

# MINUTES

KEY COLONY BEACH  
CITY COMMISSION REGULAR MEETING  
Thursday, February 25, 2021 9:35 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 9:36 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, City Attorney Dirk Smits, Police Chief DiGiovanni, Fire Chief Johnson (Virtually), Building Official Gerard Roussin, and Building Inspector Greg Lawton.  
Public – 10 (Marble Hall) 23 (Virtual)
2. **Citizen Comments and Correspondence:** None.
3. **Approval of Minutes:** The minutes of the February 8, 2021 City Commission Special Meeting, February 11, 2021 City Commission Regular Meeting, and February 18, 2021 City Commission Special Meeting were approved by acclamation.
4. **Agenda Additions, Changes, Deletions:** Mayor Sutton added Item 7(C) CD Renewals.
5. **Special Requests:**
  - A. **Problem Gambling Awareness Month Proclamation:** Mayor Sutton recommended approval of Problem Gambling Awareness Month Proclamation.  
**MOTION:** Motion made by Mayor Sutton, seconded by Commissioner McCullough to approve the Problem Gambling Awareness Month Proclamation.  
**ON THE MOTION:** Roll Call Vote. Unanimous approval.
6. **Committee and Staff Reports:**
  - A. **Marathon Fire/EMS:** Fire Chief Johnson reported since the last meeting there has been 6 medical calls, 1 auto accident, and 2 public assists. Fire Chief Johnson urged all to remain patient during this busy season. Fire Chief Johnson reported receiving notification that Lower Keys Medical and Monroe County Health Department are opening a pod the weekend of February 27<sup>th</sup> at the Marathon Airport to administer 300 vaccines to those on the State list.
  - B. **Recreation Committee:** No Report.
  - C. **Beautification Committee:** No Report.
  - D. **Disaster Preparedness Committee:** No Report.
  - E. **Planning & Zoning Board:**
    1. **Recommended Updates for Land Development Regulations:** Commissioner McCullough reported feeling uncomfortable discussing anything related to the Land Development Regulations unless it is in a Public Hearing format. City Attorney Smits stated the Commission may discuss anything during a meeting but may not vote. Chairperson Raspe stated the official Planning & Zoning Board Land Development Regulations recommendations made on February 26, 2020 were included in the Commission agenda packet. Due to COVID-19, the project has been sidelined for the last year. At the last Planning & Zoning meeting, Building Official Roussin recommended reconsidering the height recommendation due to the FEMA maps that came out after the recommendation was made. As Planning & Zoning Chair, Mr. Raspe submitted the recommendations made on February 26<sup>th</sup>, but the Board unanimously agreed to be willing to revisit the recommendation based on the new FEMA flood maps. Planning & Zoning Board member Trudy Troiano stated a vote was not taken to revisit the recommendations and she does not agree that it should be revisited by the Planning & Zoning board. Planning &

Zoning Board Member George Lancaster stated he was under the impression that the Planning & Zoning board agreed unanimously without a vote to revisit if the Commission agreed. After discussion, Staff was directed to schedule a Public Hearing to discuss the Land Development Regulations.

**F. Code Enforcement Board:** No Report.

**G. Utility Board:**

**1. Recommendation to Appoint James Ha:** Utility Board Secretary/Treasurer Freddie Foster reported the Utility Board's recommendation to appoint James Ha.

**MOTION:** Motion made by Mayor Sutton, seconded by Commissioner McCullough to approve the appointment of James Ha on the Utility Board even if not a Key Colony Beach resident.

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

**2. Utility Board Updates:** Utility Board Secretary/Treasurer Freddie Foster reported receiving a grant from the State of Florida for approximately \$139,000. Plant Operator Dave Evans has been provided a list of supplies/equipment to start obtaining bids. The money needs to be expended by July 31, 2022. Mr. Foster reported the Utility Board requesting the available funds of \$200,000 be separated into 4 \$50,000 Certificates of Deposit at the highest prevailing rate. Commissioner McCullough reported a flooding issue on Sadowski Causeway and Clara Blvd and asked the Utility Board to investigate. The Utility Board recommended trying to coordinate the State and City storm drain cleaning at the same time every 6 months to reduce flooding during heavy rains. The 1<sup>st</sup> phase of the retention pond improvements has been completed. Commissioner DeNeale reported sand from the basin of the retention pond blowing on to the neighboring properties and pedestrians. The Utility Board will investigate.

