

MINUTES
KEY COLONY BEACH CITY COMMISSION
REGULAR MEETING & PUBLIC HEARING

Thursday, October 19, 2023 – 9:30 am
Key Colony Inn Banquet Room, 700 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

1. Call to Order, Pledge of Allegiance, Prayer, Rollcall: Mayor Pro-Tem Ramsay-Vickrey called the Key Colony Beach City Commission Regular Meeting and Public Hearing to order at 9:30 am followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Pro-Tem Ramsay Vickrey, Commissioner Tom Harding, Commissioner Joey Raspe, Commissioner Freddie Foster. **Also Present:** City Administrator Dave Turner, Assistant Fire Chief Mike Card, Building Official Lenny Leggett, Building Assistant Karl Bursa, City Attorney Dirk Smits, Code Enforcement Officer Barry Goldman, Police Corporal Jamie Buxton, Public Works Department Head Mike Guarino, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.

Public Attendance: 7

2. Agenda Additions, Changes & Deletions: City Clerk Silvia Gransee asked for the addition of the September 21st, 2023, City Commissioner Regular Meeting minutes under item 7 (f) and the correction of a scrivener's error on Item 13 (c) to Item 13 (b). Commissioner Harding asked for the addendum of the Treasurer's report under item 11 (a) and the updated Wastewater report under item 11(a) (i). Commissioner Raspe asked for the addition of a discussion and agreement on declaring October 2nd Ron Sutton Day and the drafting of a corresponding Proclamation. The Commission agreed. Commissioner Foster asked City Attorney Smits for guidance on a Resolution on the re-naming of Marble Hall in honor of Commissioner Sutton. Mayor Pro-Tem recalled past support for the renaming of the new City Hall in honor of Commissioner Sutton and asked City Attorney Smits to follow up on the suggestion. The Commission agreed on the drafting of a Proclamation by City Clerk Gransee.

3. Special Request

a. Proclamation for the support of Red Ribbon Week October 23-31, 2023: Mayor Pro-Tem Ramsay-Vickrey read the Proclamation in Support of Red Ribbon Week.

b. Special Request by Havana Jack's for extended music hours for the night of December 31st, 2023: City Administrator Turner spoke on the agenda item and informed that identical requests were approved in the past. Mayor Pro-Tem asked for a motion.

MOTION: Motion made by Commissioner Foster to approve the request. Mayor Pro-Tem Ramsay-Vickrey asked for a second. Commissioner Raspe seconded the motion.

DISCUSSION: Commissioner Harding asked for clarification on the extension of hours. Havana Jack's Manager Lisa Ferrante confirmed the event to end at 1:00 am. The Commission agreed.

ON THE MOTION: Rollcall vote. Unanimous approval.

4. Announcement of Commencement of Closed Attorney/Client Session pertaining to 'Laurie Swanson vs. Key Colony Beach' Case No. 23-CA-000205-M; per FS 286.011 (8): City Attorney Smits announced the commencement of the closed meeting pertaining to Florida Statutes. All public meeting attendees and staff vacated the meeting room. Remainder attendees were City Attorney Smits, Mayor Pro-Tem Ramsay-Vickrey, Commissioner Harding, Commissioner Raspe, Commissioner Foster, and City Administrator Turner. A court reporter was in attendance via Zoom.

The closed meeting started at 9:37 am.

5. Re-opening of Special Meeting and Termination of Closed Session: The closed meeting ended at approximately 10:10 am.

The Regular City Commission Meeting readjourned at 10:16 am.

6. Citizen Comments and Correspondence: City Clerk Gransee informed of not having received citizen correspondence.

Mayor Pro-Tem Ramsay-Vickrey asked for public comment.

Joe Schmitt, 430 4th Street, spoke to the Commission on registered voters and recall petitions.

