

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday May 9, 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, and Commissioner Kimmeron Lisle. *Also Present:* City Administrator Chris Moonis, City Clerk Kathryn McCullough, City Attorney Tom Wright, Building Official Gerard Roussin, Public Works Greg Lawton, Police Office Jamie Buxton and Fire Chief John Johnson. *Excused:* Commissioner April Tracy and Police Chief Kris DiGiovanni
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2. **Approval of Minutes:** N/A

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

4. **Special Requests:**

A. **Proclamation – Motorcycle Safety Awareness Month** Mayor DeNeale read the proclamation declaring the month of May 2019 as Motorcycle Awareness Month. The Commission approved the Proclamation by acclamation. Mayor DeNeale presented the Proclamation to representatives of Southernmost Chapter of ABATE of FLORIDA, Inc.

B. **Coldwell Banker Charitable Trust Annual Ride and Roll** There were no representatives present from the Coldwell Banker Charitable Trust. City Clerk McCullough explained the Ride and Roll is an annual event, held in Key Colony Beach, as a fundraiser for the Charitable Trust. Bike riders start at Sparky's, then go to various local businesses to roll dice, ending at the Cabana Club for refreshments and awards. Mayor DeNeale said to get the date and we can do it.

5. **Committee and Staff Reports:**

A. **Marathon Fire/EMS:** Fire Chief Johnson reported 2 medical calls since the last meeting. He reported the start of hurricane season is less than a month away. He will be attending the Hurricane Conference in West Palm Beach, next week, and will bring back any information presented there.

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

C. **Beautification Committee:** David McKeehan, Beautification Committee Member, asked for approval from the Commission to spend \$4,655, of which \$3,000 was donated by the Fishing and Boating Club, to install trees at Sunset Park. The remaining \$1,655 will come from the Beautification budget. There will be 13 trees planted to provide more shade in the park. No sod will be disturbed, everything will be hand dug. The water system was tested 2 weeks ago. Louis Gonzalez, Gonzalez Landscaping, will be

installing the trees. Vice Mayor Sutton asked how tall the trees will be. Mr. McKeehan answered the triple Christmas palms will be 12' tall and the 2 tababua trees will be 6' to 8' in height. Three 15 gallon buckets of buttonwoods will be used as gap fillers where some of the bougainvillea has been erased. There will be nothing that blocks the view of the tiki hut or impairs the path or the existing irrigation system. Vice Mayor Sutton asked if the trees would have to be staked with wooden poles. Mr. McKeehan answered the Christmas palms would not require stakes, however, the tababua trees might.

MOTION: Motion made by Commissioner Trefry, seconded by Vice Mayor Sutton, to approve \$4,655 for the purchase of trees for Sunset Park.

Discussion: Building Official Roussin said once the trees are planted they will be watered everyday with Aqueduct water not RO water. Commissioner Trefry asked if the bowls would be dug around the trees. Building Official Roussin answered the existing sprinkler system would be used and the trees will be planted with the bowl system. They will be watered with the sprinkler system and with hoses into the bowls.

ON THE MOTION: Roll call vote. Unanimous approval.

D. Disaster Preparedness Committee: Building Official Roussin reported the Public Works crew was almost halfway through tree trimming in preparation for hurricane season when an issue developed with the bucket truck. He is waiting on a repair estimate. Since that time Public Works has been working on the lower trees. If the repair estimate is not received shortly they may need to rent a man-lift. All the MRE's have been ordered. A pallet of water is currently staged in the garage. Another pallet is on order for the Police Department. Batteries have also been ordered. The generator was run, at full load for an hour and a half. Contact has been made with Sunbelt for two generators for the temporary office trailers. Vice Mayor Sutton asked the problem with the bucket truck. Building Official Roussin answered something has gone wrong with the main turret section and it is dumping hydraulic fluid. Mayor DeNeale asked if the City of Marathon has a truck. Building Official Roussin said he will check with them. City Administrator Moonis asked what would be done with the portable restroom in the event of a storm. Building Official Roussin answered his preliminary thought would be to unhook the plumbing and drag it to the Public Works garage. He said he and Greg Lawton have started putting together a plan for Public Works to address all the garbage cans around the City and the benches around the parks.

