

# MINUTES

KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday, October 8, 2020 9:30 a.m.  
Marble Hall & Virtually via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance, Prayer, and Roll Call:** The regular meeting of the Key Colony Beach City Commission was called to order by Mayor DeNeale at 9:30 a.m. followed by the Pledge of Allegiance and Prayer.  
*Present:* Mayor John DeNeale, Vice Mayor Ron Sutton, Secretary/Treasurer Patti Trefry, Commissioner April Tracy, and Commissioner Kimmeron Lisle.  
*Also Present:* Executive Assistant Saara Staten, Utility Clerk Pat Hyland, City Attorney Tom Wright (Virtually), Police Chief DiGiovanni, Building Official Gerard Roussin and Building Inspector Greg Lawton.  
Excused: City Clerk Rebecca Todd and Fire Chief Johnson.  
Public – 43 (Virtually) 8 (Marble Hall)
2. **Approval of Minutes:** The minutes of the September 23, 2020 City Commission Final Budget Public Hearing, September 29, 2020 City Commission Emergency Meeting, and October 1, 2020 City Commission Special Meeting were approved by acclamation.
3. **Agenda Additions, Changes, Deletions:** Mayor DeNeale added “Update on Monroe County Revenue Cost Share Methodology” and “City Insurance Review” under Commissioners Items for Discussion/Approval.
4. **Special Requests:** None.
5. **Committee and Staff Reports:**
  - A. **Marathon Fire/EMS:** No Report.
  - B. **Recreation Committee:** No Report.
  - C. **Beautification Committee:** No Report.
  - D. **Disaster Preparedness Committee:** Building Official Roussin reported the City being prepared for hurricane season. The transfer switches have been installed and a test on them will be scheduled within the next week.
  - E. **Planning & Zoning Board:** No Report.
  - F. **Utility Board:**
    1. **Allocation of Funds for Closed CD:** Utility Clerk Pat Hyland stated originally the Utility Board voted to open two separate CD’s for \$100,000 each. However, one of the financial institutions was unable to offer public funds. Utility Clerk Hyland reviewed the updated rates. Vice Mayor Sutton also reviewed the updated rates and requested for someone from the Utility Board to give the Commission a suggestion before they vote. Utility Board Treasurer recommended for the CD to remain local either with Keys Federal Bank of Iberia Bank. Utility Board Chair John Dalton requested for all the funds to get put into Keys Federal Bank at 0.076%.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Lisle to allocate all the funds into two separate CD's in Keys Federal Credit Union at 0.076%.

**ON THE MOTION:** Roll Call Vote. Unanimous approval.

**2. Retention Pond Bids:** Building Official Roussin stated there has been many meetings on how to remedy the retention pond that is not dispersing water anymore. Mitteaur & Associates is preparing plans that will be sent out for bid. Vice Mayor Sutton stated the bid was advertised without the bid package being finalized. Mayor DeNeale tabled the discussion until the next Commission Meeting for it to be finalized and reviewed by the Commission and Board.

**G. Police Department:** Chief DiGiovanni reported since the last meeting there has been 1 report. They responded to 3 medical and alarm calls, provided backup to MCSO and FWC 5 times, and received 12 miscellaneous calls along with traffic citations, code warnings and citations, road patrol, boat patrol and vacation watch program. Sergeant Rodriguez is finishing scenario training as an instructor for simunitions and will be able to train other Officers for real world scenarios. Sergeant Rodriguez is also updating the Policy and Procedures for the Police Department. Two new radios and one laptop arrived and are being distributed to the Officers for use. New officer Ashley Veatch has entered the second phase of training. A third phase and a shadow phase follow, estimating completion in 3 months. Once completed, Sergeant Rodriguez can return to day shift and Chief DiGiovanni will be able to do 1-2 hours on boat patrol each day on shift.

**H. Building Department/Public Works:** Building Official Roussin thanked Public Works for their great work throughout the City and reported receiving many compliments from residents that has been forwarded to them.

**1. Approval of Eastside Park Electrical Repair –** Building Official Roussin reported the need to rewire Eastside park since Hurricane Irma. A multitude of band aid repairs have been done, however, many issues came up during the Christmas decoration period last year with many hours and efforts put into repair as best as possible. Two proposals were submitted by Superior Electric and Florida Keys Electric, Inc. Building Official Roussin recommended for the Commission to approve the Superior Electric proposal not to exceed \$12,000. Commissioner Trefry questioned whether any of this was included in a FEMA PW. Building Official Roussin stated it was brought to the former City Administrator, but he cannot confirm that it was done. Building Official Roussin reported receiving approval from DEO on the new construction at the end of 4<sup>th</sup> Street. Mayor DeNeale reported Executive Assistant Saara Staten and City Clerk Todd will be conferring with Accountant Jennifer from Bishop & Rosasco to get training on the FEMA Portal. Mayor DeNeale emailed the Deputy Director for Public Assistance for FDEM regarding debris money and is awaiting a reply.

