

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday September 26, 2019 9:40 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 10:25 a.m. following a Public Hearing 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, Corporal Rodriguez, Fire Chief Johnson, and Public Works Supervisor Greg Lawton. *Excused:* Police Chief DiGiovanni. Public - 22

2. **Approval of Minutes:** The minutes of the September 12, 2019 City Commission Regular Meeting with requested addition by Commissioner Lisle, and September 12, 2019 Final Budget Public Hearing were approved by acclamation.

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

4. **Special Requests:** None.

5. **Committee and Staff Reports:**

A. Marathon Fire/EMS: Chief Johnson reported responding to 3 medical calls and 2 public assists.

B. Recreation Committee: No report.

C. Beautification Committee: No Report

D. Disaster Preparedness Committee: Building Official Roussin reported all preparations are complete.

E. Planning & Zoning Board: No Report

F. Utility Board: No Report

G. Police Department: Corporal Rodriguez reported since September 12th the Police Department responded to 2 reports, 4 medical calls, 11 miscellaneous calls and backed up the MCSO 10 times. Chief DiGiovanni is expected to return from medical leave October 7th.

H. Building Department/Public Works: Building Official Roussin thanked retiring Building Official Borysiewicz for being a mentor to help guide him to fill his shoes in the near future. Mayor DeNeale presented Mr. Borysiewicz a plaque and a flag flown over the city recognizing his service and dedication to the city from 1987 – 2019.

1. Affordable Asphalt Final Payout - \$22,285: Building Official Roussin requested approval to pay Affordable Asphalt for completed road repairs in the amount of \$22,285. Mayor DeNeale stated the repairs were previously approved up to \$24,000 so no further approval is required.

2. Approval of 20K Elevator Boat Lift with 14' Arms at 101 11th Street: Building Official Roussin reported the approval is being presented to the Commission because it exceeds the 16,000 pound limit and 12 foot arm length. City Clerk Todd read a letter from Herberto Salgueiro, the owner of the adjacent property at 141 11th Street, stating he has no objections to the boat lift.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Trefry, to approve the 20K elevator boat lift with 14' arms at 101 11th St.

ON THE MOTION: Roll Call Vote. Unanimous Approval

Building Official Roussin reported the hiring of Ian Almador in the Public Works Department and they are very pleased with his performance. The final truck that was ordered over a year ago has been delivered and all trucks have been lettered to denote them as Public Works or Building Department vehicles.

Attorney Wright reported receiving correspondence from the Attorney of the owners of #2 Monte Christo Condominiums regarding a dispute between the owners and the condominium association regarding improvements to the foundation on the waterfront and there is a threat to sue the City. The Building Department advised him the State has preempted their role in this matter as to what is to be permitted or constructed. Assistant Building Official Borysiewicz reported after Hurricane Irma Monte Christo Condominium was issued a permit to replace the existing retaining wall on the ocean side of the property to Pre-Irma condition at the request of manager Vincent Marchese. Unknowingly to him a group of owners applied to the DEP and Army Corp of Engineers for a permit to replace the wall to different specifications. There were neighbors at The Residences Condominium who had issues with the installation of the retaining wall. They are awaiting final DEP determination to approve/disapprove the wall as to the differences in elevation, design, and guardrail installation between the 2 permits. Attorney Wright stated he will send a response letter to the Attorney representing The Residences and Monte Christo owners. Building Official Roussin reported the permit issued by Key Colony Beach will not be closed until they receive the DEP determination.

I. City Secretary/Treasurer: Commissioner Trefry reported year to date through the end of August financials are at 74.6% of budgeted income, 80% of budgeted expenses and a profit of \$488,838. Mayor DeNeale stated it has been a difficult budget year but expects to have approximately \$1.5 million in reserves at year end and is pleased with the City's financial disposition. He inquired of the City Administrator and City Clerk whether they expect to have to prepare a resolution to amend the 2018-2019 budget. City Administrator Moonis replied they will look into it but he expects it will be necessary due to the timing of FEMA reimbursements.

J. City Clerk: City Clerk Todd reported the Utility Department has mailed October quarterly sewer billings along with ACH forms for anyone interested in setting their account up for auto pay. Administrative Assistant Janice Scheel has completed her Florida Notary course and sent the application for her certificate. The TRIM Compliance

Certification package has been sent to the Florida Department of Revenue and they are awaiting approval.

