

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday Augusts 8, 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 Rebecca Todd, City Attorney Tom Wright, Building Official Gerard Roussin, Assistant Building Official Ed Borysiewicz, Police Chief DiGiovanni, Fire Chief Johnson, Public Works Supervisor Greg Lawton and Administrative Assistant Janice Scheel. Public - 28

2. **Approval of Minutes:** The minutes of the July 11, 2019 Regular Commission Meeting, July 11, 2019 Special Commission Meeting, and May 23, 2019 Regular Commission Meeting were approved by acclamation. Mayor John DeNeale requested an addition to the Thursday July 11 Public Hearing Minutes and tabled approval until the next meeting.

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

4. **Special Requests:** City permit for dock reconfiguration –Havana Jacks 401 E Ocean Dr.

City Administrator Moonis reported the applicant requested a continuation of the presentation until the next commission meeting and advised when the Building Official has uncertainty on issuance of a permit the procedure should be to submit it to the Planning & Zoning Board for review prior to bringing it before the Commission. Attorney Wright stated it is written in the LDR's and Code if the Building Official has uncertainty on issuance of a permit he has the authority to send it to Planning and Zoning Board. His suggestion is for Planning and Zoning to review it and make their recommendation to the Commission. Building Official Roussin stated he was not trying to circumvent Planning and Zoning. He has brought it before the Commission as a courtesy because although the plans are following the same footprint as the previous dock there is a change in the configuration where the front section beach side dock will be 20 feet wide. Attorney Tom Wright stated if they are entitled by right then the permit needs to be issued. Building Official Roussin stated he does not have any reservations issuing the permit. Commissioner Tracy stated her concern is it is not the same footprint. Building Official Gerard Roussin responded according to the information he received from The Army Corps of Engineers the dock is the same, the only change is the first section of the dock is wider but is still within the pier regulations in the building code. Building Official Roussin is willing to submit it to Planning & Zoning for review. Attorney Wright reiterated if the applicant is entitled by right the permit must be issued or if it was denied it would create liability to the City. Attorney Wright and Building Official Roussin will review the application to ensure the correct procedure is followed. Attorney Wright will follow up with an email to the commission regarding the entitlement of right for the permit.

5. **Committee and Staff Reports:**

A. Marathon Fire/EMS: Chief Johnson reported responding to 7 medical calls, 5 fire alarms, and 1 motor vehicle accident. He stated there have been many visitors in town the last few weeks and advised everyone to drive safely as there have been a lot of accidents. He recommended everyone have their hurricane plan in place.

B. Recreation Committee: No report.

C. Beautification Committee: No Report

D. Disaster Preparedness Committee: Building Official Roussin stated all disaster preparations are complete and the additional sand has been received. Commissioner Trefry inquired if that is the sand next to the golf course building. Building Official Roussin advised that sand is for the golf course sand traps and the public works sand for the sand bags is at the trailer parking lot. Commission Trefry stated the golf course manager is supposed to store the sand behind the building as where it is currently stored allows it to blow onto neighborhood properties. Building Official Roussin will address the issue.

E. Planning & Zoning Board: No Report

F. Utility Board:

1. Mittauer Study for RO Expansion: Tom DiFrancisco requested approval of an engineering study by Mittauer for \$15,000 to review options for expansion of reclaimed water and the possibility of using storm water for similar purposes. This proposal is a new development that was not placed in the budget however the utility department has unobligated funds available in wastewater and storm water to fund this study. \$400,000 has been included in the 2019-2020 budget as the first step to implement whatever recommendations are approved as a result of the study. He stated he and the City Administrator are working diligently to submit an application by the August 16th deadline to South Florida Water District for project funding and will augment it with the deliberation of the study.

MOTION: Motion made by Vice Mayor Ron Sutton and seconded by Commissioner Trefry to approve the \$15,000 contract.

ON THE MOTION: Roll Call Vote. Unanimous approval.

G. Police Department: -

1. Iguana Removal: Chief DiGiovanni reported it is legal to shoot Iguanas in the head with a pellet gun. If you are going to shoot an iguana you are asked to call Monroe County Sheriff and provide your name, telephone number, location and vehicle information and times you are planning on shooting. Notification of your neighbors is also recommended. Iguanas must be disposed in the trash not the canals. Extermination must be done humanely. Iguana removal services are available for eradication. Additional information is provided at City Hall.

Chief DiGiovanni reported 3 reports – 1 domestic with an arrest, 1 identity theft, and 1 traffic stop with narcotics on the Causeway. In addition to road patrol, boat patrol, and

vacation watch program, the Police Department responded to 12 medical calls, 52 miscellaneous calls and backed up the MCSO 21 times.

H. Building Department/Public Works-

1. Approving Modular Homes: Building Official Roussin reported that building permits can not be denied for modular homes if the home meets Florida Building Code. There can be stipulations on the exterior finish. Attorney Wright stated that several modular homes have been constructed in the City. There have been stipulations placed on the design of the exterior finish to make the home harmonious with the neighborhood but a blank prohibition of modular homes would not hold up.

Assistant Building Official Borysiewicz reported a 7th Street resident is requesting to construct a fence to the seawall to contain his pet and to reduce liability of neighbors crossing his property. He recalls residents of Sadowski Causeway and 7th Street coming before the commission approximately 5 years ago to request relief from fences being built to the seawall and but has not been able to find any recording documentation of the recommendation. Attorney Wright stated that even if there's a change in code to prohibit fences being built to the seawall it would not allow for neighbor's passage across the property unless an easement was issued. It is a property owner issue as opposed to a City issue since the City does not own the seawalls or canals. If the neighbors desire to preserve passageway across the seawalls they must to get together and sign an easement agreement. Attorney Wright offered to draw up the easement agreements for no charge when this was presented prior but none of the residents pursued it. Since the permit is legal it has to be issued.

