

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, March 26, 2015 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 Zahn at 9:30 a.m. followed by the Pledge of Allegiance and Prayer.

Present: Mayor Geraldine Zahn, Vice-Mayor Ron Sutton, Commissioner Ed Wovas, Secretary Treasurer Jerry Ellis and Commissioner Ryan Schraffenberger. *Also Present:* Attorney Tom Wright, City Clerk Cathy Henninger, Building Official Ed Borysiewicz, and Fire Chief John Johnson and Police Chief Kris DiGiovanni *Public: 16*

2. **Approval of Minutes:** Joint Meeting - Engineering 3/5/15 Approved as written.
Regular Meeting 3/12/15 Approved as written.
Fine & Fee Workshop 3/10/15 Approved as written.

3. **Special Request:** Jack Crowley Certificate of Appreciation, Mayor Zahn thanked Mr. Crowley for all his leadership and enthusiasm in coordinating the St. Patrick's Day Parades for the last several years, and presented him with a certificate. This event is an anticipated annual event that is well organized thanks to Mr. Crowley. Mayor Zahn stated we hope to have many more years of his leadership and will look for an understudy leprechaun to assist him and learn the ropes of this important event. Mr. Crowley thanked the Commission and the Fire Chief and Police Chief for all their assistance with the parade each year.

City Planner - Jim LaRue - Amendment to the Comprehensive Plan- Water Supply- Mr. LaRue at the Public Hearing held at 9:15 a.m. explained in detail the fact that the City of Key Colony Beach has met the requirements of this mandate and have remained in compliance this year and throughout the years. Mr. LaRue recommended that the Public Hearing be reconvened to make a motion as City planners to recommend to the Commission to adopt the amendment to coordinate the City's Comprehensive Plan with the South Florida Water Management District's Lower East Coast Water Supply Update as mandated by State Statute 163.3177(6)C(3). At this point in the meeting, the Public Hearing was reconvened for the vote on the recommendation.

Consultants Colleen Castille and Allison DeFoor – Mayor Zahn stated that the consultants who have been hired to work on the vested building rights of the City are here to provide an update to the Commission. Ms. Castille provided a chronological history of this issue. A summary memo (attached to the minutes) was submitted with details of actions taken up to this point and possible options for the Commission's consideration. Letters (3) signed by previous DEO leadership over the years have been located that confirm the DEO has approved the Key Colony Beach comprehensive plan each time it has been submitted to the State DEO for approval. Mr. DeFoor stated that he encourages a dialogue with the higher levels of the State DEO. He requested the specific number of dwelling units and the estimated valuation of those units. In addition, he requested that Chief DiGiovanni provide a written estimate of the permanent summer (hurricane season) residents. Ms. Castille stated

that they are not asking for a firm decision today from the Commission, only consideration of their findings and the options presented. She stated they will keep the Commission apprised of any findings or updates until they re-address the Commission next month. Commissioner Ellis stated that he is very interested in a compromise approach. He does not want an argument or litigation. Mr. DeFoor stated Key Colony Beach is the poster child of all of Monroe County in terms of compliance with State mandates. Commissioner Ellis added that the City has taken the initiative and done many compliance issues long before they were mandated by the State. Commissioner Wovas stated he too is willing to compromise as long as the vested building rights of the City as stated in the comprehensive plan are recognized. Mayor Zahn thanked Ms. Castille and Mr. DeFoor for their information and guidance through this process. She scheduled a tentative follow up the second Commission meeting of April.

4. **Committee and Staff Reports:**

A. Marathon Fire/EMS – Fire Chief Johnson stated there were 8 EMS calls and one call for public assistance in the past two weeks. The Marathon Fire Department was involved in various community events these past few weeks. They include: Key Colony Beach Days, Rubber Duck Races (Zonta), Taste of the Islands and the Relay for Life Golf Ball Drop.

B. Recreation Committee – No report.

C. Beautification Committee – No report.

D. Disaster Preparedness Committee – No report.

E. Planning & Zoning Committee – No report.

F. Utility Board – The Commission by consensus moved item #7 to discuss while Attorney Wright was present at the meeting.

