

MINUTES

KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday, February 11, 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 (Virtually), 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 – 10 (Marble Hall) 38 (Virtual)
2. **Citizen Comments and Correspondence:** City Clerk Todd reported forwarding approximately 12 emails regarding the dredging at 14th/15th Street canal to the Commission. James Laconti, 250 Sadowski Causeway, requested an update on City Hall plans and requested to be involved in landscaping designs. Carla Cesario, 200 14th Street, expressed concern with canal dredging and submitted correspondence to City Clerk Todd. Sandra Humphrey, 230 14th Street, also expressed concerns about canal dredging and requested maintenance on her canal prior to the 15th Street dredging.
3. **Approval of Minutes:** The minutes of the January 28, 2021 City Commission Regular Meeting.
MOTION: Motion made by Commissioner Harding, seconded by Vice-Mayor Trefry to approve the minutes for the January 28, 2021 Regular Commission meeting.
ON THE MOTION: Roll Call Vote. Unanimous approval.
4. **Agenda Additions, Changes, Deletions:** Mayor Sutton added agenda item 7(E) Approval of Updated Refinancing Term Sheet and 7(F) Scheduling of City Administrator Applicant Interviews. Building Official Roussin added agenda item 6(D)(1) Addition of Supplies.
5. **Special Requests:** None.
6. **Committee and Staff Reports:**
 - A. **Marathon Fire/EMS:** Fire Chief Johnson reported since the last meeting there has been 2 medical calls, 2 internal fire alarms, and 3 public assists. Fire Chief Johnson received notification from FDOH that additional vaccinations will be made available at Marathon Health Department. Fire Chief Johnson will confirm where to sign up for the vaccination and email Commissioner DeNeale.
 - B. **Recreation Committee:** No Report.
 - C. **Beautification Committee:** No Report.
 - D. **Disaster Preparedness Committee:**
 1. **Addition of Supplies:** Building Official Roussin reported using the budgeted funds of \$5,000 for Disaster prep package towards ordering extra supply for COVID-19 products.
 - E. **Planning & Zoning Board:** No Report.
 - F. **Code Enforcement Board:** No Report.
 - G. **Utility Board:** No Report.

H. Police Department: Chief DiGiovanni reported receiving his 2nd COVID-19 vaccine on Monday, February 8th and recommended for individuals to plan on being home to recover if any symptoms do occur. Chief DiGiovanni reported since the last meeting there was 1 disturbance on 7th Street. They responded to 1 medical and alarm call, provided backup to MCSO 4 times, and received 16 miscellaneous calls along with road patrol, boat patrol and vacation watch program. Chief DiGiovanni received the new radios, laptops, and laptop cradles. Chief DiGiovanni also reported selling one piece of old equipment for \$50 on govdeals.com.

I. Building Department/Public Works:

1. Replacement of Local Representative on Program for Public Information (PPI) – Building Official Roussin reported the need for a new PPI Representative and is searching for a local resident who is interested. PPI is part of the Community Rating System (“CRS”) with FEMA and NFIP which adds points towards CRS and provides a discount for flood insurance throughout Key Colony Beach. There are 3 meetings a year. If interested and would like more information, please contact Building Official Roussin.

2. Retention Pond Update - Building Official Roussin reported the retention pond project completed. Building Official Roussin visited the site after the work was complete and requested that Design Source return and re-grade the area. After re-grading, Building Official Roussin and Utility Board Chairman John Dalton were satisfied with the completion of the 1st phase of the retention pond improvements.

3. Community Rating System (CRS) Update – Building Official Roussin reported submitting the CRS package on February 1st and receiving notification that the package was accepted. Key Colony Beach is currently at level CRS 8 or a 15% discount for the City. Commissioner Harding questioned whether Building Official Roussin has investigated what is required to move up CRS levels. Building Official Roussin affirmed that he has and the main thing that can be changed to improve the CRS rating is a change in freeboard. Building Official Roussin will forward the CRS application to Commissioner Harding.

4. Oceanfront Condo Update – Building Official Roussin reported Oceanfront Condo received their demolition permit with the stipulation to mitigate dust to neighboring properties. Oceanfront Condo began demolition of the pool, asbestos mitigation, and lead based paint mitigation on Tuesday, February 9th.

J. City Secretary/Treasurer: No Report.

K. City Clerk: City Clerk Todd reminded the Commission that the mandatory ethics training for City officials will be held virtually on Wednesday, February 24th from 10 a.m. – 3:30 p.m. City Staff has been busy preparing for upcoming meetings. Administrative Assistant Christine Burri is scanning old hardcopy City files to electronic version. The Local Highway Finance Report is due at the end of March 2021. Assistant City Clerk Holly Rosado is fully trained and is up to speed and performing very well. City Attorney Smits will be joining the biweekly Department head meetings to prepare for the Regular Commission meetings.

L. City Administrator: Mayor Sutton reported the reinstallation of the pickleball court fans by a licensed contractor and encouraged residents to enjoy the new feature as summer approaches.

7. Items for Discussion /Approval:

A. COVID-19 Update: Mayor Sutton reported at the March 8th Monroe County meeting that more vaccines will be available in Monroe County. Monroe County averages approximately 17-18 COVID-19 cases per day. Monroe County had total of 6 hospitalizations and 42 deaths. Key Colony Beach had a total of 39 positive COVID-19 cases.

B. Adjustment of Code Violations Penalties: Commissioner Harding presented recommendations for changes to Key Colony Beach Code of Ordinances, Section 1-10, Schedule of Violations and Penalties. Commissioner Harding reported conferring with neighboring municipalities and received recommendations to set a standard administrative fee per violation and increasing the fine penalties. In accordance with those recommendations, Commissioner Harding recommended establishing a standard administrative fee of \$300 per violation and increase penalty fines. Commissioner DeNeale stated a needed update in the penalty fine for animal defecation to the current fine. Commissioner DeNeale questioned whether the City can change the fines for vacation rentals. City

Attorney Smits stated he believes an increase in penalty is appropriate, however, he will verify prior to a vote. Commissioner McCullough recommended to add to Item 10 – Fishing on Sadowski Bridge and Sunset Pier.

