course to R.O. water.

The meeting adjourned at 11:09 a.m.

Respectfully submitted,

Becky Todd, Assistant City Clerk

---