

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, April 28, 2022 – 10:05 a.m.

City Hall Auditorium & 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 10:05 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.*

Present: *Mayor Trefry, Vice Mayor Harding, Secretary-Treasurer DeNeale, Commissioner Sutton, Commissioner Ramsay-Vickrey. 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: *19 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 correspondence regarding Property Co-Ownership in Key Colony Beach, correspondence in regard to vehicles parked on 8th and Ocean, and correspondence in regard to the property on 680 11th Street. (Please contact the cityclerk@keycolonybeach.net for a copy of the record).*

Barbara Tatarchuk, President of the Board of Directors of the Casa Clara Condominium Association, addressed the Commission regarding the agenda item of the proposed Recertification Ordinance. Mrs. Tatarchuk stated to the Commission that she is in favor of the ordinance but had some questions about the length of time that is permitted on the recertification process. Mrs. Tatarchuk commented on the time frame of currently being 90 days from the date of notice of required inspection to receive an engineering report, and 150 days from the notice of required inspection to complete the process. Mrs. Tatarchuk stated that anybody that works in a condominium knows that this is a very short period of time, and it only leaves 60 days for the completion of the project, and 90 days for inspection, and from the same date have 150 days to complete the project. Mrs. Tatarchuk further stated that in consideration of this being a new ordinance, and this not only applying to people in Marathon since the ordinance was already passed there, but it will also be very hard to find people available to do the inspections, and to find people available to do the contract work in that period of time. Mrs. Tatarchuk asked the Commission to consider a longer period, but also to change the date instead of 150 days from the notice of required inspection but to have the date from the report of the inspection so there are at least five months to complete a project but added that she recommends having a longer period than that for completion. Mrs. Tatarchuk stated that it feels like a very short period of time to complete a project in that time frame. The Commission thanked Mrs. Tatarchuk for her comments.

3. Approval of Minutes: *The City Commission Public Hearing and Regular Meeting Minutes from April 14, 2022, were accepted as written with a minor correction on page 4.*

4. Agenda Additions, Changes, Deletions: *Mayor Trefry reported that the Building Department requested to have the First Reading of Ordinance No. 2022-473 deleted from the agenda which Building Official Gerard Roussin confirmed.*

5. Special Requests: *None.*

6. Committee and Staff Reports:

A. Marathon Fire/EMS – *Fire Chief John Johnson reported 7 EMS calls, 1 internal fire alarm, and 1 public assist with a powerline. Fire Chief John Johnson reminded Hurricane Season is approaching and to take the proper precautions. Fire Chief Johnson further reminded everyone that COVID is still around and to be mindful with all the visitors from all over the world in the Keys.*

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 3 reports, including 1 disturbance on 12th Street, 1 fight on 10th Street, and 1 theft at Circle-K. The KCBPD responded to 4 medical and alarm calls, 12 calls for service, and backed up MCSO 6 times, along with boat and road patrol, and the vacation watch program. Police Chief DiGiovanni stated that this year marks the 16th year of the Police Fishing Derby, and it will be held on June 15th with 55-60 children expected to participate. Chief DiGiovanni stated that the new radar signs came in and he is working with Public Works Department Head Mike Guarino to have them installed. Chief DiGiovanni further reported that Corporal Jamie Buxton continues working on Lexipol and the accreditation for Key Colony Beach. In closing, Chief DiGiovanni reported on continuing to work on filling the two open Police Officer positions for Key Colony Beach.*

I. Building Department – *Building Official Gerard Roussin*

a) *Building Official Gerard Roussin gave an update to the Commission on 680 11th Street and reported that the owner's permit expired the past Tuesday and would like to know what the Commission would like to do to reach the completion of this job. Building Official Roussin stated his belief of the owner being available via Zoom and having some questions for the Commission. Building Official Roussin further stated that on October 28, 2021, the Commission extended a permit for Mr. Harper with the idea of a 10% fee of the original permit fee that would be refundable if the work would be completed on time by the end date of April 26th. Building Official Gerard Roussin further explained that Mr. Harper picked up the new permit on November 12th but explained that the 180-day extension started on October 28th and has since expired and that they are looking for a solution to get this project over. Building Official Roussin stated that he does not know if Mr. Harper is online and if the Commission would like to hear from him. Mayor Trefry*

