

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday June 22, 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 John DeNeale at 9:30 A.M. followed by the Pledge of Allegiance and Prayer.

*Present:* Mayor John DeNeale, Vice Mayor Ron Sutton, Secretary/Treasurer Jim Pettorini, Commissioner Jerry Ellis and Commissioner April Tracy. *Also Present:* City Administrator Chris Moonis, City Clerk Kathryn McCullough, City Attorney Tom Wright, Assistant Building Official Gerard Roussin, Chief DiGiovanni, and Fire Chief John Johnson. Excused: Building Official Borysiewicz . Public - 3

2. **Approval of Minutes:**

**MOTION:** Motion made to approve the minutes of the 05/25/2017 Regular Commission Meeting.

**ON THE MOTION:** Unanimous approval.

**MOTION:** Motion made to approve the minutes of the 06/08/2017, Regular Commission Meeting with corrections.

**ON THE MOTION:** Unanimous approval

3. **Agenda Additions, Changes, Deletions:** Vice Mayor Sutton requested a discussion of plantings at Sunset Park be added under items for discussion. Mayor DeNeale would like to add, under City Administrator, a discussion of idle speeds and no wakes in canals.

4. **Special Requests:** No requests.

5. **Committee and Staff Reports:**

**A. Marathon Fire/EMS** –Fire Chief John Johnson reported three internal alarms and two medical calls since the last meeting. As it is storm season, Chief Johnson reminded everyone to prepare now just in case. Trim your trees. Know how you're going to close up your property. Most important have an evacuation plan and a reentry plan.

**B. Recreation Committee** – No report.

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

**D. Disaster Preparedness Committee** –Assistant Building Official Gerard Roussin reported the public works crew is removing all the low hanging and loose branches from trees. A test was performed on the generator earlier this week. The generator's starting battery has been replaced.

**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, 12 Sheriff Office assist responses and 5 miscellaneous calls since the last meeting. The Police Department has also issued 13 traffic warnings, 1 traffic citation, 10 code enforcement warnings and 1 code enforcement citation. Chief DiGiovanni reported a turtle was discovered on W. Ocean Drive. It was captured, taken to the turtle hospital, examined and brought back to Key Colony Beach for release. The Kids Fishing Derby went well with 39 children attending. Chief extended a big thank you to the volunteers, organizers and supporters for another great year. Officer Griffith is currently out. Chief DiGiovanni is covering his shifts. He is mailing an application another police application today however he still has no viable candidate. The Department of Health community meeting has been rescheduled to June 29 at City Hall at 5:30 PM. This meeting is to share the public health survey results, conducted in front of the post office a few weeks back, with the general public.

**H. Building and Public Works** Assistant Building Official Gerard Roussin reported Mr. Borysiewicz is out of town until July 4. He is currently attending a contractor seminar for his continuing education after which he will be on vacation. Mr. Roussin reported he was approved by the Builders Board for a provisional building inspector license and a provisional one and two dwelling inspection license. He was also approved to take the building official exams. Public Works has been working on the striping machine in preparation for painting lines on the City streets. They have also been trimming and rearranging the trailer lot in preparation for a busy summer season. Commissioner Ellis asked if there were still construction materials stored in the boat trailer yard. Mr. Roussin reported the construction trailer had been moved and he expected the rebar and debris to be cleaned up very soon.

**I. City Secretary/Treasurer** – Commissioner Pettorini reported the financial reports have been received through May 2017 representing two thirds of the fiscal year. The City is in great shape both in terms of the current budget and in comparison to prior year. Mayor DeNeale reported on his meeting with Mr. Moonis and Chief DiGiovanni concerning the impact of using the Monroe County Sheriff's office to cover the vacant position. The budget in this area is currently okay.

**J. City Clerk** - City Clerk McCullough reported she has been busy working on the budget. Becky has sent out letters to owners and property managers for vacation and long-term rental license renewals. The July sewer invoices will be mailed on July 26th. Ms. McCullough reminded the commissioners the statement of financial interest forms must be submitted to the Supervisor of Elections no later than July 1, 2017.

**K. City Administrator:** City Administrator Moonis reported he continues to receive feedback from residents on 7th and 8th Streets who are opposed to new pickle ball courts. He is also receiving comments from pickle ball players, most of whom are owners or long term renters, in favor of the courts. He and Vice Mayor Sutton met with Mike Alexander to get an understanding of the goals for pickle ball. He has no recommendation yet, however, he will have a full report ready for the second meeting in July. Vice Mayor Sutton stated he asked Mike Alexander about the special ball that reduces the 'bop' noise. Mr. Moonis will order a few of these balls to give them a try. Vice Mayor Sutton said the issue is being addressed from all angles in an effort to come to a compromise. Mayor DeNeale reported he instructed Mr. Moonis to start with a 'clean piece of paper' and build from there.

