

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday March 9, 2017 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 Jerry Ellis at 9:30 A.M. followed by the Pledge of Allegiance and Prayer.

*Present:* Mayor Jerry Ellis, Vice Mayor Ron Sutton, Secretary/Treasurer Jim Pettorini, Commissioner John DeNeale and Commissioner April Tracy. *Also Present:* City Clerk Kathryn McCullough, City Attorney Tom Wright, Building Official Ed Borysiewicz. Police Chief Kris DiGiovanni and Fire Chief John Johnson. Public -10

2. **Approval of Minutes:**

**MOTION:** Motion made by Mayor Ellis, seconded by Commissioner Pettorini, to approve the minutes of the 02/09/2017 Regular Commission Meeting and the 02/23/2017 Regular Commission Meeting.

**ON THE MOTION:** Unanimous approval.

3. **Agenda Additions, Changes, Deletions:** Mayor Ellis requested approval to add the Causeway Bridge Run under Special Requests.

4. **Special Requests:**

Causeway Bridge Run: Joe Turgeon, 310 9<sup>th</sup> Street, and Jim Kaiser, 721 W. Ocean Drive, introduced themselves as the organizers of the Key Colony Beach Causeway Bridge Run on April 1, 2016 and are requesting permission to do it again this year. There is a conflict with the 7 Mile Bridge Run on April 1<sup>st</sup>, 2017, therefore, they are requesting approval to have the Causeway Bridge Run on April 7, 2017 at 9:30 AM. Mr. Turgeon has approached the Community Association to see if this is something they would like to organize in future years.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Mayor Ellis, to approve the Causeway Bridge Run on April 7, 2017 at 9:30 AM.

**ON THE MOTION:** Unanimous approval.

A. Citizen Appreciation Award to Lawrence Ward. Mr. Ward was not in attendance, however, Chief DiGiovanni reported a Citizen Appreciation Award in recognition of Mr. Ward's video evidence that helped to positively identify and assist in the capture of a motor vehicle burglary suspect.

B. Citizen Appreciation Award to Blaine Connell. Chief DiGiovanni presented a Citizen Appreciation Award to Blaine Connell for extinguishing a fire, at the Key Colony Beach Marina, next to outside propane tanks. Mr. Connell's action prevented a propane explosion.

C. Citizen Appreciation Award to Paul Mitchell. Chief DiGiovanni presented a Citizen Appreciation Award to Paul Mitchell for notifying the Police Department of smoke coming from the downstairs storage area of a home on Coral Lane. Mr. Mitchell's quick action resulted in no damage to the property.

D. Citizen Appreciation Award to Daniel Hill. Chief DiGiovanni presented a Citizen Appreciation Award to Daniel Hill for disconnecting a compressor and preventing a potential fire at a home on Coral Lane.

E. Proclamation Commending the Florida Association of City Clerks (FACC) on its 45th Anniversary. Mayor Ellis read the proclamation recognizing the FACC for providing educational opportunities to City Clerk's statewide and for increasing cooperation, support and information sharing between City Clerks.

**MOTION:** Motion made by Commissioner DeNeale, seconded by Vice Mayor Sutton, to approve the Proclamation Commending the FACC on its 45<sup>th</sup> Anniversary.

**ON THE MOTION:** Unanimous approval.

**5. Committee and Staff Reports:**

**A. Marathon Fire/EMS** –Fire Chief John Johnson reported 8 responses to Key Colony Beach since the last Commission meeting, 6 medical calls, 1 public assist and 1 police assist. The Seafood Festival is this weekend so traffic will be heavy, please be patient and careful.

**B. Recreation Committee** – Blanche Hines reported the Recreation Committee had a meeting on March 1, 2017. Darryl Rice, Golf Course Manager, reported to the Committee that revenues are down due to a decline in membership and walk on players. He also reported golfing, across the US, has been in decline for many years. Mr. Rice will make a decision, after April 1<sup>st</sup>, 2017 on if he will renew the lease with the City. The Recreation Committee hopes the City will work with Darryl on the lease renewal. Hans Kolster has resigned from the Recreation Committee and will be returning to his home in California. Forty pickle ball players attended the Committee meeting to recognize Hans Kolster for bringing pickle ball to Key Colony Beach and for all he has contributed to the sport. The Recreation Committee recommends the new pickle ball courts be dedicated to Hans Kolster and a plaque honoring him be placed at the park. Bill Fox said the bocce tournament at the end of April was attended by 80 people and was a huge success. The Book Club, Crafty Ladies and the Exercise groups continue to meet on a regular basis and are well attended. Mayor Ellis reported meeting with the Mayor Dan Zieg of Marathon to encourage them to establish pickle ball courts in that city.

