

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, August 25, 2022 – 9:47 a.m.

City Hall Auditorium & virtually via Zoom Conferencing

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call: *The Regular City Commission Meeting of the City of Key Colony Beach was called to order by Vice-Mayor Harding at 9:47 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.*

Present: *Mayor Trefry (virtual), Vice-Mayor Harding, Commissioner Sutton, Commissioner Ramsay-Vickrey. **Absent:** Commissioner DeNeale.*

Also Present: *City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Ryan Benninger, Public Works Department Head Mike Guarino, Building Official Lenny Leggett, Chief Kris DiGiovanni, Accountant Jen Johnson, Administrative Assistant Christine McLeod.*

Public: *8 Marble Hall, 15 Virtual*

Vice-Mayor Harding asked the Commission on agreement for Mayor Trefry to vote via virtual attendance due to illness. The Commission agreed.

2. Citizen Comments and Correspondence: *City Clerk Silvia Gransee reported receiving correspondence from Mr. Oreo Sanchez, Ms. Ally Kelley, Mrs. Barbara Ziegler, and Mr. Edwin Erosa, in response to the letter that was send out by City Administrator Dave Turner. The City Clerk further reported receiving correspondence from Mrs. Marie Flood in response to the new Code Enforcement Office, and Mrs. Judi Virost regarding FEMA monies, the next Townhall meeting, and previous Townhall Meeting minutes. The City Clerk reported that all correspondence was shared with the Commission. (Please email the City Clerk at cityclerk@keycolonybeach.net for a copy of all citizen correspondence).*

There was no public comment online or in the audience.

3. Approval of Minutes: *The Regular & Public Hearing Minutes from 7-14-2022, 07-28-2022, and Budget Workshop Minutes from 07-25-2022 were approved as written.*

4. Agenda Additions, Changes, Deletions: *City Administrator Dave Turner asked for the addition of APS invoice #22-0674-2 in the amount of \$19,347.00 to the agenda for storm drain cleaning services. The Commission agreed to add the item to the agenda.*

5. Special Requests: *Superintendent Sarah Fangman from the Florida Keys National Marine Sanctuary appeared before the City Commission and gave a presentation on 'Restoration Blueprint'. (Please contact the City Clerk at cityclerk@keycolonybeach.net for a copy of the PowerPoint presentation.) The Commission thanked Superintendent Sarah Fangman for her presentation.*

City Administrator Dave Turner introduced Barry Goldman as the new Code Enforcement Officer for the City of Key Colony Beach.

6. Committee and Staff Reports:

- A. Marathon Fire/EMS – No Report.*
- 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 – Staff report submitted. Vice-Mayor Tom Harding asked Chief DiGiovanni if additional staff will be receiving the ‘Active Shooter’ training to which the Chief explained that himself and two additional officers have been trained and are able to provide in-house training on a monthly basis.

I. Building Department – Staff report submitted.

a) Permit request to install a 50,000 lb. boat lift at 1245 Coury Drive, Key Colony Beach: Building Official Lenny Leggett reported on the received permit request. Commissioner Sutton stated his support for the request and made a motion to approve the boat lift.

MOTION: *Motion made by Commissioner Sutton, seconded by Commissioner Ramsay-Vickrey, to approve the permit request to install a 50,000 lb. boat lift at 1245 Coury Drive.*

DISCUSSION: *None.*

ON THE MOTION: *Rollcall vote. Unanimous approval.*

J. Public Works – Staff report submitted. Vice-Mayor Harding asked Public Works Department Head Mike Guarino how the driveway cleaning was done, which the Department Head explained was done with a sweeper as well as by hand. Vice-Mayor Tom Harding thanked Public Works Department Head Mike Guarino for doing a great job in the city which Commissioner Sutton agreed upon.

K. City Secretary/Treasurer – Mrs. Jen Johnson from Bishop Rosasco & Co. gave a brief overview on the City’s 10-month financial report with details on revenues, expenditures, road funds, impact fees, building department revenues and expenditures, wastewater revenues and expenditures, as well as stormwater revenue and expenditures. The Commission had no questions for Jen Johnson.

