

MINUTES

KEY COLONY BEACH

CITY COMMISSION REGULAR MEETING

Thursday, January 28, 2021 9:30 a.m.

Marble Hall & Virtually via Zoom Conferencing

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 Sutton at 9:30 a.m. followed by the Pledge of Allegiance and Prayer.

Present: Mayor Ron Sutton, Vice Mayor Patti Trefry, Secretary/Treasurer Kathryn McCullough, Commissioner John DeNeale, and Commissioner Tom Harding.

Also Present: City Clerk Rebecca Todd, Executive Assistant Saara Staten, City Attorney Dirk Smits, Police Chief DiGiovanni, Fire Chief Johnson (Virtually), Building Official Gerard Roussin, and Building Inspector Greg Lawton.

Public – 11 (Marble Hall) 16 (Virtual)

2. **Citizen Comments and Correspondence:** None.

3. **Approval of Minutes:** The minutes of the January 14, 2021 City Commission Public Hearing and January 14, 2021 City Commission Regular Meeting.

MOTION: Motion made by Commissioner McCullough, seconded by Commissioner Harding to approve the minutes for the January 14, 2021 Public Hearing and Regular Commission meeting.

ON THE MOTION: Roll Call Vote. Unanimous approval.

4. **Agenda Additions, Changes, Deletions:** Mayor Sutton moved agenda item 10(B) 15th/14th Street Canal Dredging to 7(A) Commissioner's Items for Discussion/Approval.

5. **Special Requests:** None.

6. **Committee and Staff Reports:**

A. Marathon Fire/EMS: Fire Chief Johnson reported since the last meeting there has been 3 medical calls, 1 motor vehicle accident, and 1 public assist. Fire Chief Johnson urged residents to remain safe during the rise in COVID-19 cases.

B. Recreation Committee: No Report.

C. Beautification Committee: No Report.

D. Disaster Preparedness Committee: No Report.

E. Planning & Zoning Board:

1. Recommendation for Appointment: Planning & Zoning Board Chairperson Joey Raspe recommended appointment of Tom DiFransico to the Planning & Zoning Board.

MOTION: Motion made by Commissioner DeNeale, seconded by Mayor Sutton to approve the appointment of Tom DiFransico on the Planning & Zoning Board.

ON THE MOTION: Roll Call Vote. Unanimous approval.

F. Code Enforcement Board:

1. Recommendation for Appointment: Code Enforcement Board Chairperson Joey Raspe recommended appointment of Tom DiFransico to the Code Enforcement Board.

MOTION: Motion made by Vice Mayor Trefry, seconded by Commissioner Harding to approve the appointment of Tom DiFrancisco on the Code Enforcement Board.

ON THE MOTION: Roll Call Vote. Unanimous approval.

G. Utility Board: No Report.

H. Police Department: Chief DiGiovanni reported since the last meeting there were 2 fraud reports from the Sadowski Causeway Pizza shop. They responded to 3 medical and alarm calls, provided backup to MCSO 1 time, and received 17 miscellaneous calls along with road patrol, boat patrol and vacation watch program. Chief DiGiovanni reported moving forward with contracting 2 additional Reserve Police Officers; one officer is a resident on 3rd Street who is a retired Sergeant from Louisville MetroPD and the other is retired Key Colony Beach Sergeant Lindsay Birklund. Both Reserve Officers will be paid from the contract security funds. Chief DiGiovanni and Sergeant Rodriguez are organizing a boat program to certify all officers by August 2021. Chief DiGiovanni also reported meeting with concerned resident Joseph Laconti, 250 Sadowski Causeway, regarding traffic concerns with the new City Hall.