**C. Beautification Committee** – No report.

**D. Disaster Preparedness Committee** –No report.

**E. Planning & Zoning Board** No report.

**F. Utility Board** – No report.

**G. Police Department** – Chief DiGiovanni said there has been 1 report, 1 medical/alarm call, 9 Sheriff Office assist calls and 10 miscellaneous calls since the last meeting. The Police Department also issued 24 code enforcement warnings, 1 citation and 12 traffic warnings. There were no incidents on Key Colony Beach Day. Chief also reported he will be out of the office beginning at the conclusion of this meeting. He will return to work on March 15, 2017. He reminded everyone the St. Patrick's Day parade will be starting at 5:00 PM, next Friday, March 17, 2017.

#### **H. Building and Public Works** –

1. Approval of 16,000 lb 4 post boat lift and (4) 12” round pilings at 69 7<sup>th</sup> Street. Building Official Borysiewicz reported he has the application, Army Corps and DEP approvals. He has also received verbal approvals from the neighbors on both sides. Vice Mayor Sutton suggested Mr. Borysiewicz request written approvals from the neighbors. Mr. Borysiewicz agreed he would do that. Commission approval is required for a 4 post lift. This type of lift is common along 7<sup>th</sup> Street.

**MOTION:** Motion made by Commissioner DeNeale, seconded by Vice Mayor Sutton, to approve a 16,000 lb 4 post boat lift and (4) 12” round pilings at 69 7<sup>th</sup> Street.

**ON THE MOTION:** Unanimous approval.

2. Approval to hire Gerard Roussin as Asst. Building Official at \$55,000 annually. Mr. Borysiewicz introduced Gerard Roussin as a Monroe County licensed general contractor and a State of Florida licensed contractor who has lived in Marathon since 1984. Mr. Roussin is aware of the other certifications necessary for this position. He will work on obtaining these certifications immediately. Mr. Borysiewicz has personally known Mr. Roussin for over 20 years and knows him to be professional, well spoken and with pleasant attitude. Mr. Borysiewicz and Mayor Ellis have interviewed several candidates for the position. He has selected Mr. Roussin due to his construction experience, county and state licenses, his long history in Marathon and his courteous and pleasant attitude. Mr. Borysiewicz requested approval to hire Mr. Roussin at \$55,000 annually with an increase to \$60,000 following a satisfactory 6 month review.

**MOTION:** Motion made by Commissioner DeNeale, seconded by Mayor Ellis, to hire Gerard Roussin as Assistant Building Official at \$55,000 annually with an increase to \$60,000 following a satisfactory 6 month review.

**Discussion:** Commissioner DeNeale said Mr. Roussin has done several projects for him and has done a fabulous job. He also stated Mr. Roussin is always seen volunteering around town. He is convinced Mr. Roussin will be a great fit for the Key Colony Beach.

**ON THE MOTION:** Roll call vote. Unanimous approval.

**I. City Secretary/Treasurer** – Commissioner Pettorini said there is nothing to report since the last financial update. The next management reports will be received between now and next week.

**J. City Clerk** - City Clerk McCullough thanked the Commission for the Proclamation acknowledging the Florida Association of City Clerks. She finds the Association a valuable resource. Staff Assistant Cherie Bombard is very busy sending out the renewal notices for long term boat storage. Assistant City Clerk Becky Todd has a property managers class on March 22, 2017. There are 15 people signed up for this class.

#### **6. Unfinished Business:** N/A

7. **Commissioners Open Discussion:** Commissioner Tracy asked why the restrooms in City Hall were taped off during Key Colony Beach Day? Mayor Ellis reported the Community Association President asked that the restrooms be closed. There have been many issues, over the years, with the restroom use on Key Colony Beach Day. Just to name a few, toilets and sinks have been plugged up, water has run into the hallway and into the conference room. Mayor Ellis asked several times if she was sure this is what she wanted. She actually wanted them locked but the City opted just to tape them off. Mayor Ellis asked the Association President to make sure handicapped port-a-potties were available.

Commissioner Tracy said several senior citizens reported displeasure over the port-a-potties. Commissioner Tracy suggested next year the City Hall restrooms be designated for handicapped use only during Key Colony Beach Day. Commissioner Tracy will inform Gail Cortelyou of the complaints she received. Commissioner Tracy also reported the fountain at Gazebo Park looks much better. Previously there was always mold and leaves in the fountain, but the other day it was clean. Mr. Borysiewicz reported Alan Morgan has added the fountain to a list of issues in the City that he checks daily.