L. City Clerk – Staff report submitted.

M. Code Enforcement Officer – No Report

N. City Administrator Dave Turner

a) City Hall Update: *see under c)*

b) Approval for McCourt, Construction Inc. Proposal for the West Tennis Court Resurfacing in the amount of \$9,800.00: City Administrator Dave Turner stated that the Recreation Committee had previously approved the resurfacing of the West Tennis Court and the money has been allocated for it. City Administrator Turner asked for approval of the estimate from the Commission.

MOTION: Motion made by Vice-Mayor Tom Harding, seconded by Commissioner Ramsay-Vickrey, to approve the funding of \$9,800.00 for the West Tennis Court resurfacing.

DISCUSSION: City Administrator Turner explained that \$10,00.00 were allocated for the project and the proposal came in under budget.

ON THE MOTION: Rollcall vote. Unanimous approval.

a) & c) Approval of LIVS Associates Invoice No. 12-201913 in the amount of \$84,006.95 for new City Hall Services: City Administrator Dave Turner reported to the Commission that questions have come in on the new construction of city hall and allegations of overspending. City Administrator Turner explained, that with his background in construction, in the initial phases of drawings he downsized many features to more of a government style building. The City Administrator further explained that Marble Hall will be nice but by no means a Taj-Mahal, however, he cannot predict the final cost with the current construction rates. City Administrator Dave Turner continued explaining the process of receiving the drawings, approval by the building department, approval by the state, and putting the project out to bid. The City Administrator further stated that additional decisions can be made after construction bids have been received on additional downsizing. City Administrator Turner added that he has questions on the Post Office as no new lease has been signed yet with the current lease expiring in one year. The City Administrator explained that the current building is on the ground and needs to be compliant for code, zoning, and flood maps, and reiterated that the new building will not be extravagant. City Administrator Turner confirmed that FEMA support would not be given a second time and asked for homeowners to obtain flood insurance at the current rates. City Administrator Turner further explained what type of repairs would be necessary on the current building and stated that even then, the question of obtaining flood insurance would be questionable. Commissioner Ramsay-Vickrey asked City Administrator Turner if insurance rates for residents would increase potentially up to 15 % if the old city hall would remain as is, which the City Administrator confirmed as having to do with the CRS rating for the city as a whole. City Administrator Dave Turner continued saying that the tower that was initially illustrated in the old drawings was taken out due to liability and cost. The City Administrator further stated that he is watching the budget closely and hoping to place more money into reserves and anticipates on ending the year under budget again. City Administrator Turner stated that the Architect Company LIVS has been a great partner for the city and has provided a set of drawings that are now under review with the building department. Vice-Mayor Tom Harding asked if the current prints are usable to be put out to bid which the City Administrator confirmed as after the building department and state have approved them. City Administrator Turner asked for approval of the LIVS invoice.

MOTION: Motion made Vice-Mayor Harding, seconded by Commissioner Sutton, to approve the LIVS invoice in the amount of \$84,006.95.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

d) Approval of 3rd Generation Plumbing Invoice No. 12144054 in the amount of \$8,827.41 for work performed on the Post Office Trailer: City Administrator Turner asked for approval of payment for the work completed on the post office/city hall trailer. The City Administrator explained that the current temporary city hall trailer will be used by the Post Office as their temporary trailer once they move. City Administrator Turner explained that city hall will be using the trailer until the Post Office is ready to move to save cost on rent for the city. City Administrator Turner further explained that the old police trailer will be removed due to ongoing repair issues, as soon as the police complete their move into the new police trailer.

MOTION: Motion made by Commissioner Sutton, seconded by Commissioner Ramsay-Vickrey, to approve payment of the 3rd Generation invoice in the amount of \$8,827.41.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

e) Approval of Arlington Electric South Estimate in the amount of \$10,252.44 for work on the W. Ocean Gazebo and Park Lights: City Administrator Dave Turner asked for approval of the estimate for work on the lights and stated that the money is available out of the infrastructure fund.