E. Planning & Zoning Board: No report.

F. Utility Board: Ordinance Change Request to Eliminate a Sewer Reconnection Fee for Property Owners who have Continued to Pay the Quarterly Sewer Service Invoices. Tom DeFransico, Utility Board Member, presented a recommendation from the Utility Board to change the City sewer ordinance to eliminate the reconnection fee for property owners who have continued to pay the quarterly sewer service invoices for property that is to be re-developed. Mayor DeNeale directed staff to prepare an ordinance change for the next meeting.

G. Police Department: In Chief DiGiovanni's absence, City Administrator Moonis reported a criminal mischief on 3rd Street, a theft at the Gluntz resort, a medical report on

Sadowski Causeway, found property at the Circle K and a death investigation at the Residences on West Ocean Drive. The Police Department also provided backup to the MCSO 8 times and answered 8 miscellaneous calls. The Police Officers issued 1 traffic citations, 20 traffic warnings, no code citations and 2 code warnings. There were no calls to the Tipline. A boat trailer has been purchased and the decals are being put on the new patrol boat today. The boat is scheduled for the installation of lights and sirens on May 22nd. It will be in the water for the Memorial Day weekend. The night patrol car is also getting decals on the right rear door today. The Police Department will be participating in a Click It or Ticket kickoff on May 20, 2019. The seat belt wave will run until June 2, 2019. Chief DiGiovanni would like permission to hang a Click It Or Ticket banner at the top of Sadowski Causeway.

H. Building Department/Public Works: Building Official Roussin reported new housing permits are still being approved in Tallahassee. The Public Works crew has been working on cleaning the Golf Course. You can definitely see a vast improvement. One of the new trucks has been built and is currently somewhere between the factory and the dealership. Hopefully one of the new trucks will arrive sometime next week. Irrigation, throughout the City, has been updated with new valves and new sprinkler heads. He met with Janie Byland, Beautification Committee Chair, and Gonzalez Landscaping, at the entrance to Key Colony Beach, regarding a couple of new gardens in that area. Public Works is ready to start on that project when they get the word. Demolition is almost complete at the Key Colony Beach Club. Building Official Roussin reported he will have a proposal for a larger size fuel tank based on the number of diesel devices being used by the City. Vice Mayor Sutton asked how many new homes are being built right now. Building Official Roussin answered 27 new permits have been submitted to Department of Economic Opportunity (DEO) for approval beginning January 2019. That is 7 or 8 permits over the original 60 DEO had discussed with the City. The last permit was approved by DEO in a record 5 days.

I. City Secretary/Treasurer: Commissioner Trefry reported contacting the Tax Collector in Key West. The Property Appraiser had a computer glitch, in the field and are now making adjustments of the Just Value and rebating taxes to individuals who overpaid due the glitch. There are tentatively 141 properties affected in Key Colony Beach. The Property Appraiser will complete their report for release in June. The Tax Collectors Office will have a dollar amount for us by July 1st. The ad valorem tax will be charged back on November 1st for the next fiscal year. Commissioner Trefry said 13 properties have applied for hurricane abatement refund in KCB. This abatement refund will result in a charge back of the ad valorem tax of \$953, also for the next fiscal year. She said the City would have all those figures going into the budget workshops in July.

J. City Clerk:

1. Report on Minutes Discussing/Approving Portable Restrooms City Clerk McCullough reported providing the Commission with the verbatim minutes for discussions concerning the portable restrooms. The summary recap of the restroom discussions were in the original minutes. Vice Mayor Sutton stated he originally brought this issue to City Administrator Moonis' attention because he couldn't remember the actual restrooms being approved by the Commission. He said he was correct, the amount of \$3,000 per month for the portable restrooms was not approved by the Commission. However, every Commissioner listened to the report on the restrooms and

could have asked 'is this per month?'. Vice Mayor Sutton said he takes as much responsibility as City Administrator Moonis for this number not being put out there. There has been tremendous stress since Hurricane Irma, working on so many issues at the same time, to get the City put back together. So some mistakes have been made by both the Staff and the Commission.

