

# MINUTES

## KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

February 24, 2022 - 9:30 a.m.

Marble Hall & Virtually via Zoom Conferencing

**1. Call to Order, Pledge of Allegiance, Prayer, Roll Call:** *The Regular Commission Meeting of the City of Key Colony Beach was called to order by Mayor Trefry at 9:30 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.*

**Present:** *Mayor Trefry, Vice Mayor Harding, Commissioner Sutton, Commissioner DeNeale, Secretary-Treasurer McCullough. Also Present: City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Dirk Smits, Public Works Department Head Mike Guarino, Building Official Gerard Roussin, Police Chief Kris DiGiovanni, Code Enforcement Officer Stacy Stahl, and Fire Chief John Johnson.*

**Public:** *18 Marble Hall, 15 Virtual*

**2. Citizen Comments and Correspondence:** *City Clerk Gransee reported on citizen emails received over the last month.*

*Mrs. Beth Ramsay, a resident of Key Colony Beach, gave a report before the Commission in favor of building a dog park in the city. Mrs. Ramsay's report included the positive influence a dog park has on society, as well as providing a safe place for dogs within the City of Key Colony Beach.*

**3. Approval of Minutes:** *The City Commission Public Hearing and Regular Meeting Minutes from January 27, 2022, were accepted as written.*

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

A. *Commissioner Sutton requested the St. Patrick's Parade to be added to the agenda under 'Special Requests'.*

**5. Special Requests:**

A. *St. Patrick's Day Parade – Mr. Jack Crowley spoke before the Commission to ask for approval for the St. Patrick's Day Parade to be held on March 17th. Mr. Jack Crowley asked for volunteers to participate in the parade. The parade will meet at 4:30 pm at 15<sup>th</sup> Circle in Key Colony Beach and officially start at 5pm.*

**MOTION:** *Motion made by Commissioner Sutton, seconded by Commissioner McCullough, to approve the St. Patrick's Day Parade on March 17<sup>th</sup>, 2022.*

**DISCUSSION:** *Commissioner DeNeale stated that he would like to see the parade accomplished especially since this will be his last year as a Commissioner. Mr. Jack Crowley also expressed that this will be his last year overseeing the parade and he welcomes persons interested in taking his place.*

**ON THE MOTION:** *Roll call vote. Unanimous approval.*

*City Administrator Dave Turner will coordinate with the Mr. Jack Crowley on the logistics of the parade.*

B. *Commissioner Sutton requested Item 7 B. to be deleted from the agenda.*

**6. Committee and Staff Reports:**

A. *Marathon Fire/EMS – Fire Chief John Johnson reported 5 medical calls and 1 internal fire alarm. The Fire Department will support the St. Patrick's Day Parade as well as support the Key Colony Beach Day. The Fire Chief reported that the town has many visitors right now and asked for everyone to be safe.*

B. *Recreation Committee – No Report.*

C. *Beautification Committee – Chair Greg Burke and Committee Member Dave McKeehan reported in front of the City Commission. Dave McKeehan gave an update on the status of the Beautification Committee and the*

state of the city gardens. Dave McKeehan reported on the planned work parties. Last year the Beautification Committee used 560 bags of mulch in a two-month period. This year 620 bags of mulch are anticipated to be used. The Committee currently has 7 volunteers, and they are hoping for at least two more. The first work party is scheduled for tomorrow morning to introduce potential new volunteers to the Beautification Committee. One new garden has been added by the east side of Coral Lane: "East Entrance Garden". The Beautification Committee is currently assessing what work must be done in the new garden. The Fertilizing program was implemented last year, and the Beautification Committee is working with City Administrator Dave Turner on this year's program. Dave McKeehan presented the calendar for this year's work parties. In addition, Dave McKeehan stated that Public Works completed irrigation checks, and made lots of progress last year with projects. Chair Greg Burke stated the good work that Public Works Department Head Mike Guarino and his crew are doing. Chair Greg Burke further reported on the Iguana Problem being discussed during the Beautification meeting. Greg Burke would like to hear the Commission's thoughts on a program for iguana control. Mayor Trefry stated that the topic has been brought up before and that, with no objection from the Commission, City Administrator Turner can obtain pricing. Mayor Trefry further stated that different types of plants must be chosen in mind with what iguanas like to eat. City Administrator Turner stated that he will bring the topic back at the next meeting. The City Administrator further stated that the State recommends taking out iguanas humanly and that perhaps public education can be done to inform residents. The Commission and Chair Greg Burke further discussed the damages that iguanas cause within the city.