**H. Police Department:** Chief DiGiovanni reported since the last meeting there was 1 criminal mischief report on West Ocean Drive. They responded to 4 medical and alarm calls, provided backup to MCSO 7 times, and received 14 miscellaneous calls along with road patrol, boat patrol and vacation watch program. The Tipline received 3 phone calls and 2 texts. Chief DiGiovanni sent out 1 application. Chief DiGiovanni thanked Reserve Officer Bethard for helping cover shifts allowing Chief DiGiovanni to be in the office. Reserve Officer Burden and Reserve Officer Burklin are looking to complete training by the end of March and will be ready to cover shifts. Chief DiGiovanni thanked volunteer Ted Fischer for assisting in setting up for Concerts in the Park. Commissioner McCullough thanked KCBPD for having a Police Officer present to help organize Concerts in the Park.

**I. Building Department/Public Works:**

**1. Request to Appoint Kimmeron Lisle as Local Representative on Program for Public Information (PPI) –** Building Official Roussin recommended the Commission appoint Kimmeron Lisle as Local Representative on Program for Public Information (PPI). Ms. Lisle was the only resident who contacted Building Official Roussin regarding the available position. The Commission and Staff thanked Ms. Lisle for volunteering.

**MOTION:** Motion made by Commissioner DeNeale, seconded by Commissioner McCullough to approve the appointment of Kimmeron Lisle as Local Representative on Program for Public Information (PPI).

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

**2. Community Rating System (CRS) Update –** Building Official Roussin reported FEMA sent back a minor issue with the elevation certificates submitted. 11 elevation certificates were submitted and 9 were incorrect based on their new 90% accuracy rate rule. The Building Department corrected the elevation certificates and resubmitted, to which FEMA reported 100% accuracy and approved Key Colony Beach with the same CRS level as last year, CRS 8.

**3. Proposed Site Change to City Hall Plans (Marble Hall Restrooms) –** Building Official Roussin reported conferring with Architect Tony Rosabal over concerns with only one male handicap stall in Marble Hall. After adjustments, it provided space to add two urinals to the restrooms. There were no changes to the women restrooms, however, Building Official Roussin will confer with Architect Rosabal to potentially add another stall.

**J. City Secretary/Treasurer:** Commissioner McCullough reported nearly all ad valorem taxes have been collected, with only \$300,000 remaining. Commissioner McCullough reported concern with fees in the future when Key Colony Beach no longer collects federal reimbursement expected for debris removal. Commissioner McCullough recommended for the Commission to start brainstorming for other revenue sources to consider during budget season. Expenses are in good shape due to lack of travel during COVID-19. January 2021 loss was \$193,000 to which \$137,500 is the quarterly payment for the Fire EMS contract. Year to date, Key Colony Beach is positive \$184,715.

**K. City Clerk:** City Clerk Todd reported the City remaining busy during the interview process for City Administrator. Assistant City Clerk Holly Rosado and Administrative Assistant Christine Burri have successfully completed 90-days in their position. The consolidated loan at Iberia Bank is set to close on March 9<sup>th</sup>. City Clerk Todd reported the last two Beautification meetings being cancelled due to not having a quorum. Vice Mayor Trefry requested an update on Citizenserve training. City Clerk Todd stated Assistant City Clerk Rosado and Administrative Assistant Burri have worked diligently with final changes on updating forms and should be ready for the next business tax season.

**1. Approval of Iberia Bank Business Credit Card Resolution:** City Clerk Todd reported because of the changes in positions an update to the Iberia Bank Business Credit Card Resolution is needed.