2. Budget Workshop Tentative Schedule City Clerk McCullough explained the workshop and public hearing dates were scheduled in the afternoons of Regular Commission Meeting dates. The Public Hearings, scheduled in September, are not in conflict with the Monroe County Public Hearing dates. The initial budget discussion is set for June 13th. Mayor DeNeale asked if the ad valorem values would be available June 1st. City Clerk McCullough answered the ad valorem values are required by July 1st, however, the Property Appraisers Office has been granted extensions for the last 2 years due to programing issues. Mayor DeNeale said to agenda a vote on the tentative millage for the second Commission Meeting in July. Mayor DeNeale directed Staff to have estimated FEMA or Insurance reimbursements and any significant pay or staff changes ready for the June 13th Budget workshop. He also requested an estimate of the end of the fiscal year reserves, for both general and restricted funds, be included in the initial budget workshop discussion.

3. Overview of TRIM City Clerk McCullough explained TRIM is the acronym for Truth In Millage. It is the Florida Department of Revenue program for assuring compliance with the State Law when the various taxing authorities set the millage rate.

K. City Administrator:

1. Florida Keys Day Sponsorship Recognition City Administrator Moonis reported a thank you letter received from State Representative Holly Raschein regarding the City's sponsorship of Florida Keys Days. The City contributed \$1,000 this year. City Administrator Moonis suggested this be budgeted in the future.

2. General Appropriations Act to Governor Includes \$150,000 to Repair City Hall City Administrator Moonis reported \$150,000, towards the repair of City Hall, was included in the appropriations budget. The budget now goes to the Governor and he has 30 days after the end of the legislative session to act on it. He does have the power to line item veto anything in the budget. City Administrator Moonis said, with Commission Approval, he would send a letter to the Governor, State Representative Raschein and State Senator Flores thanking them for their support.

3. 2019 Legislative Bill Wrap-up Report City Administrator Moonis provided the Commission a report of which bills passed and which bills did not pass during this legislative session. He said Home Rule powers were relatively preserved especially on the more significant bills like vacation rentals. He thank the Commissioners for the letters and emails they sent to the legislative representatives. He stressed input from local elected officials carries a lot of weight. Mayor DeNeale asked City Administrator Moonis to look the government accountability bill which requires the establishment of internal controls to prevent fraud and waste at the local government level. It also requires certain budget documents be on the website. Mayor DeNeale said to make sure we were compliant with the collection of impact fees. He asked if anything had been done to 'harden' the utilities. City Attorney Wright said to pay attention to attorney fees statute

that was passed. He said this could produce a 'cottage industry' of people going through our codes to see if there is anything in conflict with State law. They could file a suit and be entitled to legal fees. He said it is important that we are vigilant that what we have on our books doesn't conflict with State law. Mayor DeNeale asked City Attorney Wright to draft a letter to the Governor opposing this bill. City Administrator Moonis said he would email that letter out. Commissioner Trefry said she thought the bill sponsored by Monroe County failed. Mayor DeNeale confirmed that bill did fail. City Administrator Moonis said the Communications bill is a pre-emption of home rule. Small cell wireless is the wave of the future. This allows small cell service providers to put equipment on poles in the community.

4. Restroom Update City Administrator Moonis reported he received a proposal for the temporary restroom. This trailer was purchased new from the factory and financed by the company the City is leasing it from. It would be \$67,890 to purchase the restroom from them. He then requested a proposal from the manufacturer of the restroom but has not yet received a response. He requested 2 quotes, one for an exact replica of the one we have and one for a slightly lessor mode. He will email the quotes to the Commissioners as soon as he receives them. Vice Mayor Sutton stated he found a company selling similar looking restrooms for around \$42,000. City Administrator Moonis said he would also reach out to that company for a quote.

