

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday, August 27, 2020 9:30 a.m.
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 Virtually: Mayor John DeNeale, Vice Mayor Ron Sutton, Secretary/Treasurer Patti Trefry, Commissioner April Tracy, and Commissioner Kimmeron Lisle.
Also Present Virtually: City Administrator Christopher Moonis, City Clerk Rebecca Todd, Executive Assistant Saara Staten, City Attorney Tom Wright, Police Chief DiGiovanni, Fire Chief Johnson, Building Official Gerard Roussin and Building Inspector Greg Lawton.
Public (Virtually) – 40
2. **Approval of Minutes:** The minutes of the August 20, 2020 City Commission Special Meeting and August 21, 2020 City Commission Emergency Meeting were approved by acclamation.
3. **Agenda Additions, Changes, Deletions:** Mayor DeNeale added City Hall Operations Update and Meetings in Marble Hall under City Administrator Moonis' report.
4. **Special Requests:** None.
5. **Committee and Staff Reports:**
 - A. **Marathon Fire/EMS:** Fire Chief Johnson reported working on compiling the requested annual report for Key Colony Beach. Once completed, Fire Chief Johnson will email to City Administrator Moonis to distribute to the Commission. Fire Chief Johnson reported COVID-19 cases slowly decreasing, however, safety precautions should still be followed.
 - B. **Recreation Committee:** No Report.
 - C. **Beautification Committee:** No Report.
 - D. **Disaster Preparedness Committee:** Building Official Roussin reported refining the process and checklist for storm preparation. Building Official Roussin also reported the installation of the transfer switches being postponed until August 31st - 32nd.
 - E. **Planning & Zoning Board:** No Report.
 - F. **Utility Board:** No Report.
 - G. **Police Department:** Chief DiGiovanni reported new Police Officer Ashley Veatch began her employment on Monday, August 24th and is training with Corporal Buxton. Officer Ashley Veatch was sworn in as a Key Colony Beach Police Officer and welcomed by the Commission. Chief DiGiovanni reported since the last meeting there has been 1 report at Sunset Park. They responded to 3 medical and alarm calls, provided backup to MCSO and FWC 10 times, and received 14 miscellaneous calls along with traffic citations, code warnings and citations, road patrol, boat patrol and vacation watch program. Police Chief DiGiovanni stated his thoughts and prayers goes out to all those affected by Hurricane Laura.

H. Building Department/Public Works: Building Official Roussin reported receiving an email from FEMA regarding the Endangered Species Act due for renewal on Friday, September 4th. The Building Department is making copies of all permits that are on endangered species parcels. The Building Department issued a new building permit for new construction by Jeff Ryder on 4th Street which is pending DEO approval.

1. Mangrove Trimming on Coral Lane/Sadowski Canal – Building Official Roussin reported receiving two bids for mangrove trimming on Coral Lane/Sadowski Causeway. Dot Palms submitted an estimate for \$11,000. The second bid was \$12,000. The Building Department is composing a cost analysis to see what it will take for Public Works to complete. Building Official Roussin recommends for the Commission to consider Dot Palms to complete for safety purposes.

I. City Secretary/Treasurer: City Treasurer Trefry reported the budgeted income for July being \$3.9 million. The actual income was 86% of the budgeted amount at \$3.35 million. Year-to-date budgeted expenses were \$3.5 million. The actual expense was 71.4% of the budgeted amount at \$2.5 million. Compared to the last fiscal year, our income is up 5.7% and expenses are down 4.3%. Loss for July was \$255,000 but, year-to-date profit was approximately \$862,000. Not reflected on our August financials, this past week the City received \$150,000 from the State of Florida for the disaster relief grant.

J. City Clerk: City Clerk Todd reported a Property Manger Class scheduled for Thursday, September 3rd at 2:30 p.m. A Code Board meeting is scheduled for Wednesday, September 9th at 9:30 a.m. Five citations were issued in August subject to being presented to the Board if they are not brought into compliance prior. A Planning & Zoning Hearing is scheduled for Wednesday, September 16th at 9:30 a.m. Four variance applications are to be presented, including a carport enclosure on Sadowski, a pool on Seventh Street, a height variance on Fourth Street and a request from Sea Pointe Condominiums. The First Public Hearing to adopt the millage rate and budget is scheduled for September 5th at 5:05 p.m. A Utility Board meeting is scheduled for September 15th and 9:30 a.m. City Clerk Todd reported the continuance of department head meetings held three times a week, admin staff meetings held twice per week, and weekly Commission meetings. City Staff continues scheduling many vacation rental inspections and issuing licenses. The Utility Clerk received 17 property transfers in the month of August. Vice Mayor Sutton stated there is still errors in the election terms on the City website. City Clerk Todd will adjust after the meeting. Commissioner Lisle requested an update regarding LIVS invoices. City Clerk Todd reported not receiving any additional invoicing from LIVS Associates. City Administrator Moonis reported communications with Architect Tony Rosabal and Mr. Rosabal does not think there is any subsequent billing since the last invoice, but he will confirm and update the City.