I. Building Department/Public Works: Building Official Roussin reported working with City Attorney Smits to present the Land Development Regulations recommendations to the City Commission by the end of February 2021. Building Official Roussin reported receiving complaints from residents on Clara Blvd and Coral Lane regarding traffic from the corresponding hotel. Building Official Roussin and Chief DiGiovanni will consider different solutions. Commissioner McCullough suggested making Clara Blvd one-way for traffic and will provide a drawing to Building Official Roussin. Mayor Sutton reported receiving a reimbursement request from Mary McFadden, 6 Clara Blvd., for paver repairs due to the flooding on Clara Blvd. After discussion, Commissioner McCullough, Commissioner DeNeale and Vice Mayor Trefry requested for the invoice to be paid. Commissioner Harding and Mayor Sutton disagreed and expressed concern for setting a dangerous precedent. Due to majority consensus, Mayor Sutton will pay the invoice submitted by Mary McFadden from road funds.

1. Approval of 30,000 lb. Elevator Lift – 235 15th Circle – Building Official Roussin stated the request on the agenda is for approval of a 30,000 lb. elevator lift at 235 15th Circle which is what the building permit application stated however he received an email from the owner yesterday stating it is to be a 40,000 lb. lift. Approval from neighbors on both sides has been obtained. Owner Gene Bitchko clarified he is requesting approval to replace his current 40,000 lb. elevator lift with a new 40,000 lb. lift.

MOTION: Motion made by Commissioner DeNeale, seconded by Commissioner Harding to approve the 40,000 lb. elevator lift at 235 15th Circle.

ON THE MOTION: Roll Call Vote. Unanimous approval.

2. Inquiry on Appeals on New FEMA Maps - Building Official Roussin reported receiving an email from FEMA representative Cory Diamond informing Key Colony Beach FEMA is starting their 90-day appeal process for Monroe County on the new proposed maps. Building Official Roussin reported Key Colony Beach currently has no appeals submitted with the required scientific evidence. The deadline to submit an appeal is March 23, 2021.

3. Approval to Purchase Thermoplastic Striping System – Building Official Roussin requested approval to purchase the budgeted Thermoplastic striping system in the amount not to exceed \$23,858.

MOTION: Motion made by Commissioner McCullough, seconded by Vice Mayor Trefry to approve the purchase of a Thermoplastic Striping System, in the amount not to exceed \$23,858.

ON THE MOTION: Roll Call Vote. Unanimous approval.

J. City Secretary/Treasurer: City Secretary McCullough reported income being above budgeted amount and expenses also being in good standing. Key Colony Beach ended its first quarter with a total revenue exceeding total expenses by over \$1 million. Commissioner McCullough recommended to keep monitoring expenses as the collection of ad valorem taxes slows down in the next quarter. Commissioner Harding recommended researching CD's for standing funds. Commissioner McCullough stated she did research with Iberia Bank and Key Colony Beach was better off without CD's due to the available rates.

K. City Clerk: City Clerk Todd reported Administrative Assistant Christine Burri completed her notary certification. Administrative Assistant Christine Burri along with Executive Assistant Saara Staten completed the City Commission binders with all 28 City Administrator applications. Executive Assistant Saara Staten completed the grant application and received a grant agreement from DEP amounting to \$139,869.80 towards wastewater building improvements. Executive Assistant Saara Staten along with Mayor Sutton attended Monroe County EOC portal training. Utility Clerk Hyland sent quarterly billing for January. Retention pond repairs will begin on February 1st by Design Source. Assistant City Clerk Holly Rosado received 2 Certificate of Occupancies to issue and 1 new building permit. City Clerk Todd reported completing the following: updating the financial disclosure forms with the Commission of Ethics for Public Officials and Employees, completed issuance of W-2's and 1099's; quarterly reports, such as reemployment tax, DBPR surcharge report, and the 941 employee quarterly federal tax returns. City Clerk Todd also requested a date to schedule the Special Meeting to review the City Administrator applications. The Commission tentatively scheduled the Special Commission Meeting for Tuesday, February 9, 2021 at 9:30 a.m.

L. City Administrator: Mayor Sutton reported the retention pond improvements beginning on February 1st and being completed in 3 weeks. Mayor Sutton reported meeting with Building Official Roussin and Chief DiGiovanni to discuss a safer alternative location of the weekly Farmer's Market. After discussion, a safer location was not determined. The Commission will reconsider all aspects of this event when the current agreement expires on April 30, 2021. Mayor Sutton also reported encountering difficulty regarding refinancing the consolidated loan at Iberia Bank. Dirk Smits will confer with Bank Attorney Michael Weiner regarding ensuring tax exemption on both loans and will keep the Commission updated.

