

# MINUTES

KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday October 24, 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 Chris Moonis, City Clerk Rebecca Todd, City Attorney Tom Wright, Building Official Gerard Roussin, Police Chief DiGiovanni, Fire Chief Johnson, Building Inspector Greg Lawton. *Excused:* Commissioner April Tracy. Public – 14.

2. **Approval of Minutes:** The minutes of the October 10, 2019 Regular Commission Meeting were approved by acclamation.

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

4. **Special Requests:**

**A. Hockey Game and Parking at Basketball Court in Honor of Sergei Proudnik:** Ryan Schraffenberger, 201 2<sup>nd</sup> Street, presented a request to have a street hockey game in honor of Sergei Proudnik from Key Colony Inn. The event was scheduled for October 28<sup>th</sup> but is being postponed as his family is not ready for it at this time. He requested discussion and approval of the event itself with the date to be set later. There had been discussion of doing it by the bochee courts but he would like to have the event closer to Key Colony Inn. Mayor DeNeale suggested the corner of the parking lot at Key Colony Inn. Ryan Schraffenberger had no objections to that location. Chief DiGiovanni and Building Official Roussin agreed to have staff assist with parking for the event. Vice Mayor Sutton request Mr. Schraffenberger advise when the event is scheduled so 7<sup>th</sup> Street residents can be notified regarding parking.

5. **Committee and Staff Reports:**

**A. Marathon Fire/EMS:** Chief Johnson reported responding to 2 medical calls and 1 public assist since his last report and reminded everyone to stay prepared as we are still in hurricane season. Chief Johnson advised Fantasy Fest is 26<sup>th</sup> and heavy traffic can be expected.

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

**C. Beautification Committee:** No Report

**D. Disaster Preparedness Committee:** Building Official Roussin reported all preparations are in place.

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

**F. Utility Board:**

**1. Proposed Increase of Late Fee and Administrative Fee:** Mike Alexander presented a request from the Utility Board to increase late fees from \$30 to \$50 and administrative fees for liens from \$120 to \$250. Attorney Wright and City Administrator Moonis agreed to draft a resolution or ordinance change, whichever is required, and present to the Commission at a future meeting for approval.

**2. Recommendation to Disconnect Sewer Service to 3 Delinquent Accounts:** Mike Alexander presented a recommendation from the Utility Board to send a Notice of Disconnect to the owners of 3 properties, 321 & 331 10<sup>th</sup> Street and 1000 West Ocean Dr., which are over a year past due on their sewer account. There have been liens placed on the properties but there has still been no action by the owners. Building Official Roussin inquired whether the properties are inhabited. Mike Alexander stated the 1000 West Ocean Drive is not but there was rental activity on 10<sup>th</sup> Street but he can't confirm if there still is. Building Official Roussin stated his concern if sewer service is disconnected that makes the residence uninhabitable and anyone residing there would have to be removed. Mayor DeNeale recommended staff perform further research and attempt to inform the owners of the Utility Board's recommendation to disconnect if their account is not brought current and present the recommendation at a future meeting.

**G. Police Department:** Chief DiGiovanni stated since the last meeting there have been 2 reports: an information report and a grand theft currently still under investigation. They responded to 2 medical calls and alarms, provided backup to MCSO 12 times, and received 14 miscellaneous calls. He and Officer Buxton are planning the next "Meet and Greet" and will announce a date at a future meeting. He asked everyone to be mindful northbound traffic will be horrendous on Sunday as everyone leaves Key West after Fantasy Fest.

**H. Building Department/Public Works:**

**1. Approval of Lift Rental for Mangrove Trimming \$4500 - \$5000:** Building Official Roussin requested approval of lift rental for a total amount of \$4500 - \$5000. This amount includes the approximate cost of \$2100 for the rental to date. The request is to allow him to rent the lift for an additional week to complete the mangrove trimming.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Lisle to approve \$5000 for the lift rental.

**ON THE MOTION:** Approved by Acclamation.

Building Official Roussin reported installation of Christmas lighting and decorations has been scheduled for the week before Thanksgiving. During that time the bucket truck will be utilized for such along East Ocean Dr., West Ocean Dr., and Sadowski Causeway and advised everyone to use caution when passing. Building Official Roussin reported Greg Lawton passed his first test with the State. It takes six weeks after that before he is allocated a new number for the next test. They hope to have that by the first week of November so he may move forward with testing. Smoke testing of the sewer lines throughout the City is complete. He has received a list of issues from Sewer Plant Manager David Evans which is a short list of minimal issues. Notification will be sent to the property owners regarding the issues needing to be addressed.

**I. City Secretary/Treasurer:** Commissioner Trefry reported income at 82% and expenses at 85% of budgeted amounts at year end. Tentatively income is \$633,000 over incurred expenses which improves the City's cash position. She will provide an in depth report once year-end entries are complete.

Mayor Deneale reported receiving an email from Florida Department of Emergency Management announcing the President has changed FEMA reimbursements for Hurricane Irma Disaster Recovery from 75% Federal to 90% and State Reimbursements from 12-1/2% to 5% thereby reducing the City's responsibility from 12-1/2% to 5% as well.

**J. City Clerk:** City Clerk Todd reported she will be preparing year-end financial adjusting entries and will meet with the City Accountant to perform an overview and complete adjustments before scheduling the City Auditor visit for mid-November to initiate the audit process. Most of the vacation rentals have completed their inspections and have been issued their license. Utility Clerk Hyland is very pleased to have received a significant number of ACH auto pay enrollments from the homeowners.