stated to Building Official Roussin that at the last meeting the Commission had requested for the Building Department to bring a recommendation back to the Commission. Building Official Roussin stated that the only recommendation is to find a way to finish the project and he is not sure if that can be done with financial penalties or extending the timeline. Building Official Roussin continued explaining that since the 180-day extension was given there were three inspections on the property which were not a lot of inspections for that time frame. Building Official Roussin stated that he knows that there were some supply issues for Mr. Harper same as for any other construction company in the city, and does not have an answer, or recommendation for the Commission to put this over the finish line to get this done. City Attorney Dirk Smits stated that at this time the Commission does not have a recommendation in front of them to vote of and they may be someone on Zoom who would like to talk, but Citizen input is over. City Attorney Smits continued by saying that this is the time to talk back and forth with staff, but that the Commission could recognize someone if they wanted to speak about the topic as an exception to the rule. Commissioner DeNeale stated that he had a conversation with City Attorney Smits and Building Official Roussin about the issue and that he believes that this is a code violation which should go to the Code Board. Commissioner DeNeale stated that if that is the case than this issue should be handled be a group of his (Mr. Harper's) peers and hear his case and his plan to get it done. Commissioner DeNeale stated that he does not believe that there should be a motion at this time to extend and believes that this should be the best route. City Attorney Dirk Smits further stated that the Commission does not have anything in front of them to vote on and there also was no request for an extension and nothing to vote upon. City Attorney Dirk Smits agreed with Commissioner DeNeale that this is a code violation and will proceed to Code according with the City's procedure. City Attorney Smits continued saying that this is an update, and the Commission can comment on the issue but that a procedure exists, and it is not in the Commission's court yet. Commissioner DeNeale stated he made his comment. Commissioner Sutton agreed that this is a code violation, but he would like to see this addressed and believes the issue should be addressed financially. Vice-Mayor Tom Harding stated that he also talked to City Attorney Dirk Smits about the issue and supports it going back to the Code Board. Mayor Trefry stated that there is a procedure in place and thanked the fellow Commissioners. Building Official Roussin stated that he will notify Mr. Harper of a code violation along with the Code Enforcement Officer to get the proper paperwork done. Building Official Roussin further stated that the permit is expired, and no work will continue while there is an expired permit. City Attorney Dirk Smits confirmed with Building Official Roussin that the case can be brought in front of the Code Board on the May 11th Hearing. City Attorney Smits further clarified with the Commission that they are making only comments and are not prejudging the case since they have not heard any evidence, and are not making any decisions but rather are discussing feelings, and that the process is in place.

b) Building Official Gerard Roussin reported that a stipulated agreement was reached with 1000 W. Ocean on April 12th, 2022, and that it was agreed to give the Building Department all the paperwork and information as well as the properly filled out permits that were needed within 10 days to address the spalling and pole shoring. Building Official Roussin stated that this was not completed, and a notice of violation was issued to the stipulation agreement which will go in front of the Code Board on May 11th, 2022. The Building Official stated that at that point it will be

discussed what the proper procedures are but at this point no effort has been made to provide the proper paperwork other than an incorrect filled out blanket permit which was rejected immediately. Building Official Roussin stated that there will be an update on May 11th after the Code Enforcement procedure and hopefully this will be moving in the right direction thereafter since it has been source of misinformation in the city unfortunately.

c) Building Official Roussin gave an update on the Marina property and reported that he requested an update from the Marina Manager to have a meeting and to understand what the plans and proposed work scope is on the Marina. Building Official Roussin stated that he will give an update to the Commission at the next Commission meeting.

Building Official Roussin stated to be prepared for the upcoming Hurricane season since it is being projected to be a busy season.

Commissioner Sutton stated that the person from the Marina had contacted him with questions but that the Commissioner could not give him information on code restrictions and that he told him to contact Building Official Roussin. Building Official Roussin stated that he had talked to the on-site Manager Robert Dodd, and they have discussed some of the zoning restrictions and reported on having requested a meeting.

J. Public Works Department Head Mike Guarino reported on working on the alternative communication equipment as part of the CRS program. Public Works Department Head Guarino further reported on spreading 18 yards of topsoil at the 7th Street Park, the continuance of the city-wide tree trimming effort, and that they are currently working on the Causeway.

