

MINUTES

KEY COLONY BEACH
CITY COMMISSION REGULAR MEETING
Thursday, December 10, 2020 9:45 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 Sutton at 9:48 a.m. followed by the Pledge of Allegiance and Prayer.

Present: Mayor Ron Sutton, Vice Mayor Patti Trefry, Secretary/Treasurer Kathryn McCullough, Commissioner John DeNeale, and Commissioner Tom Harding.

Also Present: City Clerk Rebecca Todd, Executive Assistant Saara Staten, Attorney Richard Malafy (Virtually), Police Chief DiGiovanni, Fire Chief Johnson (Virtually), Building Official Gerard Roussin, and Building Inspector Greg Lawton.

Public – 31(Virtual) 16(Marble Hall)

2. **Approval of Minutes:** The minutes of the November 7, 2020 City Commission Emergency Meeting, November 19, 2020 City Commission Special Meeting, November 20, 2020 City Commission Emergency Meeting, November 24, 2020 City Commission Public Hearing, November 24, 2020 City Commission Regular Meeting, December 1, 2020 City Commission Special Meeting, and December 3, 2020 City Commission Special Meeting were approved by acclamation.

3. **Agenda Additions, Changes, Deletions:** Commissioner DeNeale added “Hiring of City Attorney” under Commissioner Items for Discussion and Approval.

4. **Special Requests:**

A. Request from Havana Jacks for Extended Music Hours on 12/31/20: Shelby Lanue, consultant of Havana Jacks, requested extended hours until 1 a.m. on New Year’s Eve at Havana Jacks.

MOTION: Motion made by Mayor Sutton, seconded by Commissioner Harding to approve the extended hours until 1 a.m. on New Year’s Eve at Havana Jacks, contingent on the City of Marathon and any Governor’s Order implementing a curfew.

ON THE MOTION: Roll Call Vote. Unanimous approval.

B. Request from Key Colony Beach Fishing & Boating Club for New Year’s Eve Party at Public Works Building: Mayor Sutton stated the Fishing & Boating Club is requesting to host their New Year’s Eve Party in the Public Works Building until 10 p.m. Commissioner McCullough and Vice Mayor Trefry expressed concern for the Fishing & Boating Club to host their party in a City building. Building Official Roussin stated a total of 12-man hours will be used to set up and cleanup after the event.

MOTION: Motion made by Mayor Sutton, seconded by Commissioner Harding to approve the Fishing & Boating Club using the Public Works building for their New Year’s Eve Party until 10 p.m. on December 31, 2020.

ON THE MOTION: Roll Call Vote. Yes: Mayor Sutton, Vice Mayor Trefry, Commissioner Harding, Commissioner DeNeale. No: Commissioner McCullough.

5. **Committee and Staff Reports:**

A. Marathon Fire/EMS: Fire Chief Johnson reported since the last meeting there has been 4 medical calls, 1 internal fire alarm, and 4 Police assists. Fire Chief Johnson urged residents to remain safe during the Holiday Season with the rise in COVID-19 cases.

B. Recreation Committee: No Report.

C. Beautification Committee: No Report.

D. Disaster Preparedness Committee: Building Official Roussin reported no updates. Key Colony Beach continues to be prepared.

E. Planning & Zoning Board: No Report.

F. Code Enforcement Board: No Report.

G. Utility Board: Utility Board Member Tom DiFransico congratulated all the newly appointed Commissioners and provided an update on the retention pond. Commissioner McCullough requested for Utility Board Member to present Chairperson John Dalton with the option to broadcast meetings via Zoom.

H. Police Department: Chief DiGiovanni reported since the last meeting there were 1 report: 1 found property. They responded to 1 medical and alarm call, provided backup to MCSO and FWC 5 times, and received 17 miscellaneous calls along with traffic citations, code warnings and citations, road patrol, boat patrol and vacation watch program. 1 phone call was received on the Tip-line. Chief DiGiovanni cautioned residents in driving during the busy Holiday season.

1. Approval to Purchase Laptop Docks for \$4,000: Police Chief DiGiovanni requested approval to purchase laptop docks for \$4,000.

MOTION: Motion made by Commissioner McCullough, seconded by Mayor Sutton to approve the purchase laptop docks for \$4,000.

ON THE MOTION: Roll Call Vote. Unanimous approval.

I. Building Department/Public Works: Building Official Roussin thanked City Staff for helping him while he was out of work and thanked the Commission for another year of service. Building Official Roussin provided an update on Ocean Front Condominiums. Building Official Roussin is in the process of sending Notice of Violation Extension Expirations to all owners. Building Official Roussin has a scheduled meeting with Attorney Tom Wright to review the development agreement for the Marina.

1. Approval of 60,000 lb. and 10,000 lb. Boat Lift – 285 14th Street – Building Official Roussin requested approval for a 60,000 lb. and 10,000 lb. Boat Lift at 285 14th Street. This request came before the Commission in mid-June and was pushed because of some issues with DEP, that were resolved. Correspondence from the neighbor was submitted in objection to this boat lift. Owner of 285 14th Street was present answering questions and comments from the Commission. Commissioner DeNeale expressed concern with the dock not being code compliant. Building Official Roussin will investigate that issue and the request is tabled until Building Official Roussin confirms the dock being code compliant.

J. City Secretary/Treasurer: No Report.

K. City Clerk: City Clerk Todd reported being very busy training Holly Rosado as new Assistant City Clerk. Christine Burri is the new Administrative Assistant who started last Monday, December 30th. City Hall Staff is very excited to have her on board. City Clerk Todd has a meeting with Auditor Julio Buzzi at 1:30 p.m. to make final adjustments. Utility Clerk Pat Hyland has received many ACH forms. City Clerk Todd wished everyone a safe and happy holiday season.