Building Official Roussin reported Greg Lawton has been approved by Building Code Administrator Inspection Board to be our new Building Inspector. He will now proceed with the testing phase.

I. City Secretary/Treasurer: Commissioner Trefry reported income year to date is \$2.74 million which is 64% of the budgeted amount. Expenses for June were 48% under budget and year to date expenses are at 67%. The year to date profit is \$445,000.

J. City Clerk: City Clerk Todd reported the Utility Department collected on a seriously delinquent account in the amount of \$2400 whose last payment had been in January 2017 and they were still delinquent at the time. The current collection for the July sewer billing is at approximately 90%. \$4470 was collected for temporary trailer parking in July with \$1750 of it being collected during lobster mini season. 96 business tax applications have been received – 65 vacation rental, 22 long term rental, and 9 commercial applications. Of the 96 applications received 29 licenses have been issued, 18 have inspections scheduled and 49 have not yet scheduled inspections.

K. City Administrator:

1. Draft Appreciation Letter to Governor & Statement: City Administrator Moonis reported he has received confirmation that the \$150,000 grant has been awarded by the legislature and governor and he would like to send the drafted appreciation letter to the Governor, Senator and State Representative. Commission consensus was to send the letter immediately.

2. City Hall Planning/Timeline: City Administrator Moonis reported prospectively scheduling interviews for the Architectural & Engineering firms for August 20th. The selected firm will then proceed with drafting city hall plans for FEMA to hopefully be completed within 2 ½ months. A definitive determination from FEMA on their obligation is expected in December. Additional workshops will be held throughout the process to keep the residents informed.

6. Commissioners Open Discussion:

A. Vacation Rental – Sedona, AZ: Mayor DeNeale reported on an article regarding the negative effects of vacation rentals in Sedona, AZ. Their properties are 20% vacation rentals and Key Colony Beach is already at 30% vacation rentals. One of the concerns is when a residence is purchased solely to be used as a vacation rental does it then become a commercial enterprise. The issue becomes you can not tell owners what to do with their property. Preserving home rule and preventing the State from legislating our regulations of rental properties is a priority. Mayor DeNeale stated he would like consensus from the Commission on how they would like to proceed moving forward with the legislative agenda and upcoming Florida League of Cities Conference. Commissioner Trefry stated vacation rentals are an industry in Key Colony Beach and provide an economic advantage however she has concerns as the number of rentals increase there will be a struggle to maintain a sense of community. Mayor DeNeale inquired whether the City could regulate against property purchased for the sole use as a vacation rental business. Attorney Wright reported that would probably not be possible. There is concern over the attempts to repeal our vacation rental regulations with state regulations and recommended efforts to maintain our status as an area of critical concern and maintain home rule. If the City changes anything in the rental ordinance the regulatory regime will become invalid.

B. Legislative Agenda: Mayor DeNeale reported conferring with lobbyist Jerry Paul regarding upcoming legislative committee meetings beginning in September. The major issues to be addressed are home rule & vacation rentals and funding stormwater/RO expansion. Monroe County is pursuing the 50/50 share with the state on ROGO lawsuits. The consensus is the City support the County but not join the movement since the City is exempt from ROGO.

7. Items for Discussion /Approval:

A. Flood Coalition/Mayor’s Summit – Washington, D.C. October 1-22: Mayor DeNeale requested travel funds be budgeted for 2019-2020 for his attendance at the Flood Coalition Summit in Washington D.C. in October. The commission concurred.

B. Appointment to County Transportation Committee – Commissioner & Staff: Mayor DeNeale reported receiving a letter from David Rice requesting a commissioner and staff member to join the County Transportation Committee to work on better transportation throughout the keys. Chris Moonis appointed Gerard Roussin as the staff member to join the committee. No commissioners volunteered. Mayor DeNeale requested they give it further consideration.

8. Approval of Warrant:

MOTION: Motion made by Commissioner Trefry, seconded by Commissioner Tracy, to approve Warrant No. 0719 in the amount of \$354,813.41

ON THE MOTION: Roll Call Vote. Unanimous approval.

9. **Ordinances and Resolutions:** None

10. **Commissioner Reports:**

A. Fishing Report: Commissioner Lisle reported much feedback from the community regarding the proposed shoreline fishing project with the majority being against it. She thanked the community for their input and in light of the response requested with permission from the mayor abandoning the project and pursuing it no further.

Commissioner Trefry reported that a representative from Fisherman's Hospital is on the September 12th agenda to provide an update to the community and commission.

Mayor DeNeale reported a request from Marathon City Commissioner Zieg for Key Colony Beach to open a boat ramp to alleviate the traffic the Marathon boat ramp. Mayor DeNeale offered assistance from KCB police department and public works with Marathon's boat ramp and instructed Administrator Moonis to contact the property owner of the boat ramp at the marina to see what options are available there.

12. **City Attorney Report:** No report

13. **Citizen Comments and Correspondence:** City Clerk reported over 60 emails regarding the shoreline fishing project, a thank you letter from prior City Clerk Kathryn McCullough, notification from the Health Department of Clayton Lopez's retirement after 27 years of service. Chief Johnson reported the deadline for joining Leadership Monroe is Friday. Public Works Supervisor Greg Lawton thanked everyone for their support in his pursuit to be approved as an inspector.

The meeting adjourned at 10:42 a.m.

Respectfully submitted,

Rebecca Todd, City Clerk