7. Items for Discussion /Approval:

A. 15th/14th Street Canal Dredging: Thomas Carden, 190 15th Circle, reported receiving approval from Army Corps of Engineers to begin the restoration of the 14/15th Street canal. Mr. Carden and the adjacent lot owners request the City to waive permit fees and contribute \$46,217.16 toward mitigation costs. Commissioner Harding reported researching State and Federal grants for this project and one of the issues in receiving funding is that it is private land. Commissioner Harding contacted Track H owner Michael Lawrence regarding donating it to the City. Mr. Carden conferred with Mr. Lawrence and reported him not being interested in donating his property to the City. Discussion ensued between Commissioners, Staff, and Mr. Carden. Citizen John Shaffer, 350 14th Street, expressed disagreement with the City financially supporting the canal dredging.

MOTION: Motion made by Commissioner Harding, seconded by Commissioner McCullough to waive permit fees, and support the dredging project with \$17,140.86.

City Attorney Smits stated there is an argument for police powers but would like to do further research and work with Thomas Carden and prepare formal documentation including the easement document for the Commission to consider and recommended the discussion/decision be tabled until the next Commission meeting.

ON THE MOTION: Motion withdrawn by Commissioner Harding, second withdrawn by Commissioner McCullough.

Mayor Sutton tabled the discussion until the next Regular Commission Meeting.

8. **Approval of Warrant:** None.

9. **Ordinances and Resolutions:** None.

10. **Commissioner Reports:** Commissioner McCullough thanked Utility Board Chairman for broadcasting Utility Board meetings via Zoom Conferencing. Commissioner McCullough also thanked Attorney Smits for attending the Utility Board meeting and encouraged continued attendance for future meetings. Commissioner McCullough requested an update on the lien of 160 10th Street. City Clerk Todd reported conferring with Code Attorney Dori regarding this issue and will follow up on the progression. Commissioner Harding reported providing a list of penalty fine edits to the Code Enforcement Board and Building Official Roussin and received feedback. Commissioner Harding will revise and schedule it for consideration at the next Commission Meeting.

A. COVID-19 Update: Mayor Sutton reported as of January 27th there being a total of 6 individuals hospitalized and 5,218 positive COVID-19 cases in Monroe County. Key Colony Beach totaled 34 COVID-19 cases. At the last Monroe County EOC meeting they estimated by February 12th there will be a call-in number and website to schedule COVID-19 vaccines. Mayor Sutton emphasized the need for patience in receiving COVID-19 vaccines. Mayor Sutton encouraged social distancing, sanitizing, and masks.

B. St. Patrick's Day Parade: Commissioner DeNeale reported conferring with St. Patrick's Day parade organizer Jack Crowley and Key Colony Inn regarding the impact of this event during COVID-19. Both parties agreed that it is not in the citizens best interest to host this event. Organizer Jack Crowley will not be coming before the Commission for approval this year, therefore, the 2021 St. Patrick's Day parade is cancelled.

11. **City Attorney Report:** City Attorney Smits reported drafting a standard facility use agreement for the Farmer's Market and encouraged the Commission to compile a cost recovery figure to charge the Farmer's Market. City Attorney Smits reported having a meeting with the Developer at Sadowski Causeway and is pending additional supporting documentation regarding density.

A. City Administrator FRS Benefit Determination: City Attorney Smits reported receiving response from the Department of Financial Services confirming that the City will be invoiced for the difference of the former City Administrator.

B. Authorization to Institute Legal Action Against 650 10th Street, Erika Milesic & Any Said Occupants: City Attorney Smits reported not currently seeking authorization to institute legal action against 650 10th Street, the situation is currently resolved. City Attorney Smits stated legal action will be requested from the City Commission for non-compliant vacation rental owners disregarding penalties or the revocation of licenses.

The meeting adjourned at 11:22 a.m.

Respectfully Submitted,



Rebecca Todd
City Clerk