City Administrator Dave Turner informed the Commission of the upcoming event of 'Hot Dogs at the Hut' April 2, 2022, from 2 p.m. to 5 p.m. City Administrator Turner reported that the event will have beer and wine and will be on city property. There will be about 120 people over a three-hour period. The City Administrator further stated that there will be grills on the side which will be discussed with the Fire Chief. City Administrator Dave Turner recommended to the Commission to approve the event.

**MOTION:** Motion made by Commissioner Sutton, seconded by Vice-Mayor Harding, to approve the event of 'Hot Dogs at The Hut' on April 2, 2022.

**DISCUSSION:** Commissioner McCullough raised the question if the City Hall building will be there in April. City Administrator Turner stated that it will still be there, however, the doors will be closed due to the Asbestos removal. Commissioner DeNeale suggested that Sunset Park could be used as an event site as well in conjunction with live music.

**ON THE MOTION:** Roll call vote. Unanimous approval.

D. Disaster Preparedness Committee – No Report.

E. Planning & Zoning Board - No Report.

F. Code Enforcement Board – No Report

G. Utility Board – Utility Board Chair Freddie Foster reported \$612,000.00 for the work on 10<sup>th</sup> Street. The engineer will be on site March 7<sup>th</sup> for last minute logistics before putting it out to bid. A workshop will be put together for all people affected. Commissioner Sutton stated that City Administrator Turner asked him to be part of the project and requested to be included in the meeting. The contract for 4<sup>th</sup> street has been signed. The contractor will inform Utility Clerk Pat Hyland tomorrow when work starts. The cost of the work is covered by grant money. Vice-Mayor Tom Harding asked if the 4<sup>th</sup> Street residents were informed of the upcoming work. Chair Freddie Foster agreed that this would be a good idea and asked for Pat Hyland to send out letters. Freddie Foster further reported that a workshop is needed for residents on 10<sup>th</sup> street. Chair Foster also reported on the approval of Wastewater Warrant 0122 in the amount of \$86,232.87.

H. Police Department – Chief Kris DiGiovanni reported on 4 reports: 1 medical examiner call due to a natural death, a theft by Circle K and Mobile where an arrest was made, an accident with no injuries, and a suspended license with a court date that was issued. In addition: 8 medical calls and 4 alarm calls, 14 calls for service, backup to MCSO 20 times, along with the Boat & Road Patrol, and the Vacation Watch Program. Two letters were sent out for trucks on Clara Boulevard for cutting through to the city. Two seat belt citations were also issued for the trucks. The two radar signs have been ordered and Commission will be informed when they come in. Chief DiGiovanni attended the EOC Meeting on February 18<sup>th</sup>. Officers are ready for KCB day on March 6.