RO Contract Completion- Mayor Zahn summarized the conference call with the engineer, Paul Jarrett and Attorney Wright to discuss the contract and the completion of the RO project. The letter of summary from Mr. Jarrett stating his opinion was emailed to the Commission members upon receipt. Attorney Wright summarized that a letter had been sent to Overholt Construction concerning completion of the project and that Mr. Overholt had responded with his points. Mr. Jarrett explained the project was at final completion in December with the exception of the staircase. Vice-Mayor Sutton asked for clarification on whether the items on the punch list that were not completed in December are warranty work or are they considered problems with the manufacturer. Attorney Wright stated that according to the engineer those items on the punch list do not impact the final completion date. Commissioner Ellis asked Steve Flood if the City would hire this contractor again. Mr. Flood stated that yes, Overholt was a good contractor and the Utility Board is pleased with the work completed. Commissioner Ellis stated that he saw no reason to fine the contractor and suggested a motion. Mayor Zahn strongly agrees with Commissioner Ellis on this and that the City has had no financial loss from the delay. She stated the final payment will not be made until the stairway is installed. Steve Flood explained that the issues with the valves and pumps are warranty issues and do not affect the completion date. Commissioner Wovas asked if the lien releases have been received. Mayor Zahn stated that the liens will not be released until the stairway is installed. The O & M manuals and the “as built” drawings have been received by the City. Commissioner Wovas stated that due to the conflicted documents produced by Paul Jarrett with regard to the stairway, that portion of the delay cannot be addressed due to the fact Mr. Jarrett is the City’s hired engineer on this project. Commissioner Wovas stated to be consistent with the engaged engineers statement of the completion date he thinks a motion should be made to assess the penalty of \$9,500.00 only to the contractor.

Motion: Made by Commissioner Ellis, seconded by Commissioner Schraffenberger to waive all fines to the Overholt Contractor on the RO project.

On the Motion: Roll Call Vote: Yeas: Mayor Zahn, Commissioner Ellis, Commissioner Schraffenberger and Vice-Mayor Sutton. Nays: Commissioner Wovas. Motion passed.

Chair Flood requested the Commission vote to accept the Mittauer Engineering Contract proposal with amendments to complete needed updates to the wastewater plant to meet compliance mandates.

Motion: Made by Commissioner Ellis, seconded by Commissioner Wovas to hire the Mittauer Engineering Firm for services at the wastewater treatment plant.

On the Motion: Roll Call Vote: Unanimous approval.

Chair Flood mentioned Mittauers' lead engineer has recommended an equipment purchase to begin the monitoring of the wastewater system. This equipment will be utilized in the wastewater facility long term, not just during this assessment period.

Motion: Made by Commissioner Wovas, seconded by Commissioner Ellis to authorize purchase of hardware and GE interface of that hardware, and required warranty and standards for a total of \$55,000.00.

On the Motion: Roll Call Vote: Unanimous approval.

The recommendation was made by Commissioner Wovas to provide some contact names and numbers to Jason Shepler (Mittauer engineer) of electrical contractors who do commercial installations. Chair Flood will provide those contacts. Jason Shepler will assess from the discussions with the electrical contractors list provided if a local contractor can perform this work for the City. Steve Flood reported that Dave Evans of U.S. Water is completing the biannual review of the manholes throughout the City. Third Generation is completing the repair to a manhole cover and ring on 4th Street. Estimates have come in on the roofing work needed at the blower building at the wastewater plant. Chair Flood stated they have selected Keys Roofing to complete the work at an expense of \$5,580.00. Paul Jarrett of RSI has recommended that the City invest in a back-up control panel to the main computer of the RO plant. The Utility Board agreed that this purchase is necessary. Commissioner Wovas asked for some clarification before purchase. His questions are: who will install the new one; what is the warranty length on the one just installed; if U.S Water staff work on it does the warranty remain intact. Steve Flood will provide those answers at the next meeting. It was noted that Mr. Jarrett's reasoning includes the custom build required for this equipment and the delay in delivery of items to the Keys. Chair Flood stated that he would like to discuss with the engineer now that one has been chosen the force main issue at the Causeway Bridge. He asked for clarification from the Commission if they wish the Utility Board to work directly with the engineer on this separate repair project. The consensus of the Commission was to have the Utility Board work directly with the Mittauer engineer on this separate repair job.

G. Police Department – Chief DiGiovanni reported there were five cases in the past two weeks. They consisted of: theft from a boat (speakers & canopy); stolen property recovered; criminal mischief; aggravated battery report and theft of lawn chairs (12th Street). In addition 6 medical/ alarm calls were responded to. KCB Officers assisted in 17 instances the Monroe County Sheriff's Office from traffic stops to a possible refugee landing at Coco Plum. Miscellaneous calls (19) were: 2 animal calls; 2 noise complaints, 3 suspicious person(s); 3 parking calls; 2 water safety cases; 1 boater assist; 2 resident

assists; 1 stolen bike report; 1 boat trailer assist and 2 vehicle crashes. Officers continue their vacation watch order program; daily business checks; traffic enforcement, bicycle and vehicle patrol. The Key Colony Beach law enforcement officers conducted training of a Cub Scout Troupe on gun safety. Taste of the Islands went well with only one minor medical call.

H. Building and Public Works –Ed Borysiewicz reported Gonzales Landscaping was awarded the job of trimming the east side of Sadowski Causeway mangroves. Their staff will begin work next week. Joey and Steve of Public Works have trimmed the buttonwoods and vegetation at the permanent trailer lot. This included moving the boat trailers and organizing them by number of axles.