**MOTION:** Motion made by Commissioner Trefry, seconded by Vice Mayor Sutton to approve the Superior Electric proposal not to exceed \$12,000.

**ON THE MOTION:** Roll Call Vote. Unanimous approval.

**I. City Secretary/Treasurer:** No Report.

**J. City Clerk:** Mayor DeNeale reported City Clerk Todd being excused for back issues and the loss of her brother. Thoughts and prayers are with her for a speedy recovery. Utility Clerk Pat Hyland read City Clerk Todd's report into the record thanking the Commission and Staff for their support. Utility Clerk Pat Hyland mailed quarterly sewer bills out including ACH enrollment forms for those residents not currently enrolled as an attempt to increase the number of accounts on autopay. 16 property transfers were completed in September, 1 customer is delinquent for 2

consecutive quarters and has been mailed an intent to lien if account is not brought current, and 5 customers have not paid the July quarter and are being called for collection. The TRIM process for setting the millage rate is complete and has been certified to the Department of Revenue, Property Appraiser, and Tax Collector. City Clerk Todd is currently completing the annual report to the Department of Economic and Demographic Research. Executive Assistant Saara Staten has completed the Stewardship Report for Florida Department of Environmental Protection/Florida Communities Trust required for Sunset Park. Administrative Assistant Holly Rosado has sent 228 Business Tax Licenses. Assistant City Clerk Michelle Farr has completed the submission of invoices for reimbursement under the CARES Act and has been busy completing all necessary year-end financial entries as well as a many other arising tasks.

**K. City Administrator:** No Report.

**6. Items for Discussion /Approval:**

**A. Extend Declaration of Local Emergency:** Mayor DeNeale provided an update for COVID-19. Governor DeSantis issued Executive Order 20-244 bringing Florida into Phase 3 making restaurants and bars open without limit. The only protective measure in place is the Monroe County Mask Ordinance which the City of Key Colony Beach signed. Social distancing and masks are highly encouraged. Mayor DeNeale presented the City of Key Colony Beach 31<sup>st</sup> Declaration of Local State of Emergency for COVID-19.

**MOTION:** Motion made by Commissioner Tracy, seconded by Vice Mayor Sutton to approve the City of Key Colony Beach 31<sup>st</sup> Declaration of Local State of Emergency (10:12 a.m.).

**ON THE MOTION:** Roll Call Vote. Unanimous approval.

**B. Farmer's Market – Request to reopen October 27<sup>th</sup>:** Rosa Perez expressed appreciation if the Farmer's Market can return on October 27<sup>th</sup> - April. Mrs. Perez reported all vendors being required to wear a mask and gloves while in the Farmer's Market.

**MOTION:** Motion made by Mayor DeNeale, seconded by Commissioner Tracy to approve the reopening of the Farmer's Market on October 27<sup>th</sup>.

**ON THE MOTION:** Roll Call Vote. Unanimous approval.

**C. Request for Pilates Exercise Classes to resume in Marble Hall:** The Commission agreed unanimously for all activities to resume in Marble Hall with a \$20 charge for each use towards cleaning and sanitization.

**D. Willscot Trailer Extension:** Vice Mayor Sutton presented the different proposals for the Willscot trailers. A 1-year extension is available with an additional \$140.85 per month. If the Commission were to terminate the services prior to the agreed date, Key Colony Beach will have to pay the remaining balance. Vice Mayor Sutton recommended the Commission to approve the 1-year proposal. Building Official Roussin believes Key Colony Beach will be out of the trailers by the end of 2022. Mayor DeNeale agreed that it will at least be a two-year process. Commissioner Lisle agreed with Mayor DeNeale and Building Official Roussin.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Mayor DeNeale to approve the trailer extension for 2 years.

**ON THE MOTION:** Roll Call Vote. Unanimous approval.

**E. Approval to Pay LaRue Planning & Management Services, Inc.:** Vice Mayor Sutton stated originally Jim LaRue sent a proposal for a partial update on the Comprehensive Plan. Vice Mayor

Sutton requested a quote for an entire Comprehensive Plan update, totaling \$38,500. To assist the City with budgeting, Jim LaRue agreed to extend the final payment due date to October 2021 allowing the City to pay the end balance in the next fiscal year. Mayor DeNeale thanked Mr. LaRue for his assistance with the Comprehensive Plan and expressed how the Comprehensive Plan has helped with issues such as ROGO. The next Comprehensive Plan would be reevaluated in 7 years. Commissioner Lisle requested interim updates. Jim LaRue stated a schedule will be sent to Key Colony Beach listing all meetings that will be set up with local planning agencies.