*The Chief further reminded everyone to please remember that the KCB 7-Meter Bridge run is today, as well as the Nautical Flea Market this weekend, and to allow extra time for traffic delays*

### *I. Building Department*

*a) Building Official Roussin gave an update on 1000 W. Ocean Drive. Building Official Roussin reported that there was an injury on the job site, and the Building Department received an information request on the safety of the building from the ambulance crew. The Building Official reported that his department performed a walk through which gave safety concerns. Building Official Roussin stated that the property has been posted and the owners have been instructed to provide a structural engineers report, as well as engineered side specific shoring on the underneath of the property. The owners have been given 30 days to provide the report. The property is posted with no trespassing and a no-stop work order has been issued.*

*b) Building Official Roussin stated that seawall inspections have started, and multiple seawalls have been found with issues. Letters have been sent out to owners with the request to respond within 30 days with a plan on repair. Seawall reports are being send out with the letters and have been posted online to educate residents on the different issues seawalls are having. The Building Department is trying to address the issue quickly, however, it is not a fast problem to fix.*

*c) Update on Monte Christo - Building Official Roussin reported that Monte Christo had a stipulated agreement to replace the railing along the bulkhead seawall by February 10<sup>th</sup>. Monte Christo is currently in violation of the stipulated agreement. The Building Official reported that he is in contact with the contractor, the Condo Association President, as well as their attorneys. The project is moving forward, but supply issues are part of the problem. Monte Christo guaranteed that the work will be done by the end of March. A lien will be placed on the property if not completed by that time. Building Official Roussin reported that weekly updates are provided by Monte Christo to keep the Building Department informed.*

*D) Building Official Roussin reported that the 'Endangered Species Review' will be conducted mid-March with about 70% completed. The Building Official further reported that the CRS review has been approved. A Modification report request is being send out next week to ask for modification improvements.*

*Building Official Roussin reported on a proposed amendment regarding structural integrity on buildings higher than two stories and older than 17 years. The proposed amendment is the same amendment that the City of Marathon has passed. Building Official Roussin is asking for feedback from the Commission and would like to address the topic at the next Commission meeting.*

*Commissioner McCullough asked about burrowing owls in Key Colony Beach and the connection of their disappearance to iguanas. Commissioner McCullough further asked to mention the loss of the owls in the report. Building Official Roussin stated that the burrowing owls are not designated as an endangered species with FEMA.*

*The Building Official further stated that Greg Lawton has handed in his resignation and his last day with Key Colony Beach will be next Friday.*

*J. Public Works – Public Works Department Head Mike Guarino reported that road striping has been completed on Coral Lane. The semi-annual stormwater cleaning has been completed as well. Public Works Department Head Guarino further reported that extensive repairs to the pavers by the gazebo have been completed as well as irrigation issues have been fixed. Minor repairs to the Golf Pro Shop have been finished in addition to iguana removal from the attic. The Public Works Department also assisted the Golf Course with some of their landscaping needs.*

*K. City Secretary-Treasurer – City Secretary/Treasurer Kathryn McCullough reported on the financial status of the city. Treasurer McCullough reported that there have been some issues with the financial reports she is receiving. City Administrator Turner will arrange a meeting with City Accountant Jennifer Johnson to address the issues. Treasurer McCullough further reported that the City is doing well and has received the main part of their ad valorem tax. Furthermore, expenses are in line with the budget. City Treasurer McCullough further reported that Profit and Loss showed a loss of \$204,778.00 which is part of the \$125,000.00 payment to Fire Rescue. Overall the city is year-to-date up by \$1,100,000.*

*L. City Clerk – City Clerk Silvia Gransee reported receiving five records request and the details pertaining to it. One Certificate of Occupancy was issued for the Building Department. Iberia and First Horizon completed their migration. City Clerk Gransee further reported on meeting the Supervisor of Elections as well as meeting with FMIT on Safety Grant Applications. Additionally, the City Clerk reported on working with Accountant Jennifer Johnson on the Local Highway Report and Building Official on the PointMatch Report. Part of the records requests included updating the 2021 records for approved variances, ordinances, and resolutions. City Clerk Gransee also attended the Beautification Meeting. The Planning & Zoning Board will hold a Variance hearing for 57 7<sup>th</sup> Street in March.*