City Administrator Moonis provided the commissioners with a report of Mr. Spherly's vision for restrooms at Sunset Park. He asked the commissioners to review the lengthy report as it relates to the Commission's vision for the restrooms. Vice Mayor Sutton suggested the discussion be placed on the agenda for the next meeting as a vote will be required.

City Administrator Moonis met with Darrell Rice concerning the lease at the golf course. The lease expires September 30<sup>th</sup> of this year. Mr. Moonis will visit the golf course and review its operations before making any recommendation concerning a new lease or a lease extension. Vice Mayor Sutton said he would prefer a 3 to 5 year lease for the golf course.

Mr. Moonis thanked Chief DiGiovanni and Vice Mayor Sutton for all their hard work and for the opportunity to participate in the Kids Fishing Derby. It was an astonishing experience.

Mr. Moonis informed the Commission of a notice received from Monroe County concerning idle speeds and no wakes. In 2009 a Florida statute changed so FWC no longer enforces idle speeds/no wakes in canals and near shore waters. The Key Colony Beach ordinance allows the City to enforce the speed regulations. Monroe County is asking all municipalities join in passing a unified ordinance to comply with the 2009 Florida Statute. The threshold is for 75' wide, or less, canals, so an umbrella ordinance would not apply here as all the canals in the City are 100' wide or wider. Mr. Moonis will research to determine if the Florida statute preempts the City ordinance. Commissioner Tracy asked if the Coast Guard enforced the speed in the Key Colony Beach canals. Chief DiGiovanni answered no. Attorney Wright said the ordinance has been on the books for many years and has never been challenged. Commissioner Ellis stated 'don't try to fix something that's not broke'. Mayor DeNeale views it as a safety issue. People swim in the canals. Boats are launched from lifts in the canals. City Attorney Wright reported the State granted broad police powers within 200' of the shoreline. He will contact the County Attorney and report back. Commissioner Tracy asked how often the Police Boat is on patrol. Chief DiGiovanni reported he patrols the canals on the weekends and during mini-lobster season. Commissioner Tracy asked if the City police is the only agency enforcing the speed in the canals. Chief DiGiovanni indicated yes. Mayor DeNeale said the consensus is to keep the City ordinances. A response to the County's request will be discussed at the July 13, 2017 Commission meeting.

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

7. **Commissioners Open Discussion:** N/a

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

**A. Stormwater Project Update** – Vice Mayor Sutton reported the plans to downsize the 12<sup>th</sup> Street Stormwater project have been completed by Mittauer and Associates. It has been advertised with the bid opening set for July 24, 2017. The Commission will vote on the project if there is an acceptable bid. South Florida Water Management District (SFWMD) will then be contacted for approval of the down sized scope of work. Mayor DeNeale asked if the Utility Board would recommend the bid award to the Commission.

City Administrator Moonis indicated, if necessary, a special meeting of the Utility Board would be scheduled for their recommendation.

Vice Mayor Sutton was approached by Best Landscaping who requested approval to plant, on City property, 75 feet of bougainvillea from the corner of the property at the corner of 12<sup>th</sup> Street and West Ocean Drive, down to where the hedge starts in Sunset Park. All expenses would be the property owners, ie, the cost of the plants, the planting, irrigation and maintenance. Vice Mayor Sutton, Beautification Chair Patty Trefrey and her husband met with the landscaper to review the area. Ms. Trefrey has contacted the other Board members who are all in approval of the project. City Administrator Moonis suggested a statement signed by the property owner agreeing to the costs including on-going maintenance.

**MOTION:** Motion made by Vice Mayor Sutton , seconded by Mayor DeNeale, to approve the plantings contingent on receipt of a signed agreement from the property owner.

**Discussion:** Commissioner Tracy questioned what would happen if the property sold in the future. Mayor DeNeale asked if the City needed to grant an easement to place the irrigation lines. Vice Mayor Sutton said easement would not be necessary. If the property owner fails to maintain the plants the City can just remove them.

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

**B. Approve Commissioner Pettorini Budget Workshop attendance by telephone –** Commissioner Pettorini asked to attend the June 29<sup>th</sup> and July 13<sup>th</sup> Budget Workshop meetings by telephone as the schedule was changed due to a last minute requirement by the Property Appraiser’s Office. City Attorney Wright reminded the Commission it has the authority to allow attendance, and vote, by telephone for good cause. Vice Mayor Sutton said this request constituted good cause.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Mayor DeNeale , to allow Commissioner Pettorini to attend the June 29<sup>th</sup> and July 13<sup>th</sup> Budget Workshops by telephone.