C. 15th/14th Street Canal Dredging: City Attorney Smits reported Building Official Roussin discovering a restrictive deed from the Department of Environmental Management to the prior owner, Amelia Corey of Corey Investments, dated March 22, 1988 that runs with the land for 50 years which may impact the ability to dredge the canal. Commissioner Harding researched different grant opportunities that require public access to the canal and reviewed those with the Commission. The amount requested for the City to contribute towards mitigation is covered by the grant leaving only the waiver of the permit fee. Thomas Carden, 190 15th Circle, stated owner of the canal, Michael Lawrence, agreed to provide the City with an easement. Mr. Carden also reported the restrictive deed was addressed by the State concluding that since the City has issued dock permits on the canal, the restrictive deed is not enforceable. City Attorney Smits reiterated the project is not over, however, issues need to be addressed and researched. The next steps are to get a draft easement from the owner, resolve the old restrictive deed, and researching the variance needed for this project. City Attorney Smits recommended for the City to schedule a pre-op conference to resolve open issues. Resident Phoebe Blackburn, 305 14th Street, questioned who the owner of her bay bottom was and expressed concern for canal dredging. The Commission requested for Building Official Roussin to create a map detailing the owners of all canals in Key Colony Beach. Commissioner DeNeale reported corresponding with Rhonda Haag, Monroe County Resiliency Officer, who has done a lot of canal maintenance after Hurricane Irma. Ms. Haag will provide Commissioner DeNeale with an official opinion on the proposed dredging.

D. Schedule Approval of City Hall Architectural Plans: Mayor Sutton requested to schedule a Special Meeting to approve City Hall's architectural plans. The Commission agreed to schedule a Special Meeting on Thursday, February 18th at 9:30 a.m.

E. Approval of Updated Refinancing Term Sheet: Mayor Sutton reported the prior term sheet expired and Iberia Bank drafted an updated Term Sheet with the rate of 2.0008%. City Attorney Smits and Mayor Sutton ensured tax exemptions for both loans. Mayor Sutton requested approval to execute the term sheet.

MOTION: Motion made by Commissioner DeNeale, seconded by Mayor Sutton to approve the updated term sheet from Iberia Bank with the rate of 2.0008%.

ON THE MOTION: Roll Call Vote. Unanimous approval.

F. Scheduling of City Administrator Applicant Interviews: Mayor Sutton requested a schedule to interview the applicants for the City Administrator position. The applicants were contacted to submit background checks to the Commission for their consideration. The Commission requested for City Clerk Todd to schedule applicants from 9 a.m. – 11 a.m. and 1 p.m. – 3 p.m.

8. Approval of Warrant: Warrant 0120 in the amount of \$475,566.27.

MOTION: Motion made by Commissioner McCullough, seconded by Commissioner Harding to approve Warrant 0120 in the amount of \$475,566.27.

ON THE MOTION: Roll Call Vote. Unanimous approval.

9. Ordinances and Resolutions:

A. Approval of Resolution No. 2021-02 Adopting the 2020 Update of the Local Mitigation Strategy: City Attorney Smits read Resolution No. 2021-02 into the record.

MOTION: Motion made by Commissioner McCullough, seconded by Vice Mayor Trefry to approve Resolution No. 2021-02.

ON THE MOTION: Roll Call Vote. Unanimous approval.

10. Commissioner Reports: Commissioner Harding reported researching ways to improve pedestrian and bicycle safety throughout the City. Commissioner Harding contacted Florida Department of Transportation who reviewed the crosswalks and pedestrian walkways. FDOT reported Key Colony Beach meeting the minimum requirements, however, they also provided short term and long-term safety suggestions. Grant opportunities were available. The deadline for a grant application is February 19th and the funding would be available in five years. Commissioner Harding requested

the Commissions support for him to submit a grant application prior to February 19th and approval to begin searching for an engineering firm to receive a proposal. Commissioner McCullough would like to request the engineering firm to conduct a traffic study. City Attorney Smits recommended for Commissioner Harding to publish an RFQ to create a pre-qualified list to send the project package when available. The Commission recommended to reconsider the submission for a grant application next year. Commissioner McCullough reported attending NOAA FKNMS Water Quality Protection Program meeting on February 10, 2021. They discussed updating their bylaws, primarily based on COVID and general capabilities, requiring 3-4 meetings attended annually. Commissioner McCullough reported their priorities for this year.

11. City Attorney Report: City Attorney Smits reported researching marina redevelopment with Building Official Roussin and found a limitation for liveboard boats. City Attorney Smits informed the developers attorney of the found document and the developers attorney requested to move forward with the advertisement, fully acknowledging that the process may not come to fruition. City Clerk Todd will advertise. Commissioner Harding reported correspondence received from FEMA requesting Key Colony Beach revise its contract agreement to comply with FEMA regulations. City Attorney Smits stated this is common because FEMA has particular requirements for municipalities and counties. Building Official Roussin reported advertising an RFQ on DemandStar with language provided by FEMA Consultant Norry Lynch. Building Official Roussin will research and confirm that it included appropriate language to comply with FEMA regulations. If not, the contract needs to be updated to meet FEMA requirements and sent back to FEMA for their review and approval.

The meeting adjourned at 11:22 a.m.

Respectfully Submitted,
Saara V. Staten

Saara V. Staten (on behalf of City Clerk Rebecca Todd)
Executive Assistant