*M. Code Enforcement Officer – Code Enforcement Officer Stacy Stahl reported 43 cases of trash violations, 2 cases of yard waste, 6 cases of landscape maintenance, and 1 case of landscape irrigation at the incorrect time, in addition to multiple trailer issues that were resolved. Code Enforcement Officer Stahl further reported on a few ongoing cases of vacation rentals without a license, and 1 case regarding mangrove trimming on 14<sup>th</sup> street. 2 cases of light encroachment from neighboring properties and 1 case of house numbers not properly being displayed. A trash corral is being worked on with a local business that was reported. Code Enforcement Officer Stahl is also working on fencing and safety issues to be put in place on a construction site. Citizenserve and Rentalscape is being worked on and commercial business tax is being wrapped up. The Code Enforcement Officer is clearing up old applications for vacation rentals and also received 8 trailer lot calls. Mayor Trefry asked how many vacation rentals are being worked on that are illegal or unlicensed. Code Enforcement Officer Stahl reported that two notices have been send out to be fined immediately and to get into compliance.*

*N. City Administrator*

*a) City Administrator Dave Turner reported on the City Hall update. The survey for The A8AE9 proposed flood map line has been completed and identified. The new building needs to be ocean side of that mark to be able to build towards the ‘500 Year Flood’. The information has been given to LIVS to adjust the plans for a few changes. City Administrator Turner stated the importance of staying within the city ordinances and variances so not to have any issues in the future. The drawings should be finished within the next few weeks. After review by the Building Department and State Department the project can go out to bid. City Administrator Turner stated that he still has to move the post office, building department and police. The City Administrator explained the process of moving the post office into a temporary trailer. City Administrator Turner stated that he wants to close City Hall sooner than later and is waiting on a decision of insurance review from FEMA. The City Administrator stated that the situation is very fluid and constant changing.*

*b) City Administrator Dave Turner reported on a group of resident’s requests on having a dog park built within the city. The residents have offered to absorb the cost of the build. The City Administrator showed a drawing on where the potential dog park will be located and the advantages of that location. City Administrator Turner further explained that the dog park would be ADA compliant. The grant for the playground equipment is expected in March and if needed, a buffer can be put between the playground and the dog park. The City Administrator recommended to the Commission to move forward this project. Dave Turner stated that the upkeep will be minimal to the Public Works Department. Mayor Trefry asked City Attorney Smits if he needed to review anything prior to the Commission approving the request. Mr. Dirk Smits stated that he would like to review the contract once in place. Vice-Mayor Harding stated the importance of the correct signage as well as liability insurance being in place for the proposed park.*

**MOTION:** Motion made by Mayor Trefry, seconded by Commissioner McCullough, to move forward for the City Administrator with the proposed dog park.

**DISCUSSION:** Vice-Mayor Harding asked for examples for signage for the park.

**ON THE MOTION:** Roll call vote. Unanimous approval.

*c) The City Administrator reported on the Bocce Ball Court addition. The City Administrator reported on meeting the Bocce Ball Players and their need for one more court. The City Administrator stated that currently the Bocce Ball Courts are not in ADA compliances which is important for the size of the city and the age of the*

population. The City Administrator stated that he would like to move forward with the project and the cost will be around \$1,800.00 to complete. Mayor Trefry asked if the cost would be coming out of the Recreation Committee's budget. City Administrator Turner stated that the money can come out Recreation or some out of the Park budget, as well as impact fees as mentioned by Commissioner McCullough. Commissioner DeNeale asked if the Recreation Committee has given approval which the City Administrator confirmed.

**MOTION:** Motion made by Vice-Mayor Harding, seconded by Commissioner Sutton, to approve the addition of a Bocce Ball Court.

**DISCUSSION:** Commissioner McCullough stated the importance that residents of 7<sup>th</sup> Street do not have concerns with the addition.

**ON THE MOTION:** Roll call vote. Unanimous approval.

City Administrator Turner reported on attending the CRS workshop and making good progress. The City Administrator further attended the Scenic Highway Meeting, Unsung Heroes' celebration, and Legislative Days along with Mayor Trefry. The City Administrator reported on attending the Legislative Days in Tallahassee and on the progress that was made.