**MOTION:** Motion made by Mayor DeNeale, seconded by Vice Mayor Sutton to approve the update of a full Comprehensive Plan for \$38,500.

**ON THE MOTION:** Roll Call Vote. Unanimous approval.

**F. Personnel Policy Update:** Vice Mayor Sutton supplied the Commission and Department Heads with copies of the draft Personnel Policy to review. Mayor DeNeale scheduled this for approval on the first Commission Meeting in December.

**G. City Administrator Position Rehire/Fill Discussion:** Mayor DeNeale recommended hiring a new City Administrator with a revised contract, updated PD, and pay not-to-exceed \$130,000 - \$150,000 including benefits. Vice Mayor Sutton recommended going back to an in-house Commissioner serving as City Administrator. Commissioner Trefry fears that Government has become extremely complex and hiring someone with experience at the State level would be beneficial, however, rushing into hiring is a concern. Commissioner Tracy agreed with Commissioner Trefry and does not want to rush into hiring and is concerned about the violation of Sunshine laws with a Commissioner serving as City Administrator. Commissioner Lisle expressed concerns with consistency in this position. Mayor DeNeale listed several grants that the former City Administrator worked on. Mayor DeNeale will be updating a sample contract and Position Description to be presented at the first Commission Meeting in December.

**H. Update on Monroe County Revenue Cost Share Methodology:** Mayor DeNeale conferred with County Commissioners and would like to set a 2% cost/revenue share for Key Colony Beach. The current cost/revenue share for Key Colony Beach is: Cares Act (.73%), 6 Cent Gas Tax (2%), 5 Cent Gas Tax (1.09%), Mayfield Grant (2%), and FPL Case Cost Share (6%). City Attorney Wright recommended not only to look at the assessed evaluation but also the taxable evaluation. City Attorney Wright stated Key Colony Beach may have a lower percentage of homesteaded properties than other municipalities. Mayor DeNeale will research the taxable evaluation.

**I. City Insurance Review:** Mayor DeNeale stated on May 14<sup>th</sup> a contract was approved for Norry Lynch to represent Key Colony Beach in FEMA and insurance issues. The insurance review was never tasked. Mayor DeNeale stated Mrs. Lynch believes that significant savings can come from the insurance and the insurance writer may not have been familiar with public entities and wrote more of a condo like insurance policy. Mayor DeNeale tasked Norry Lynch to begin that insurance review.

**7. Approval of Warrant: Warrant 0920 in the amount of \$461,418.02.**

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Tracy to approve Warrant 0920 in the amount of \$461,418.02.

**ON THE MOTION:** Roll Call Vote. Unanimous approval.

**8. Ordinances and Resolutions: None.**

**9. Commissioner Reports:** Mayor DeNeale asked the Commissioners to police their election signs and help ensure residents are complying with the City's code. Commissioner Tracy thanked Staff & Vice Mayor Sutton for all their efforts.

**10. City Attorney Report:** City Attorney Wright reported drafting a COVID-19 liability waiver and recommended for the Commission to monitor what other municipalities are doing regarding COVID-19 liability waivers. The Commission discussed and the waiver will be scheduled for approval at the next Commission meeting.

**MOTION:** Motion made by Vice Mayor Sutton, seconded by Commissioner Lisle to require the signature of a COVID-19 liability waiver by all who enter Marble Hall or a City facility.

**ON THE MOTION:** Roll Call Vote. Mayor DeNeale (No), Vice Mayor Sutton (No), Commissioner Tracy (Yes), Commissioner Lisle (Yes), and Commissioner Trefry (Yes).

**11. Citizen Comments and Correspondence:** Utility Clerk Pat Hyland, on behalf of City Clerk Todd, reported receiving correspondence from Pat Joseph Becker, 241 12<sup>th</sup> Street, opposing the hire of a new City Administrator. Kathryn McCullough, 181 5<sup>th</sup> Street, thanked Vice Mayor Sutton for him stepping up and assisting City Hall and recommended for the City Administrator position to be analyzed for the next six months. Ms. McCullough also challenged the grants that Mayor DeNeale listed.

The meeting adjourned at 11:14 a.m.

Respectfully Submitted,

*Saara V. Staten*

Saara V. Staten (on behalf of City Clerk Rebecca Todd)  
Executive Assistant