7. Approval of Minutes

- a. September 7, 2023 - First Budget Public Hearing Minutes
- b. September 7, 2023 - Special Meeting to fill vacant seats on the Utility Board Meeting Minutes
- c. September 20, 2023 - Townhall Meeting for public input on the relocation of the tennis courts
- d. September 21, 2023 - Second/Final Budget Public Hearing
- e. September 21, 2023 - City Commission Public Hearing
- f. (addendum) September 21, 2023 - City Commission Regular Meeting

Mayor Pro-Tem Ramsay-Vickrey asked for any additions or corrections to the minutes. There were none. Mayor Pro-Tem Ramsay-Vickrey accepted the minutes as written.

8. Committee and Department Reports

a. Marathon Fire/EMS: Marathon Assistant Fire Marshal Card gave his monthly report to the City Commission and informed on emergency calls for the city. Assistant Fire Marshal Card informed that the Village of Islamorada received the first emergency vessel from the State and other municipalities to be on the waiting list. The Assistant Fire Marshal updated on a new 10-minute CPR course, available to the public, to raise awareness on the importance of first aid training. Assistant Fire Marshal Card informed that the full CPR course takes 8 hours with a certificate upon course completion. Assistant Fire Marshal Card confirmed to send information for the city to publish. Assistant Fire Marshal Card further informed on State grants to provide monetary support for personnel to be dedicated for vessel calls. Assistant Fire Marshal Card explained staffing difficulties and the continued efforts to obtain support from the State.

- b. Police Department – Chief DiGiovanni
- c. Building Department – Building Official Leggett
- d. Public Works – Public Works Department Head Guarino
- e. City Clerk – City Clerk Gransee
- f. Code Enforcement Officer – Code Officer Goldman
- g. Beautification Committee
- h. Planning & Zoning Board
- i. Recreation Committee
- j. Utility Board

There were no Commissioner questions on staff reports.

9. City Administrator Items for Discussion/Approval

a. Discussion/Approval of an Interlocal Agreement between the City of Key Colony Beach and the City of Marathon for the extension of services for the delivery of Emergency Medical & Fire Rescue Services.

City Administrator Turner updated on the interlocal agreement for fire and EMS services with the City of Marathon. City Administrator Turner informed that the agreement on fees changed from \$550,000 to \$700,000 and it to be the Commission's prerogative to approve the new agreement. The City Administrator Turner stated that the fee change was made after the millage was set and the increase in fees needs to be budgeted. City Administrator Turner declared that the City of Marathon provides a great service to the City of Key Colony Beach and recommended approval for a one-year contract. City Administrator Tuner asked to meet with each Commissioner individually to look at options to be prepared for next year's budget season.

City Administrator Turner presented his suggested budget cut in the amount of \$61,000 for the contract on City Park maintenance and for the maintenance to be continued in-house. Mayor Pro-Tem asked for a head-nod from the Commission on agreement. All Commissioners gave a head-nod.

City Administrator Turner asked about the suggested budget cut for the city's Lobbyist. Mayor Pro-Tem Ramsay-Vickrey stated to have been impressed by City Administrator Turner's and Commissioner Harding's work in grant money and expressed disappointment with the current lobbyist firm. Mayor Pro-Tem Ramsay-Vickrey suggested cutting the contract for the current year and to look at potential new candidates for the city. Mayor Pro-Tem Ramsay-Vickrey asked for a head-nod from the Commission to cut the lobbyist service in the amount of \$51,600. All Commissioners gave a head-nod in support of the cut.

City Administrator Turner asked about possible budget cuts for miscellaneous legal items in the amount of \$41,000. Mayor Pro-Tem Ramsay-Vickrey stated her thoughts for the city charter to be antiquated and cause for current legal problems and gave support for keeping the money in the budget.

Commissioner Harding stated agreement with the two recommended budget cuts and to take the remainder deficit in the amount of \$37,400 from the rollover budget.

Commissioner Foster recommended to cut the budget item and to have City Attorney Smits give individual cost assessments if needed.

Commissioner Raspe agreed with the cut for legal items and gave concern for substantial increases in fire and EMS services in the next year.