MOTION: Motion made by Vice-Mayor Harding, seconded by Commissioner Ramsay-Vickrey, to approve the Arlington Estimate in the amount of \$10,252.44.

DISCUSSION: Vice-Mayor Tom Harding asked if some of the damage is Hurricane Irma related which Public Works Department Head Mike Guarino confirmed, and further stated that the new electric panel will be installed above flood height. City Administrator Turner stated that he can put these repairs to the Irma damage files for documentation. The City Administrator continued saying that he is reviewing the lights by the pickleball and tennis courts and considering taking them down due to rotting supports.

ON THE MOTION: Rollcall vote. Unanimous approval.

f) Approval of Willscot Invoice No. 9014849873 in the amount of \$16,194.21 for the new Police Trailer: City Administrator Turner asked for approval of payment of the invoice for the new police trailer and the old one being removed.

MOTION: Motion made by Commissioner Ramsay-Vickrey, seconded by Commissioner Sutton, to approve the Willscot invoice in the amount of \$16,194.21.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

g) Approval of Atlantic Pipe Services Invoice No. 22-0674-1 in the amount of \$14,563.00 for Catch Basin and Storm Pipe Cleaning AND Atlantic Pipe Service Invoice #22-0674-2 in the amount of \$19,347.00 (additional agenda item).

MOTION: Motion made by Vice-Mayor Harding, seconded by Commissioner Ramsay-Vickrey, to approve payment of the Atlantic Pipe invoices in the amount of \$14,563.00 and \$19,347.00.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Commissioner Sutton reported to the Commission that he understands that City Administrator Turner did invest in the purchase of laptops for the Commission, however, he still would like to receive paper copies of materials provided. Commissioner Ramsay-Vickrey agreed with Commissioner Sutton and stated, that she appreciates having the laptop but still likes having hard copies of materials provided to be able to make notes on paper. Vice-Mayor Harding stated that he appreciates the challenge that comes with going electronic and said that he does not need any hard copies. Mayor Trefry stated that she is willing to continue to work with the laptop but agrees with Commissioner Sutton and Commissioner Ramsay-Vickrey on the use of paper copies. The Commission thanked City Administrator Turner for his understanding.

7. Commissioner Items for Discussion/Approval:

a. 2022/2023 Budget Workshop Discussion on Expenditures

(Tentative Budget Hearing 09-08-2022 & Final Budget Hearing 09-22-2022)

City Administrator Dave Turner presented the proposed budget for 2022-2023. City Administrator Turner explained that the millage rate will remain the same from the previous year and continued explaining the details of the proposed budget. The City Administrator continued saying that no real changes occurred in the numbers but that he created a road maintenance fund per Commission recommendation from the first workshop. City Administrator Turner further stated that he added additional contingency monies for storm emergencies which hopefully will not have to be used. The City Administrator explained the homesteaded versus non-homesteaded properties tax calculations and stated that a full-time resident will see a substantially lower increase compared to a property owner that does not live in the city full time.

City Administrator Turner stated that he had followed former Commissioner McCullough's wish for changes to salaries and that salaries have been adjusted for an increase between 9 to 12 percent. The City Administrator Turner stated the increase is comparable throughout and will help with staff retention. The City Administrator explained that a lot of people are moving to the mainland due to the cost of living in the Keys.

City Administrator Turner explained that no changes will be done to the general budget before the first public hearing but changes to health insurance costs will be reflected in the complete budget. The City Administrator further explained that some building insurances still have to remain due to FEMA requirements until the buildings are demolished. City Administrator Turner continued saying that FEMA has not released the final numbers yet but stated that the 2.2 Million Dollar Hardening Grant has been secured for the new city hall building. City Administrator Turner

explained that no ad-valorem millage can be spent to build a city building, which means that taxes will not go up due to the new building. City Administrator Turner continued explaining that taxpayers will not find a \$600.00 sur-charge next year to pay for the building since it is illegal and cannot be done.

