

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday February 13, 2020 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, Secretary/Treasurer Patti Trefry, Commissioner April Tracy and Commissioner Kimmeron Lisle. *Also Present:* City Administrator Christopher Moonis, City Clerk Rebecca Todd, City Attorney Tom Wright, Police Chief DiGiovanni, Fire Chief Johnson, Building Official Gerard Roussin, Building Inspector Greg Lawton and Executive Assistant Saara Staten.

Excused: Vice Mayor Ron Sutton (listened via phone).

Public – 26.

2. **Approval of Minutes:** The minutes of the January 23, 2020 Regular Commission Meeting were approved by acclamation.

3. **Agenda Additions, Changes, Deletions:** N/A

4. **Special Requests:**

A. Florida Keys Environmental Coalition – Barry Wray stated FKEC is an environmental representative for every single municipality in the Florida Keys. FKEC is a scientific organization and they pursue causes that are beneficial to protect the ecosystem of the Florida Keys. FKEC is seeking support from our lobbyists and community to support the return of Home Rule on the Single Use Plastic (SUP) issue through SB182 and HB6043 to strike the two preemptive laws that give the State sole authority over Plastic Bags and Polystyrene.

B. Candidate for Monroe County Tax Collector – Sam Steele thanked the Commission and the Community for the opportunity to run for the new Monroe County Tax Collector. Steele reported his experience as the current tax manager reporting directly to our current Monroe County Tax Collector, certification through Florida Department of Revenue as a CFCA, TCCP designation, educational experience in financial accounting from FSU and the Appraisal Institute, professional experience as a commercial real estate appraiser for Cushman & Wakefield where he was responsible for creating budget and projecting 10 year cash flows, and experience as a leader in the community as a co-founder for Caring for the Keys.

C. Candidate for Monroe County Tax Collector – Aileen Galvan thanked the community for allowing her to run as Monroe County's Tax Collector. Galvan stated she was born and raised in Key West. She has dedicated 26 years to the Monroe County Tax Collector's Office and to Monroe County. Galvan stated she worked her way from the front desk to her current position as Director of Operations. Galvan is certified through the

Department of Revenue as a Florida Tax Collector Assistant, she serves as State Chair of the Florida Tax Collectors Coalition, and as Chair of the Hunting & Fishing Tax Collectors Association.

5. **Committee and Staff Reports:**

A. Marathon Fire/EMS: Fire Chief Johnson stated since the last report there have been 8 medical calls, 2 internal fire alarms, and 1 public assist.

B. Recreation Committee: No Report.

C. Beautification Committee: Greg Burke stated the Beautification Committee has passed a resolution to add 3 mounds rather than 2 at “What’s your Hurry?”. Any additional costs will be covered by the Giving Tree funds. Burke reported the Committee is awaiting engineering of the stand to the new Key Colony Beach sign that will hopefully be completed by this week. Mayor DeNeale presented Janie Byland with a recognition poster for her years of service to the Community on the Beautification Committee and suggest the City recognize her by naming a park, in perpetuity, in her honor.

MOTION: Motion made by Mayor DeNeale, seconded by all Commissioners simultaneously to rename Waterfront Park “The Janie Byland Waterfront Park”.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

D. Disaster Preparedness Committee: No Report.

E. Planning & Zoning Board: No Report.

F. Utility Board: No Report.

G. Police Department: Chief DiGiovanni stated since the last meeting there was 1 report: 1 fraud investigation. They responded to 9 medical and alarm calls, provided backup to MCSO 5 times, and received 11 miscellaneous calls. A new night officer is expected to start around mid-March after she’s completed required testing. Sergeant Smith is taking some vacation time and is retiring at the end of his month. Therefore, Monroe County Sherriff’s Office has been working nights. As of Wednesday, February 19th, Chief DiGiovanni will be covering day shifts and Corporal Rodriguez will be covering night shifts. An extra office will be on duty President’s Day to assist with the Fishing and Boating Club Clam Bake.

H. Building Department/Public Works:

A. Local Mitigation Strategy (LMS) Progress Report – Building Official Roussin stated the LMS progress report is part of their annual recertification through CRS. The Building Department has advertised the LMS progress report in the local newspaper. They are bringing the proof of publication before the Commission for their approval to add it to their CRS recertification packet. The Commission approved by acclamation.

B. Extension of Substantial Damage Determination – Ocean Front Apartments - Building Official Roussin stated the Ocean Front Apartments have been determined substantially damaged. The owners now have one year from the date of last use in order to keep the rebuild rights that go with the property. If the substantial damage letter expires they have to come into compliance with all new codes which would create a density and setback change on the property. The Building Department is recommending an extension of their substantial damage letter for six months to give the owners an opportunity to find a prospective buyer to hopefully redevelop the property with the current rights. There have been complaints of landscape maintenance not being performed properly and of sewer gas smells. The owners have been responsive in addressing reported issues. There aren't any breaks in the sewer line. Building Official Roussin suspects the cause is the traps under the building have dried out due to the vacancy causing gas smells to be released.

Lyn Walsh, resident of Tall Condos adjacent to Ocean Front Apartments, stated her concerns relating to smoke detectors sounding off periodically, the failing roof causing water, mold and mildew in the building, critters residing within the building, a concrete electric pole that supplies power to Oceanfront Condos standing on Tall Condo property that can not be removed by Florida Keys Electric as long as the structure exists, the washed out seawall encroaches on Tall Condo property causes concern for the stability of the building closest to the ocean, and the smell of gas permeating the air. She recommended pursuing avenues to demolish the extremely damaged building including pursuing grants to assist.

