

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday November 26, 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 Clerk Rebecca Todd, City Attorney Tom Wright, Building Official Gerard Roussin, Police Chief DiGiovanni, Assistant City Clerk Debbie Nickel and City Administrator Chris Moonis. *Excused:* City Clerk Becky Todd and Building Inspector Greg Lawton. Public – 25.

2. **Approval of Minutes:** The minutes of the November 14, 2019 Regular Commission Meeting were deferred to the next meeting.

3. **Agenda Additions, Changes, Deletions:** Mayor DeNeale stated Commissioner Trefry has an addition for hurricane flag presentation.

4. **Special Requests:**

A. Presentation of Hurricane Flags: Commissioner Trefry displayed the framed Hurricane Irma flags which had been hanging unceremoniously on a partition in the Administration trailer. Commissioner Trefry stated it is important to preserve these flags as part of the history of the City. They are a symbol of the strength and resiliency of this Community. On behalf of the City Commission, she presented the flags to be hung in the new City Hall when it is completed.

5. **Committee and Staff Reports:**

A. Marathon Fire/EMS: No Report

B. Recreation Committee: No Report.

C. Beautification Committee:

1. Gonzalez Landscaping Proposal – Whats Your Hurry Park City Administrator Moonis presented a proposal for landscaping at the What Your Hurry Park. This project was approved in last year's budget but was not completed. Public Works has already installed new conduit, electric and water lines, much of which had been damaged by Hurricane Irma. The original proposal was for two mounds at \$2,975 each. The funds approved in last fiscal year's budget were not carried forward to the current budget. This project would need to be re-authorized, by the Commission, to be completed this year. The current Gonzalez proposal is for three mounds. Vice Mayor Sutton stated this project funding would have been returned to the General Fund. He asked how much money is in the Giving Tree. City Administrator Moonis answered there is about \$12,000 in the Giving Tree. He stated \$4,400 has been expensed from the Giving Tree for the new sign at the City entrance. Commissioner Trefry stated the previous year budget for the project was \$17,000 and questioned what additional cost, if any, will be going into the proposed project considering a third mound has been added. City Administrator stated the third mound is an additional cost of \$2975 which is captured in the Gonzalez Landscaping proposal. The only other outside expenses are the work Public

Works has completed and a small electrician bill. Building Official Roussin reported Superior Electric has corrected wiring issues and ran conduit for the proposed mounds. There will be a small additional cost for Superior Electric to pull electrical wiring through the conduit as that must be done by a certified electrician due to life safety issues. Building Official Roussin reported all the irrigation lines have been installed. There will be another day or two of labor required to install the sprinkler heads once the mounds are completed. In response to an inquiry from Commissioner Trefry Building Official Roussin confirmed the irrigation water will be aqueduct water as opposed to RO water. Commissioner Trefry asked the amount of the invoice from Superior. Building Official Roussin answered it was \$1,002.97 but it was not all for the mounds, other electrical issues in the City were also corrected. Mayor DeNeale stated it was not anyone's fault the project was not completed last year. The water and the electrical had to be fixed up there anyway. The money is still there, it is just in the General Fund and if some funding comes from the Giving Tree that gives the community a 'buy in' too. Vice Mayor suggested the project could be funded from Contingency and from the Giving Tree.

MOTION: Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton to approve Gonzalez proposal in the amount of \$9,425, with \$5,000 from the Giving Tree and \$4,425 from Contingency.

DISCUSSION: Commissioner Lisle asked if any of the \$3,000 in the Beautification budget for plantings would be going toward this project. City Administrator answered no.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

D. Disaster Preparedness Committee: Building Official Roussin reported the Public Works crew is using the reserved water supplies to replenish supplies in the City so stock can be rotated.

E. Planning & Zoning Board:

1. **Board Member Resignations/Recommendation:** Chairperson Joey Raspe reported Gail Courtelyou is resigning from the board as an alternate member due to conflicts with her traveling schedule. Member Steve DeCrow has requested to resign from his position as a regular member and be appointed to fill the alternate member position being vacated. Kathryn McCullough, 181 5th St., who is a full-time resident has volunteered to fill the regular board member vacancy. She has served as City Clerk, is currently on the Code Enforcement Board and is very knowledgeable regarding procedures and rules and regulations. It is the recommendation of Planning & Zoning to request the commission to make these appointments.

MOTION: Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton to appoint Kathryn McCullough as a regular member and Steve DeCrow as an alternate member to the Planning & Zoning Board.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

F. Utility Board: Utility Board Member/Treasurer Tom Harding presented a request for approval to sell a dewatering box that has not been used in a year or two for \$18,500. They have received an offer from Crystal River for this amount and the buyer will pick it up. Due to changes in processing the sewer plant is no longer utilizing the box.

Because it is such a specialized piece of equipment there are a very limited number of potential buyers. Attorney Wright stated according to the statutes and regulations the City has the right to sell the equipment.

