

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, April 14, 2022 – 9:30 a.m.

City Hall Auditorium

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 Marshall Mike Card.*

Public: *25 Marble Hall*

2. Citizen Comments and Correspondence: *City Clerk Silvia Gransee reported on citizen emails received over the last month regarding the proposed height ordinance amendment, as well as a letter to the Police Department. (Please contact the cityclerk@keycolonybeach.net for a copy of the record).*

CORRECTION TO THE RECORD: *City Clerk Gransee incorrectly stated the letter from Barbara Baran-Cisna, 690 11th Street, as related to the height ordinance. The letter in question was related to the property on 680 11th Street.*

City Clerk Silvia Gransee addressed the question of not being able to offer Zoom for this meeting and explained that this is an administrative issue of not having enough staff on hand. City Clerk Gransee stated that Zoom Meetings will be offered again when positions have been filled.

Constance Foster, 54 7th Street addressed the Commission. Mrs. Foster stated that she is a permanent resident on 7th Street since 2006. Mrs. Foster offered an apology for writing a letter in early 2020 asking to be treated equal to the other residential zones in Key Colony Beach. Mrs. Foster stated she was not fully educated on the issue at hand and based her opinions on neighborhood talks and not facts. Mrs. Foster continued by saying she fully understands the need to build up flood zones, however, she was under the impression that the height restrictions would be to be limited to 20 feet. Mrs. Foster further stated that in the past Zone 2B has been treated differently due to the differences in size compared to the rest of the city. Mrs. Foster asked the Commission to relook at the zoning for 2B and the LDR changes and thanked the Commission for consideration.

Patricia Diebold, 1001 W. Ocean Drive, President of Monte Christo Condominium. Mrs. Patricia Diebold addressed the Commission regarding the ongoing issue with the railings at the Monte Christo Condominium in particular in the last year. Mrs. Diebold stated that the past year was difficult with supply issues and thanked the Commission for their understanding and assistance during the past year.

Barbara Baran-Cisna, 690 11th Street. Mrs. Baran-Cisna reported to the Commission in regard to her neighbors house on 680 11th Street and their ongoing construction. Mrs. Baran-Cisna stated that it has been years since Hurricane Irma and the permit issuance, and that the project has not been completed with the permit expiring April 26th. Mrs. Baran-Cisna stated her concern that no resolution will happen and asked that definite timelines and/or penalties will be placed on the property. Mrs. Baran-Cisna stated that it has been extremely difficult for her family with damage resulting to their house from their neighbors. Mrs. Baran-Cisna asked the Commission to put in strong consideration to make the property owner comply.

Frank Tremblay, Resident of 'The Cay'. Mr. Tremblay addressed the Commission and stated that he represents the Bocce/Shuffleboard/Horseshoe members of the Recreation Committee. Mr. Tremblay explained the importance of the Bocce Courts and what it means to the community. Mr. Tremblay stated that the Committee had asked the Commission for funds to repair Court No. 3 and to build the new Court No. 5. Mr. Tremblay explained that with the funds the Recreation Committee Volunteers replaced the rotten wood and built the new court No. 5. Mr. Tremblay thanked all the volunteers, City Administrator Dave Turner, and Public Works Department Head Mike Guarino, and the City Commission for providing the funds for the projects.

Ron Foster, 54 7th Street. Mr. Ron Foster stated to the Commission that he has been a resident of Key Colony Beach since 2006 and that he is addressing the Commission specifically to the proposed LDR changes of height changes to 40 feet. Mr. Foster continued by saying that like many of his neighbors he send a letter to the Commission and is limiting his comments to two items, which are appearance and density. Mr. Foster further stated that he was in attendance of the Planning & Zoning Meeting on March 16th, 2022, in opposition to the variance request of 26.5 feet. Mr. Foster explained that he understands the need to build up but was mortified of the thought of building to 40 or even 46.5 feet. Mr. Foster further reported that even though the variance request was denied, the applicant had stated that he will come back when the new LDR's are passed and will built to 40 feet. Mr. Foster said that even though he was initially upset, he is thankful that this happened, since now everyone understands what happens with a 40-foot height ordinance. Mr. Foster stated that this will significantly increase density and asked the Commission to reconsider the proposed height restriction for Zone 2B. Mr. Foster asked the Commission to take in consideration all the letters the Commission has received.