**ON THE MOTION:** Roll call vote. Commissioner Ellis, yes. Commissioner Pettorini, abstained. Commissioner Tracy, yes. Vice Mayor Sutton, yes. Mayor DeNeale, yes. Motion passed.

**C. Update on Turtle Lights – East/West Ocean Drive -** Commissioner Tracy stated, because of the turtle on discovered on West Ocean Drive, she suggests the turtle lights being installed on East Ocean Drive also be installed on West Ocean Drive. City Administrator Moonis reported staff recommends, for turtle safety and for uniformity, installation of turtle lights all along both East Ocean and West Ocean Drive. He will contact FKEC to determine if they will cover the cost. Commissioner Tracy indicated the other concerns are lights from the condominiums. She suggested meeting with the Condo Managers to present lighting ideas and light bulb information for turtle safety. Mayor DeNeale suggested hosting an informational meeting, not only for Key Colony Beach residents, but also Marathon. Susie Graff, FWC, may be interested in conducting a session. Commissioner Ellis informed Mr. Roussin he could contact Darryl with FKEC, and/or Mike Puto, to determine if they would cover the costs.

## **9. Ordinances and Resolutions:**

**A. Ordinance 452-2017 - Imposing a temporary Moratorium on Marijuana Dispensing/Medical Marijuana Treatment Centers.** City Attorney Wright read the ordinance by title only. He explained this ordinance is similar to one passed by the City of Marathon. It will obligate the City to revise the Land Development Regulations within the next 180 days. It will provide time for the City to develop regulations concerning facility operations.

**MOTION:** Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton, to approve the first reading to Ordinance 452-2017 with the following corrections; change Legal Department to City Attorney in Section 3; correct the word test to text in Section 3; and correct the ordinance title on the top of page 2.

**Discussion:** Commissioner Tracy questioned if this is really an issue. City Attorney Wright explained a 180 day moratorium will provide the City an opportunity to determine what regulations may be necessary. Marathon Fire Chief Johnson reported attending the meetings in Marathon when this issue was discussed. The City of Marathon placed the moratorium because there currently are no standards for this type of activity.

**ON THE MOTION:** Roll call vote. Commissioner Tracy, no. Vice Mayor Sutton, yes. Commissioner Pettorini, yes. Commissioner Ellis, yes. Mayor DeNeale, yes. Motion passes.

## **10: Warrant**

**MOTION:** Motion made by Commissioner Pettorini, seconded by Commissioner Tracy, to approve Warrant No. 52017 in the amount of \$714,814.25

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

11. **Commissioner's Reports or Comments** Mayor DeNeale reported attending the Florida Keys National Marine Sanctuary Advisory Council (FKNMSAC) meeting on June 20, 2017. The Advisory Council is hoping to have public comment on restricted areas for fishing, etc. during the winter. A report will be prepared, sent to National Ocean and Atmospheric Administration (NOAA) for review and then to the State. There is currently no time line for this process. The Council is interested in getting information from the Key Colony Beach Fishing and Boating Club again. Mayor DeNeale provided them with Commodore Alferes' contact information. The recent algae bloom in Florida Bay was essentially caused by high salt content and little rain. It took approximately 20 years to recover from the large bloom in the 1980's. A water storage area south Lake Okeechobee, approved by the State, will help alleviate future occurrences of this type. 130 deer were euthanized because of screw worms. The remaining herd of 600 deer are healthy. The Lower Keys Guides Association reported problems with unlicensed guides from outside Monroe County.

Commissioner Pettorini attended a Mosquito Control Board meeting. The Board passed a resolution limiting the members to 3 terms, 12 years. He also spoke with the Supervisor of Elections who reported there is time to put a City referendum on the ballot changing the City's election process. She reported filing with the appropriate language must be submitted before the closing date which is in December. Commissioner Pettorini suggested a workshop to discuss the issues which include moving to the Monroe County election cycle and whether to continue two year commissioner terms or change to a 4 year

term. When Marathon aligned with the Monroe County election cycle, they extended commission terms in one referendum. Commissioner Ellis commented nothing is accomplished if the cycle is changed but the term is not. City Attorney Wright said the term limit change would require a Charter amendment; the election date change only requires an ordinance.

Mayor DeNeale announced he, Vice Mayor Sutton and City Administrator Moonis will be attending the Florida League of Cities Conference August 17, - August 19, 2017.

12. City Attorney: No report

12. Citizen Comments and Correspondence:

City Clerk McCullough reported receiving an email from Mary McFadden thanking Chris Moonis for his interest in upgrading the yellow traffic lines on Clara Blvd and Coral Lane. An email was also received from Tucker DeGraw vehemently objecting to any change in the City's election process. Both emails had been forwarded to the Commissioners.

There being no further issues, the meeting adjourned at 10:47 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.**

---