MOTION: Motion made by Commissioner Tracy, seconded by Commissioner Trefry to approve the sale of the dewatering box to Crystal River for \$18,500.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

G. Police Department:

Chief DiGiovanni stated since the last meeting there has been 1 report currently under investigation about a suspicious incident at Havana Jacks. They responded to 2 medical and alarm calls, provided backup to MCSO or Florida Highway Patrol 9 times, and received 14 miscellaneous calls. Along with road patrol, boat patrol and vacation watch program Office Buxton has completed Crisis Intervention Training. He reported receiving one application for the open position and will be discussing interviews with the City Administrator. Commissioner Trefry commended Chief DiGiovanni for the volunteer work he has participated in including the Breast Cancer Awareness Walk and decorating the City for Christmas.

H. Building Department/Public Works:

1. LPS Proposal – Mangrove Trimming Removal: Building Official Roussin reported the removal of the mangrove trimmings from the canal has proven to be more difficult than expected. Public Works spent approximately 3 days to clear 30 feet of mangrove line in the Clara/Coral area. City Administrator Moonis requested he obtain a proposal from a local contractor that has a barge with a backhoe to remove the trimmings. LPS has submitted a proposal of \$15,850 to complete the mangrove removal. Building Official Roussin stated he expects a majority of the cost to be taken from the Public Works Budget but hopes to find other means to cover the cost whether it be contingency, road fund or somewhere else. He stated the hedging of the mangroves will be done 3 times a year and the trimming may have to only be done once a year to maintain the mangroves and not have this situation in the future. It is his understanding the last trimming was done in 2006. Trent Meyer, LPS, presented details of the proposal. Of the \$15,850 proposal \$1500 is a mobilization fee. He estimates 3000 linear feet of mangroves to be cleared taking 4 days for a forty foot barge reaching 10 feet off any side. He projects having to move the barge 13 times per day at 20 minutes per move plus the time to offload the trimmings. Excluding mobilization the cost of \$14,350 broken down to 4 days at 10 hours per day is \$360 per hour. The cost include insurance, barge, excavator, crew members and obviously some profit.

Mayor DeNeale and Commissioner Tracy stated additional bids should be obtained. Kathryn McCullough, 181 5th St., stated since LPS just presented his proposal it would put him at a disadvantage with his competitors presenting additional bids and she recommends accepting the proposal from LPS. The consensus of the commission was for the Building Official to obtain additional proposals to present at a future meeting without divulging the proposal from LPS.

2. Approval of 12K and 30K Boat Lift – 1255 Coury Dr.:

Building Official Roussin presented a request for a 12,000 lb. and 30,000 lb. four post cradle lift at 1255 Coury Dr. It is before the commission because any lift that is no an elevator lift and is over 16,000 lbs. requires commission approval. Mayor DeNeale stated since it doesn't go past four foot of water depth it meets code and he does not have an

objection. Building Official Roussin stated he has notified the contractor, D'Assign Source, that consent is required from neighbors on either side. If approved he recommends it be contingent on receiving that approval.

MOTION: Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton to approve the 12K and 30K boat lift at 1255 Coury Dr. contingent on receiving neighbor approvals.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

Building Official Roussin reported Public Works is completing placement of the Christmas starfish and banners today. There have been a multitude of electrical issues as a result of Hurricane Irma which continue to be addressed. Commissioner Lisle commended Building Official Roussin and the Public Works staff for being so incredibly organized and ahead of schedule getting everything done for Christmas in a timely fashion.

I. City Secretary/Treasurer: Commissioner Trefry reported October income at 2% and expenses at 6% of annual budget for a loss of \$108,000. This is typical for the first month of the fiscal year. As the ad valorem is received in the next two to three months that number will change considerably.

J. City Clerk: Assistant City Clerk Debbie Nickel stated the City Clerk is on vacation and did not give a report.

K. City Administrator:

1. Shelter Bay Dr. Swale: City Administrator Moonis reported there is apparently more than minor issues with the swale including the soil, water not draining properly and possible issues with the swale itself that needs to be addressed. Vice Mayor Sutton stated there are a lot of different issues with sea level rise. The water in the swale has been tested and been determined to be sea water. His recommendation is to turn it over to the Utility Board for them to possibly consult a professional to find a resolution. Building Official Roussin reported U.S. Water performed a salinity test and the reading was 35-38 with certain areas at 45. It's his understanding a reading of 30 indicates normal saltwater so there are obviously some issues. He has contacted Extension Services to inquire if they have any ideas of what the cause could be or if any other areas in the Keys are having this issue. Mayor DeNeale stated it has to be determined if the cause is the king high tides and will resolve itself when they cease or if it's due to sea level rise causing the water table to be much higher necessitating raising the swale as well as the well head to make sure it works properly. South Florida Water Management District would have to approve that if it is necessary and they would require engineering. He recommended obtaining a proposal from Mittauer & Associates and SFWMD to present to the Utility Board for consideration. City Administrator Moonis and Building Official Roussin agreed to proceed and keep the commission updated. Resident Paul Cole stated his concern of possibly a ruptured sewer plant line or too much of the swale being removed after Hurricane Irma and emphasized the importance of finding the source and cause of the standing water. He has done his own testing and will provide the reports to the Building Official when he receives them.