Mayor Trefry reported on Appropriation Bill HB2057 which will move approximately March 1<sup>st</sup> to the Governor's Budget Committee for further negotiations, with a decision anticipated around March 8<sup>th</sup>.

Mayor Trefry reported further on the merging of the current lobby firm for the City of Key Colony Beach with Anfield Associates. The Mayor reported on meeting alongside the City Administrator the new partners for the firm. The current lobbyist is retiring and will take on a new position in another part of the country. Mayor Trefry stated that with the Commission's approval she would like to remain with the current Lobby Firm pending review of their fee structure. Mayor Trefry stated the importance that this firm will work all year around and not just during the legislative session. Commissioner DeNeale asked the question on a new contract, which the Mayor as well as the City Administrator anticipated will be given and reviewed.

City Administrator Turner stated that he was approached by a company that would like to provide fiber optics to all homes in the city. City Administrator Dave Turner reported that he is working with the company and seeing if it is a feasible thought for the city to entertain. The City Administrator explained further details of the advantages of fiber optics. The City Administrator will meet with the City Manager of that city to obtain more details. The Commission further discussed the advantages.

The City Administrator further reported on having attended the Utility Board and Beautification Committee Meeting. In addition, the City Administrator met with all Commissioners regarding his performance review. The DEO Grant in the amount of \$2,800,000.00 is moving forward. City Administrator Turner also attended a US Water representative meeting and Road Elevations meeting. The City Administrator talked on Covid restrictions for staff and commission and stated that everyone can move freely. Department Heads oversee how meetings are being held. The City Administrator further reported on the need of having a counter in the City Hall Trailer to restrict incoming flow as well as the topic of being ADA compliant.

City Administrator Dave Turner addressed the need for future long-term planning regarding roads and infrastructure strategic planning. Vice-Mayor Harding stated that grant money takes at least 6 years to receive and agreed with the City Administrator. Vice-Mayor Harding asked about the bridge repairs which the City Administrator stated is awaiting on a quote.

Commissioner DeNeale stated that he would like a picture with Jack Crowley with all Commissioners to thank him for the service for the city.

City Administrator Dave Turner reported that a resident of Key Colony Beach offered the donation of Golf Cart for the City. The City Administrator stated that the golf cart is not street legal but can be used for different events within the city. Commissioner McCullough asked what would be necessary to make the golf cart street legal, which the City Administrator replied would be lights, seatbelts etc. The City Administrator stated that he will investigate what will be necessary.

**MOTION:** Motion made by Commissioner Sutton, seconded by Vice-Mayor Harding, to accept the donation of the golf cart to the City of Key Colony Beach.

**ON THE MOTION:** Roll call vote. Unanimous approval.

**7. Commissioner Items for Discussion/Approval**

A. *City Administrator's Performance Review – Mayor Trefry reported on the performance reviews that were submitted by the Commissioners. Mayor Trefry reported that the City Administrator scored four or above uniformly with the Commission. Mayor Trefry further commented on how impressed she was with Dave Turner's performance in Tallahassee and asked the other Commissioners for additional comments. Commissioner Sutton commented on a very good job during Dave Turner's first year. Commissioner DeNeale stated that Dave Turner came in during very hard times and brought in an extremely good team including a new attorney. Dave Turner further brought the FEMA applications up to par and stated a great job. Vice-Mayor Harding agreed on an excellent job and voiced on looking forward to next year. Mayor Trefry added that a performance/incentive-based pay is a priority to the Commission, which City Administrator Turner stated he will work on. Commissioner McCullough stated that she is confident City Administrator Turner will provide this in the future.*

~~B. City Administrator's Schedule~~ *\*\*deleted agenda item*

**8. Approval of Warrant No. 0122 in the amount of \$423,643.65.**

**MOTION:** Motion made by Commissioner McCullough, seconded by Commissioner DeNeale, to approve Warrant No. 0122 in the amount of \$423,643.65.