City Administrator Turner continued his presentation by explaining the proposed Utility budget and explained that the sewer rate will not be changing, and neither the stormwater rate which has not gone up since the year 2013. Vice-Mayor Harding stated that it is important to note the reason on why the rates have not gone up is because the State of Florida has been helping the city with yearly grants. City Administrator Turner agreed and stated that the city is looking into securing more grants and also is working with an outside company to do an assessment on billing. City Administrator Turner stated that he is working on that proposal for the Utility Board and Commission to look at. The City Administrator stated that Utility is in good shape but he wants to make sure enough money is in reserves for emergencies.

City Administrator Turner stated that the millage for the city will remain the same and no increases in Utility will occur.

8. Approval of Warrants – Warrant No. 0722 in the amount of \$324,794.22

MOTION: *Motion made by Commissioner Sutton, seconded by Commissioner Ramsay-Vickrey, to approve Warrant No. 0722 in the amount of \$324,794.22.*

DISCUSSION: *None.*

ON THE MOTION: *Rollcall vote. Unanimous approval.*

Commissioner Sutton asked on the tentative and final public hearing dates which City Clerk Gransee confirmed for September 8, 2022, at 5:05 p.m. for the first public hearing and September 22, at 5:05 p.m. for the second and final public budget hearing. The Commission confirmed the dates for both hearings.

9. ORDINANCES & RESOLUTIONS

A. Ordinances - First Reading

a) Ordinance No. 2022-478 Smoking Ordinance: *An Ordinance Of The City Of Key Colony Beach, Florida, Relating To The Establishment Of Designated Smoking Areas Within Municipal Parks And Beaches; Amending Article II, Chapter 12 Of The Code Of Ordinances Adding A New Section 12-10 Prohibiting Smoking, As Authorized By Florida Law Except Within Designated Smoking Areas Of A Municipal Park Or Municipally Controlled Beach And Beach Park; Providing Severability, Repeal, Codification And An Effective Date.*

City Attorney Ryan Benninger presented the proposed Ordinance to the Commission. The Commission had no comments or edits to the proposed ordinance.

MOTION: *Motion made by Vice-Mayor Harding, seconded by Commissioner Sutton, to approve the first reading of Ordinance No. 2022-478.*

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Gransee confirmed the second reading of the proposed Ordinance for September 22, 2022.

B. Ordinances – Second Reading – None.

C. Resolutions

a) Re-Adaptation of Resolution No. 2022-05: 2022/2023 Annual Stormwater Utility Special Assessment: A Resolution of the City of Key Colony Beach, Florida, Imposing the Annual Stormwater Utility Special Assessments for Fiscal Year Commencing October 1, 2022; Approving the Assessment Roll; Providing for Collection of the Assessments; and Providing for an Effective Date;

MOTION: Motion made by Vice-Mayor Harding, seconded by Commissioner Sutton, to approve Resolution No. 2022-05 Annual Stormwater Utility Special Assessment.

DISCUSSION: Vice-Mayor Harding explained that this assessment presents the traditional \$65.00 yearly assessment which rates have not changed. City Administrator Turner stated that members of the public can go online to the city's code of ordinances and review section 15-3 and 15-4 on how this assessment was formed, as well as the schedule of rates which has not changed since the year 2013.

ON THE MOTION: Rollcall vote. Unanimous approval.

10. Commissioner's Reports or Comments

a) South Florida Regional Planning Council Convenes Regional Solid Waste Management Conversation: Vice-Mayor Harding reported that the South Florida Regional Planning Council, which includes Miami-Dade, Broward, and Monroe County, will be holding a Solid Waste Management Discussion on October 21, from 10:00 a.m. - 4:00 pm for elected officials and representatives from the Treasure Coast.