Mark Busch & Siblings, 59 7th Street. Mr. Mark Busch stated that he had send a letter to the Commission which was mentioned by the City Clerk at the beginning of the meeting. Mr. Busch further stated that himself and his siblings are the owners of the property adjacent to the proposed Blackwood property on 57 7th Street. Mr. Busch continued by saying that he is not an expert on the zoning issue but is looking at it as a demographic and infrastructure issue. Mr. Busch stated that there are 128 units between Sadowski Causeway and 7th Street that fall under this designation and that if every property would go to the proposed drawing like 57 7th Street, the population would go up to 2,560 people. Mr. Busch continued by saying that this would be an increase of 2048 people alone on the Causeway and 7th Street. Mr. Busch further stated that the car issues would be an issue too with parking and traffic. Mr. Busch asked the question if there have been adequate infrastructure studies done of what would happen if every property would built to these specifications. Mr. Busch continued by saying that the view and sunlight obstruction have been visited already and his concern is what would happen to his property during construction and if any damage would be done to his home. Mr. Busch stated that there needs to be an adjustment made.

Marylin Avery, 79 7th Street. Mrs. Marylin Avery addressed the issue that there was no Zoom capability for this meeting and that clearly there should have been someone able to run the zoom meeting, since the job had been open for two weeks. Mrs. Avery stated that a lot of voices had been silenced today for not being able to have spoken on Zoom. Mrs. Marylin Avery continued by saying that they have been fortunate enough to have owned their house on 79 7th Street for 23 years and that they are proud of their street, their boardwalk, and their neighborhood. Mrs. Avery continued by saying that 7th Street is unique in having no fences between their houses and hopes to pass their house to their children and grandchildren. Mrs. Avery further said that they know that someday they have built up which they have no problem with, however, they have a problem with 40 feet due to the sizes of lots on 7th Street. Mrs. Avery said the special setback requirements on 7th Street create two side walks and grass on every lot, and 40 feet would eliminate any sun between the houses. Mrs. Marylin Avery continued by saying that many residents had sent letters in January and February of 2021 requesting to be treated like the other zones with the understanding that this would mean a height restriction of 30 feet. Mrs. Avery asked the Commission to revisit the height requirements for Zone 2B and consider 30 feet appropriate for KCB. Mrs. Avery thanked the Commission for letting her speak today.

Eloise Holland, 15 7th Street. Mrs. Eloise Holland stated that she has lived on 15 7th Street since 1995 and that she is opposed to a 40-foot height on 7th Street primarily due to the 10-foot setbacks between the houses. Mrs. Holland continued by saying that they have the smallest area between the houses and this height would make planting very difficult between the houses due to the lack of sunlight. Mrs. Holland continued by saying that she lives on the south side of 7th Street where the lots become even smaller and have less area to build on, and the houses would be even more out of proportion than on the north side. Mrs. Holland stated that in the past Zone 2B has always been zoned separately and asked the Commission to keep it that way.

Dave McKeehan, 2 7th Street. Mr. Dave McKeehan stated that he is against the 40-foot height ordinance due to disparage, and that if the height is raised to fast to high, that the City will have a skyline of disparage, an economic disparage, a visual disparage, and that it would be a bad situation. Mr. Dave McKeehan stated that he would like to see the height not go higher than 25 to 30 feet.