5. RFQ City Hall Architectural & Engineering (A&E) Firm & City Co-Engineer City Administrator Moonis reported the Request for Qualifications (RFQ) has been advertised and posted on the website. He has also listed it on Demand Star which is an on-line clearing house for public bids.

6. A&E Service for City Hall Appeal, Not to Exceed \$10,000 Requested by Norry Lynch, Consultant City Administrator Moonis said the City is currently 'in-between' stages with A&E services and there is a pending decision to be made as to whether or not to appeal a FEMA decision on City Hall. He has been communicating back and forth with FEMA to make them understand their required repair method will not work in the Keys. FEMA is waiting for the response, from the City, to a Request for Information (RFI) which would be an engineering report on the repair method. City Administrator Moonis recommended hiring this engineering firm, with FEMA Public Assistance experience, as recommended by Consultant Norry Lynch, for a fee not to exceed \$10,000. The firm is LIVS Associates and the principal of the firm is Tony Rosabal. Commissioner Lisle asked how this firm was chosen. City Administrator Moonis answered Norry Lynch has a long relationship with this firm from when she was doing public assistance work in Florida and Louisiana. Additionally, if it comes to appealing the FEMA decision, the right firm will be in place. Commissioner Lisle asked if the \$10,000 would be prior to the appeal work. City Administrator Moonis answered yes, this would be prior to the appeal work. Mayor DeNeale said he thought a lower amount would be required to answer the RFI, and that it would go up to \$10,000 to file an appeal. City Administrator Moonis answered he agreed with those comments. Mayor DeNeale reported he asked Building Official Roussin about using grout to raise the floor. Building Official Roussin answered it is an amazing product that has been used by several residents, however, it does not work on this island. The grout is pumped under the house to lift the slab up, but there is still no support under that, so it fails again in 4 to 5 years. Pin piling would be the preferred method for repair. He estimated 36 to 40 pin

piles at an average cost of about \$2,000. It can be grade beamed and slabbed from that point. He estimated a total cost of \$125,000 to \$150,000 for the pin piles, grade beams and slabs. He requested that he not be held to this estimate. Mayor DeNeale said it is worth the extra expense, for an engineer, to get the extra money from FEMA. City Administrator Moonis recommended hiring LIVS Associates for not to exceed \$10,000. He suggested the Commission may want to consider adding travel expenses. Vice Mayor Sutton reported his research showed this company doing governmental work, however, they are all very large, \$15M to \$20M, projects. He questioned why this company would be interested in a small project from KCB. City Administrator Moonis answered he thinks it is because of the relationship Norry Lynch has had with the company principal, Tony Rosabal, for 20+ years. He is doing it, at that rate, because she asked him. City Administrator Moonis said the information from this firm, to answer the RFI, will be used in the appeal process if necessary.

MOTION: Motion made by Commissioner Trefry, seconded by Mayor DeNeale, to approve hiring LVI Associates to answer the FEMA RFI at a cost not to exceed \$10,000. No travel expenses included.

Discussion: Dave McKeehan, 7th Street resident, reported, based on recommendation at the City Hall Workshop, a piling and grade beam was exposed under Marble Hall. In the process a 1" pvc water line was accidentally cut. He said, within minutes, the soil underneath the building was liquefied. He suggested obtaining a soil sample to be certified by an engineer, that this is not a building substrate, because when it gets wet it has no foundation strength. It liquefies. Vice Mayor Sutton said he looked at the piling in that hole and it looked new to him. Mr. McKeehan agreed, however, the pile cap was not built to the structural design drawings. Instead of being 26" deep, it's about 15" or 18" deep, but there is no evidence the piling has failed or that the piling cap has failed.

ON THE MOTION: Roll call vote. Unanimous approval.

