MINUTES

KEY COLONY BEACH CITY COMMISSION
REGULAR MEETING & PUBLIC HEARING
Thursday, October 22nd, 2026, 10:00 AM
At the temporary meeting place for the City of Key Colony Beach
The Key Colony Inn – Back Patio, 700 W. Ocean Drive, Key Colony Beach, Florida
& via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance, Prayer, & Roll Call:** The Key Colony Beach City Commission Regular Meeting and Public Hearing was called to order by Mayor Freddie Foster at 10:00 AM, followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present**: Mayor Freddie Foster, Vice-Mayor Dour Colonell, Commissioner Tom Harding, Commissioner Tom DiFransico, Commissioner Kirk Diehl. **Also present**: Marathon Fire/EMS Division Chief Jesse Fossum, City Administrator John Bartus, Building Official Tony Loreno, City Attorney Dirk Smits, Chief of Police Jamie Buxton, Administrative Assistant Par Darnall, City Clerk Silvia Roussin, City Attorney Dirk Smits, Attorney Patrick Stevens.

   Public Attendance: 11

2. **Approval of the Agenda** *(Additions, changes, and deletions can be made via one motion and a second to approve by a majority vote)*

   City Clerk Roussin informed of the following agenda changes:

   - **5e.2.** Request for an 8-month permit extension for the property located at 1000 W. Ocean Drive
   - **7b.3.** Approval of the Utility Board's Recommendation to Award ITB 2026-04 for the Sewer Line Camera & Clean Project to Enviro Waste Services for $91,006.20
   - **A new Item 7g.** Discussion/Approval of Commission direction to the City Attorney to initiate appropriate legal action against the owner of 680 11th Street to force the owner to comply with Orders issued by the Magistrate to bring the property into compliance with regulations.
   - **In addition,** the Planning & Zoning Board recommended approving Ordinances 2026-516, 2026-517, and 2026-518, which are on today's agenda for a first reading.

   Mayor Foster requested that agenda item 7b be withdrawn for further discussion of a possible rebid to include repairs in the scope of work.

   Commissioner Harding requested an update to his report on the Dry Floodproofing project.

   No further changes were made, and Mayor Foster requested a motion to approve the agenda.

   MOTION: Commissioner Harding moved to approve the agenda. Commissioner Diehl seconded the motion.
   DISCUSSION: None.
   ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Special Requests:** None.

4. **Citizen Comments and Correspondence:** City Clerk Roussin reported the following citizen correspondence:

- **September 20, 2026** – Lynne Benton wrote about various safety and legal concerns.
- **October 20, 2026** – Richard Pflueger submitted comments regarding the proposed Sunset Park Gazebo and recommended seeking public input on the matter.
- **October 21, 2026** – Sue Bartkus submitted questions regarding changes to the Florida Building Code.
- **October 21, 2026** – Cynthia Catto submitted comments regarding the proposed veranda at Sunset Park and requested input from the public and the Recreation Committee.
- **October 21, 2026** – David Evangelista expressed concerns regarding decisions affecting recreational properties without prior consultation with the Recreation Committee. He encouraged involving the Committee in the decision-making process to ensure community residents are adequately represented.

City Clerk Roussin reported that additional correspondence had been received after publication of the correspondence packet and requested the Mayor's permission to include it in next month's citizen correspondence. Mayor Foster had no objections.

Mayor Foster asked for citizen comments.

Barbara Heitman, a KCB resident, addressed the City Commission on a master plan, citizen input on projects, the Recreation Committee's role in the City, and the need for greater citizen participation.

Lynne Benton, 621 10th Street, stated that her correspondence was not intended for the correspondence packet and had been submitted by a Commissioner, and apologized for the lengthy document. She asked the Commission to clarify its vision for Sunset Park, commented on parking problems and residents' complaints about noise after the installation of a sound system, and requested meaningful citizen input. Lynne Benton also expressed concern that failing to follow the law could jeopardize grant funding.

5. **Committee and Department Reports** *(written reports provided; Staff and Board Chairs available for questions)*
   - **a.** Marathon Fire/EMS – Division Chief Jesse Fossum presented his statistical report for October. The Commission had no questions about the report. Commissioner DiFransico requested a comparison of the costs of providing Fire/EMS services to Key Colony Beach and Marathon. Division Chief Fossum stated that he was new to the position and needed to learn more before responding. Mayor Foster stated that the City Commission will hold a Special Meeting on the matter.