K. City Administrator:

1. Sunset Park Restroom Add-Ons, JRC Pro: City Administrator Moonis reported the Sunset Park restrooms are complete with the exception of ADA sand being installed at entrance. Building Official Roussin reported the sand has been ordered. City Administrator Moonis reported JRC, Pro has been paid for the original contract amount however there were additions outside of the scope of the contract in the amount of \$5,000 that he requests approval for. Assistant Building Official Borysiewicz stated the plans that went out for bid were prepared by City Engineer Osbourne. Subsequently they discovered necessary items not in the engineered plans such as a Hi/Lo water fountain, a urinal, electrical outlets, security camera wiring, hose bibbs, floor drains, entry locks, insulation, and additional trim. There were also cosmetic upgrades. The contractor provided all of the upgrades with no charge for labor because he wanted the project to be something he could be proud of. He is only requesting reimbursement for the additional materials. Vice Mayor Sutton suggested a plaque be installed at the restrooms recognizing the builder for the construction and his contributions.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Lisle to approve the payment of the \$5000 additions.

ON THE MOTION: Unanimous Approval.

2. Borysiewicz Final Payout: City Administrator Moonis requested approval to payout Assistant Building Official Borysiewicz unused vacation time, unused sick time per policy and unused compensation time that he accumulated post Hurricane Irma and has been unable to use for a total amount of \$90,326.26. Commissioner Tracy stated a discrepancy between the compensation time payout and the employee policy. Vice Mayor Sutton stated that the compensation time accumulated has been accrued since Hurricane Irma at a time when the City Administrator needed his services and he should be compensated for that time. Mayor DeNeale stated this was originally discussed in the budget meeting and even though they were aware of Mr. Borysiewicz's pending retirement they had not been previously updated on the extent of what the payout would be. That is why he asked Administrator Moonis to address the employee policy which is the next item on the agenda. Commissioner Tracy stated once the employee manual is updated it should be adhered to. Commissioner Lisle inquired if the money would come from the general fund and if the funds are available to which City Administrator Moonis affirmed.

MOTION: Motion made by Vice Mayor Sutton, seconded by Mayor DeNeale to approve the payout of \$90,326.26 to Ed Borysiewicz upon his retirement.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

3. Personnel Manual Update – Vacation, Sick Leave, Compensatory Time: City Administrator Moonis presented potential updates to the employee policy manual including: employees shall not receive monetary compensation for unused compensation time, department heads may earn compensatory time with prior approval by the City Administrator at a rate of 1 hour time off for 1 hour worked regardless of the day as long

as it exceeds 40 hours worked in the week and it must be used within 50 working days of its occurrence. Any Department Head compensatory time booked as of the adoption of this policy will be used within 180 calendar days or forfeited. As of September 15th compensatory time booked is Pat Hyland – 4.75 hours, Greg Lawton – 12 hours, Debbie Nickel – 9.5 hours, Gerard Roussin – 138 hours, and Rebecca Todd – 31 hours. Commissioner Tracy asked what is in the manual to distinguish an hourly employee from a salaried employee. Administrator Moonis stated there is nothing in the manual regarding salaried employees and that it only addresses Department Heads. Citizen and prior City Clerk Kathryn McCullough, 181 5th St., stated that the City of Key Colony Beach does not have salaried employees. Per the Fair Labor Standards Act salaried employees are not required to keep time sheets or get approval for time off and are not issued a certain amount of vacation and sick pay. Per the Florida Labor Standards Act salaried employees are required to work whatever hours are necessary to perform their job. Per City policy Department Heads are not entitled to overtime pay unless approved but all employees are considered non-salary employees. Vice-Mayor Sutton stated the current policy does state that Department Heads are considered salaried employees and that needs to be removed. City Administrator Moonis presented an addition to vacation leave reading the City Administrator may approve vacation time off prior to one year of employment which would be unpaid. Upon separation vacation leave has been changed to be paid at the rate of pay at the time it was earned instead of at rate of pay at time of separation. Commissioner Lisle suggested a wording change for vacation leave 3.5 (d) (2) that states if the City Administrator determines the employee will not be able to use the excess leave due to operation necessity of the City, the City Commission will authorize payment of such unused hours to read the City Commission may authorize payment. City Administrator Moonis presented sick leave changes including upon separation accumulated sick leave will be paid at the rate earned instead of rate at time of separation, employees with 1-5 years of service shall receive one-fourth of all accrued sick leave with a maximum of 6 weeks salary, employees with 5-10 years of service shall receive one-third accrued sick leave with a maximum of 10 weeks salary, and employees with over 10 years of service shall receive one-half accrued sick pay with a maximum of 12 weeks salary. The change represents an addition of sick leave payout for service of 1-5 years with a reduction in the maximum weeks received. Vice-Mayor Sutton stated he would like to see the over 10 years of service remain at a maximum of 16 weeks salary. Administrator Moonis reported he received feedback from Chief DiGiovanni regarding section 3.2 requesting the police officer's pay be based on an 84 hour bi-weekly pay period and under section 3.5 Vacation he requests 10 days of vacation pay should equal 180 hours. Administrator Moonis requested more time to discuss this further with Chief DiGiovanni to get further input when the Chief returns from leave and present an updated draft with recommended changes at a future meeting. Attorney Wright agreed to review the policy and recommend any changes he finds pertinent.

