

MINUTES
KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday, September 8, 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, Police Chief DiGiovanni and Deputy Fire Chief Eric Dunford *Excused:* Fire Chief John Johnson. Public - 19

2. **Approval of Minutes:**

Motion: Motion made by Mayor Ellis, seconded by Vice Mayor Sutton to approve the minutes of the Regular Commission Meeting 08/11/2016 and the Regular Commission Meeting 08/25/2016.

On the Motion: Unanimous Approval

3. **Special Requests:** N/A

4. **Committee and Staff Reports:**

A. Marathon Fire/EMS – Deputy Fire Eric Dunford Deputy Chief attended the meeting for Chief Johnson who is away for training. Deputy Chief Dunford reported 3 medical calls and 3 fire alarms since the last commission meeting.

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 – No report.

G. Police Department – Chief DiGiovanni reported one juvenile arrest since the last meeting. The Police Department also responded to 3 medical calls, 11 assistance calls from MCSO and FWC, in addition to 12 miscellaneous calls. The Police Department issued 14 code enforcement warnings and 9 traffic warnings since the last meeting. The vacation watch order program, daily business checks, traffic enforcement, the bicycle patrol, the vehicle patrol and the boat patrol are also continuing. Chief DiGiovanni reported he will cover the day shifts while Officer Griffith is on vacation during part of September and most of October.

H. Building and Public Works – Building Official Borysiewicz reported permits have been issued for one large addition at 100 12th Street, one new home at 260 13th Street and a conversion from a single family home to a duplex at 700/710 11th Street. Permits have also been issued for several large spalling repair and concrete restoration projects. Mr. Borysiewicz requested the discussion of a 4 post boat lift at 770 9th Street be removed from the agenda. Attorney Wright had advised him this request must go before the Planning and Zoning Board first.

I. City Secretary/Treasurer – Commissioner Pettorini reported the First Public Hearing for the adoption of the Fiscal Year 2016 – 2017 Budget was held last night. The

Commission tentatively approved a millage rate of 2.23 mils and a total budget of \$6,713,550. The final budget hearing is scheduled for September 14, 2016. The financial statements for August 2016 will be available soon.

J. City Clerk - No Report

5. Unfinished Business: None

6. Items for Discussion/Approval:

A. Discussion of turtle lights on East Ocean Drive. Commissioner Tracy began by saying she hoped everyone present has been over to East Ocean Drive at night to see the red turtle lights. The residents in this area are very unhappy based on the number of emails she has received and her direct conversations with residents. The lights were installed without notification. Only making matters worse, the lights will be in place 365 days a year, not just during turtle season. The lights are extreme and put out a very harsh red light. Even though these lights only affect a small part of Key Colony Beach, it is an important part. Commissioner Tracy attended the meetings with Save-A-Turtle about a year ago. A book distributed at that meeting listed several pole fixture options, therefore, she questions why the City is being told these are the only turtle lights that can be used. Mayor Ellis reported he invited representatives from FKEC and FWC to address this issue. This is a work in progress. The City is working with FKEC and FWC to find other solutions. Mayor Ellis has spoken to the manufactures of the lights because some of the information from the distributors is misleading. For example almost every light, listed as amber, must be under 12 feet in height. Darryl Burkheimer, FKEC Director of Distribution Operations, addressed the Commission. He stated FKEC is trying to be environmentally responsible and provide light for everyone while complying with Florida statues. As far as the lights on the roadway, they need to be at that height and in that position. There is no other option as to color, however they do have the capability of dimming them by 25%. Commissioner Tracy asked about the lights along Sombrero Beach Blvd. Mr. Burkheimer stated those lights are not a FKEC installation. A resident has the option of removing a FKEC light and installing one of their own. Vice Mayor Sutton said when he looked at the lights, those at the Cabana Club were the brightest lights there. Mayor Ellis said he found a manufacturer in California that produces a 12' amber light that is solar powered. If this type of light is installed the FKEC light could be removed. Vice Mayor Sutton questioned why the turtle lights have to be on year round. Turtle nesting ends in November so why not return white lights then. Commissioner DeNeale said he took the 'turtle course' 6 years ago. At that time, the last choice was putting lights high. The basic principle is to keep the lights low and keep them shielded. If this was done a couple red street lights would not be a problem. He went on to say the State has a very good sample ordinance concerning turtle lights on private property that Key Colony might want to adopt. Commissioner Tracy said according to Harry Appel, with Save-A-Turtle, the lights were supposed to have a switch, however these lights do not. Commissioner Pettorini stated the problem needs to be solved without creating another one. He does not live on East Ocean but he drives through it. He agreed the lights are harsh. Sue Schaff, FWC, reported one of the real issues are the condo buildings. There are a lot of steps private property owners can take to protect the turtles. Commissioner Tracy asked if there was any possibility the light fixture could be lowered. Mr. Burkheimer said he would look into that, however FKEC is obligated to the same structure standards in parking lots as on the roadway. Mayor Ellis summarized by saying; No 1; FKEC will consider, turning the red lights off in the off season, (going back to white), No 2, FKEC will adjust the brightness by diming the lights, and No. 3, there will be an after dark meeting with FKEC

