

MINUTES

KEY COLONY BEACH

CITY COMMISSION REGULAR MEETING

Thursday, August 12, 2021, 9:35 a.m. or at the Conclusion of the Public Hearing
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 9:45 a.m. followed by the Pledge of Allegiance and Prayer. *Present:* Mayor Ron Sutton, Vice Mayor Patti Trefry, Commissioner Kathryn McCullough (Virtually)*, Commissioner John DeNeale and Commissioner Tom Harding. *Also Present:* City Administrator Dave Turner, Executive Assistant Saara Staten, Utility Clerk Pat Hyland, City Attorney Dirk Smits, Fire Inspector Michael Card, Building Official Gerard Roussin, Building Inspector Greg Lawton, and Police Chief Kris DiGiovanni.

* The Commission determined good cause for Commissioner McCullough to participate virtually due to medical reasons.

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

- 3. Approval of Minutes:** The Commission unanimously approved the minutes from the City Commission Public Hearing on July 22, 2021, City Commission Regular Meeting on July 22, 2021, and City Commission First Special Budget Meeting on July 22, 2021.

- 4. Agenda Additions, Changes, Deletions:**

P&Z New Board Member Mike Yunker to be added to the agenda.

Dave Turner asked to add the invoice for road striping.

MOTION: Motion made by Mayor Sutton to approve, seconded by Commissioner Harding to approve the invoice.

ON THE MOTION: Roll call vote. Unanimous Approval.

- 5. Special Requests:** None.

- 6. Committee and Staff Reports:**

A. Marathon Fire/EMS: Fire Inspector Michael Card reported 4 medical calls, 1 internal fire, 1 fire alarm, and 1 motor vehicle accident. Fire Inspector Card urged residents to prepare for Tropical Storm Fred and COVID-19 precautions.

B. Recreation Committee: No Report.

C. Beautification Committee: No Report.

D. Disaster Preparedness Committee: Building Official Roussin urged residents to prepare for Tropical Storm Fred and recommended trash cans are not put out until further notice. Building Official Roussin will contact construction sites and residents with trash cans out. Dave Turner further shared the projected weather forecast.

E. Planning & Zoning Board: No Report.

F. Code Enforcement Board: No Report.

G. Utility Board: No Report.

H. Police Department: Chief DiGiovanni read a letter from a citizen commending Sgt. Rodriguez on outstanding behavior. The Chief further reported since the last meeting KCB PD had 4 reports of criminal investigation, responded to 9 medical calls, provided backup to MCSO 5 times, received 19 miscellaneous calls. During Mini Season 138 boats were pulled over with only 5 violations for undersized lobster given out. Tip line received 12 messages along with road patrol, boat patrol and vacation watch program. 7/24/2021 flyers were handed out on

Rules and Regulations for Mini-Season. Guardian Tracking is underway for early intervention system for officers. DEO send out bonuses for full-time officers.

Chief would like to give out 1000.00 to Officer Bethard.

MOTION: Motion made by Commissioner DeNeale to approve, seconded by Vice-Mayor Trefry, to approve the bonus in the amount of \$1,000.00.

ON THE MOTION: Roll call vote. Commissioner McCullough recused herself for personal reasons. Remaining Commissioners voted Yes.

A. In addition, Mayor Sutton followed up with the approval of Mike Yunker to the Planning & Zoning Board.

MOTION: Motion made by Vice-Mayor Trefry to approve, seconded by Commissioner Harding, to approve Mike Yunker to the P&Z Board.

ON THE MOTION: Roll call vote. Unanimous Approval.

I. Building Department/Public Works.

1. **Approval of City Hall Asbestos Search:** Building Official Roussin reported on the plan on receiving an asbestos survey and the associated cost with it of \$3,495.00.

MOTION: Motion made by Vice-Mayor Trefry to approve, seconded by Mayor Sutton, to approve the projected study of the Asbestos Search in the amount of \$3,495.00.

ON THE MOTION: Roll call vote. Unanimous Approval.

2. The Building Official and the Commission further discussed the Vacation Rental situation and the outstanding permits. CitizenSearch is being utilized.

J. City Secretary/Treasurer: No Report.

K. City Clerk: No Report.

L. City Administrator – Dave Turner:

1. Recommendation to Institute Public Works Department Head: City Administrator Turner reported on the importance in implementing a Department Head for the Public Works Department

MOTION: Motion made by Vice-Mayor Trefry to approve, seconded by Commissioner McCullough, to institute a Public Works Department Head.

ON THE MOTION: Roll call vote. Unanimous Approval.

2. Update on Anonymous Code Complaint Procedures: City Administrator Turner reported that there is a change in code complaints. A form must be filled out per Senate Bill. Calls or emails cannot be made unanimously and need to be accompanied with a name and address.

3. Field Tax Revenue: City Administrator reported that he attended a meeting about with the county about the field tax revenue and discussion on change of the formula. The formula will stay the same for his year, however, might change for next year. Dave Turner stated he would not support a lowering of the tax. Census information is a criterion as well and also how much money on fuel revenue is spend. The issue will be readdressed after January.

