

# MINUTES

KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday, September 24, 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 (Virtually), and Commissioner Kimmeron Lisle.  
*Also Present:* City Administrator Christopher Moonis, Utility Clerk Pat Hyland, Assistant City Clerk Michelle Farr, City Attorney Tom Wright, Police Chief DiGiovanni, Fire Chief Johnson (Virtually), Building Official Gerard Roussin, and Building Inspector Greg Lawton.  
Excused: City Clerk Rebecca Todd  
Public – 20 (Virtually) 46 (Marble Hall)
2. **Approval of Minutes:** The minutes of the August 27, 2020 City Commission Regular Meeting, September 9, 2020 City Commission First Budget Public Hearing, September 10, 2020 City Commission Regular Meeting, September 10, 2020 City Commission Special Meeting, and September 17, 2020 City Commission Special Meeting were approved by acclamation with the requested name correction.
3. **Agenda Additions, Changes, Deletions:** None.
4. **Special Requests: Havana Jacks Extension of Entertainment Time for November 7, 2020.** Havana Jacks representative requested an extension of entertainment time until 1 a.m. on November 7<sup>th</sup>.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Lisle to approve the extension of entertainment time until midnight on November 7<sup>th</sup> with the contingency it is supervised by management and if the police receive a noise complaint it be shut down immediately.  
**ON THE MOTION:** Roll Call Vote. Unanimous approval.

5. **Committee and Staff Reports:**
  - A. **Marathon Fire/EMS:** Fire Chief Johnson reported since the last meeting 4 medical calls and 2 internal fire alarms.
  - B. **Recreation Committee:** No Report.
  - C. **Beautification Committee:** No Report.
  - D. **Disaster Preparedness Committee:** Building Official Roussin reported the installation of the transfer switches is scheduled for the week of September 21<sup>st</sup>.
  - E. **Planning & Zoning Board:** No Report.
  - F. **Utility Board:** No Report.

**G. Police Department:** Chief DiGiovanni reported since the last meeting the Department had 4 reports: a fraud at Circle K, a warrant and a medical on 8<sup>th</sup> Street, and a hit and run at the Continental Inn. The Police Department responded to 2 medical and alarm calls, provided backup to MCSO and FWC 6 times, and received 12 miscellaneous calls along with traffic citations, code warnings and citations, road patrol, boat patrol and vacation watch program.

**H. Building Department/Public Works:** Building Official Roussin reported Public Works is very busy with the excessive amount of rain Key Colony Beach has received. The vehicle lift is scheduled to be fully installed by Friday, September 25<sup>th</sup>. The contractor's first available date to trim the West side is December 14<sup>th</sup>. The Building Department is awaiting approval from DEO on the home submitted several weeks ago on 4<sup>th</sup> Street. Building Inspector Lawton continues to conduct vacation rental inspections.

**I. City Secretary/Treasurer:** Commissioner Trefry reported the year-to-date budgeted income is \$3.9 million, the actual income was \$3.8 million. Year-to-date budgeted expenses are \$3.5 million, the actual expense is \$2.6 million. The month of August ended with a profit of \$301,000, which brought our year-to-date net income to \$1,163,328. Through the end of August, the available unrestricted cash is \$2.32 million.

**J. City Clerk:** No report.

**K. City Administrator:**

**1. EMS Agreement with the City of Marathon:** City Administrator Moonis presented the EMS Agreement with the City of Marathon. This is an extension of the current Fire and EMS contract with the City of Marathon for 3 years at the same annual rate of \$575,000. Commissioner Lisle will contact Fire Chief Johnson to request a detailed report to support the annual cost. Mayor DeNeale explained the methodology on how the annual rate was reached years ago.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Lisle to approve the Fire & EMS Agreement with the City of Marathon.

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

**2. City Administrator Evaluation:**

**2(A). City Administrator Contract Renewal:** City Administrator Moonis stated he has given Mayor DeNeale an unsigned resignation letter to be executed if there is not support from the Commission on his upcoming proposal. City Administrator Moonis proposed an extension of his current term for three months under a Performance Improvement Plan with a 20% reduction of salary and a suspension of any retirement benefits for three months. City Administrator Moonis assumed responsibility and apologized for the lack of prioritization on critical projects like City Hall, FEMA Reimbursement, Comprehensive Plan, Employee Evaluations, Land Development Regulations Updates, etc. City Administrator Moonis stated he has had poor time management during the COVID-19 response and has been overwhelmed through this period and did not delegate as needed. City Administrator Moonis stated he has not provided timely updates to the Commission regarding many organizational requests. City Administrator Moonis expressed his love for Key Colony Beach and his confidence that he can deliver results from a clear policy perspective and restore his reputation amongst most Commissioners and residents. City Administrator Moonis requested for the Commission to consider his proposed Performance Improvement Plan. Mayor DeNeale thanked City Administrator Moonis for the monumental things he has done for Key Colony Beach throughout the last 3 years. Mayor DeNeale read Christopher Moonis' letter of resignation

requesting a severance package of 2 months' salary amounting to approximately \$15,700 per month. The Commission discussed the proposal and unanimously denied the request. Mayor DeNeale accepted Chris Moonis' resignation letter and stated Mr. Moonis is on vacation leave until September 30, 2020 and all City property shall be returned immediately after the meeting.