City Attorney Smits explained that smaller amounts of code work can be done, and authorization can be given on a case-by-case basis.

The Commission agreed.

City Administrator Turner clarified the items to be cut to be the contract on city parks maintenance, lobbyist, and items for legal work, and for there to be no large capital purchases in the next year. The Commission agreed.

b. Request for approval to hold a Townhall meeting for Fiber Optic Services: City Administrator Turner spoke on the agenda item and asked the City Commission for a directive to hold a Townhall meeting for residents to be able to ask questions and to be informed on the 'Smart City' topic. City Administrator Turner informed on supported devices, prices, and available additional service. The Commission agreed to go forward with the Townhall meeting. City Administrator Turner stated to reach out to the representative.

c. Approval of quotes for purchase of playground equipment for 1st Street

- i.** Quote No. 0267628 by Superior Recreational Products in the amount of \$27,465.55 for the purchase of a shade structure

- ii. Estimate No. 51901 by Lanier Plans, Inc. dba KorKat, in the amount of \$54,522.00 for the purchase of new playground equipment

City Administrator Turner informed that the grant was awarded in July and asked for approval from the City Commission to proceed with the project.

MOTION: Motion made by Commissioner Raspe to approve. Mayor Pro-Tem Ramsay-Vickrey asked for a second. Commissioner Foster seconded the motion.

DISCUSSION: City Administrator Turner clarified the permitting process for the city to be same as a private resident. The Commission confirmed for both quotes to be included in the approval.

ON THE MOTION: Rollcall vote. Unanimous approval.

10. Items for Discussion/Approval

a. Review of December City Commission meetings: City Attorney Smits clarified the requirements of the Organizational Meeting to be held at the first regular meeting of the month in December which is held on the 3rd Thursday. Commissioner Harding recalled a prior approval by the City Commission to move the City Commission meeting to December 14th. Mayor Pro-Tem Ramsay-Vickrey agreed. City Attorney Smits stated to verify the change.

11. Secretary-Treasurer's Report

a. September 2023 Financial Summary: Commissioner Harding gave his September report in his position as the Secretary-Treasurer. Commissioner Harding reported on the addendum that was published on Monday and informed on the monthly budget including income, expenses, and statements of accounts, as well as a positive year-end rollover. Commissioner Harding thanked the staff and complimented City Administrator Turner on his work. Commissioner Harding continued reporting on the overall year-end balance and gave his report on Wastewater. Commissioner Harding reported on electricity costs and suggested for the Utility Board to look into alternative options including solar energy. Commissioner Harding reported on overall wastewater expenses including operating costs and capital expenditures, and for the net-negative income to be pulled from reserve funding. Commissioner Harding informed on Stormwater expenses and revenues, and that State of Florida grants have been used to offset expenses.

Commissioner Harding had no updates on the City Hall finance proposal.

Mayor Pro-Tem Ramsay-Vickrey asked for a head-nod from the Commission to ask the Utility Board to investigate alternate power options including solar options through grant funding. The Commission agreed.

b. Approval of Warrant 0923 in the amount of \$493,520.20: Mayor-Pro Tem Ramsay-Vickrey asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve the warrant. Mayor Pro-Tem Ramsay-Vickrey asked for a second. Commissioner Foster seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

12. City Attorney's Report

a. Explanation of procedures for filling vacant commission seat and invitation to apply: City Attorney Smits explained the procedures for filling the vacancy on the City Commission. City Attorney Smits explained that the Commission has 45 days to fill the vacancy with a deadline of November 24th. City Attorney Smits further informed that the City Commission has six month to hold a special election if no agreement can be found by that date.

City Attorney Smits talked on the application that was included in the agenda packet and clarified that applications can be made in any form. City Attorney Smits informed for the application period to end November 3rd and the Commission's prerogative to accept applications at their will.

Commissioner Raspe agreed with the setting of a deadline but disagreed with the date of November 3rd.