K. City Administrator:

1. City Hall Update including P3 Feasibility Study: City Administrator Moonis reported sending the recent report completed by PE Group to the insurer on August 24th. The claim will conclude within six weeks, at which the City will submit the final NFIP documents and the new City Hall plans to FEMA. City Administrator Moonis presented a timeline to reach final submission of the new City Hall design to FEMA between October 8th – 15th. Commissioner Lisle questioned how the result of the insurance claim effects the FEMA money that has been granted. City Administrator Moonis stated any insurance proceeds collected will be deducted from any award by FEMA. Vice Mayor Sutton questioned since FEMA funds are distributed in increments, does the City have to wait to proceed or can FEMA deduct any additional funds received through the insurance claim to the increments remaining. City Administrator Moonis will get clarification from Consultant Norry Lynch

and inform the Commission. City Administrator Moonis proposed for the Commission to consider a no-fee based feasibility study to be conducted through a Memorandum of Understanding between the City and JJO Reality, LLC. The feasibility study will focus on how to develop an appropriately sized Government Center which will include: City Hall, Post Office, Marble Hall, and a component to possibly include a restaurant, a coffee shop, a small deli, or any other appropriate yet profitable retail store. Jerry Ong stated the proposed feasibility study will not interfere with the current schedule for City Hall. The memorandum of understanding does not incumber the City to do anything presented from the feasibility study. Mayor DeNeale stated through his research a P3 is in line with what the State of Florida is supporting. Mayor DeNeale and Vice Mayor Sutton questioned whether FEMA funds could still be collected although a private entity would be funding City Hall. Jerry Ong stated he wants to explore different ways to finance for the ownership to remain with the City leaving no risk of losing the FEMA money. Commissioner Trefry will forward additional P3 information to the Commission. Commissioner Lisle expressed concern for costs associated with our architect while working on the feasibility study. City Administrator Moonis will request Architect Tony Rosabal to inform the Commission of any costs related to JJO Realty in advance. Commissioner Lisle recommended to revise the agreement for the feasibility study to provide specific deliverables once the study is completed. Jerry Ong continued to discuss and address questions and concerns from the Commission & Staff. City Administrator Moonis reviewed the tentative planning schedule and the primary financing plan for City Hall.

2. **Development Agreement on Marina:** City Administrator Moonis reported having meetings with Attorney Wright and JJO Realty's team to review and discuss the draft development agreement. City Attorney Wright reported having many concerns with the draft development agreement because it seemed to be drafted for the City of Marathon. Jerry Ong reported instructing his attorneys to draft a development agreement for Key Colony Beach and unfortunately, they "copy and pasted" Marathon's agreement and sent it to Key Colony Beach. Jerry Ong sincerely apologized. Mayor DeNeale stated the Commission will consider once a new development agreement is drafted.
3. **Land Development Regulations on Height Discussion:** City Administrator Moonis reviewed the proposed revisions by the Planning & Zoning Board seeking further direction from the Commission. City Attorney Wright recommended for the Commission to set a public hearing on Land Development Regulations. The Commission agreed unanimously and directed Staff to schedule.
4. **City Hall Operations Update and Meetings in Marble Hall:** City Administrator Moonis reported extending City Hall office hours to the public starting August 28th. The office hours are Monday – Friday, 9 a.m. – 3:45 p.m. City Hall continues to be disinfected twice daily. Mayor DeNeale requested for Commission meetings to resume in Marble Hall. The Commission agreed unanimously.

6. Items for Discussion /Approval:

A. Extend Declaration of Local Emergency: Mayor DeNeale presented the City of Key Colony Beach 25th 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 25th Declaration of Local State of Emergency (11:26 a.m.).

ON THE MOTION: Roll Call Vote. Unanimous approval.

7. **Approval of Warrant:** None.

8. **Ordinances and Resolutions:** None.

9. **Commissioner Reports:** Commissioner Tracy requested an update on Key Colony Beach Condos. Building Official Roussin reported receiving a check for their permit fees. A rebuild permit has been issued and Key Colony Beach Condos is addressing issues that were reported. Building Official Roussin read a correspondence from Sherwood Construction regarding timeline.

10. **City Attorney Report:** City Attorney Wright reported receiving an unusual amount of inquiries regarding code matters. The Staffs progress is evident regarding the understanding of procedures to properly notify violators. Mayor DeNeale reported his concern with repeat offenders.

11. **Citizen Comments and Correspondence:** City Clerk Todd reported receiving correspondence from Sally and Bill Cherry, 601 W Ocean Dr Unit 413, recommending not to consider the public private partnership or feasibility study. Cheryl Boehm, 33 Sadowski Causeway, reported an issue with an unsecure fence being erected in the neighboring property. Building Official Roussin and Attorney Wright addressed that issue.

Kathryn McCullough, 181 5th Street, questioned whether JJO Realty is using the City to obtain financing in his own projects. Mr. Ong stated the two endeavors are completely separate. Ms. McCullough commented on her disappointment with the Sheriffs Magazine in the Weekly for not recognizing Key Colony Beach as a partner. Chief DiGiovanni and Mayor DeNeale both stated they thought it was an oversight.

Gary Furtak, 151 10th Street, expressed concern for a large development bringing an excessive number of tourists to the City increasing density.

Thomas DiFransico, 171 8th Street, encouraged the Commission to research whether the FEMA money will be affected by private funding.

Sandy Bachman, 171 8th Street, stated the possible retail space/coffee shop should be on the water.

Gail Cortelyou, 30 Sadowski Causeway, agreed with Commissioner Lisle.

Chad O'Rourke, 68 7th Street, questioned when the next Land Development Regulations meeting is scheduled for. Mayor DeNeale stated Staff will schedule and send out an email blast with information.

Brad Boersma, 48 Sadowski Causeway, questioned whether the City is working on a FEMA appeal. Mayor DeNeale stated no appeal is in process.

The meeting adjourned at 11:44 a.m.

Respectfully Submitted,

Saara V. Staten

Saara V. Staten (on behalf of City Clerk Rebecca Todd)

Executive Assistant