L. City Administrator: No Report.

6. Items for Discussion /Approval:

A. COVID-19 Update/Declaration – Local State of Emergency Continuation: Mayor Sutton provided an update for COVID-19. Mayor Sutton presented the City of Key Colony Beach 41st Declaration of Local State of Emergency for COVID-19.

MOTION: Motion made by Vice Mayor Trefry, seconded by Commissioner Harding to approve the City of Key Colony Beach 41st Declaration of Local State of Emergency (10:50 a.m.).

ON THE MOTION: Roll Call Vote. Unanimous approval.

B. COVID-19 Policy & Procedure: Commissioner DeNeale presented COVID-19 policies & procedures for City Employees or Commissioners. Attorney Rich Malafy suggested to change the wording from “an employee should be tested” to “request an employee to be tested”. Vice Mayor Trefry suggested that an employee needs to follow up with a PCR Test to confirm a negative result of a rapid test. If an employee is required to quarantine and can work, they will be working remotely from home. The Commission agreed that if an employee cannot work from home while quarantining, the City will put them on paid administrative leave. No time should be taken from the employees sick or vacation leave. City Clerk Todd should arrange for all employees to be able to work remotely.

C. Special Magistrate for Code Cases: Mayor Sutton presented the option of utilizing a Special Magistrate to replace the Code Enforcement Board to heighten efficiency, decrease arguments, and resolve code cases quicker and smoother. Attorney Malafy reported communication with Marathon City Attorney Steve Williams regarding the process of hiring a Special Magistrate. When hiring a Special Magistrate, a Code Attorney is no longer necessary which offsets any additional costs. Code Board Chairperson Joey Raspe and Code Member George Lancaster expressed disfavor with the idea of hiring a Special Magistrate. Commissioner DeNeale stated the Code Board will be having a Workshop with the new City Attorney, new Code Board Attorney, and Department Heads to review and clarify procedures and receive Florida Sunshine & Ethics training. The Commission agreed to postpone the consideration of a Special Magistrate until after the Code Board attends their Workshop to clarify procedures.

D. Replacement of City Administrator: Commissioner DeNeale presented the recommendation of hiring a new City Administrator after correcting contract mistakes, updating PD/Contract, offering a one-year probation period with clear goals, and pay not to exceed \$130-\$150k including all benefits. Commissioner DeNeale will finish drafting an updated PD/contract and bring before the Commission to discuss/approve. The Commission agreed to schedule a workshop to revise the City Administrator PD/Contract.

MOTION: Motion made by Commissioner DeNeale, seconded by Commissioner Harding to approve the advertisement for a new City Administrator for \$80,000-\$100,000 per year.

ON THE MOTION: Roll Call Vote. Yes: Vice Mayor Trefry, Commissioner McCullough, Commissioner DeNeale, Commissioner Harding. No: Mayor Sutton.

E. Transportation Committee Representation: Commissioner DeNeale stated former Commissioner Kimmeron Lisle represented the City in the Transportation Committee and volunteered to continue representing the City if supported by the Commission. The Commission unanimously agreed for Kimmeron Lisle to continue representing the City of Key Colony Beach in the Transportation Committee.

F. Final Approval of New City Website: Executive Assistant Saara Staten requested final approval for the new City website to go live.

MOTION: Motion made by Vice Mayor Trefry, seconded by Commissioner DeNeale to approve the new City website to go live.

ON THE MOTION: Roll Call Vote. Unanimous approval.

G. Hiring of New City Attorney: Mayor Sutton reported an application being submitted by Attorney Dirk Smits. The Commission reported speaking with Attorney Smits separately to discuss City concerns that he is ready to work on. Attorney Smits stated being very excited and honored to be appointed as City Attorney.

MOTION: Motion made by Mayor Sutton, seconded by Vice Mayor Trefry to hire Attorney Dirk Smits of Vernis & Bowling as City Attorney.

ON THE MOTION: Roll Call Vote. Unanimous approval.

7. Approval of Warrant: Warrant 1120 in the amount of \$297,295.20.

MOTION: Motion made by Vice Mayor Trefry, seconded by Commissioner Harding to approve Warrant 1120 in the amount of \$297,295.20.

ON THE MOTION: Roll Call Vote. Unanimous approval.

8. Ordinances and Resolutions: None.

9. Commissioner Reports: Commissioner DeNeale stated he thoroughly enjoyed being Mayor for 4 terms. Commissioner DeNeale thanked the Commission, Staff, and residents for voting him as a commissioner in 2010. Commissioner DeNeale stated he is looking forward to supporting the new Mayor, Vice-Mayor, and Secretary/Treasurer.

Commissioner McCullough thanked Commissioner DeNeale for serving as Mayor for 4 terms and thanked former Commissioner Lisle for her continued hard work for the City. Commissioner McCullough wished everyone a Merry Christmas and Happy Holiday.

Commissioner Harding thanked the residents for voting him in and he looks forward to working with the new Commission and Staff.

Mayor Sutton thanked the Commission for selecting him as Mayor and promised to do the best job possible for the City.

10. City Attorney Report: Attorney Malafy thanked the Commission for the opportunity to work for the City and assured the Commission they are in great hands with new City Attorney Dirk Smits. Attorney Malafy will work with Attorney Smits to ensure a smooth transition.

11. Citizen Comments and Correspondence: Tom DiFransico, 171 8th Street, suggested at each Commission meeting there be an update on the following for issues: Retention Pond, East Ocean Drive Construction, Ocean Front Condominiums, and New City Hall.

Greg Burke, 621 8th Street, questioned whether grass was to be included in the retention pond.

The meeting adjourned at 11:51 a.m.

Respectfully Submitted,

Saara V. Staten

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