K. City Secretary/Treasurer – Jennifer Johnson from Bishop, Rosasco & Company, reported on the 6-month financial report for Fiscal Year 2022. Accountant Jennifer Johnson reported on the general and special revenue fund, fixed assets, pension assets, current and long-term liabilities, current equity, and the overall monetary standing of the city. City Accountant Jennifer Johnson reported that the City is on par with the budget including road fund, infrastructure, impact, and the building fund. The Commission thanked Accountant Jennifer Johnson for her report.

L. City Clerk – City Clerk Silvia Gransee reported on having conducted interviews together with City Administrator Dave Turner for the open City Hall position. The City Clerk reported that out of seven interviews two candidates were chosen which will start within the next two weeks. City Clerk Gransee further reported on preparing for the upcoming Variance, Code, Commission, and Beautification Meetings.

M. Code Enforcement Officer – Code Enforcement Officer Stacy Stahl reported on having created 7 new code cases since the last meeting, including 6 citations and 1 warning, 3 for trash, 1 for certificate of occupancy required to inhabit a home, 1 for building and property maintenance to address graffiti behind Circle K, 1 for landscape maintenance on 13th Str., and 1 for an noisy animal which was resolved on-site. Code Enforcement Officer Stahl reported Year-to-Date 348

cases with a fee total of \$12,650.00, payments of \$8,050.00, and a balance of \$4,600.00. Code Enforcement Officer Stahl continued by saying that all code cases created this fiscal year were audited and closed out if paid. Code Enforcement Officer Stahl further reported on working on Citizenserve and updating new owner information which did not automatically update. The Code Enforcement Officer further reported on Rentalscape with previously 21 cases showing on the unlicensed live rentals report, which 7 of these already had licenses, but incorrect parcel numbers. Code Enforcement Officer Stahl further reported that the remaining 7 cases have come into compliance by obtaining their licenses. The Code Enforcement Officer continued by saying that 4 of these properties were not rentals but showing in Rentalscape incorrectly. The Code Enforcement Officer further stated that at some point there were 59 cases of unlicensed activity showing in Rentalscape which was an error by Citizenserve sending incorrect data to Rentalscape. The Code Enforcement reported on following up with outstanding cases and closing them out as completed. Code Enforcement Officer Stahl reported having 19 trailer lot calls, as well as working with the Monroe County Tax Collector's office on Homestead cases. The Code Enforcement Officer further reported that the Mangrove case at 14th Street is moving along, and the owner is waiting for permits, and the trucks on the empty lot at 8th Street and Ocean were moved to a commercial property. Code Enforcement Officer Stahl further reported on working with the Marina to get the Commercial business tax for the rentals and their vacation rental business tax license. Code Enforcement Officer Stahl reminded everyone that storm season is approaching and for everyone to keep their property cleaned up. Mayor Trefry asked Code Enforcement Officer Stahl for confirmation that the two rentals that were operating without a license but had not come into compliance yet were not currently renting, which Code Enforcement Officer Stacy Stahl confirmed. Mayor Trefry further stated that she is aware of the problems that Citizenserve is presenting and if the City should start looking for a different program. Mayor Trefry asked Code Enforcement Officer Stahl if she feels that Citizenserve is taking up too much time to please work with the City Administrator and to work on a recommendation for an alternative. Building Official Gerard Roussin stated that he has talked to City Administrator Dave Turner and that they had discussed the issue. The Building Official further stated that he will be attending the Building Officials Conference in June in Orlando and will look at vendors at the conference for alternative options. Mayor Trefry asked Building Official Roussin when the contract is expiring with Citizenserve, which the Building Official Roussin replied he believes it is at the end of the Fiscal Year.

N. City Administrator Dave Turner reported on concentrating on a higher level with trusting his Department Heads and moving forward with great leaps and bounds.

City Administrator Dave Turner reported on the Monroe County Property Appraiser final adjustment post and that the value of the city went up a little bit.

City Administrator Dave Turner further reported on the Gas Station between the Coral and Sadowski Causeway and explained that the city's property is a very small corner on US1 and Sadowski, and that all plants taken out were taken out on the gas stations property and not city owned property.