Mayor Trefry thanked all residents for their comments and stated that there is a lot of misinformation and lack of data, and proposed a workshop for residents, available in person and via zoom, where staff can lay out data and flood plain issues so all residents can understand the process of the proposed 40-foot height ordinance. Mayor Trefry asked the Commission on agreement. Vice-Mayor Harding stated he agrees with the workshop and would like to have the input and concerns from the residents and then review if the second reading should be edited. Vice-Mayor Harding further stated that he read a lot of misinformation in resident's letters that were received, and that the process has been ongoing for about two years with a lot of history of FEMA. Mayor Trefry further stated she remembers being part of a workshop when she was first appointed four years ago and that the Commission had workshops as early as 2019. Commissioner Sutton stated that he supports a workshop under the guidance of the City Attorney. Commissioner DeNeale concurred. City Administrator Dave Turner asked Mayor Trefry if he could have the floor for about ten minutes which the Mayor agreed to. City Administrator Dave Turner introduced himself to the audience and handed out a drawing for the residents to examine. The City Administrator explained that a lot of changes are happening with FEMA and that the Commission has no influence on it. City Administrator Turner further explained that the City Commission has the resident's best interest at heart. The City Administrator explained the drawing to the residents and the corresponding upcoming FEMA changes. The City Administrator explained further how a 34-foot height restriction would affect a house compared to a 40-foot height restriction including flood insurance, resale value, value compared to houses in other areas of Key Colony Beach, and rebuilding rights. City Administrator Dave Turner continued by explaining that FEMA and the Building Code is the main influence on changes in height restrictions. City Administrator Turner stated to the residents that he understands that change is hard but sometimes necessary. The City Administrator further explained the benefits of being able to build to 40 feet instead of 34 feet.

Mayor Trefry stated to the residents that staff has been directed to organize a workshop where everyone is notified prior to it. Building Official Gerard Roussin asked if there is a timeframe for when the Mayor would like to have the workshop, which Mayor Trefry replied to as soon as possible. The Commission agreed with the Mayor. Vice-Mayor Harding offered his help with organizing the workshop as well as help with the zoom capability. City Administrator Dave Turner explained the difficulties in hiring.

3. Approval of Minutes: *The City Commission Public Hearing and Regular Meeting Minutes from March 10, 2022, were accepted as written.*

4. Agenda Additions, Changes, Deletions: *None.*

5. Special Requests: *None.*

6. Committee and Staff Reports:

A. Marathon Fire/EMS – Fire Marshall Mike Card reported 4 internal fire alarms, 5 medical calls, and 3 false alarm calls. Fire Marshall Mike Card reported that Fire Chief Johnson wanted to make sure that everyone will be prepared for the Hurricane Season. The Fire Marshall further stated that this year might be a more active season and asked for property owners to be prepared. Fire Marshall Mike Card continued by saying that COVID has been on the rise and asked to take precautions, to be courteous to their neighbors, and to protect themselves.

B. Recreation Committee – No report.

C. Beautification Committee – No report.

D. Disaster Preparedness Committee – No report.

E. Planning & Zoning Board - No report.

F. Code Enforcement Board – No report.

G. Utility Board – No report.

H. Police Department – Chief DiGiovanni informed on 2 reports, including an information report on a domestic disturbance, and a report on a found handgun. The KCBPD responded to 7 medical alarm calls, 27 calls for service, and backed up MCSO and FWC 19 times, along with boat and road patrol, and the vacation watch program. Chief Kris DiGiovanni reported on the ‘Coffee with the Chief’ event on March 29 which Corporal Buxton also attended at the Key Colony Inn. Chief DiGiovanni thanked the restaurant for providing free coffee and the residents that attended. The Chief of Police further reported that Reserve Officer Ross Bethard assisted the county in a pursuit and received a letter from the Sheriff’s Office for a great job. Officer Joe Burden received a letter from residents as well as being ‘Officer Friendly’. Chief DiGiovanni also reported that the Police Department has made a recruitment video which is available on Facebook and YouTube to watch.

I. Building Department – Building Official Gerard Roussin

a) Building Official Gerard Roussin reported that Monte Christo has come in compliance with their railings and that the project has been completed.

b) Building Official Gerard Roussin reported that 1000 W. Ocean Drive has come to a stipulated agreement with the city and the case was removed from the Code Agenda the day prior to the Commission Meeting. The Building Official further stated that the agreement is available for anyone to examine and to contact the Building Department for a copy. Building Official Roussin continued by explaining that there are some strict time restraints for the property to abide by.