   - **b.** Police/Code Enforcement – Chief of Police Jamie Buxton: The Commission had no questions about the report. Chief Buxton read a letter addressing code enforcement, seven-day rental enforcement, code license requirements, and the strain on the City caused by noncompliance. She reported that properties outside the limit were being monitored and that property owners would be contacted to achieve compliance. Mayor Foster discussed past efforts to achieve compliance and emphasized working with and educating property owners. He noted that fines were possible but that code enforcement was not intended to balance the budget. Commissioner DiFransico agreed with this approach and supported shifting to enforcement if voluntary compliance could not be achieved. Commissioner Harding agreed with the letter's summary. Chief Buxton stated that the letters will be sent to property owners that afternoon.

   - **c.** City Administrator – John Bartus: The Commission had no questions regarding the report. Mayor Foster discussed the proposed gazebo at Sunset Park and asked City Administrator Bartus to review the grant and available options. He stated that the Commission did not intend to add another gazebo at the park and requested that the gazebo proposal be discontinued. City Administrator Bartus confirmed that the FRDAP grant applications had been submitted.

d. Public Works – Public Works Department Head Mike Guarino: The Commission had questions on the report.

e. Building Department – Building Official Tony Loreno reported that safety inspections for the year had been completed.

1. Request to Waive the Permit Extension Fee for 215 15th Circle.

Building Official Loreno discussed when the permit was opened and stated that the request did not qualify for tolling under the executive order. Attorney Patrick Stevens, representing the owners, asked the Commission to exercise its discretion under the City's Code of Ordinances to waive the permit extension fee. He also requested an opportunity to present testimony. City Clerk Roussin clarified that the item was not a hearing and did not require testimony. City Attorney Smits confirmed that it was not a hearing item, stated that the Commission was extending a courtesy by considering the request, and invited Attorney Stevens to comment. Attorney Stevens attributed the need for an extension to supply chain issues, tariffs, labor shortages, and immigration-related issues affecting the construction industry. He requested a fee waiver based on these unforeseen circumstances. Mayor Foster asked Building Official Loreno whether the matter had been addressed and noted that permit extension fees were 10 percent of the permit fee. The Commission had no questions.

2. Request for an 8-month permit extension for the property located at 1000 W. Ocean Drive **Agenda addition

Mayor Foster stated that he had no objection to the extension but asked whether it should be for eight months or one year. Building Official Loreno stated that, in his understanding, an eight-month extension could be granted, that extensions of up to 12 months were allowed, and that the owners understood the fee structure. Mayor Foster requested a motion.

MOTION: Commissioner Diehl moved to approve an eight-month permit extension for 1000 W. Ocean Drive. Commissioner Harding seconded the motion.
FURTHER DISCUSSION: None.
ON THE MOTION: Rollcall vote. Unanimous approval.

f. City Hall – City Clerk Silvia Roussin: The Commission had no questions on the report.

1. Water Quality Report
2. TDC Project Funding
3. Budget Transparency & Budget in Brief

g. Beautification Committee – Chair Sandy Bachman: No report.

h. Planning & Zoning Board – Chair George Lancaster: No report.

i. Recreation Committee – Chair Cindy Catto: No report.

j. Utility Board – Chair Fred Swanson: No report.

6. Consent Action Items *(Under the consent agenda, all action items will be voted on after one motion, and a second will be required to approve them without discussion. If a Commission member wants any action item discussed or voted on separately, the member must, at the beginning of the open session, ask that the action be moved to the discussion action item section.)*

a. Approval of the following City Commission Meeting Minutes
   1. 09-10-2026 City Commission First Budget Hearing
   2. 09-17-2026 City Commission Regular Meeting & Public Hearing
   3. 09-17-2026 City Commission Final Budget Hearing

b. Approval of Warrant No. 0926 for $1,670,951.18

Mayor Foster asked for a motion to approve the Consent Action Items.

MOTION: Commissioner DiFransico moved to approve the Consent Action Items. Vice-Mayor Colonell seconded the motion.
DISCUSSION: None.
ON THE MOTION: Rollcall vote. Unanimous approval.

7. Discussion Action Items

a. Discussion/Review of Fire/EMS Operating Fee increases by the City of Marathon

Mayor Foster introduced the agenda item and stated that a Special Meeting will be scheduled within the next two weeks to discuss the matter. There were no objections.