4. Leadership Monroe County. Dave Turner recommend of participating in the Leadership of Monroe County. The Commission approved the sponsoring of a luncheon in the amount of \$250.00 for this year.

5. Meetings: Dave Turner reported on attending a meeting on Sargassum Grass. The discussion on last meeting was the cleanup of the beaches. Sargassum is a low-hazard waste and cannot be removed. Dave Turner is also waiting on a report from a traffic consultant regarding the road between the two gas stations. The time frame looks to be two weeks. The City Administrator further clarified to the commission that the traffic consultant is not to observe the traffic count but rather the most effective way of traffic for that area.

7. Items for Discussion /Approval:

A. Discussion/ Approval of Golf Course Lease: Mayor Sutton and City Administrator Dave Turner reviewed the lease agreement on the golf course.

MOTION: Motion made by Commissioner DeNeale, seconded by Vice-Mayor Trefry, to approve the Golf Course Lease.

ON THE MOTION: Roll call vote. Unanimous Approval.

Discussion: Parking will be addressed for no overnight parking on golf course.

B. Discussion/Approval of Cost Recovery Ordinance: Dirk Smits, City Attorney, introduced Ryan Benninger as a new associate to his firm. The ordinance allows to adopt annually, or as needed, without the ordinance and amendment process. The approved ordinance will allow a resolution to be added to the schedule.

MOTION: Unanimous Approval by the City Commission to request the City Clerk transmit the commission request to the Planning & Zoning Board.

B. Discussion/Approval to Institute Legal Proceedings Against 160 10th Street: City Attorney Dirk Smits withdrew his request to institute legal proceedings against 160 10th Street. The bank will take of any code issues that will arise. Building Official Gerard Roussin will follow up on the issue.

The Commission approved a citizen's comment:

The resident of 170 10th street spoke about the condition of the property at 160 10th Street and confirmed that no one is living there anymore.

D. Discussion/Approval of LIVS Associates invoice in the amount of \$121,000: Mayor Sutton stated that the invoice is dated June 18th and is overdue. For future invoices from LIVS the Mayor suggested that the invoice be paid in a timely manner and to inform the Commission on the next meeting of it. Dave Turner stated his intent of being transparent in all financial transactions. Commissioners stated that there is a fee schedule in place. Commissioner Harding suggested to give Commissioner McCollough a copy of invoices with considerable amounts to keep the Commission informed.

8. Approval of Warrant: None.

9. Ordinances and Resolutions: None.

10. Commissioner Reports:

Commissioner Harding: FEMA Infrastructure plan available and overall funds of 1.16 billion available. This number is almost double than last years. This money is for infrastructure, storm water, and flood mitigation. Application period runs from Sept-January to apply for funds. FEMA has funds available through the state. This fall is time to request funding for next year.

Mayr Sutton: No Report

Vice Mayr: No Report

DeNeale: No Report

McCullough: Commissioner McCullough stated questions on the Mary Flood, email regarding the Kohl Property and the ordinance on dates for P&Z Hearings. Dirk Smits stated that he will work on the ordinance for the next Commission Hearing. Building Official Roussin stated that he had gone through all the P & Z and Commission minutes from 2009 and 2010 and the only item that was found on the property was a unity of title that was mandated by the city to install the house as a guesthouse. On the prints was a handwritten message by the precious Building Official that the guesthouse was to have no kitchen, laundry, no impact fees, and no sewer connection fee. Lot 30 was brought to join Lot 31. Upon separation of Unity of Title, Lot 30 (701) must disconnect from the sewer at 711 and pay the impact fees for the guest house and pay the sewer connection fee. No information that was mentioned by Mrs. Flood was found in any of the minutes. Property has an after-the-fact building permit. 701 is above base flood and the garage as well. The property can be made into a regular residence. The Commission discussed the issue further and ended the discussion on it. City Administrator Dave Turner asked about how the property taxes are being affected if upgrades happened years ago. The question could not be answered at this time. Commissioner McCullough asked if the city could not approve the dissolution of the unity of title and the property would have to stay the same. City Attorney Dirk Smits stated that any issue can be disapproved if it can be approved. However, Attorney Smits said he will have to investigate the issue.

11. City Attorney Report:

A. Canal Maintenance Plan Update: The project is progressing. The Chief of Police is watching for code violations. Proposed dredging could be done by special assessment, but not at this point. Obtaining public rights is a Florida State Requirement question. Commissioner DeNeale suggested to do only 5 feet dredging below mean low water.

B. SFWM Proposed Irrigation Ordinance Update: Irrigation ordinance is approved by the water district management. Ordinance will be advertised for the Public.

C. Casa del Sole v. Ocean Front Apts. Update: The city is part to the lawsuit by necessity. The City received a letter from the insurance company today with a letter of denial of coverage. Attorney Smits will fight the denial, however, there seems to be a settlement in the lawsuit. Dirk Smits will wait and see on the result on that. Building Official Roussin also stated that both parties look to be settling out of court.

The meeting adjourned at 11:31 a.m.

Respectfully Submitted,

Silvia Gransee

Silvia Gransee, City Clerk