Building Official Gerard Roussin stated that in reference to the Workshop in regard to Zone 2B the Building Department has an open-door policy and that if anyone needs information, copies of flood maps, or any other information, to please stop by their office. Commissioner DeNeale asked about the property on 11th Street which was mentioned earlier in the Citizen Comments. Building Official Roussin reported that the property is not doing much, and that the extension was granted back in October 2021 which will run out April 26th. The Building Official further stated that the owner was charged a 10% extension fee which was refundable if the property was completed on time. The Building Official further stated that the Commission will have to decide what will happen after the extension expires. Commissioner DeNeale asked the Building Official to come with a recommendation for the Commission at the next Commission meeting on April 28th. Building Official Roussin stated that it is on the agenda for the next Department Head meeting, and that this is a building issue and not a code issue. City Attorney Smits agreed that this topic is a building issue and that the Commission has the ability to extend the permit. City Attorney Dirk Smits further stated that if the Commission does not grant the extension, the issue will become a code issue. Commissioner DeNeale asked for a staff recommendation prior to the next commission meeting.

Commissioner Tom Harding complimented Building Official Gerard Roussin on his open-door policy for the public. Commissioner Tom Harding also asked the Building Department to share the stipulated agreement for 1000 W. Ocean with the Commission.

Building Official Gerard Roussin thanked City Attorney Dirk Smits and his team for all the work they had done in the last month.

J. Public Works – *City Administrator Dave Turner reported for Public Works Department Head Michael Guarino. The City Administrator reported that Public Works assisted with the Bocce Ball Courts and will make the courts ADA compliant next. In addition, the loose basketball hoops were repaired, a pet waste station at the new dog park was installed, and Public Works is now working on a new street sign on 7th Street. City Administrator Dave Turner further stated that the Boat Trailer parking lot was regraded and cleaned up for the summer season, as well as some regrading work was done at the Sewer Plant. The Public Works Department is also working on moving valuable trees around Marble Hall to the Golf Course, or other locations, as indicated by the Beautification Committee. The City Administrator reported that the Lignum Vitae Tree, thanks to Dave McKeehan from the Beautification Committee, is almost ready to be moved to the Golf Course. City Administrator Turner thanked Dave McKeehan for putting all the work in saving the tree that is estimated to be \$5,000.00 worth. City Administrator Turner further reported that he has asked Public Works Department Head Mike Guarino to implement the short-term emergency communication and to order the materials needed for that prior to the storm season. City Administrator Turner added that the long-term emergency communications drawings had been send to the Architect Firm LIVS to be implemented into the city hall drawings.*

K. City Secretary/Treasurer: *None.*

L. City Clerk – *City Clerk Silvia Gransee reported meeting with the Supervisor of Elections Office to inspect the Golf Pro Shop Building as an acceptable polling place, which was accepted. City Clerk further reported on attending the Recreation and Beautification Meeting, as well as preparing for the Planning and Zoning meeting, and the Code Meeting which was resolved. City Clerk Silvia Gransee updated that the Resolutions Page has been added to the City website and will be updated with prior years as time permits. City Clerk Gransee continued by reporting that one public records request was completed with the help from Chief DiGiovanni. Clerk Gransee continued by saying that she received many questions on the ability for a zoom meeting and that this service will be offered again as soon as possible. City Clerk Silvia Gransee stated that the open positions at City Hall are being advertised and posted, and that it is a hard market to find employees. City Clerk Silvia Gransee thanked Utility Clerk Pat Hyland and Code Enforcement Officer Stacy Stahl for their help in City Hall.*