Vice-Mayor Harding further updated that the grant for the flood panels for the maintenance building is moving along, having attended two FEMA mitigation classes in Miami, and as well as the Florida League of Cities Conference. The Vice-Mayor further reported on working alongside City Administrator Turner on two potential grants through the Florida Resilient Funding, one for raising the lift station control boxes, and an additional grant for improving erosion protection at Sunset Park and Sadowski Causeway.

Commissioner Ramsay-Vickrey reported having attended National-Night-Out and thanked the KCBPD for their participation. The Commissioner further reported on having attended a Condo Association Manager's Luncheon to discuss city's recommendations for turtle and beach lighting, as well as the Florida League of Cities Annual Conference, and the KCB Utility Board Meeting. Commissioner Ramsay-Vickrey congratulated Toni Appell and Greg Burke for their appointments to the board as chair and vice-chair. The Commissioner reported attending the Chamber of

Commerce Luncheon which featured the presentation by Sarah Fangman on Restoration Blueprint, meeting with County Mayor David Rice, and touring the city's sewer plant with Operations Manager Dave Evans and Greg Burke.

***Commissioner Sutton** reported attending the Florida League of Cities and the value learned from seminars attended. Commissioner Sutton stated that the lesson of 'More is less' and partnering with other cities and the county will help with going through tough times. The Commissioner continued talking about the importance of mental health at the workplace and how it relates to employee changeover. Commissioner Sutton further stated that he will share information with City Administrator Turner on an outside company that can help with employee evaluations.*

***Mayor Trefry** reported on attending the Florida League of Mayors and the Florida League of Cities Conference. Mayor Trefry reported that the Mayors Conference concentrated on cyber security and broadband issues. The Mayor updated on attending the Marathon Chambers of Commerce Luncheon which featured Sarah Fangman's 'Restoration Blueprint'.*

11. City Attorney

*a) **Review/Discussion of Ordinance No. 2022-479 Chapter 2 Amendment:** An Ordinance Of City Of Key Colony Beach, Florida, Amending Chapter 2, Article VII, Sections 2-86, 2-88, And 2-93 Of The Code Of Ordinances Of The City Of Key Colony Beach Related To Meetings Of The City Commission; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability, Repeal, And Codification; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.*

City Attorney Ryan Benninger reported on the proposed ordinance amendment and its purpose. Vice-Mayor Harding reminded the Commission on the main proposed changes and asked if any edits or changes are requested.

***MOTION:** Motion made by Vice-Mayor Harding, seconded by Commissioner Ramsay-Vickrey, to schedule the first reading of Ordinance No. 2022-479*

***DISCUSSION:** None.*

***ON THE MOTION:** Rollcall vote. Unanimous approval.*

*b) **Review/Discussion of Ordinance No. 2022-480 Noise Ordinance:** An Ordinance Of The City Of Key Colony Beach, Florida Amending Part II, Chapter 10 Of The Code Of Ordinances Of The City Of Key Colony Beach, Florida, Establishing Regulations For The Control Of Noise Within The City Limits In Order To Provide For The Abatement, Prevention, And Prohibition Of Excessive And Unnecessary Noise So As To Protect The Health, Safety, And General Welfare Of The Residents Of The City Of Key Colony Beach, Florida; Providing For Exemptions; Providing For Temporary Noise Permits; Providing For Enforcement, Infractions, Violations, And Penalties; Providing For Severability, Repeal, Codification, And An Effective Date.*

City Attorney Ryan Benninger reported on the proposed ordinance amendment and its purpose. City Attorney Benninger updated on proposed changes that were incorporated in the amendment and asked the Commission for input and discussion.