Attorney Wright suggested addressing the substantial letter which affects the density separately from the blight issue.

MOTION: Motion made by Commissioner Tracy, seconded by Mayor DeNeale to extend the Substantial Damage Determination letter 6 months to November 1, 2020.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

C. Approval to Purchase Kubota 11,000 UTV Vehicle – Building Official Roussin requested approval to purchase a Kubota 11,000 UTV vehicle for \$17,868.22. The Building Department will be using the money allocated in their budget for a new tractor towards this UTV vehicle. The UTV vehicle will be used for morning responsibilities for public works (e.g. cleaning restrooms), as a landscaping vehicle, and for special events held in Key Colony Beach (e.g. Key Colony Beach Day). The Police Department will also be using the vehicle for Key Colony Beach Day or any special events on the island.

MOTION: Motion made by Commissioner Lisle, seconded by Commissioner Trefry to approve the purchase of a Kubota 11,000 UTV vehicle for \$17,868.22.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

I. City Secretary/Treasurer: Commissioner Trefry stated we are at 42% of our year-to-date income and 20.5% of our year-to-date budgeted expenses. The City has collected

78% of the ad valorem taxes and the year-to-date net income is \$951,225. The City was reimbursed by FEMA \$12,700 for city wide road repairs.

J. City Clerk: City Clerk Todd stated she was contacted by the Elections office explaining they need a designated line in Marble Hall for the upcoming elections. AT&T will be contacted to establish a 1-year contract. The Utility Department has reported the UV project is substantially complete. City Clerk Todd has a meeting next week with Crystal Strickland from Government Services Group who assists placing stormwater fees on the tax bills. City Clerk Todd reported the Land Development Regulations review remains in process.

K. City Administrator:

1. 7-Meter Bridge Run - March 13th 2:00 p.m. – Joe Turgeon requested the approval of the annual 7-meter bridge run on March 13th. The Commission approved by acclamation.

2. Monroe County Ord. 044-2019 – Regulation of Plastic Straws/Stirrers
City Administrator Moonis stated Key Colony Beach has the option to opt-out of the County's ordinance to regulate plastic straws/stirrers. Mayor DeNeale stated there is no time limit to opting-out. The Commission agreed by acclamation to stay under the County's ordinance and then reevaluate in the future if any issues arise. Staff was directed to notify businesses of the ordinance.

3. ADA Access in City – City Administrator Moonis stated he is planning, without objection, to hire ADA experts to analyze the City's access points and ensure that compliance. City Administrator Moonis seeks to make Key Colony Beach's website completely ADA compliant. The Commission approved by acclamation to temporarily pull the website down and reach out to KCS technical to ensure the website ADA compliant.

6. Commissioners Open Discussion: N/A

7. Items for Discussion /Approval: N/A

8. Approval of Warrant: Warrant 0120 in the amount of \$581,802.35

MOTION: Motion made by Commissioner Trefry, seconded by Commissioner Lisle to approve Warrant 0120 in the amount of \$581,802.35.

ON THE MOTION: Roll Call Vote. Unanimous Approval.

9. Ordinances and Resolutions: N/A

10. Commissioner Reports: Commissioner Trefry stated her appreciation to the residents who helped her advocate and contact State Legislators and voice their opinion about the proposed legislation for short-term rentals.

Commissioner Tracy inquired regarding the status of The Key Colony Beach Condos. Building Official Roussin stated the City Engineer has approved the submittal and the contractor is in the process of obtaining an alternate source to do the building. Commissioner Tracy asked for the status of the defibrillator in the Pickleball Courts. City Administrator Moonis stated he had a meeting with Ted Fisher and Chief DiGiovanni and they are actively working on a solution to safely install an AED machine. They plan on installing a lockbox that will be controlled by the Police Department. The Police Department will make it part of their routine to lock and unlock the AED machine when the Pickleball court is in use. Fire Chief Johnson and Police Chief DiGiovanni are planning on hosting monthly or bi-monthly training sessions for CPR training and AED training.

Mayor DeNeale stated he went over to Key Colony Inn after the Town Hall Meeting and spoke with manager Andy about the future of the Inn. Andy stated he and his wife plan to purchase the Inn and are willing to host commission meetings there during the rebuild of city hall. Andy also urged Fishing & Boating Club and the Community Association to talk to him about arranging their meetings at the Inn as well.

11. City Attorney Report: City Attorney Wright stated his concern with the way residents are reporting code enforcement issues. Code Board Committee members are being approached and sought out to report violations which pushes them out of their impartial responsibilities and creates problems for them in disclosing ex-parte communication. The Code Board is an impartial independent board to decide whether people are in violation or not. Building Official Roussin and the Building Department are our Code Enforcement Officers and are to be sought for code violation reports. City Attorney Wright recommends adding a disclaimer on the website above the Code Board members to not call them to report complaints.

12. Citizen Comments and Correspondence: City Clerk Todd reported a letter received from Barb and Bruce Wurz stating their family has been visiting Key Colony Beach for 7 years from New York and they really enjoy the golf course and the City. They are impressed with the way the City has recuperated from the storm and thank the City Commission and Staff for all their efforts.

The meeting adjourned at 11:18 a.m.

Respectfully Submitted,

Rebecca Todd
City Clerk