M. Code Enforcement Officer – *Code Enforcement Officer Stacy Stahl reported 57 new code enforcement cases, including 30 for trash, 14 vacation rentals without a license, 1 dangerous building, 3 building/property maintenance cases, 1 working without a permit, 1 landscape irrigation case, 1 trailer parked in city right of way, and 6 warnings for trash. Code Enforcement Officer Stahl further reported that Marathon Garbage had some issues in the last few weeks with their routes which impacted the pickup of white goods. The Code Enforcement Officer further reported on total fees for the 57 cases of \$1,200.00, with payments of \$300.00, and an outstanding balance of \$900.00. Year-to-date the City has 342 cases with a fee total of \$13,500.00, payments of \$7,750.00, and a balance of \$5,750.00. The Code Enforcement Officer continued by reporting that Rentalscape has produced excellent results with investigating rentals without licenses. Code Enforcement Officer Stahl reported that letters to these rentals have been send out and are being worked with to come into compliance. Furthermore, some reporting issues are being worked on where properties are being reported as unlicensed but have licenses. Code Enforcement Officer Stahl further reported on working on stragglers from last year in Citizenserve that had not registered or paid yet. The Code Enforcement Officer reported that the Public Works Department helped in moving some trailers around in the trailer parking lot and also helped with updating the lock at the long-term trailer parking lot. Code Enforcement Officer Stacy Stahl continued by saying that all transfers were contacted in terms of renting status. In addition, a lighting complaint was addressed with the owner and resolved. The Code Enforcement Officer also stated that all updates in Citizenserve were completed with current registrations. Code Enforcement Officer Stahl thanked the Building Department and City Attorneys for helping with resolving the code cases that were slanted for the code hearing. The Code Enforcement Officer further reported on working more closely with the manager of Circle-K on*

keeping the trash corral closed; and lastly reported on having had 16 trailer lot calls. Commissioner DeNeale asked about a summarization about a rental without a license report which Code Enforcement Officer Stahl stated she will supply.

N. City Administrator – Dave Turner

City Administrator Dave Turner reported on working with the legal team for the RFP for a city engineer, the parking ordinance, the sludge-hauling bid, and the 10th-Street bid, which both have been submitted. The City Administrator stated that by the end of the month an agreement for the playground equipment should be in place and an RFP will be put together. City Administrator Turner continued saying that the State Report for the bridge repairs on Sadowski Causeway had a few items that will need to be addressed, which he estimated to be somewhere from \$60,000.00 to \$100,000.00 for the repairs. City Administrator Turner stated that the corresponding RFPs are with the legal team to be looked over. The City Administrator further reported on attending the Recreation and Beautification Meeting and reported that the color palette for the city was approved by the Beautification Committee.

a) City Administrator Dave Turner reported on a drawing that was received from the architect regarding the Flood Zones. The City Administrator further reported that the building will have to be shifted towards West Ocean about six feet. City Administrator Turner stated that there will a workshop since there have been substantial changes of the side and the building and stated the importance not to have to ask for a variance or setback. The City Administrator further reported that the tower is now within city limits. City Administrator Dave Turner continued by saying that once the architect has made the updates, a workshop will be held, or the topic will be addressed during a commission meeting to receive more input to finalize the drawings, and to get the project moving. City Administrator Turner explained that the identification of the flood line was very time consuming but a requirement due to FEMA. City Administrator Dave Turner stated that once the Commission has voted on the drawings, the architect can finalize them, and can be put out for bid. Commissioner DeNeale asked the on process on the bid, which City Administrator said that the bid and going to FEMA will happen about at the same time. Vice-Mayor Tom Harding asked if any square footage was lost by having to move the building, which City Administrator Turner stated was not since the building was slid towards the ocean.

City Administrator Turner further commented on the Smart City/GIG City and reported that the project is moving forward. City Administrator Turner stated that the RFP is with the legal team and being worked through it.

b) Tom Portuallo from the company 'Iguana Control' presented his proposal for the City of Key Colony Beach to control the iguana population. Mr. Portuallo talked about where his company is operating in Florida and how many employees they have. Mr. Tom Portuallo continued by talking about what other clients 'Iguana Control' has and the different approaches of controlling the iguana population. Mr. Portuallo stated that his company has not received any negative reviews from the public and is well received. Commissioner McCullough asked what the success rate was which Mr. Portuallo replied that he would like to give references from current clients to answer the question, but that they had a phenomenal success rate. Commissioner McCullough asked if the numbers of iguanas were significantly reduced and if the iguanas were still there with no total elimination possible. Mr. Portuallo replied that ants, rats, roaches, and iguanas will never be completely eradicated, but that the idea is to control the population. Mr. Portuallo continued by saying that his company opened a sister company which makes fish chum from the iguanas and that the idea is to recycle. City Administrator Turner stated, upon question by Mayor Trefry, that the contract with a head nod from the Commission will go to the legal team for review and can go back to the Commission for a vote. Mr. Portuallo commented that in all his years attending different Commission meetings he has never attended a nicer commission meeting. City Administrator Dave Turner asked Mr. Portuallo to comment on the idea of discounts for residents. Mr. Portuallo stated that his company offers an annual program for residential homes with an annual fee of \$1,900.00 which will be discounted to \$1,400.00 for the Key Colony Beach residents if the City goes under contract with 'Iguana Control'. The residential contract will have the same schedule as the city contract.