Commissioner Ramsay-Vickrey explained, in response to Commissioner DeNeale's correspondence, that the timeframe for responding to a noisy animal has to be at least 20 minutes due to the SPCA rules in correlation to the county contract. Commissioner Ramsay-Vickrey explained that an animal has to bark for 20 minutes uninterrupted and unprovoked before the SPCA will intervene. Commissioner Ramsay-Vickrey explained that the time frame can be changed to twenty minutes but not ten. Vice-Mayor Harding asked if the city should be consistent with the county and change the time frame to twenty minutes which Commissioner Ramsay-Vickrey agreed with. City Attorney Ryan Benninger stated he will rewrite the section for first read. Vice-Mayor Harding asked in regard to Section 10.4 (c) which states time specifications, that the time should be stated as 24 hours a day. City Attorney Benninger stated he will make that change as well as the working hour change in section 10.4 (k). Vice-Mayor Harding confirmed with Building Official Leggett that contractor's hours are from 7:30 a.m. to 6:00 p.m. The Commission continued discussing working hours for homeowners and what should be allowed. The Commission agreed to keep the hours consistent across the board. Mayor Trefry stated that the connectivity issue over Zoom made it very hard to follow the discussion. Mayor Trefry further stated that Commissioner DeNeale is online to add his comments to the discussion. Commissioner DeNeale had connectivity problems as well and called in via cell phone to participate in the discussion. Commissioner DeNeale asked why this ordinance is needed which City Attorney Benninger explained that the current ordinance is not working. Commissioner DeNeale explained his view on time restrictions for noisy animals and loud boats in the canals. Commissioner Ramsay-Vickrey explained the contract between the SPCA and the county, and the county wide noise ordinance that has to be followed. Commissioner DeNeale expressed his disagreement with the rule on time requirements before a noise complaint on an animal can be followed up with. Commissioner Ramsay-Vickrey explained that the city has the choice to opt out of the county contract and enact their own animal control. Commissioner DeNeale stated that he will follow up with the topic when he is back in town. The Commission continued its discussion on the county ordinance on animal control and how the city falls under it. City Attorney Benninger stated that he will have to do further research on the topic. City Attorney Benninger explained further concerns on who has control on waterways and noise enforcement and stated that he will follow up on the topic.

Vic-Mayor Harding asked the Commission if a first reading should be scheduled or to ask the City Attorney to come back with another draft. Mayor Trefry stated that she is not comfortable with a first reading at this point. Vice-Mayor Harding asked City Attorney Benninger to come back with an updated draft and an answer to the previous legal questions.

Code Enforcement Officer Goldman asked City Attorney Benninger on the legality of issuing citations to animals as well as boats on the water. City Attorney Benninger stated that the answers are unclear at this time and will be researched. Code Enforcement Officer Goldman had further questions on ordinance enforcements which were agreed upon to be discussed at a separate time.

c) Review/Discussion of Ordinance No. 2022-473 Building Recertification: *An Ordinance Of City Of Key Colony Beach, Florida, Relating To The Establishment Of A Certification And Recertification Process For Existing And Future Multistory Structures By Adding Section 6-37, As Authorized By Florida Law; Providing For The Repeal Of All Ordinances Or Parts Thereof Found*

To Be In Conflict; Providing For Severability; Providing For Inclusion In The Code Of Ordinances; Providing For Severability, Repeal, Codification, And An Effective Date.

City Attorney Benninger reported on the proposed ordinance amendment and its purpose. City Attorney Benninger updated on proposed changes that were incorporated in the amendment and asked the Commission for input and discussion.

Vice-Mayor Harding if the Commission had any edits. Commissioner Ramsay-Vickrey clarified with City Attorney Benninger the definition on 'authorize' which was agreed upon to leave as is. Vice-Mayor Harding asked for a motion to bring back the proposed ordinance for first reading.

MOTION: *Motion made by Vice-Mayor Harding, seconded by Commissioner Ramsay-Vickrey, to bring back the ordinance for a first reading.*

DISCUSSION: *City Clerk Gransee asked for the Motion to be amended to include the second reading as well. The Commission agreed.*

ON THE MOTION: *Rollcall vote, including the amendment of bringing back the ordinance for a second reading. Unanimous approval.*

12. Adjourn: *The meeting adjourned at 11:27 A.M.*

Respectfully Submitted,

Silvia Gransee

City Clerk

ADOPTED: *September 8, 2022*

Silvia Gransee

City Clerk