Mayor Pro-Tem Ramsay-Vickrey explained her decision on having November 3rd as the designated deadline for applications. City Clerk Gransee confirmed to publish the application online. Commissioner Foster agreed with a deadline of November 10th and asked for the deadline to be non-binding. City Attorney Smits confirmed. City Clerk Gransee informed to be able to accept submissions until November 9th at the end of business to be included in the agenda packet. The Commission agreed.

Commissioner Foster asked for clarification on voting requirements. City Attorney Smits confirmed the requirement of a Key Colony Beach registered voter. City Clerk Gransee confirmed to re-post an updated application and notice on the website. City Attorney Smits recommended to hold interviews with applicants in a public meeting due to Sunshine Law requirements. City Attorney Smits further clarified that long-term renters and property owners are eligible to apply for the vacant Commission seat.

Mayor Pro-Tem Ramsay-Vickrey asked to add the question of running for the seat at the next election. City Clerk Gransee confirmed.

13. Ordinances & Resolutions

a. SECOND/FINAL Reading of Ordinance No. 2023-487: An Ordinance of the City of Key Colony Beach, Florida Amending Chapter 101, Article VII of the Land Development Regulations of the City of Key Colony Beach, Florida to Enact Regulations Relating to Protection of Sea Turtles; Specifically Amending Article III "Environmental and Drainage Regulations", Sections 101-79 through 101-92 "Reserved" to Establish Regulations Related to Sea Turtle Nesting Protection; Providing for the Repeal of all Ordinances or Parts Thereof Found to be in Conflict; Providing for the Repeal of all Code Provisions and Ordinances Inconsistent with this Ordinance; Providing for Severability; Providing for Inclusion In the Code; and Providing for an Effective Date.

- i.** Ordinance 2023-487: Protection for Sea Turtles
- ii.** Proof of Publication: Included in agenda packet.
- iii.** Impact Statement: Included in agenda packet and published on the city website.

Mayor Pro-Tem Ramsay-Vickrey gave the second and final reading of Ordinance No. 2023-487 and asked for a motion to approve.

MOTION: Motion made by Commissioner Raspe to approve the ordinance. Mayor Pro-Tem Ramsay-Vickrey asked for a second. Commissioner Foster seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval. The Ordinance was adopted.

b. SECOND/FINAL Reading of Ordinance No. 2023-488: An Ordinance of the City of Key Colony Beach, Florida, Amending Article III, Chapter 101 of the Land Development Regulations Related to Reduction of Setbacks for Residential Pools; specifically amending Sections 101-13 and 101-26 of the Land Development Regulations to Provide for Reduced Setbacks for Pools Within The R-2b Zoning District; Providing for the Repeal of all Ordinances or Parts Thereof Found to be in Conflict; Providing for Severability, Repeal, and Codification in the Code of Ordinances; and Providing for an Effective Date.

- i.** Ordinance 2023-488: Amendment for Pool Side Setbacks
- ii.** Proof of Publication: Included in the agenda packet.
- iii.** Impact Statement: Included in the agenda packet and published on city website.

Mayor Pro-Tem Ramsay-Vickrey provided the second and final reading of Ordinance No. 2023-488 and asked for a motion to approve.

MOTION: Motion made by Commissioner Raspe to approve. Mayor Pro-Tem Ramsay-Vickrey asked for a second. Commissioner Foster seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval. The Ordinance was adopted.

c. RESOLUTION 2023-16: A Resolution of the City Commission of the City of Key Colony Beach, Florida, adopting the Monroe County Multi-Jurisdictional Program for Public Information, providing new comprehensive outreach strategy options for the distribution of Flood Hazard information to Residents and Non-Residents and providing for an effective date.

Mayor Pro-Tem Ramsay-Vickrey provided the reading of Resolution 2023-16. Building Assistant Karl Bursa talked on the purpose of the resolution and explained the importance of the Community Rating System (CRS) and related credits. Commissioner Harding complimented Building Assistant Bursa on his presentation and gave additional comments on the County's Program for Public Information. Commissioner Harding informed on the intention of the program to save lives and protect properties and continued reading parts of the document informing on flood hazards, climate change, and repetitive loss properties in the city.