7. Commissioner Items for Discussion/Approval:

A. Approval of Color Palette for City Owned Buildings

MOTION: Motion made by Commissioner McCullough, seconded by Commissioner DeNeale, to approve the proposed color palette by City Administrator Dave Turner to be send to City Attorney Dirk Smits for Resolution.

DISCUSSION: Vice-Mayor Tom Harding asked City Attorney Dirk Smits to add if the Sherwin-Williams color goes out of production it can be replaced with a substitute.

ON THE MOTION: Roll call vote. Unanimous approval.

B. Approval of new Recreation Committee Member Barbara Tatarchuk

MOTION: Motion made by Commissioner Sutton, seconded by Commissioner McCullough, to appoint new Recreation Committee Member Barbara Tatarchuk to the Recreation Committee.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Unanimous approval.

C. Approval of City Administrator Contract

MOTION: Motion made by Commissioner DeNeale, seconded by Mayor Trefry, to approve City Administrator Dave Turner's contract.

DISCUSSION: None.

ON THE MOTION: Commissioner McCullough – No, Commissioner DeNeale – Yes, Vice-Mayor Harding – Yes, Commissioner Sutton – Yes, Mayor Trefry – Yes. **MOTION PASSED.**

D. Mayor Trefry reported on Commissioner McCullough's resignation and proposed that at the next Commission Meeting a replacement will be appointed and that a new Secretary/Treasurer will be elected as well. Mayor Trefry further explained that the term appointment of the new commissioner will run out in November with the new election. Mayor Trefry further asked for anyone interested in the position to contact the City Clerk and that in two weeks anyone has the chance to address the commission. Mayor Trefry asked the Commission if anyone had any additional questions or comments, which Commissioner DeNeale stated that this is everyone's chance to try a commission seat. Commissioner DeNeale further stated that he has really enjoyed being on the Commission and that everyone should put their name in the hat. Vice-Mayor Harding asked if, for proper notification, an email should be sent to inform the public of the open commission seat which City Attorney Smits agreed upon.

Mayor Trefry asked Commissioner McCullough to stand up and thanked her for being a friend and mentor. Mayor Trefry stated that Commissioner McCullough has given her heart and soul to the city for a long time. Mayor Trefry asked Officer Ross Bethard to present to Commissioner McCullough, on behalf of the City, the Police Department, and all her family and friends, the Key Colony Beach Flag as well as the American Flag. Officer Ross Bethard stated that he has the greatest privilege and greatest honor to present the flags to Commissioner McCullough, which flew over Key Colony Beach. Officer Ross continued by saying that the inscription on the Key Colony Beach flag reads 'The Gem of the Florida Keys' which presents the people of the City of Key Colony Beach and that his mother, Commissioner McCullough, is one of the gems and shines the brightest. Officer Ross Bethard continued by saying that the American Flag flew over the Commissioner's house as well as over City Hall and that he has the honor to present the flags to her. City Administrator Dave Turner presented a picture of the City of Key Colony Beach with signatures of all commissioners and staff to Commissioner McCullough. The Commission continued take a group picture with the encased flags and picture.

Commissioner McCullough said that leaving this community was one of the hardest decisions she had ever made in her life. Commissioner McCullough continued by saying that she had the honor of serving the residents as their Commissioner and that she appreciates it so very much and that she will carry Key Colony Beach in her heart for the rest of her life.