and FWC to see if other solutions may be available to improve the situation. Commissioner Tracy and Commissioner Pettorini recommended a commission workshop on the turtle light issue. Mayor Ellis suggested the workshop be scheduled after the night time on site meeting with FKEC and FWC. Mayor Ellis also stated everyone he has discussed the issue with is very willing to work on a resolution.

7. City Administrator Items for Discussion/Approval.

A. Discussion of City Administrator position and job description. Mayor Ellis wanted to discuss the job description first. He worked on the job description with the City Clerk. The draft was forwarded to all the Commissioners for comment. Florida residency preferred was added to the description at Commissioner Pettorini's request. All the Commissioners indicated approval of the job description. Mayor Ellis stated funding for this position was allocated in the FY 2016-2017 budget. Mike Puto and Ryan Schraffenberger have submitted applications and resumes for the position. An ad has not been run for the position. Mayor Ellis stated he proposed to make a motion to accept one of these applicants as City Administrator. Vice Mayor Sutton asked Attorney Wright about the City policy stating if a position is not filled with an existing employee then it must be advertised. Attorney Wright said policy does not have the force of law. The Commission can make a decision to deviate from policy if there is a reason to do that. Mayor Ellis agreed that was his understanding also. He went on to state Mike Puto, is well known. He has been City Manager for Marathon. He can take the job and 'hit the ground running', requiring very little training, if any. Commissioner Tracy said she has been caught off guard as she has not even seen the applications or resumes. Commissioner Pettorini said he thought this was moving a little too fast. He would like to be involved in an interview process before a decision is made. Vice Mayor Sutton acknowledged he knows both Mike Puto and Ryan Schraffenberger, however, he thinks this is a little too rushed. Commissioner DeNeale said he does not see this on the agenda. The agenda does not say 'Hire an Administrator'. He feels it should be tabled. Vice Mayor Sutton suggested a Special Meeting. Mayor Ellis agreed to a Special Meeting one day next week. Commissioner Tracy asked if that meant no advertising for the position. Mayor Ellis replied in the affirmative. Mayor Ellis asked if the other Commissioners would be available for a Special Meeting on September 14, 2016 at 1:00 PM. Mayor Ellis asked that Attorney Wright attend the Special Meeting also. Attorney Wright cannot attend, he is away that day.

8. Ordinances and Resolutions: N/A

9. Warrant Approval: N/A

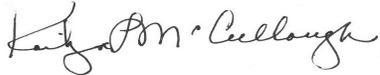
10. Commissioner's Reports or Comments: Commissioner Pettorini announced Governor Scott will be attending a Middle Keys Republican Club dinner on September 22, 2016 at The Islander in Islamorada. Based on City issues, going before the Governor and Cabinet, Commissioner Pettorini feels it is appropriate for Mayor Ellis to attend. The City will pay for Mayor Ellis to attend.

11: **City Attorney Report:** City Attorney Wright reported a law suit was filed in the Circuit Court, in late August, by Troy Campbell. He is the brother of the individual that fell into a manhole. The suit has been filed against Key Colony Beach, the City of Marathon, Monroe County and US Water. As of today, no papers concerning this litigation have been served to the City. A letter has been received from the Casa Clara attorney. The letter included the

jury verdict. Apparently the case was not settled in favor of Casa Clara, however, their attorney is demanding the Building Official find the contractor in violation of City Code. Building Official Borysiewicz has the letter and will make his own determination concerning any building code violations. Mayor Ellis requested an update on the property at 48 Sadowski. Attorney Wright believes the property has gone up for auction. City Clerk McCullough reported information has been received indicating the property has been taken over by a Bank. Attorney Wright suggested the City consider calling the Bank to a Code Board hearing if there are continuing violations at the property.

12: Correspondence & Citizen Comments: City Clerk McCullough reported a letter was received from Chief DiGiovanni thanking the City for its support of the 11th Annual Kids Fishing Derby. A certificate was also received acknowledging the City's participation. Mayor Ellis reported receipt of a thank you card from Mike Puto for the City's donation in memory of his Mother. Mike Puto personally thanked the Commission for the contribution to the Children's Shelter on behalf of his mother, Sylvia. Almost \$3,000 in donations were received.

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.