2. Richard Hubbard Sod Reimbursement Request – 121 5th St.:

City Administrator Moonis stated Richard Hubbard, 121 5th St., has requested a reimbursement for sod replacement on the right of away in front of his house completed

during post Irma repairs. Richard Hubbard stated the swale in front of his home at the corner of East Ocean Dr. and 5th St. is 3000 square feet and was devastated during storm cleanup. He is requesting reimbursement for only the sod purchase of \$2320 although he incurred additional expense for grading, topsoil, and installation. He realizes the City would have eventually repaired the area which is why he is requesting a partial reimbursement. Vice Mayor Sutton stated many residents made improvements in front of their homes and doesn't think the City should assume the responsibility as they would have many citizens making similar requests. Commissioner Tracy stated a somewhat difference of opinion from the Vice-Mayor because the property is a huge corner that technically is city property. Commissioner Lisle agreed with the Vice Mayor's opinion stating this would set a terrible precedent and doesn't know if the authority is there to allow neighbors to fix things the way they see fit. Commissioner Trefry stated her paver driveway was damaged by the heavy equipment during Irma cleanup and they paid out of pocket to have it repaired figuring everyone in the city had damage. She also noted that the city has not yet received the debris removal reimbursement from FEMA. Mr. Hubbard stated his request is not related to debris removal. It is to repair a swale that the city would have had to repair at some point and asked the commission to consider cases individually. Mayor DeNeale requested Attorney Wright to define right of way ownership to which Attorney Wright confirmed it is city property. Mayor DeNeale inquired regarding FEMA reimbursement for swale repairs. City Administrator Moonis stated the swale repair project has been submitted to FEMA but it has not yet been obligated but sod for swales is part of the project. Vice Mayor Sutton stated IBTS representative told him FEMA rarely reimburses for sod or grass. Mayor DeNeale recommended this request be deferred and further research be conducted to confirm if FEMA is going to reimburse for sod replacement in the swales. The commission agreed.

3. IEMO Certificate of Completion: City Administrator Moonis deferred the item for discussion to Mayor DeNeale. Mayor DeNeale presented Commissioner Lisle with a plaque from the Florida League of Cities recognizing her Institute for Elected Municipal Officials course completion.

4. FLC Legislative Conference Update: City Administrator Moonis reported he and Mayor DeNeale recently participated in the Florida League of Cities Legislative Conference in Orlando meeting with elected officials from all over the state. Discussions covered topics of major importance to the FLC coming before the legislature including home rule, private property rights, sales tax fairness, short term rentals, and cyber security. Mayor DeNeale stated our representatives and lobbyist know the City of Key Colony Beach supports the Florida League of Cities and Monroe County in obtaining a carve out bill if it's necessary to allow us to keep our ordinances for short term rentals. City Administrator Moonis stated FLC is also pursuing infrastructure and transportation funding for Florida and protection of water resources which includes sea level rise. City Administrator Moonis encouraged the commissioners to be actively involved as the bills of interest come out by writing the committees and our representatives.

6. Commissioners Open Discussion:

A. Sea Level Rise: Mayor DeNeale reported the Governor has assigned a Chief Resiliency Officer to oversee the many groups overseeing sea level rise, global warming and king high tides. At the Governor's request the University of Florida put together a separate department to study this. They think we need to have a solid plan and funding in place in 10-15 years. Mayor DeNeale recommends the support of regional and state efforts and attendance of the conferences. Items of concern include but are not limited to Stormwater systems, roads, building heights, sea walls, and beach replenishments.

7. **Items for Discussion /Approval:** None.

8. **Approval of Warrant:** None

9. **Ordinances and Resolutions:**

A. **Resolution No. 2019-18 Amending the City's Fiscal Year 2018-2019 Budget:**

Attorney Wright read Resolution No. 2019-18 by title only.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Trefry to approve Resolution No. 2019-18 Amending the City's Fiscal Year 2018-2019 Budget.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

10. **Commissioner's Reports or Comments:** Commissioner Tracy inquired if there is an update on Key Colony Beach Club. Building Official Roussin reported receiving a complete set of plans that will go before Planning and Zoning for Architectural Review on December 18th. Commissioner Lisle inquired if the Architect for City Hall has accepted the amended contract. City Administrator Moonis stated he has a conference call scheduled with the Architect later in the day to finalize the contract with expectations of executing the contract. An onsite visit can not be scheduled until the contract is executed but once it is the visit will be scheduled at the earliest date possible.

12. **City Attorney Report:** Attorney Wright reported receiving a pending ordinance from the County Attorney banning plastic drinking straws and stirrers which if passed would include all municipalities within the county unless they choose to opt out. The county is going to have a final hearing on a county ban on December 11th and the County Attorney has requested input from the municipalities in the county. Mayor DeNeale requested the topic be placed on the agenda for discussion at the next meeting.

13. **Citizen Comments and Correspondence:** None

The meeting adjourned at 11:15 a.m.

Respectfully submitted,



Rebecca Todd, City Clerk