**K. City Administrator:**

**1. 7<sup>th</sup> Street Seawall Access Discussion:** City Administrator Moonis reported concern from 7<sup>th</sup> Street residents when an owner was proposing to install a fence along his property line to the seawall. That owner has since aborted the idea but City Administrator Moonis would like for the City Attorney to clarify the legality aspect of the rights of owners in these situations. Attorney Wright stated when the subdivision of 7<sup>th</sup> Street was platted the lots were run all the way to the canal. There are 2 issues in this situation – the type of fences the City allows to be constructed and private property rights. There has never been an easement created or reserved in the plat for the seawalls. For the City to try to establish public use of private property there are procedures such as eminent domain and condemnation which are extremely expensive propositions. He has suggested in the past if it is important to the property owners they might want to enter into a mutual easement agreement to open up their sea wall for pedestrian traffic. He has offered to prepare that document at no charge to the owners and donate his time as a public service. However, if the owner has a mortgage, the mortgage company would need to sign off on the agreement. It's not an easy proposition to take private property and establish a public right of way. It is not something that would normally be within the power of the City to do and even if it could be done would be incredibly expensive. The City does have the right to change it's fence regulation but the fence not going all the way to the water doesn't give others the right to use the seawall as a thoroughfare without some kind of an agreement.

**2. Illegal Vacation Rental Partnership – Monroe County Tax Collector:** City Administrator Chris Moonis reported he and City Clerk Todd met with Danise D. Henriquez, Monroe County Tax Collector and have partnered with her office to provide information regarding vacation rentals in Key Colony Beach to identify any properties not in compliance with collecting and reporting all necessary taxes.

**3. Presentation to Realtors Summary:** City Administrator Moonis reported himself, Building Official Roussin, and Building Inspector Lawton attended a meeting with the Middle Keys Realtors Association presenting a PowerPoint slide show. The

feedback received is the realtors are very happy with the rental program in Key Colony Beach.

**4. Purchase New Holiday Banners/Hardware - \$2,680:** City Administrator Moonis requested approval to purchase 8 new holiday banners and hardware in the amount of \$2,680. The banners will be expensed to the Beautification holiday budget and the hardware to the Public Works holiday budget.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Lisle to approve the purchase in the amount of \$2,680.

**ON THE MOTION:** Approved by Acclamation.

**5. Land Development Regulation Workshop – December 12<sup>th</sup>, 1:00 p.m.:** City Administrator Moonis requested the Commission to review their schedule and report back to him if they will be available to attend a Land Development Workshop if scheduled for December 12<sup>th</sup> at 1:00 p.m. The primary topic will be the building height ordinance change recommendation to be sent to the Planning & Zoning Board. Attorney Wright had a conflict with the date but all conceded they were available Wednesday December 11<sup>th</sup> to attend the workshop.

**6. Monroe County CDBG Carve Out \$150M:** City Administrator Moonis reported an estimated \$633 million will be received by the State of Florida in the future for CDBG. Monroe County is requesting support from municipalities for a dedication of \$150 million for a regional program for flood modeling mitigation and adaptation projects. His only concern is who will control the money once and if it is allocated as well as what projects the City of Key Colony Beach might be able to garner from the allocation. The funding is targeted first to low to moderate income areas and how much will be accessible to the City of Key Colony Beach is a concern of his. Support for the County would be positive but any other monies for example for City Hall Building would probably have to be requested directly from the State. He made no recommendation. Vice Mayor Sutton expressed his interest in supporting the County with Mayor DeNeale in agreement.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Mayor DeNeale to support Monroe County in regards to the CDBG carve out of \$150 million.

**ON THE MOTION:** Roll Call Vote. Unanimous.

**6. Commissioners Open Discussion:** Vice Mayor Sutton suggested sponsoring and making reservations for a Christmas Dinner for the staff at the Key Colony Inn as has been done in previous years. Unanimous agreement.

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

**A. Proclamation – Sergei Proudnik:** Proclamation read by Mayor DeNeale upon the authority of the City Commission proclaiming October 10, 2019 and each year thereafter as Sergei Proudnik Day in the City of Key Colony Beach.

**MOTION:** Motion made by Commissioner Trefry, seconded by Commissioner Lisle to approve the Proclamation.

**ON THE MOTION:** Roll Call Vote. Unanimous.

**B. National Marine Sanctuary Meeting Discussion:** Mayor DeNeale reported attending the National Marine Sanctuary Meeting consisting of representatives from different industries including fishermen and divers regarding issues for the reef and bays. There will be a meeting for public comment on November 6<sup>th</sup> in Marathon and a formal meeting in December in Islamorada which also welcomes public comment. There is a meeting in February in Key Largo when they take all recommendations received and update their recommendations on how they plan to proceed. The main issues addressed are water quality improvements, enforcement, and funding for more anchoring buoys. He recommended reviewing the blueprint at [www.floridakeys.noa.gov/blueprint](http://www.floridakeys.noa.gov/blueprint) and requested the topic be on the agenda for the December 12<sup>th</sup> Commission Meeting to receive recommendations to present at their December meeting

**C. Flood Coalition Meeting Discussion:** Mayor DeNeale reported attending the American Flood Coalition Summit for the League of Mayors in Washington D.C. He reported it was well attended and one of the best summits he has attended. Discussion sessions were very informative and an in-depth presentation from the Mayor was presented.

**8. Approval of Warrant:** None

**9. Ordinances and Resolutions:** None

**10. Commissioner Reports:** Commissioner Trefry reported during recent travels to Virginia she noted flooding issues are an issue in that area as well. Flooding is not only a Florida Keys Issue.

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

**13. Citizen Comments and Correspondence:** City Clerk Todd reported Habitat for Humanity Spelling Bee will be in Marble Hall on November 15<sup>th</sup>.

The meeting adjourned at 10:43 a.m.

Respectfully submitted,



Rebecca Todd, City Clerk