

**MINUTES**  
KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday, August 25, 2016, 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 Thomas Wright, Building Official Ed Borysiewicz, Assistant Building Official Steve Britske, and Police Sergeant Lindsay Birkland. Excused: Police Chief Kris DiGiovanni and Fire Chief John Johnson. Public - 6

2. **Approval of Minutes:**

**Motion:** Motion made by Mayor Ellis, seconded by Commissioner DeNeale to approve the minutes of the Public Hearing 07/28/2016, the Regular Commission Meeting 07/28/2016, the Second Budget Workshop 08/01/2016 and the Special Meeting 08/04/2016.

**On the Motion:** Unanimous Approval

3. **Special Requests:** Ken Troisi, Park Manager Curry Hammock State Park, Department of Environmental Protection, presented Mayor Ellis with a ceremonial check in the amount of \$50,000 for the 8<sup>th</sup> Street Park grant awarded to the City from the Florida Recreational Development Assistance Program (FRDAP) which is administered by the Department of Environmental Protection (DEP).

4. **Committee and Staff Reports:**

**A. Marathon Fire/EMS** – No Report. Chief Johnson is on an Emergency Management conference call concerning a storm that may impact the Keys.

**B. Recreation Committee** – No Report.

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

**D. Disaster Preparedness Committee** –Building Official Borysiewicz reported a live generator test was done at City Hall last Friday. It went well. Preparations for the possible storm will be determined based on the outcome of the conference call with Emergency Management.

**E. Planning & Zoning Committee** –No report.

**F. Utility Board** – No report.

**G. Police Department** – Sergeant Birkland reported the Chief is on the conference call with Emergency Management. Since the last Commission meeting the Police Department received 3 reports, 2 for burglary to a vessel and 1 traffic arrest. The Department assisted the MCSO 15 times and answered 17 miscellaneous calls. Since the last meeting the Department also issued 15 code enforcement warnings, 7 traffic warnings and 1 traffic citation. There was a traffic accident with bodily harm on August 15, 2015 when a truck crossed into the walking path and struck 2 people on West Ocean Drive. The female has gone through several surgeries and is reported to be back home in New Jersey. The male reported no injuries. FHP arrested the driver for leaving the scene of an accident. The Department requested approval to place a banner at the top of the

Causeway for a DUI campaign that runs from August 19 through September 5, 2016. The Commission gave its approval to place the banner.

**H. Building and Public Works** – Building Official Borysiewicz received a permit application for a large addition to a property at the corner of 12<sup>th</sup> Street and West Ocean Drive. The applicant received variance approval from the Planning and Zoning Board and from the City Commission in November 2015. Permits have also been submitted for 2 new single family houses on 13<sup>th</sup> Street. One has been sent to and approved by DEO. The second one will be sent as soon as the balance of the paperwork is received. Assistant Building Official Britske reported Joey and Alan have been working well together and a lot of projects are getting done in the City.

**I. City Secretary/Treasurer** – Commissioner Pettorini reported the budget is in good shape as of the end of July. Income is 10 to 11% ahead of budget with expenses at 97% of the budget, so the City is in very good shape. License fees have started to come in which also has a positive effect on revenues.

**J. City Clerk** - City Clerk McCullough reported her contact with the Save the Manatee Club. The Club has provided the City with 20 “Slow – Safe the Manatee” signs, at no cost. Chief DiGiovanni will install 8 of the signs on the channel markers in City waters. The other signs, and additional informational packets, are available at City Hall. The Club does request pictures once the signs are in place.

5. **Unfinished Business:** None

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

A. Discussion of an additional pickle ball court. Commissioner Pettorini has been advised there is an opportunity to expand the number of pickle ball courts to be built. Mike Alexander addressed the Commission with reference to the number and location of the proposed pickle ball courts. The cost of the first 4 courts is covered by a FRDAP grant. The first request today is for Commission approval of the location of the pickle ball courts. Along with that, it would be more cost effective to add a 5<sup>th</sup> court at the same time. Mr. Alexander reported between 40 and 60 players a day during season covering 3 separate levels of players. There can be significant wait times when 40 beginner and intermediate level players show up, with only 8 being able to play at one time. This does not even begin to address the advanced players. The sport is growing rapidly across the country. Key Colony Beach has the only public access pickle ball courts in the Keys. Mayor Ellis asked if the request was for approval of placement of the courts and not for funding of the 5<sup>th</sup> court. Mr. Alexander indicated that is the request. Commissioner Pettorini asked why the cost of a 5<sup>th</sup> court is substantially more than the first 4 courts. Mr. Alexander responded only \$27,000 from the grant is allocated for the first 4 courts which are being re-constructed. A 5<sup>th</sup> court, estimated to cost \$15,000, would need to be constructed from scratch. Vice Mayor Sutton asked if there was the possibility of other grants available to fund a 5<sup>th</sup> court. Christine Weans reported other grants are available. The applications for some of the grants are due next month. Mr. Alexander asked the Commission to allow Christine to pursue the grant options. Mayor Ellis said the City pays for grant applications so his preference would be for Mr. Alexander to look for other funding sources. Commissioner Pettorini asked for the time line on constructing the 4 courts. Mr. Alexander reported price estimates have been received from contractors therefore he thought construction could start in about 30 days. Vice Mayor Sutton asked if the project had been advertised for bids. This is a City requirement for projects of that dollar amount. Mayor Ellis instructed Mr. Alexander to get with Assistant Building Official Britske and the City Clerk to develop bid specifications.

**Motion:** Motion made by Commissioner Pettorini, seconded by Vice Mayor Sutton to approve the location of the pickle ball courts.