6. Commissioners Open Discussion: None.

7. Items for Discussion /Approval:

A. A&E Services Interviews (Beta/Jones/Livs Associates/Cardno/Campbell): City Administrator Moonis reported interviews with Beta/Jones and Livs Associates have been completed. Due to scheduling conflicts Cardno/Campbell were not able to attend the interviews that day. The Commission has the option of selecting a firm today or wait to interview Cardno/Campbell prior to the next commission meeting. The commission agreed to interview Cardno/Campbell on October 7th at 9:30.

B. Discuss Legislative Representatives Meeting – Mayor DeNeale: Mayor DeNeale reported on topics covered with Senator Flores and Representative Rascheim by area officials including the Property Rights Bill from the County, Vacation Rental Carve-Out Bill, the Stewardship Act which supports water quality projects, and glass recycling alternatives. Administrative Moonis reported lobbyist Jerry Paul is encouraging Key Colony Beach to submit a \$400,000 - \$500,000 funding package request for the City Hall project for the next legislative session and Senator Flores and Representative Rascheim are in support of it. The request could include additional A & E services, demolition of the existing building and foundation work. The Commission agreed City Administrator Moonis should proceed with the submittal.

8. Approval of Warrant: None.

9. Ordinances and Resolutions:

A. Ordinance 463-2019 Amending Chapter 4, Article I, Section 4-10 Removal of defecation on private or public property – Second Reading. City Attorney Wright read the ordinance by title only.

MOTION: Motion made by Commissioner Trefry, seconded by Commissioner Lisle, to approve the second reading of Ordinance 463-2019.

ON THE MOTION: Roll Call Vote. Unanimous Approval

10. Commissioner Reports: None.

12. City Attorney Report: No report

13. Citizen Comments and Correspondence: City Clerk Todd reported multiple correspondences from 7th Street residents objecting to the permit application for the installation of a fence to be installed to the seawall by a 7th Street owner. Mayor DeNeale reported the owners have currently resolved the situation amongst themselves and the fence is not going to be built. Attorney Wright reported no owners have yet approached him for a property easement.

Commissioner Tracy inquired as if there could be a better way to schedule safety inspections so that the Building Department is not booked up for the entire end of September. Lisa Joseph, Key Colony Beach Realty, stated the reason for the influx of inspection in September is due to July and August being their busy season for rentals. Once the units become vacated the property manager has to schedule fire inspection certifications and conduct their preparations for the safety inspections which delays them scheduling until September. Commissioner Tracy suggested a possibility of extending the inspection deadlines. Building Official Roussin stated he is willing to entertain any ideas to alleviate the September crunch. City Administrator Moonis suggested a meeting between Commissioner Tracy, Building Official Roussin, City Clerk Todd and himself to review possible options.

The meeting adjourned at 11:47 a.m.

Respectfully submitted,

Rebecca Todd, City Clerk