~~**b.** Discussion/Approval to Award ITB 2026-04 Clean and Camera of the City Sewer Lines, per the Recommendation of the Utility Board~~
   ~~**1.** ITB 2026-04~~
   ~~**2.** Bid Tabulations~~
   3. ~~Recommendation by the Utility Board ***TBA 10-20-2026 Meeting*~~

c. Discussion/Approval of a Proposal by Veolia for the Purchase of Membranes for $118,760.00, per the Utility Board's recommendation

Mayor Foster introduced the agenda item and asked for a motion to approve.

MOTION: Commissioner Harding moved to approve. Commissioner Diehl seconded the motion.
DISCUSSION: None.
ON THE MOTION: Rollcall vote. Unanimous approval.

d. Discussion/Approval of a Proposal by Material Handling Systems for Crane Repairs in the amount of $34,227.00, per the recommendation of the Utility Board

Mayor Foster introduced the agenda item and asked for a motion to approve.

MOTION: Commissioner Harding moved to approve. Vice-Mayor Colonell seconded the motion.
DISCUSSION: Mayor Foster commented on the importance of recognizing emergency purchases.
ON THE MOTION: Rollcall vote. Unanimous approval.

e. Discussion/Approval for a Request for a Lot Split and Party Wall Agreement for the Property located at 230-232 Sadowski Causeway, per the Recommendation of the Planning & Zoning Board

Mayor Foster introduced the agenda item and asked for a motion to approve.

MOTION: Commissioner Harding moved to approve. Vice-Mayor Colonell seconded the motion.
DISCUSSION: Commissioner Diehl asked why a lot split was needed for a building constructed only three years earlier. Building Official Loreno explained that the property qualified for a duplex lot split, allowing one side of the property to be sold.
ON THE MOTION: Rollcall vote. Unanimous approval.

f. Discussion/Approval of the placement of the Sailfish Statue and Fountain in the City Hall Garden, where the red tree currently stands, per the Beautification Committee's recommendation

Mayor Foster introduced the agenda item and asked for the exact proposed location. Vice-Mayor Colonell identified the location as the grassy knoll and deferred to Beautification Committee Chair Sandy Bachman. Chair Bachman described the proposed location and stated that it was preferable to the previously suggested corner on Sadowski Causeway. Vice-Mayor Colonell added that the Committee was reviewing all City gardens to clearly identify their locations. Mayor Foster expressed preliminary support for the location but requested that the item return for discussion after the ordinance was approved. The discussion item was tabled. Chair Bachman confirmed that one common bush would be removed, but none of the larger trees would be removed.

g. Discussion/Approval of Direction to the City Attorney to Initiate Appropriate Legal Action to Require the Owner of 680 11th Street to Comply with the Magistrate's Orders and Bring the Property into Compliance with Regulations ****Agenda addition**

Mayor Foster introduced the agenda item and asked for a motion to approve.

MOTION: Commissioner DiFransico moved to direct the City Attorney to initiate legal action to require the owner of 680 11th Street to comply with the Magistrate's Order and bring the property into compliance.
DISCUSSION: Commissioner DiFransico reviewed the code enforcement matter, including the timeline, negotiations, and ongoing neighborhood concerns. He stated that the City owed it to residents to resolve the matter.
City Attorney Smits discussed safety concerns and the need to expedite the matter, explaining that the item had been added to the agenda for those reasons. Vice-Mayor Colonell commented on the neighbor's ongoing objections and complaints regarding the property. City Attorney Smits outlined additional legal options to enforce compliance, including court orders, contempt proceedings, restrictions on occupancy, a stop-work order, and relief that would address safety concerns and allow the City to make corrections. He also discussed fines, penalties, property liens, collection after homestead protection ends, enforcement of the Magistrate's ruling, and a possible closed session to discuss litigation options. Mayor Foster emphasized that the City's objective was compliance with the Magistrate's Order. City Attorney Smits clarified that he would review the available options and determine which to pursue to achieve compliance.
ON THE MOTION: Rollcall vote. Unanimous approval.

8. Ordinances & Resolutions:

1. **FIRST READING OF ORDINANCE NO. 2026-516:** An Ordinance Of The City Of Key Colony Beach, Florida, Amending The City Of Key Colony Beach Code Of Ordinances And Land Development Code To Amend Article II (Definitions) Of The Land Development Code; To Amend Article III (District Regulations) Of The Land Development Code; To Amend Article VIII (Floodplain Management) Of The Land Development Code; To Amend Code Of Ordinances, Chapter 6 (Buildings) Related To Amending The Florida Building Code For Flood Hazard Areas; Providing For Severability, Applicability And Codification; And Providing For An Effective Date.