**3. Use of Marble Hall by 3<sup>rd</sup> Parties during COVID-19:** City Administrator Moonis reported working with Building Official Roussin to calculate the costs of cleaning Marble Hall for third party use. Each cleaning was estimated to cost \$18. Commissioner Trefry questioned whether a liability waiver would be appropriate for third parties. The Commission requested for Attorney Wright to draft a liability waiver for consideration at the next Commission meeting.

**4. City Hall Debt Financing:** City Administrator Moonis stated the Sunset Park loan has a 4.25% interest rate on the remaining balance of \$807,738. The Iberia loan regarding Sadowski Causeway utilities has a 3.25% interest rate on the remaining balance of \$769,866. Totaling a long-term debt of \$1,570,604. City Administrator Moonis contacted several banks. Centennial bank offered a fixed rate of 3.35% for 4 years with a amortization period of 25 years. The only closing cost would be for their attorneys to prepare and review the closing documents at approximately \$2,900.

**5. Willscot Trailer Extension:** City Administrator Moonis reported contacting Willscot three separate times requesting the additional estimates and continues waiting for a response. Mayor DeNeale will become active City Administrator with the assistance of Vice Mayor Sutton. A Department Head meeting was scheduled for Monday, September 28<sup>th</sup> at 9:30 a.m.

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

**A. Proclamation for Ken Davis – Vice Mayor Islamorada:** Mayor DeNeale stated the City of Key Colony Beach has lost a dear friend, Vice Mayor of Islamorada Ken Davis, who was very appreciated and will be missed. Mayor DeNeale presented a proclamation for Ken Davis.

**MOTION:** Motion made by Commissioner Trefry, seconded by Commissioner Tracy to approve the Proclamation for Ken Davis as written.

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

**B. Declaration – Local State of Emergency Continuation (COVID-19):** Mayor DeNeale presented the City of Key Colony Beach 29<sup>th</sup> Declaration of Local State of Emergency for COVID-19.

**MOTION:** Motion made by Commissioner Tracy, seconded by Commissioner Trefry to approve the City of Key Colony Beach 29<sup>th</sup> Declaration of Local State of Emergency (10:37 a.m.).

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

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

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

**9. Commissioner Reports:** None.

**10. City Attorney Report:** City Attorney Wright reported forwarding Amendment One to Local Option Gas Tax Sharing Interlocal Agreement to the City in August and requested for a Special/Emergency

Meeting to approve it. City Attorney Wright recommended for the City to question the methodology the County uses to distribute and collect funds. Mayor DeNeale stated he will confer with County Mayor Carruthers regarding the methodology. City Attorney Wright recommended for the City to consider incurring the costs of having Code Attorney Malafy present at the next few Commission meetings since City Attorney Wright's tenure will end. Mayor DeNeale will contact Attorney Malafy regarding this. City Attorney Wright recommended for the Commission to consider Attorney Patrick M. Stevens as the new Code Board attorney. Mayor DeNeale thanked City Attorney Wright for his 31-year tenure with the City of Key Colony Beach.

**A. Input Regarding Code Board Forms Usage:** City Attorney Wright stated the Code Board is requesting the usage of two forms: Request for Reduction of Penalty and Request for Extension of Compliance Date. City Attorney Wright expressed concern with requiring residents to fill out a lengthy application rather than going before the board directly. Mayor DeNeale stated the applications will not replace going before the board but would serve as a precursor to give the Board more information. Mayor DeNeale will confer with Code Attorney Malafy for his legal advice.

**11. Citizen Comments and Correspondence:** Paul Cole, 701 8<sup>th</sup> Street, expressed concern regarding music being played late at night.

Kathryn McCullough, 181 5<sup>th</sup> Street, requested for City Administrator Moonis to begin his vacation immediately until September 30<sup>th</sup>, immediately return all City property and passwords be changed immediately. Ms. McCullough also recommended consistency with enforcement on vacation rentals to ensure compliance.

Gary Furtak, 150 10<sup>th</sup> Street, questioned who priced out the compensation of benefits for City Administrator Moonis. Kathryn McCullough responded she was the active City Clerk when City Administrator Moonis was added and she missed the difference in rate for that position, apologizing to the Commission and residents. Mr. Furtak requested follow up from Code Attorney Malafy regarding the proposed Code forms.

Joe Schmitt, 430 4<sup>th</sup> Street, requested Vice Mayor Sutton return as Administrator and questioned whether Fishing & Boating club is considered a third party to use Marble Hall.

Joey Raspe, 510 12<sup>th</sup> Street, questioned how properties that have had their vacation license revoked for 6 months are able to currently rent. City Attorney Wright stated orders are ready for his signature. Licenses will be suspended upon signature. City staff recommends for the Code Board to reconsider the cases that received a six-month suspension. Attorney Wright expressed concern for the liability of the City due to the harsh penalty. Mr. Raspe stated the Code Board has never imposed fines that exceed the guidelines of the City.

The meeting adjourned at 11:12 a.m.

Respectfully Submitted,

*Saara V. Staten*

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