8. Approval of Warrants: None.

9. Ordinances and Resolutions

a) Ordinance No. 2022-472 City Seal: *An Ordinance Of The City Of Key Colony Beach Florida, Amending Chapter 2 – Administration By Designating And Adopting An Official Seal Under Article VIII Pursuant To Section 165.043, Florida Statutes, Providing For A Description Of The Official Seal, Providing For Custodian Of The Official Seal; Providing For Permitted Uses Of The Official Seal; Providing For Enforcement Of The Official Seal.*

Mayor Trefry read the First Reading of the proposed ordinance.

MOTION: *Motion made by Commissioner McCullough, seconded by Commissioner Sutton, to adopt the official city seal.*

DISCUSSION: *None.*

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

10. Commissioner’s Reports or Comments

Commissioner DeNeale thanked Commissioner McCullough and the role she played after Hurricane Irma in keeping City Hall together and taking care of everyone and giving a shoulder to lean on. Commissioner DeNeale continued by saying that he is sincerely grateful, and it was a pleasure to have Commissioner McCullough take Commissioner Tracy’s spot on the Commission, and that she has been a godsend to the city.

Commissioner Sutton stated that he echoes what Commissioner DeNeale said and that himself and Commissioner McCullough go back a long time before Hurricane Irma, as City Clerk, Assistant City Clerk, and he believes that she might even have been the Utility Clerk at one time. Commissioner Sutton stated that he wishes Commissioner McCullough well and that he knows that she will do well in her retirement, and that he will miss her and hopes she will stay in touch with all of them.

Vice-Mayor Tom Harding thanked Commissioner McCullough for all the years of advice and recalled a story of a teacher that gave firm advice and good direction and said that Commissioner McCullough is that teacher that always gave good advice over the years, and he appreciates all of her steadfastness and stated that she will be missed.

Vice-Mayor Tom Harding reported that he did go to FDOT for a presentation on their safety grant request, and that all FDOT grant need an engineering design analysis which is a somewhat standard expectation. Vice-Mayor Harding further reported on attending a mitigation strategy meeting, where he learned that the State of Florida is now offering smaller grants which are not FEMA controlled. Vice-Mayor Harding continued saying that these are for wind and flood projects under \$200,000.00 that do not require FEMA guideline controls and he will be looking into that. Vice-Mayor Tom Harding closed by thanking Commissioner McCullough again for her service.

Mayor Trefry stated that when she was looking for a present from the City for a going-away present for Commissioner McCullough she saw a T-Shirt that read “A wise woman once said: I am outta here! ... and she lived happily ever after”. Mayor Trefry continued by saying that she wishes Commissioner McCullough a happily ever after no matter where she goes and thanked her for all her years of service and friendship.

Commissioner McCullough stated that she has lived in Key Colony Beach for 40 years and been in the Keys for 42 years, and that it only took her two years to realize that the best place to be in the Keys was Key Colony Beach. Commissioner McCullough continued by saying that this has not changed, and that the community is unique in to many ways to tell. Commissioner McCullough further said that she cannot say enough about the residents that work, attend meetings, who get out and dig in the dirt, who organize events, who sit on boards, and study the law, and that one of the great things of Key Colony Beach is all of the resident’s involvement and dedication to keeping the

community the gem that it is. Commissioner McCullough stated that she had the honor of working with the best staff in the county and that there is no way to explain the job description that all of them do. Commissioner McCullough continued by saying that no one ever just had a job but rather the whole city to take care of and that everyone has done it so very well. Commissioner McCullough continued by saying that she has been so proud by having been associated with all of them. Commissioner McCullough stated that the Commission is dedicated, they love their city, and they give their heart and soul, and that she is very proud to be part of the Commission and her association with them. Commissioner McCullough further said that she wishes everyone the best of luck and that she will carry everyone in heart for the rest of her life.

II. City Attorney Dirk Smits stated that he will miss Commissioner McCullough very much including one of the longest phone calls he ever had with a Commissioner prior to a meeting to hold him to his tasks. City Attorney Dirk Smits stated that Commissioner McCullough is wonderful, and he really enjoyed working with her and hopes she will stay in touch.