Mayor Foster provided the first reading of the proposed ordinance and asked for a motion to approve.

MOTION: Commissioner Harding moved to approve. Commissioner DiFransico seconded the motion.
DISCUSSION: Commissioner DiFransico questioned the threshold and permit requirements for work valued at more than $1,000. Mayor Foster noted that painting and certain other work were exempt from building permits, which Building Official Loreno confirmed. Building Official Loreno stated that the City's permit threshold was $2,500.00 and provided additional information on legislative permit requirements. Commissioner DiFransico questioned the proposed ordinance's minimum threshold language and stated that he had asked City Attorney Hicks to rewrite it to clarify the requirements. Commissioner Harding agreed that the $1,000.00 threshold should be changed to $2,500.00 and suggested treating the revision as an editorial update because the code had since changed. City Attorney Smits stated that the revision would be a substantive change and would also require Rebecca Quinn's review. Mayor Foster asked Commissioner DiFransico to review the proposed amendment with Building Official Loreno and legal counsel. Vice-Mayor Colonell questioned the language describing the Building Official's responsibilities and agreed with Commissioner DiFransico's interpretation. City Attorney Smits confirmed that the requested changes would be made before the ordinance returned for another first reading.
ON THE MOTION: Commissioner Harding withdrew his motion.

2. **FIRST READING OF ORDINANCE NO. 2026-517:** An Ordinance Of The City Of Key Colony Beach, Florida, Amending Article X. (Signs) Of The Land Development Regulations Related To Government Signs In Zoning Districts Public Buildings And Grounds (PB) And Public Recreation (PR); Specifically Amending Section 101-130 (Purpose And Definitions) To Provide For A New Definition Of Government Signs, Amending Section 101-131 (Prohibited Signs) To Remove Prohibitions On Government Signs, And Amending Section 101-133 To Exempt Government Signs In Zoning Districts Public Buildings And Grounds (PB) And Public Recreation (PR); Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability, Repeal, And Codification In The Land Development Regulations; And Providing For An Effective Date.

   Mayor Foster provided the first reading of the ordinance and asked for a motion to approve.

   MOTION: Commissioner DiFransico moved to approve. Commissioner Diehl seconded the motion.
   DISCUSSION: None.
   ON THE MOTION: Rollcall vote. Unanimous approval.

   City Clerk Roussin announced that the ordinance's second and final reading will be held on November 19th, 2026.

3. **FIRST READING OF ORDINANCE NO. 2026-518:** An Ordinance Of The City Of Key Colony Beach, Florida, Amending Article II. (Definitions) And Article IV. (Supplemental Regulations) Of The Land Development Regulations Related To Government Property Adornments In Zoning Districts Public Buildings And Grounds (Pb) And Public Recreation (PR); Specifically Amending Section 101-8 (Definitions) Of The Land Development Regulations To Provide For A New Definition Of Government Property Adornment, And Amending Section 101-26 (Accessory Structures And Uses) To Establish Regulations Related To Government Property Adornments; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability, Repeal, And Codification In The Land Development Regulations; And Providing For An Effective Date.

Mayor Foster provided the first reading of the ordinance. City Attorney Smits stated that the motion needed to include language addressing a requested revision to paragraph 14. Commissioner DiFransico read the proposed amendment and expressed concern that its wording imposed no limits. He suggested replacing the wording with language stating that adornments on government property could include anything approved by the Commission. City Attorney Smits agreed that the current wording did not impose restrictions. City Clerk Roussin confirmed that the ordinance would return for another first reading.

9. Secretary-Treasurer's Report

a. September 2026 Financial Summary: Commissioner Harding presented the September financial report, reviewing revenues and expenses for the general and building funds, the status of grant reimbursements, and the infrastructure fund. He reported that year-end expenses were below budget. Wastewater funds were negative due to sludge hauling and maintenance costs, with sludge hauling identified as a major expense. He also addressed the final Shelter Bay bill and reimbursement for W. Ocean Drive. Commissioner Harding noted that a $125,000 increase in Fire/EMS costs was not included in the budget and recommended preparing a budget amendment. He recommended reviewing the current budget for offsets rather than using reserves and stated that he would prepare a draft.