**MOTION:** Motion made by Mayor Sutton, seconded by Vice Mayor Trefry to approve the Iberia Bank Business Credit Card Resolution.

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

**L. City Administrator:**

**1. Approval of Norry Lynch Risk Recovery Advisors Invoice for \$4,712.50:** Mayor Sutton requested approval to pay Norry Lynch Risk Recovery Advisors invoice for \$4,712.50.

**MOTION:** Motion made by Commissioner Harding, seconded by Commissioner DeNeale to approve the payment of Norry Lynch Risk Recovery Advisors invoice for \$4,712.50.

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

**2. Approval of Norry Lynch Risk Recovery Advisors Contract:** Mayor Sutton requested approval to execute Norry Lynch Risk Recovery Advisors Contract stating 20 hours per week for 4 months at an hourly rate of \$145, not to exceed the sum of \$11,600 per month.

**MOTION:** Motion made by Vice Mayor Trefry, seconded by Commissioner Harding to approve the contract.

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

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

**A. COVID-19 Update:** Mayor Sutton reported over the last week an average of 18 positive COVID-19 cases per day in Monroe County. Hospitalizations vary daily from 3-5 people. Monroe County has had a total of 44 deaths. Key Colony Beach totals 39 cases. Marathon totals 644 cases. Key West totals 2,784 cases. Monroe County totals 5,747 cases. Mayor Sutton urged all residents to remain safe as vaccinations get distributed.

**B. Canal Maintenance:** Commissioner DeNeale presented a suggested plan to improve canal maintenance throughout Key Colony Beach and requested Commission input on whether to proceed. The presentation highlighted the importance of the City maintaining its navigation safety and water quality in canals, the need for a monitoring and maintenance plan/policy, and the current depths of Key Colony Beach canals. Commissioner Harding recommended for Building Official Roussin to consider not only the safety violations in existing damaged seawalls but also the storm water drain off which is of concern to the State and hopefully expedite the permitting process. Vice Mayor Trefry questioned the process of when the Building Department notices a damaged seawall.

**C. CD Renewals:** Mayor Sutton recommended opening a Certificate of Deposit for the highest prevailing rate at Iberia Bank at .3%. Commissioner McCullough recommended cashing out the current Certificates of Deposit and moving the funds into Account #1506 which accrues interest at .5%.

**MOTION:** Motion made by Commissioner McCullough, seconded by Commissioner Harding to approve cashing the current Certificate of Deposit and moving the funds to Account #1506 at .5%.  
**ON THE MOTION:** Roll Call Vote. Unanimous approval.

8. **Approval of Warrant:** None.

9. **Ordinances and Resolutions:**

**A. Approval of Resolution No. 2021-03 Authorizing a Loan in the Principal Amount of \$1,500,000:** City Attorney Smits read Resolution No. 2021-03 into the record.

**MOTION:** Motion made by Commissioner DeNeale, seconded by Mayor Sutton to approve Resolution No. 2021-03.  
**ON THE MOTION:** Roll Call Vote. Unanimous approval.

10. **Commissioner Reports:** Vice Mayor Trefry reported Mosquito Control announcing the location of the Oxitec Mosquito release at the end of this week and informed residents that coordinated protests have been held against Oxitec. Commissioner Harding reported receiving notification from the Local Mitigation Working Group of funding availability for hazard mitigation. Commissioner Harding will work with Building Official Roussin and the Utility board to try and receive the available funds from FEMA for flood and erosion improvements. Commissioner Harding will draft ideas for consideration at the next Commission meeting. The application deadline is May 10, 2021.

11. **City Attorney Report:** City Attorney Smits reported receiving a new proposal from the Sadowski Causeway Developers which he will review. Once the Staff level drafts become finalized, a recommendation from the Staff will be presented to the Commission. City Attorney Smits reported completing an opinion on 14 and 15th canal dredging based off documentation received from Building Official Roussin. City Attorney Smits also provided an opinion on the veracity of his work for the consolidated loan with Iberia Bank.

The meeting adjourned at 11:36 a.m.

Respectfully Submitted,



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