**On the Motion:** Unanimous approval.

B. Discussion of unlicensed contractors. Commissioner DeNeale explained this issue was raised as many residents can no longer handle small property maintenance projects on their own. He explained on one hand Home Depot and others publish Do It Yourself books and on the other hand Florida Statutes say 'not so fast'. Commissioner DeNeale has discussed the issue with the Building Official and the Assistant Building Official. The focus of all involved is to keep everyone safe and financially secure. Commissioner DeNeale stated both Ed and Steve are working on putting together a flyer which will provide background information and a list of do's and don'ts. The primary focus will be on education. Anyone with questions should call the Building Department for assistance navigating these issues.

7. City Administrator Items for Discussion/Approval.

A. Approval to increase the FY 2016/2017 Budget by \$20,000 for Fire Insurance & Extended Coverage. Mayor Ellis reported an appraiser showed up sometime in the last 3 or 4 months to tour the City and do an appraisal of all the City's buildings and structures, unattended. As a result of this appraisal there is about a 36% increase in the premium. The Building Official and the City Clerk went over the appraisal list and in many cases reduced the appraised values or eliminated coverage. This reduced the appraised values by approximately \$1M. Mayor Ellis stated he is not in agreement with increasing the millage rate a few percentage points to cover this. Rather he prefers utilizing additional reserves. Vice Mayor Sutton reported, in the Mayor's absence, he met with the Insurance Agent, the Building Official and the City Clerk. The proposed premium increase is \$17,000 however review of the current financial statements show the City is already in the red for insurance, therefore he instructed the City Clerk to increase the budget by \$20,000. Vice Mayor Sutton disagreed with utilizing reserves to fund the insurance shortfall because \$100,000 of reserves is already in the budget. Mayor Ellis requested a motion before there is any more discussion. Commissioner Tracy asked if this is the only company that can provide the insurance. The Mayor responded there is not time to look for another company before the budget has to be approved. Mayor Ellis stated he is not sure there is another insurance company that can provide the coverage required by the City. He feels this is more of an appraisal issue than an insurance company issue. Lyn Patterson, 280 13<sup>th</sup> Street, addressed the Commission and expressed her opinion that the millage rate should not be increased. She stated the only increase to the real estate taxes this year are from Mosquito Control and Key Colony Beach. Ms. Patterson asked if the millage rate could be increased once the statements have been received from the Tax Collectors Office. Vice Mayor Sutton explained the City millage on the statement is 2.30. The proposed increase in millage is 2.23 which is below the 2.30 on the Tax Collector statements.

**Motion:** Motion made by Commissioner Pettorini, seconded by Vice Mayor Sutton, to adopt a 2.23 millage rate to cover the increase in the budget for insurance.

**Discussion:** Vice Mayor Sutton stated the Key Colony Beach millage rate is much lower than those in the surrounding area and in the State. He felt even with the small increase in the millage the taxpayer's dollars are being spent wisely. Commissioner DeNeale said increasing the budget by \$20,000 is less than a 2 percent increase. He agrees with the increase to the millage rate. Commissioner Pettorini questioned if the consulting fee was the agent's fee and if this is the same insurance carrier as last year. City Clerk

McCullough reported it is the same insurance carrier. The agent, Brown & Brown, researches the carriers that can meet the City's insurance requirements. Commissioner Pettorini noted there is really no way to identify the total insurance cost as it is spread out across the various departments. He requested an appendix to the budget to show the total cost of insurance. Commissioner Pettorini stated the increase in the millage rate is warranted.

**On the motion:** Roll call vote. Unanimous approval.

8. Ordinances and Resolutions: N/A

9. Warrant Approval: N/A

10. Commissioner's Reports or Comments: Commissioner Tracy stated the Insurance Company should be requested to the notify the City when the appraiser will be here. Commissioner DeNeale expressed his condolences to the Mayor on the loss of his sister. Mayor Ellis thanked the Commissioners for the flowers that were sent. He reported the arrangement was really beautiful. It was heartwarming to receive them.

11: **City Attorney Report:** The City Attorney reported no pending or threatened litigation at this time. Commissioner DeNeale asked if the City would be involved in the hit and run accident on West Ocean Drive. Attorney Wright said the City insurance carrier would handle this if the City is accused of being negligent in any way. Assistant Building Official Britske and Chief DiGiovanni inspected the area for proper signage and lighting. Mr. Britske reported everything is in order. Mayor Ellis asked if Attorney Wright had any information on the courthouse sale of 48 Causeway. Building Official reported no information on the Causeway property but 641 10<sup>th</sup> Street has been sold at auction. The City Clerk reported all past wastewater and stormwater invoices were collected on this property in addition to \$5,000 in fines. Attorney Wright reported 48 Causeway is set for sale sometime in late August. Commissioner Tracy asked Mr. Britske about the turtle lights for East Ocean. He responded FKEC is responsible for this and as soon as the Co-op has the lights they will put them up.

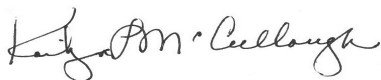
**12: Correspondence & Citizen Comments:**

Robert Lockwood introduced himself to the Commissioners, staff and the residents. He is a candidate for Public Defender. He detailed his experience and accomplishments in addition to the responsibilities of a Public Defender.

Larry Zettwoch introduced himself to the Commissioners, staff and the residents. He is a candidate for Mosquito Control, District IV. He detailed his experience and accomplishments.

Lindsay Birkland, 79 Coral Lane, brought significant pothole damage on Coral Lane between the Shell Station and the Mobile Station to the Commission's attention.

The meeting adjourned at 10:30 A.M.



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.**

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