7. City Administrator Evaluation Tool City Administrator Moonis reported he obtained 2 City Administrator performance evaluation samples from the International City/County Management Association (ICMA) as requested by the Commission. He also provided an ICMA Manager Evaluations Handbook. Mayor DeNeale stated he preferred Sample 1. Vice Mayor Sutton and Commissioner Trefry agreed with Mayor DeNeale. Commissioner Lisle suggested the evaluation form be customized specific to the Administrator's job description. Mayor DeNeale asked City Administrator Moonis to customize Sample 1. City Administrator Moonis answered he would do that. Mayor DeNeale asked that the City Administrators performance evaluation be placed on agenda for the first Commission meeting in June. Mayor DeNeale said the customized evaluation form will be approved at the second meeting in May with the performance evaluation scheduled for the first Commission meeting in June. He said that would give each Commissioner time to meet with City Administrator Moonis before the first meeting in June.

6. Commissioners Open Discussion: N/A

7. Items for Discussion /Approval: N/A

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8. Approval of Warrant:

MOTION: Motion made by Commissioner Trefry, seconded by Commissioner Lisle, to approve Warrant No. 0419 in the amount of \$353,840.47.

ON THE MOTION: Roll call vote. Unanimous approval.

9. Ordinances and Resolutions:

A. Ordinance No. 2019-460 Amending Chapter 12, Section 9, extending the closing of Sunset Park to one half hour after Sunset. City Attorney Wright read the ordinance by title only.

MOTION: Motion made by Vice Mayor Sutton, seconded by Mayor DeNeale, to approve the first reading of Ordinance 2019-460.

ON THE MOTION: Roll call vote. Unanimous approval.

B. Ordinance No. 2019-461 Amending Chapter 6, Section 7 (1) aligning the failure to begin work with the Florida Building Code and eliminating Chapter 6, Section 7 (4). City Attorney Wright read the ordinance by title only.

MOTION: Motion made by Vice Mayor Sutton, seconded by Mayor DeNeale, to approve the first reading of Ordinance 2019-461.

Discussion: City Attorney Wright reported this ordinance is a good idea especially in with the bill that is currently in front of the Legislature requiring City Ordinances comply with State Statues. Building Official Roussin said he would like to confirm, with the Florida Building Code, the length of time for new construction. Commissioner Trefry asked if it would be better to delay the vote on this ordinance. City Attorney Wright answered the first reading could be tabled until the next meeting. Mayor DeNeale said he hoped, under home rule, there would be a time limit on a building permit. Vice Mayor Sutton said he would like to withdraw the motion. City Attorney Wright suggested the first reading of Ordinance 2019-461 be continued to the next meeting.

10. Commissioner Reports: Commissioner Trefry reported the trip to the National Weather Service in Key West is scheduled. She asked City Administrator Moonis for a list of who will be attending so she can finalize the arrangements with Chip Kasper.

12. City Attorney Report: City Attorney Wright reported no pending or threatened litigation at this time. Things are very quiet on the legal front.

13. Citizen Comments and Correspondence: City Clerk McCullough reported receiving several letters for the Planning & Zoning Board opposing the requests for height variances. There is height variance request of 8' for the Coury Drive address and a height variance request of 6' for the 14th Street address. An email was received from Natalie Campbell requesting additional shade in the park playground. Susie Wecl visited the office yesterday with the same request. City Clerk McCullough said she would inform the Building Department, the Beautification Committee and the Recreation Committee of these requests. Commissioner Trefry said Beautification is planning trees for Sunset Park and the Building Department has completed restoration of Eastside Park. Dave McKeehan, Beautification Committee member, reported the issue of shade for the playground is on their agenda for next Tuesday. Mayor DeNeale requested the Beautification Committee

coordinate with the Recreation Committee. Mr. McKeehan reported the Recreation Committee would be attending the meeting on Tuesday.

The meeting adjourned at 10:57 a.m.

Respectfully submitted,

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

Kathryn McCullough, City Clerk