A. City Attorney Dirk Smits reported on the Recertification Ordinance which is in front of the Commission for discussion. Vice-Mayor Tom Harding stated that the State is still working on statute changes and that once this has passed the city will have to modify the ordinance. Vice-Mayor Harding continued by saying that the only minor changes he has that there are 13 properties that have to be looked at, and that there should be some time changes to come into compliance. City Administrator Dave Turner asked the Commission if Building Official Gerard Roussin or City Attorney Dirk Smits can explain the proposed ordinance to the audience. Building Official Roussin explained that the proposed ordinance is in direct connection the Champlain Tower collapse in Surfside. The Building Official explained that this ordinance is an order of protection for these condos to be recertified in a shorter period which they originally were. The Building Official stated that originally condos mandated by the state were recertified every 40 years, which is a long expanse of time frame in local conditions which does not include any natural disasters that might occur. Building Official Roussin continued by saying that the proposed ordinance is piggybacked from the ordinance that the City of Marathon just had passed to follow suit to Key Colony's Sister City. The Building Official stated that any kind of mixed use, commercial, R3 RH- Building with two stories or more will have to be recertified by an engineer with the electrical and structural system of the building. Building Official Roussin stated that in essence this is a safety policy for the city to make sure that nothing like Surfside will ever happen in the City or anywhere else. Building Official Gerard Roussin continued by saying that more than likely the new building code will be coming out shortly and that this issue will be in it, however, more than likely the city ordinance will be more restrictive than what the State will be proposing. Building Official Roussin further explained that a code is a minimum requirement by the State, and it is not the strictest in its requirements. The Building Official continued by saying that this ordinance deserves to go above and beyond the minimum requirements and it is purely a life-saving issue.

B. City Attorney Dirk Smits reported on the proposed parking ordinance and that he has received some comments about the inclusion of the police and code, as well limitations on towing. City Attorney Smits further explained that the fines have gone up to \$50.00 and that certain sections have been addressed by the Chief. Chief DiGiovanni explained that the department has had a tough time ticketing cars that have been parked on the exercise path and that a Florida Statute ticket as to be written when the driver is there, otherwise it becomes a misdemeanor. Chief DiGiovanni explained that the City needs a code to able to write a city citation to these vehicles which is the main reason to amend this ordinance. Chief DiGiovanni further explained that the cities right-of-way has been 1st, 2nd, 3rd, 4th, 5th Street, and East Ocean, with no parking on the city right-of-way without the resident's permission, which the proposal is to change it to city wide instead, to offer the other side of the island the same protection. Mayor Trefry stated that the City had issues with parking by Sunset Park and that she had asked Chief DiGiovanni to get together with City Attorney Smits to work on a solution on the parking which this ordinance amendment represents.

C. City Attorney Dirk Smits reported on the Ocean Front Resolution which the City Attorney stated is not endorsed by City Attorney and basically that the city's statement is not to object. City Attorney Smits continued by explaining that the City is not stipulating to anything nor agreeing to anything and basically to state that they do not object to a

resolution. City Attorney Dirk Smits asked for a vote not to object to the resolution and to agree to the party stipulation.

MOTION: Motion made by Commissioner DeNeale, seconded by Vice-Mayor Harding, not to object to the resolution and to agree to the party stipulation.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Unanimous approval.

In closing, City Attorney Dirk Smits explained why the Commission does not to have back and forth with the public during a Commission meeting. The City Attorney explained that all public governments basically work the same and that the meetings are about business. The City Attorney further explained that public comment at a certain time is afforded, so that the people on the dais can understand what is going on to what people are referencing on for voting. Dialogue about what is going on needs to happen at staff level before the meeting, or directly with the commissioners. City Attorney Smits stated that discussions with the Commission and staff should take place by email, phone calls, etc., and asked residents to speak up at the meeting to be placed on the record. City Attorney Dirk Smits further explained that the Commission is not being rude by not doing questions and answers, but it is a business meeting and needs to be held in the way business is conducted

12. Adjourn: The meeting adjourned at 11:14 a.m.

Respectfully Submitted,
Silvia Gransee
City Clerk

ADOPTED: April 28, 2022

Silvia Gransee
City Clerk