10. City Attorney's Report – City Attorney Smits reported on code enforcement guidance provided to the Chief regarding vacation rentals, the Special Meeting to discuss Fire/EMS costs, and the possible use of outside counsel. He also reported that he had prepared correspondence regarding Pedro Falcon and the bonding company, identifying matters requiring attention, including revised schedules, a recovery plan, a utilization matrix, and the critical path. He clarified that the correspondence provided notice of a potential breach, rather than declaring a breach, and was intended to facilitate progress.

11. Commissioners' Reports & Comments

a. Commissioner Harding

1. CDC Wastewater Sampling Update: Commissioner Harding reported that the CDC is resuming wastewater sampling for eight viruses.

2. Golf fee updates – Commissioner Harding reported increases in fees for regular play and annual memberships and stated that fees would need to increase the following year again.

3. FDOT Card Sound Road Bridge update – Commissioner Harding reported attending an update on the bridge. He stated that repair costs were increasing and that FDOT was considering a full replacement, with Havana Jacks fully preserved as a historical landmark.

4. 2027 Public Parks/Recreation funds – Commissioner Harding reported that $141,000 remained for the budget year, assuming payment of the full match for each grant.

5. Dry Floodproofing Update: Commissioner Harding reported that the maintenance building project had previously been approved by FEMA and the State of Florida and was approaching the stage of obtaining quotes. He asked whether a general contractor should coordinate the concrete structural improvements and whether the logs should be purchased and installed separately. He stated that the project was included in the budget, but additional general contractor costs were not. Mayor Foster requested that Commissioner Harding bring the matter back for a full review.

Commissioner Harding also reported on the digester tank, spills earlier in the year, and the installation of a monitoring sensor that sends automated notifications when levels rise too high. He reported improvements to the MBR and identified lift stations as the next area of focus. He discussed additional

available technology, including an input flow meter, which Jason Shepler would begin working on. Commissioner Harding estimated that progress was at 70 percent of his goal and provided additional comments on the applications in use.

b. Commissioner Diehl

1. Key Colony Beach 70th Birthday Committee Update – Commissioner Diehl reported that the Committee continued to work on the celebration. All events were planned, with exact times and dates still being finalized. He stated that he would share the event schedule the following month.

2. Farmers Market: Commissioner Diehl expressed a preference for keeping the Farmers Market at its current location rather than returning it to the City Hall parking area. Mayor Foster stated that the organizer also preferred the current location and that he would follow up with Public Works Department Head Guarino regarding any objections. He would also follow up on the upcoming Pervious Paver project work and its scheduling.

c. Commissioner DiFransico suggested asking the Recreation Committee, Building Official, and Public Works to provide an update at the November meeting on the locations and designs of the approved TDC projects, including the electronic sign, restrooms, and a possible gazebo. He also encouraged public input on these projects.

d. Vice-Mayor Colonell

1. City Hall Update: Vice-Mayor Colonell reported a revised City Hall completion date of January 23rd. He stated that the project's architect of record, Brandan DeCaro, was retiring and that a senior vice president would assume the role. Kyle Bechtelheimer, the division chief familiar with the project, would remain involved. Vice-Mayor Colonell also provided an update on completed and upcoming work. He confirmed that the City could receive reimbursement from the contractor for extensive reviews of project RFIs and numerous change orders. Commissioner Harding thanked Vice-Mayor Colonell for his efforts.

e. Mayor Foster discussed the proposed Sunset Park gazebo and requested a review of the grant application and that the gazebo, in its current form, be rejected. He also asked that comments on the proposed ordinances be submitted in advance to allow time to address any needed revisions.

12. Citizen Comments

Elynn Eiss, attending via Zoom, raised her hand to comment but experienced technical difficulties.

Lynne Benton, 621 10th Street, thanked the Commission for its work and expressed confusion about the gazebo proposal and the approved funding. She asked whether a decision had been made not to build the gazebo, requested transparency, and asked whether the Recreation Committee was involved in the process. City Clerk Roussin noted a possible oversight involving an AI-generated picture that conveyed the wrong intent. Mayor Foster reiterated that the matter should be corrected.

13. Adjournment: The meeting adjourned at 11:32 AM.

Respectfully submitted,

Silvia Roussin

City Clerk

***ADOPTED*: November 19, 2026**

Silvia Roussin/City Clerk