

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday, May 28, 2020 9:30 a.m.
Marble Hall & Virtually via Zoom Conferencing

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 Christopher Moonis, City Clerk Rebecca Todd, Executive Assistant Saara Staten, and City Attorney Tom Wright.
Also Present Virtually: Police Chief DiGiovanni, Building Official Gerard Roussin and Building Inspector Greg Lawton.
Excused: Fire Chief Johnson.
Public – 11 (Marble Hall), 46 (Virtually)
2. **Approval of Minutes:** The minutes of the May 14, 2020 Regular City Commission Meeting and May 21, 2020 City Commission Special Meeting were approved by acclamation.
3. **Agenda Additions, Changes, Deletions:** None
4. **Special Requests:** None
5. **Committee and Staff Reports:**
 - A. **Marathon Fire/EMS:** No Report.
 - B. **Recreation Committee:** No Report.
 - C. **Beautification Committee:** No Report.
 - D. **Disaster Preparedness Committee:** Building Official Roussin reported all ordered supplies have been delivered. The Building Department is currently reviewing several options for generators for the temporary trailers.
 - E. **Planning & Zoning Board:** No Report.
 - F. **Utility Board:**
 1. **Retention Pond Recommendation:** Utility Board Member Tom Harding reported the Utility Board approved a recommended change by the engineer to remove a few inches of topsoil from the retention pond and increase the height of the base of the retention time with six to eight inches of rock which is consistent with the permit which provides for six inches of drainage. Once quotes are obtained the Utility Board will present a request to the Commission for approval as the cost will exceed \$25,000. After completion of the project the Utility Board will evaluate the appearance and decide if perimeter landscaping is needed to serve as a barrier. This will improve the drainage for the lower rain events and support additional pond bottom separation when high tide events occur in the fall. The engineer has conferred with South

Florida Water Management District who confirmed this project falls within normal maintenance therefore no communication or additional permit will be required.

2. Sewer Payment Plan 3rd Quarter: Utility Board Member Tom Harding reported the Utility Board reviewed the request for the 50% reduction in the July 2020 sewer billing and decided against recommending the reduction. It was estimated such reduction would result in a loss of approximately \$131,000 for the July quarter. Current income is lower than normal due to reduced commercial usage and non-payment of residential accounts and approving the reduction would result in an estimated \$21,000 loss to the budget. The state loan requires a monthly reserve deposit of \$22,729 per month be placed in the bank. If the installment deposit is not made due to the reduced income it would have to be communicated to DEP who could potentially find the loan in default. The Utility Board approved no assessment of late fees for the third quarter to allow residents to recover from the events of COVID-19. Mayor DeNeale recommended the Utility Board waive late fees for commercial properties as well. City Administrator Moonis stated the Utility Board has given him authority to create a payment plan for commercial accounts in need.

3. HARN Proposal for Additional Work: Utility Board Member Tom Harding presented the Utility Board request for approval of the Harn R/O proposal to purchase additional stainless-steel piping in the amount of \$13,125.00. This proposal is a change order to the previously approved pipe purchase for one complete replacement set of feed stainless piping missed in the first request. City Administrator Moonis stated this is a single source item as was the first proposal and recommends approval.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Trefry to approve the complete replacement set of feed stainless piping in Duplex 2205 delivered and installed by Harn R/O Systems as part of the concentrate stainless piping installation, in the amount of \$13,125.

ON THE MOTION: Roll Call Vote. Unanimous approval.

G. Police Department: Chief DiGiovanni reported since the last meeting there has been 1 report of petty theft. They responded to 4 medical and alarm calls, provided backup to MCSO and FWC 7 times, and received 10 miscellaneous calls. Officer Reeve resigned from the Police Department on Monday, May 18th. Chief DiGiovanni has 3 applications to schedule interviews for her replacement. Corporal Rodriguez continues to work the night shift and Chief DiGiovanni and Reserve Officer Ross Bethard are covering the day shifts. Memorial Day weekend was quiet probably due to the checkpoint. As a public service announcement, he cautioned of leaving sanitizer containing alcohol in vehicles as over a long period of time the heat can cause fire. The Police Department is also working on its hurricane policy for the upcoming hurricane season.