Building Assistant Bursa confirmed the requirement of carrying flood insurance in addition to a wind policy.

Mayor Pro-Tem Ramsay-Vickrey asked for a motion to approve Resolution 2023-16.

MOTION: Motion made by Commissioner Harding to approve the resolution. Mayor Pro-Tem Ramsay-Vickrey asked for a second. Mayor Pro-Tem Ramsay-Vickrey seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval. The Resolution was adopted.

d. RESOLUTION 2023-17: A Resolution of the City Commission of the City of Key Colony Beach, Florida, Approving a One-Year Extension of the Agreement, Between the City of Key Colony Beach and the City of Marathon for the Provision of Emergency Medical and Fire Rescue Services; Proving for an Effective Date.

Mayor Pro-Tem Ramsay-Vickrey provided the reading of Resolution 2023-17 and asked for a motion to approve.

MOTION: Motion made by Commissioner Raspe to approve the resolution. Mayor Pro-Tem Ramsay-Vickrey asked for a second. Commissioner Harding seconded the motion.

DISCUSSION: City Attorney Smits clarified the requirements of one-year contracts in government in correlation with commitment of funds and explained the terms of the contract. City Administrator Turner reiterated to meet with each Commissioner individually for ideas on how to move forward. Commissioner Raspe asked to start the budget process earlier to be prepared for increases. City Attorney Smits explained that the increase occurred after the millage was set and could not be anticipated.

ON THE MOTION: Rollcall vote. Unanimous approval. The resolution was adopted.

14. Commissioner's Reports & Comments

a. Wastewater Report: Commissioner Harding provided his report on Wastewater sampling and informed on reduced Covid infections and corresponding death rates. Commissioner Harding informed on a new contractor for the sampling and the CDC requested that the city continue its participation in the program.

b. Mitigation Learning – FEMA/State of Florida Bureau of Mitigation: Commissioner Harding informed

on newly released reports by FEMA on findings on Hurricane Ian. Commissioner Harding gave a summary of the report and informed on elevation requirements, base flood levels, and lessons learned. Commissioner Harding talked on findings of loss of utilities at critical facilities and many facilities having to be shut down due to sewage problems. Commissioner Harding cautioned not to remove the sill in sliding glass doors, for flood insurance might not give coverage in the event of flooding. Commissioner Harding further reported that most fatalities occur due to flooding and not wind.

Commissioner Harding updated on having attended the Florida League of Cities Ethics class and having attended a presentation on the 5-year FDOT plan. Commissioner Harding further talked on attendance at the National Risk Assessment Seminar, as well as the DOAH, and Utility Board meeting. Commissioner Harding informed that free Covid test kits are available through the government and the availability of vaccinations against Covid, RSV, and the Flu.

Commissioner Foster had no report.

Commissioner Raspe informed on having attended the DOAH hearing.

Mayor Pro-Tem Ramsay-Vickrey thanked former Mayor Trefry for her time and dedication to the city, and stated understanding and support for the decision to be closer to family.

Mayor Pro-Tem Ramsay-Vickrey informed on having attended the BPW meeting with information on reef renewal and the status on the coral reefs. Mayor Pro-Tem Ramsay-Vickrey continued reporting on having attended the Middle Keys Republican Club meeting and the possibility of Monroe County becoming a Charter County. Mayor Pro-Tem Ramsay-Vickrey informed on an upcoming County Commission Workshop on November 6th to receive more information. Mayor Ramsay-Vickrey further informed on having attended the Chamber of Commerce Installation dinner, and the Florida Keys Marine Sanctuary Advisory Council meeting. Mayor Pro-Tem Ramsay-Vickrey concluded her report by reminding of the annual Boo-Bash event at Havana Jack's to help raise money for Christmas presents for local children.

15. Adjournment: The meeting adjourned at 11:35 am.

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: November 16, 2023

Silvia Gransee

City Clerk