**ON THE MOTION:** Roll call vote. Unanimous approval.

**9. Ordinances and Resolutions:**

A. *Citizen Comments & Correspondence – The City Clerk stated that she did not receive any correspondence.*

B. *Legal Proof of Publication – confirmed.*

C. a) 2022-01 – Resolution Supporting The Florida Council on Compulsive Gambling

**MOTION:** Motion made by Commissioner DeNeale, seconded by Commissioner McCullough, to support The Florida Council on Compulsive Gambling.

**ON THE MOTION:** Roll call vote. Unanimous approval.

b) 2022-02 – Resolution on Solar Permitting Fees

**MOTION:** Motion made by Commissioner Sutton, seconded by Vice-Mayor Harding, to approve the resolution on Solar Permitting Fees.

**ON THE MOTION:** Roll call vote. Unanimous approval.

D. *Ordinances First Reading – None.*

E. *Ordinance 2021-471 Land Development Regulations Amendment: An Ordinance of the City of Key Colony Beach amending Land Development Regulation Section 101-172, Requiring a minimum of 10 day wait period between the approval of proposed code amendments brought before the Planning and Zoning Board and Consideration of the matter by the City Commission for action.*

**MOTION:** Motion made by Vice-Mayor Harding, seconded by Commissioner DeNeale, to approve Ordinance No. 2021-471.

**DISCUSSION:** Commissioner McCullough expressed her concern on not having enough time between the hearings for review by citizens.

**ON THE MOTION:** Roll call vote. Commissioner Sutton – yes, Vice-Mayor Harding – yes, Commissioner McCullough – no, Commissioner DeNeale – yes, Mayor Trefry – yes. Motion passed.

**10. Commissioner Reports or Comments:**

A. Commissioner Kathryn McCullough had no report.

B. Vice-Mayor Tom Harding reported on submitting the Pedestrian and Bicycle Safety Grant Application. The CRS Workshop “The Storm Ready Plan” includes a backup radio service. A resident has volunteered for the HAM radio service.

C. Commissioner Sutton asked Building Official Roussin on the progress on Mr. Harper on 11<sup>th</sup> Street. Building Official Roussin reported that the granted extension will end in March and the work does not look like it will be completed. Building Official Roussin suggested a daily fine after the extension ends and will give an update next meeting.

D. Commissioner DeNeale stated a great job on the Fishing & Boating Club and their ‘Clam Bake’ and is looking forward to the KCB Day.

E. Mayor Patricia Trefry reported that the FLC Conference is scheduled for August in Hollywood which is a great networking and educational event. Next year’s legislative session will run from March to April and the Florida Keys Days will be held the third week in March. Mayor Trefry asked the Commission to look out for emails from The Legislative Action Committee. Mayor Trefry further gave an update on the Short-Term Vacation Rental Bill, Sovereign Immunity Bill, and Solar Panel Bill.

City Administrator Turner further reported that the Bocce Ball Group will have a get-together March 10<sup>th</sup> at 5pm at the Tiki Hut after the Bocce Ball Tournament. Furthermore, he will be attending the ICMA Conference in Georgia next week.

**11. City Attorney Dirk Smits:** City Attorney Dirk Smits reported that insurance will be available for the Sovereign Immunity Bill if passed. City Attorney Smits further reported that the Trademark Office did not approve the city seal. The City Attorney reported that after research with Commissioner McCullough, it is believed that the trademark was never officially adopted. This would leave the opportunity to still get the trademark and adopt the trademark formally.

**12. The meeting adjourned at 11:12 a.m.**

Respectfully Submitted,

*Silvia Gransee*

City Clerk

**Adopted: March 10, 2022**

**Silvia Gransee**

**City Clerk**