H. Building Department/Public Works: Building Official Roussin reported Public Works is finishing up hurricane trim. There has been an issue with tampering of the sprinkler timers. The locked boxes have been broken and timers have been adjusted several times throughout the week. He requested anyone who witnesses a person around the sprinkler timers to please notify the City. The Building Department is in process of reviewing the plans for the Key Colony Beach Club. Building Official Roussin reported a new single-family home building permit application for 13th Street is expected in the near future. Commissioner Tracy inquired as to what options are available to make the faded "Do Not Block" box painted on Sadowski

Causeway and Clara Blvd more visible. Building Official Roussin agreed to research thermoplastic options available within DOT specs.

1. Approval of 20,000 lb. Boat Lift – 225 13th Street - Building Official Roussin requested approval for a 20,000 lb. boat lift at 225 13th Street. The Building Department has letters from both neighbors stating no objection to the lift.

MOTION: Motion made by Vice Mayor Sutton, seconded by Mayor DeNeale to approve the 20,000 lb. boat lift for 225 13th Street.

ON THE MOTION: Roll Call Vote. Unanimous approval.

2. Approval of Public Works Four Post Lift – Building Official Roussin requested approval to purchase a four-post lift budgeted for the Public Works garage for \$3,000. The cost of the lift is \$2,999.95 not including shipping. He requested the shipping cost be covered by the \$3,000 not spent from the budget for the purchase of the UTV instead of a Kubota tractor. Shipping for the 2,200 lb. lift is approximated at \$500 - \$750. The lift will be installed by Public Works.

MOTION: Motion made by Commissioner Trefry, seconded by Commissioner Lisle to approve the purchase of the lift including shipping not to exceed \$4,000.

ON THE MOTION: Roll Call Vote. Unanimous approval.

I. City Secretary/Treasurer: No Report.

J. City Clerk: City Clerk Todd reported City Auditor Buzzi has completed the final draft audit and scheduling of budget meetings will need to begin soon. City Hall has re-opened to the public Monday- Friday 9am- 3pm and the drop box outside the trailer is also available. Persons entering City Hall are required to wear a mask. Public Works will be installing a sanitizer dispenser outside of the trailer in addition to the hand sanitizer provided inside.

K. City Administrator:

1. Personnel Manual Draft #1 Release (Handout): City Administrator Moonis stated the first draft of the revised personnel manual has been distributed to the commission for their review. City Administrator Moonis expressed thanks to Administrative Assistant Holly Rosado for her time spent drafting the changes. Commissioner comments may be directed to City Administrator Moonis and Attorney Wright will review the draft for legal purposes.

2. Disaster Planning Sales Tax Free Days – May 29th – June 4th: City Administrator Moonis reported small generators and other purchases related to hurricane season preparedness are tax free between May 29th and June 4th.

3. City Hall Engineer Report (FEMA Reimbursable) – PE Group:

City Administrator Moonis stated City Attorney Wright reviewed and revised the consultant agreement. The only monetary significant change is the \$7,000 not to exceed amount with fees not to exceed \$5,000 and relative costs such as travel and other typical costs not to exceed \$2,000.

MOTION: Motion made by Commissioner Lisle, seconded by Mayor DeNeale to approve PE Group Consulting Engineers, Inc. Agreement for Professional Engineering Services.

ON THE MOTION: Roll Call Vote. Unanimous approval.

4. COVID-19 Re-Opening Measures Phase II: City Administrator Moonis stated City Hall is open Monday - Friday from 9am - 3pm. The staff is being rotated to provide for 50% of staff in office and 50% of staff working from home. Additional equipment to disinfect the office more thoroughly is pending. In Phase 2 of the Re-Opening Plan children playgrounds are expected to open and disinfecting equipment should be available to regularly clean the equipment thoroughly.