City Administrator further reported on a grant for which the City will be applying for, which is called VA for RF and WMP's for CRS, which is through an inter-local agreement with the City of

Layton, which will help with the application cost. The City Administrator further report that the city will need this report for future grant applications. The City Administrator explained that there is lot of technical data that will be provided which also can be used for CRS, as well as the Watershed Management Plan grant, which holds the same components as the VA grant plus the additional WMPs components. City Administrator Dave Turner reported that it will probably take a year to take these two plans together, and that the City has an eligibility of 315 points toward the City's CRS which would substantially help with the flood insurance for everyone in the city. The City Administrator explained that the grant explained on the left side of the document is required to apply for any kind of grant after 2024. Vice-Mayor Tom Harding stated he attended the CRS meeting yesterday and that the team agrees with City Administrator Dave Turner's proposal and that they are starting to gather digital files to move forward.

The City Administrator further reported on the distribution of the 5-cents locals gas tax sharing option. The City Administrator stated that this issue is a stickler and that Commissioner DeNeale had previously written a letter to how this should be changed. City Administrator Dave Turner stated that the City could not make any changes to this agreement at this time. The City Administrator reported that the City is currently receiving 2 percent which will go down to 0.5 percent due to the Census numbers and what is being spend out of the Road Fund. The City Administrator further explained that the next distribution percentage of 1.09 will go down to 0.95 percent. The City Administrator explained that the City will take a decrease in funds from these two taxes. City Administrator Turner stated that the City Attorney's Office will work on a Resolution for the Commission but reported that these numbers are correct. Vice-Mayor Tom Harding asked City Administrator Turner if a written response is necessary to go back to the County, which the City Administrator replied that the City Attorney is working on the Resolution, and that he would ask the Commission to pass it. City Administrator Turner further stated he double-checked the numbers and that they are correct. Mayor Trefry asked the City Administrator if the Resolution is due by June 1st which City Administrator Turner confirmed.

City Administrator Turner further reported on the Fiber Optics Project that had been previously discussed and reported that City Attorney Dirk Smits is working on this in collaboration with the City of Golden Beach's City Attorney.

City Administrator Dave Turner reported that 18 grants came out on Tuesday and currently being reviewed on what applies towards Key Colony Beach.

City Administrator Turner further reported on the Tennis Court Resurfacing for the West Tennis Court. The City Administrator stated that the issue was discussed with the Recreation Committee and that enough money is in the Recreation Committee's reserve to cover the cost. An RFP will be put together and send out for bids.

City Administrator Turner reported the there was no new update on City Hall and that the City Hall Architects have all the information they need and hopefully by the next Commission Meeting there should be new set of drawings that can be reviewed. The City Administrator stated that some substantial changes had been made to the drawings due to the flood zone changes as well as height requirements to avoid asking for a height variance.

City Administrator Dave Turner further reported on the Iguana Control Contract up ahead for discussion and approval by the Commission. City Administrator Turner reported that Commissioner Sutton had asked on where the money was coming from to cover the cost of the

contract, which City Administrator Turner stated will be out of the Impact Fee Fund if the Commission will choose to approve the contract.

Vice-Mayor Tom Harding asked the City Administrator if the Height Workshop was being set up which City Administrator Turner stated is being worked on with the Building Official and City Attorney. Commissioner DeNeale asked City Administrator Turner if he could predict when the plans will be submitted to FEMA and when FEMA in return will give the thumbs-up or down for a number for City Hall. City Administrator Dave Turner stated that he will contact the Architect again for an update. Commissioner DeNeale stated that there might be some upcoming changes in interest rates and loans, and that he has concerns on possible changes. City Administrator Turner agreed with the Commissioner on his concerns. The City Administrator further reported that the Post Office has changed contacts again and that the new contact person had to be briefed on the ongoing process and he had not heard back yet.

7. Commissioner Items for Discussion/Approval:

A. Mayor Trefry asked for a Motion to approve the Iguana Control Contract.

MOTION: Motion made by Commissioner Sutton, seconded by Vice-Mayor Tom Harding, to approve the Iguana Control Contract.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Unanimous approval.

8. Approval of Warrant No. 0322 in the amount of \$600,470.64.

Mayor Trefry asked for a Motion to approve the warrant.