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

A. Tablets Terms of Use – Commissioner DeNeale reported tablets have been purchased for the City Commissioners and some City Staff. Commissioner DeNeale would like a discussion of a ‘terms of use’ agreement for the tablets such as for official use only, no personal email accounts, no online shopping, no personal social media accounts, no inappropriate websites or applications, and no online gaming, etc. Commissioner DeNeale does not feel there needs to be a signed agreement, however, he does believe there should be a City policy concerning the use of the tablets. Mayor Ellis asked what happens in the event a tablet is lost or damaged? Commissioner DeNeale replied that a piece of City equipment has been signed out to you. If the Commission felt you were negligent it could vote to have you pay for it. But if it was an honest mistake, or if it was stolen, he does not believe the Commission would hold anyone responsible. Chief DiGiovanni also suggested smart phones be included in the policy. Attorney Wright questioned the terminology ‘inappropriate websites or applications’. He is more comfortable with specific language such as adult content or pornography websites. Commissioner DeNeale agreed. He does not want to stop anyone from using the internet responsibly. He recently ‘surfed the web’ to research HB 17. Mayor Ellis asked Clerk McCullough if she had checked with Marathon or Monroe County. She checked with the County Attorney, Bob Schillinger, and they do not have a policy. She has not checked with Marathon or Islamorada. Chief Johnson reported Marathon does have a policy concerning electronic devices. They also have programs installed that limit access to certain websites and to track a device if lost. Erin, in Marathon’s IT Department, could provide the specifics. Commissioner DeNeale asked Attorney Wright to put something together to discuss at the next meeting.

**9. City Administrator Items for Discussion/Approval: N/A**

**10. Ordinances and Resolutions:**

A. Resolution 2017-03 Opposing HB 17 and SB 1158 Preempting Home Rule Powers. Attorney Wright read the Resolution 2017-03 by title.

**MOTION:** Motion made by Commissioner DeNeale, seconded by Vice Mayor Sutton, to approve Resolution 2017-03 Opposing HB 17 and SB 1158 Preempting Home Rule Powers.

**Discussion:** Commissioner DeNeale reported this Bill is trying to level the ‘playing field’ for businesses across the state. An Orlando Sentinel article indicates this Bill prohibits new laws or regulations on businesses, professionals or occupations not specifically authorized by the general laws of Florida after July 1, 2107 and nullifies all existing laws or regulations not specifically authorized by laws after July 1, 2020. Under the Sentinel’s research this means Cities could not enforce noise regulations on businesses, adult entertainment businesses in the City, parking of semitrailers or other commercial vehicles in residential areas, home based business regulations such as traffic, parking or employees not residing in the home and door to door solicitation.

Commissioner DeNeale says this bill would ‘tie our hands’ in a lot of areas. It is a home rule issue for him. The Florida Chamber of Commerce is against this Bill. This resolution is also supported by Monroe County.

**ON THE MOTION:** Roll call vote. Unanimous approval.

11. **Warrant Approval:**

**MOTION:** Motion made by Commissioner Pettorini, seconded by Commissioner Tracy, to approve Warrant No. 02017 in the amount of \$375,131.21.

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

12: **Commissioner’s Reports or Comments:** Commissioner DeNeale thanked the Community Association for another terrific Key Colony Beach Day. Great 60<sup>th</sup> Birthday.

13: **City Attorney Report:** Attorney Wright reported the City was served an amended complaint in the case involving the manhole cover. It has been forwarded to the City insurance company. He will report on any developments he receives concerning the case. Attorney Wright also reported an enormous error on the plat for lots along 7<sup>th</sup> Street where there is approximately 60 feet of dry land beyond the rear property line. Looking at the Property Appraiser tax card, for the previously approved boat lift, the first line coming from the street is the rear lot line, the second line is the shore line and the third line is submerged land. This error was discovered when Mr. Wien, Boatels Inc. conveyed the deed to a large number of lots he purchased. To correct the error Phil Sadowski issued a quit claim deed to Mr. Wien for the 60 feet of dry land and another additional 40 feet of submerged land. Attorney Wright has corrected several of these in the course of his real estate business, however, there may still be lots where this error exists. Because of the advanced age of Mr. Wien’s elderly son, the heir of the Wien estate, Attorney Wright has obtained a quit claim deed from him for all unconveyed lands along 7<sup>th</sup> Street. He would like it, on the record, if anyone along 7<sup>th</sup> Street needs a quit claim deed, to correct a property record, he will issue it at no charge. Attorney Wright also noted a permit has been issued for a 6 bedroom 6 bath addition to a vacation rental in Marathon. He is glad Key Colony Beach had the foresight to adopt an ordinance with maximum capacity in a rental regardless of the size of the property.

14: **Correspondence & Citizen Comments:** N/A

The meeting adjourned at 10:05 A.M.

Respectfully submitted,



Respectfully submitted,  
Kathryn McCullough, City Clerk

**Note: These minutes are unofficial and have not been formally approved by the Commission. The approval will be at the next scheduled Commission meeting.**