6. Commissioners Open Discussion: None

7. Items for Discussion /Approval:

A. COVID-19

1. 5 Day Vacation Rental for June 1-6: Mayor DeNeale reported a request for the city to relax the ordinance stating a rental must be a minimum of 7 days for the period June 1st – June 6th. Attorney Wright advised a policy could be put in place not to enforce the ordinance for that time period however the city must be extremely careful enacting any rule changes involving vacation rentals that could invalidate the city's ordinance regarding rentals. The Commission unanimously decided not to make any exceptions to the vacation rental ordinance.

2. Vacation Rental Enforcement: Mayor DeNeale stated code enforcement may not enter private property without consent unless a violation is reported. The city staff will provide an information sheet to property managers to hand out to each vacation renters stating the directives they must comply with and information to report a violation. Attorney Wright advised code compliance complaints must be addressed with the property manager or owner of the property as opposed the transient renter and if compliance is not met the case should be submitted to the code board.

3. Exercise Classes in Marble Hall: City Administrator Moonis reported he has received several inquiries as to resuming normal activities in Marble Hall. City Administrator Moonis stated Building Official Roussin advised the city does not have adequate cleaning supplies or time required to properly disinfect Marble Hall for these activities. The city staff's recommendation to the commission is not to re-open Marble Hall to social activities for a few more weeks when the city has received the equipment and supplies to handle sanitization efficiently. Commissioner Lisle inquired if an option could be considered for class members to sanitize the hall with their own chemicals after each class. City Administrator Moonis stated the option would be considered if presented and he would discuss it with Building Official Roussin.

4. Extend Declaration of Local Emergency: Mayor DeNeale presented the City of Key Colony Beach 12th Declaration of Local State of Emergency for COVID-19.

MOTION: Motion made by Vice Mayor Sutton, seconded by Commissioner Tracy to approve the City of Key Colony Beach 12th Declaration of Local State of Emergency (10:35 a.m.).

ON THE MOTION: Roll Call Vote. Unanimous approval.

8. Approval of Warrant: None

9. Ordinances and Resolutions: None

10. Commissioner Reports: Vice Mayor Sutton reported a growing concern with mosquitos in the community especially in the retention pond. Vice Mayor Sutton consulted with a representative from Mosquito Control who conducts daily visits. The swale on 7th Street has been treated and their helicopter will treat entire retention area. It is recommended for trash cans to be stored upside down to prevent collection of water where mosquitos can breed. Commissioner Lisle commended the city staff for their hard work, dedication and professionalism throughout the crisis.

11. City Attorney Report:

A. Political Sign Policy: City Attorney Wright stated when the city adopted its sign code in the late 1990's, there was a limitation put in the law as to how long before and how long after an election that a political sign could be displayed. That law was declared unconstitutional in the 2015 case of Gilbert vs. Arizona. In that case Justice Thomas opined local government cannot regulate a sign based upon its content. Therefore, the city's regulations pertaining to political signs cannot be enforced. He recommended the city not provide any enforcement against political signs. Commercial signs do not receive the same protection as political signs. Commissioner Lisle suggested the city repeal the existing ordinance.

12. Citizen Comments and Correspondence: Karen McKeon inquired on the extension of the Declaration of Emergency by one week. Mayor DeNeale stated the Declaration of Emergency is only valid for one week and is necessary for the city to work with Emergency Management Agencies. The commission continues to meet weekly to extend the Declaration of Emergency until it is no longer necessary. Gregory Burke requested a copy of the retention pond plan report and expressed his dissatisfaction with the plan to use rock in the retention pond.

The meeting adjourned at 10:57 a.m.

Respectfully Submitted,



Rebecca Todd
City Clerk