MOTION: Motion made by Commissioner DeNeale, seconded by Vice-Mayor Tom Harding, to approve Warrant No. 0322 in the amount of \$600,470.64.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Unanimous approval.

9. Ordinances and Resolutions

A. Ordinances – First Reading

a) ~~Ordinance No. 2022-473 Recertification Ordinance **Deleted**~~

b) **Ordinance No. 2022-474 Parking Ordinance:** An Ordinance Of City Of Key Colony Beach, Florida, Amending Chapter 17 – Traffic And Parking Of The Code Of Ordinances Of The City Of Key Colony Beach By Amending Section 17-6. – Parking Restricted On Right-Of-Way In Key Colony Beach Subdivision And Section 17-7. - Parking Restriction On City Parking Lots/City Right-Of-Ways Pgs. 12-17

Mayor Trefry read the First Reading of the proposed ordinance.

MOTION: Motion made by Commissioner DeNeale, seconded by Vice-Mayor Tom Harding, to approve Ordinance No. 2022-474.

DISCUSSION: The Commission pointed out to City Attorney Dirk Smits that there was a scrivener's error in the fines on page 1. City Attorney Dirk Smits noted the error and stated that this will be corrected but can be voted upon and can go on to the second reading if approved. Vice-Mayor Tom Harding asked on the prohibited hours on parking at the Post Office between 12:00 a.m. to 6:00 a.m. and asked for clarification if residents are not allowed to pick up their mail during those hours. City Attorney Dirk Smits deferred to the Chief for an explanation. Chief DiGiovanni explained that this refers to overnight parking with the exception if someone would come back from one of the drinking establishments and decides to leave their car instead of getting a DUI. Vice-Mayor Tom Harding suggested to clarify the wording on the overnight parking clause. Mayor Patricia Trefry asked Vice-Mayor Harding if he would like to have this edit brought back for a first reading. Vice-Mayor Harding stated that if it is allowed to have the ordinance edited and brought back for the second reading since it is only minor. Vice-Mayor Harding clarified that the edit would be on page 15. City Attorney Dirk Smits stated that the edits might require to have another first reading but if not, the ordinance will come back for the second reading. The Commission asked City Attorney Dirk Smits if the Motion would have to be changed to include the changes which City Attorney Smits stated was not necessary and the Motion stands as is.

ON THE MOTION: Roll call vote. Unanimous approval.

B. Ordinances – Second Reading

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 Second Reading of the Ordinance and asked for a Motion to approve the ordinance.

MOTION: Motion made by Vice-Mayor Harding, seconded by Commissioner Sutton, to approve Ordinance No. 2022-472.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Unanimous approval.

C. Resolutions

a) Resolution 2022-03: A Resolution By The City Of Key Colony Beach, Florida, Adopting A City Color Palette For All City Buildings And Property.

Mayor Trefry read Resolution No. 2022-03 and asked for a Motion to approve.

MOTION: Motion made by Commissioner Sutton, seconded by Vice-Mayor Harding, to approve Resolution No. 2022-03.

DISCUSSION: *None.*

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

10. Commissioner's Reports or Comments

Commissioner DeNeale stated that it is great to be back as the Secretary-Treasurer.

Commissioner Sutton welcomed Commission Beth Ramsay-Vickrey to the City Commission.

Vice-Mayor Tom Harding stated that he is working on flood panel questions from the State.

Commissioner Beth Ramsay-Vickrey thanked the Commission for their confidence and her appointment.

Mayor Trefry reported that current Bills are going to the Governor and further reported that the Net-Metering Bill was vetoed yesterday.

11. *City Attorney Dirk Smits welcomed Commissioner Ramsay-Vickrey to the Commission. City Attorney Dirk Smits reported on working with City Clerk Silvia Gransee on a correction in an ordinance. City Attorney Smits explained that a change in time between Planning & Zoning and Commission Meetings was changed from 30 days to 10 days, however, the time requirements for legal notices for residents was not changed. City Attorney Dirk Smits stated that this Ordinance will be coming up for a first reading at the next Commission Meeting and it will only apply to ordinances and appeals.*

12. *The meeting adjourned at 11:03 a.m.*

Respectfully Submitted,
Silvia Gransee
City Clerk

Adopted: May 12, 2022
Silvia Gransee
City Clerk