Boat Lift – E. Wayne and Darlene Cropper, 900-910 Shelter Bay Drive have requested approval to install a boat lift to a previously approved L shaped dock with a variance. Mr. Borysiewicz stated that the arm length of the requested lift will be 8 ft. and will remain within the previous variance length granted.

Motion: Made by Vice-Mayor Sutton, seconded by Commissioner Schraffenberger to approve the boat lift at 900-910 Shelter Bay Drive for the Cropper's.

On the Motion: Roll Call Vote: Unanimous approval.

I. City Secretary/Treasurer – Commissioner Ellis stated the February income exceeded the expenses for the month. He stated the first payment to the consultant team hired by the City to address the vested building rights has been made. Next month at the second meeting the Commission will hear from the accountant on the first 6 months of the fiscal year.

J. City Clerk- Cathy Henninger reported the City received a donation of \$300.00 from the Keyettes, the Woman's Auxiliary of the Marathon Shrine Club in appreciation for the use of Marble Hall for their four events this season. The property manager training class held this past week had 23 participants. This is the first group to hear that the new vacation rental inspection will include a requirement to have the address of the property prominently displayed inside the home, and the new plaque informing vacationers of the violation concerning littering in the canals of the City. The plaques are available in City Hall for \$7.00 and are required to be displayed on fish cleaning stations or docks at water's edge of all vacation rental homes in the City. April 1, 2015 at 9:30 is the organization meeting of the City. Wastewater billings for this quarter have been mailed and include a request for donation letter from the Beautification Committee. Thank you to the Beautification Committee members who assisted with the folding and inserting of that mailing.

5. **Unfinished Business:** None.
6. **Items for Discussion/Approval:** None.

7. **City Administrator Items for Discussion/Approval:**

A. Castille-DeFoor Status Report – see Utility Board Report above.

B. Trauma Star transportation update – Mayor Zahn reported that she has confirmed with the County that stickers will be mailed to all Monroe County residents when they become available. The sticker will denote Trauma Star as the first choice for medical transportation at a cost savings to Monroe County residents.

C. Flag Pole Dedication: Ben Ryder's Eagle Scout Project was dedicated this past Wednesday evening. The project was very well done by Ben, beginning with fundraising. He is to be commended and Mayor Zahn remarked when she passes the flag she will always think of this responsible young man who thought to pursue this project. She

remarked that the flag pole installation completes the entrance to the City. Ben Ryder purchased extra flags for replacement as well as a plaque.

8. **Ordinances and Resolutions-** Ordinance 439-2015 Second Reading – Election Date Amendment – Cathy Henninger read the proposed ordinance by title only. She stated this amendment is to change the City election date for 2016 to coincide with the Presidential Preference Primary. This alignment is to allow the Monroe County election staff to work the City election. This amendment will sunset one day after the election.

Motion: Made by Vice-Mayor Sutton, seconded by Commissioner Ellis to approve the Ordinance Amendment 439-2015 on the election date of Key Colony Beach to coincide with the Presidential Preference Primary.

On the Motion: Roll Call Vote: Unanimous approval.

Ordinance 440-2015 First Reading- Amendment to the Comprehensive Plan to coordinate the City's Plan with the South Florida Water Management District's Lower East Coast Water Supply Plan Update. Cathy read the proposed ordinance by title only.

Motion: Made by Commissioner Schraffenberger, seconded by Commissioner Wovas to approve the amendment to the Comprehensive Plan.

On the Motion: Roll Call Vote: Unanimous approval.

9. **Commissioner Reports and Comments:** Commissioner Schraffenberger thanked the Commission for welcoming him to the Commission and for all the knowledge he has gained. He offered to assist the Commission and the City in any way going forward. He offered to continue to attend on behalf of the City the Restore Act (BP Oil Spill) meetings as they occur if the Commission wishes. Mayor Zahn stated that she would appreciate his remaining on that committee. Mayor Zahn presented Commissioner Schraffenberger with a certificate of appreciation for his service on the Commission. She expressed her gratitude for his service to the City.
10. **City Attorney Report:** Cathy reported on Attorney Wright's behalf that the Ledon Trust case (10th Street) has been settled for \$25,000.00 to be paid by December 1, 2015. The liens on the property will remain in place until full payment is received.
11. **Correspondence and Citizen Comments:** Tucker DeGraw, 12th Street an email suggesting stickers for the recycle cans of vacation rentals. Judi Sanders submitted a complaint of a code violation that is being researched. Greg Burke, 8th Street requested information on the noise ordinance of the City as it relates to the sewer plant. Cathy explained the noise ordinance allows exception for public utilities. .

Meeting adjourned at 11:25 a.m.

Memorandum from Colleen Castille and Allison DeFoor: Available upon request.
Respectfully submitted,



Cathy Henninger, 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.**
