

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

Thursday, May 13, 2021 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 Sutton at 9:30 a.m. followed by the Pledge of Allegiance and Prayer. *Present:* Mayor Ron Sutton, Vice Mayor Patti Trefry, Secretary/Treasurer Kathryn McCullough (Virtually), Commissioner John DeNeale, and Commissioner Tom Harding. *Also Present:* City Administrator Dave Turner, City Clerk Rebecca Todd, Executive Assistant Saara Staten, Fire Chief John Johnson (Virtually), Police Chief Kris DiGiovanni, City Attorney Dirk Smits, Building Official Gerard Roussin, and Building Inspector Greg Lawton. Public – 11 (Virtual) 9 (Marble Hall)

MOTION: Motion made by Commissioner DeNeale, seconded by Vice Mayor Trefry to allow Commissioner McCullough participate virtually due to medical complications.
ON THE MOTION: Roll Call Vote. Unanimous approval.
2. **Citizen Comments and Correspondence:** David McKeehan, 2 7th Street, expressed disapproval of allowing kayaks, canoes, or paddle boards to use the Key Colony Beach boat ramp. Mary McFadden, 6 Clara Blvd., thanked the City and City Administrator Turner for action on Coral Lane and Coral Blvd. issues. Karen McKeon, Condominium Manager of Cay Condominiums, urged the Commission to categorize condominiums separately for business tax fees. Karen Tyson, Condominium Manager at Key Colony Point, agreed with Ms. McKeon.
3. **Approval of Minutes:** The minutes of the April 22, 2021 City Commission Public Hearing and April 22, 2021 City Commission Regular Meeting were approved by acclamation.
4. **Agenda Additions, Changes, Deletions:** None.
5. **Special Requests:**
 - A. **National Police Week Proclamation:** Vice Mayor Trefry read the Proclamation into the record. The Commission unanimously agreed to proclaim May 9th - May 15th National Police Week. Commissioner McCullough thanked each Key Colony Beach Police Officer for their hard work and dedication.
6. **Committee and Staff Reports:**
 - A. **Marathon Fire/EMS:** Fire Chief Johnson thanked KCBPD for their hard work. Since the last report there has been 6 medical calls, 2 internal fire alarms, 1 public assist, and 1 fire call. Fire Chief Johnson reported hiring a new Deputy Fire Chief who will be representing him at our meetings if he is not available. Fire Chief Johnson will be in physical attendance at the next meeting to introduce the new Deputy Fire Chief. Fire Chief Johnson urged residents to begin preparing their homes for the upcoming hurricane season.
 - B. **Recreation Committee:** No Report.
 - C. **Beautification Committee:** Beautification Committee Member David McKeehan, representing Chairperson Greg Burke, updated the Commission on progress the Beautification Committee has made since the last meeting. The Beautification Committee expects three Christmas decoration samples to be delivered on May 19th to the Public Works Building. Once received, Public Works will hang the samples up for test. The final wrap color and texture were selected for the KCB entrance sign and samples are in place. A total of four work parties were conducted last month, one every Saturday for the last four Saturday's. Four pallets of mulch were spread in a one-month period throughout the City. Mr. McKeehan thanked volunteers Dave Fischer, Glenda Cantrell, Mary Kohl, Mary O'Neil, Mackenzie Dumas, Joe Turgeon, George Freitag, Janie Byland, and Peter Morris. Further repairs were made to the irrigation system by Public Works. Mr. McKeehan specifically thanked Jesse Peterson from Public Works. Kimmeron Lisle is working with Executive Assistant Saara Staten to create a new web page on the City website. An informational booklet entitled "The Gardens of Key Colony Beach" was updated to reflect the Beautification member assigned to the gardens throughout Key Colony Beach. Louis Gonzalez is scheduled to do the annual fertilization throughout the City. The Beautification Committee is researching and preparing to recommend a plan of action for Florida Friendly landscaping specifically focusing on three initiatives: Community involvement,

funding grants, and possible fertilizer ordinance similar to the City of Islamorada. Mr. McKeehan addressed Vice Mayor Trefry question from the prior meeting regarding how the Beautification Committee plans to keep momentum during summer months when many members are no longer in town. At the last Beautification Committee meeting, a preliminary plan was discussed for the summer. The enrollment of volunteers will be emphasized during Summer months. Currently the Beautification Committee has 7 volunteers. Every year on February, the Beautification Committee will be publishing an annual Beautification Committee calendar listing all events, work parties, fundraisers, meetings, etc. to inform the public early on how to get involved. The Beautification Committee will also be reviewing the contract with Gonzalez Landscaping to increase maintenance of gardens during summer months.

D. Disaster Preparedness Committee: Building Official Roussin reported preparing a checklist for hurricane preparation and post disaster action with Executive Assistant Saara Staten. Once the checklist is created, Commissioner DeNeale recommended sending it to FEMA Consultant Norry Lynch for her review and approval.

E. Planning & Zoning Board: No Report

F. Code Enforcement Board: No Report.

G. Utility Board: Utility Board Treasurer Freddie Foster updated the Commission on the lateral work completed at Circle K. A four-inch lateral was replaced by Third Generation Plumbing. Mr. Foster reviewed the work and reported the job being completed well. Mr. Foster thanked Public Works for the landscaping done around the Wastewater Plant.

H. Police Department: Chief DiGiovanni reported since the last meeting there were 4 reports: a verbal domestic that turned into an eviction on 8th Street, a found property, a three vehicle traffic crash on Sadowski Causeway with no injuries, and a response to a physical domestic altercation between spouses on 5th street that turned into the wife becoming physically combative towards our Officer and then were restrained and charged with 2 counts of battery on law enforcement, 1 count of resisting arrest, 1 count of criminal mischief, and 1 count of domestic battery. The husband was charged with 1 count of theft and 1 count of assisting arrest. KCBPD responded to 5 medical calls, provided backup to MCSO 16 times, and received 24 miscellaneous calls along with road patrol, boat patrol and vacation watch program. Two calls were received on the Tipline. Both calls involved individuals entering homes accidentally or asking to enter people's homes while intoxicated. Chief DiGiovanni reminded the community of the ride home program KCBPD offers and urged residents to lock their doors. The Police Department now has two reserve officers both whom retired from other agencies, Ross Bethard from Boca Raton and Joe Burden from Louisville. Officer Burden will complete his training in less than one month. Chief DiGiovanni and Executive Assistant Saara Staten are creating a fillable form on the City website for the vacation watch request. KCBPD is also attempting to be more active on Facebook. Chief DiGiovanni thanked the Commission for the National Police Week proclamation. Vice Mayor Trefry thanked KCBPD for their quick response on her medical call. Commissioner DeNeale urged residents to contact KCBPD via the Tipline if any issues arise with vacation rentals.

I. Building Department/Public Works: Building Official Roussin reported the golf course lawnmower was delivered to Florida Coast Equipment for assembly and will be delivered to Daryl Rice next week. The road striping is scheduled to begin Monday, May 17th. From January through April, the Building Department issued over 150 permits amounting to over \$120,000.

1. Request for Approval of Wingerter Laboratories, Inc. Proposal of \$5,550.00 – Building Official Roussin reported a request from Architect Tony Rosabal to conduct a percolation test and a soil boring test for the new City Hall. Building Official Roussin request approval of the quote from Wingerter Laboratories for \$5,550.00 for both geotechnical tests.

MOTION: Motion made by Commissioner Harding, seconded by Vice Mayor Trefry to approve up to \$5,550.00 for the geotechnical testing services.

ON THE MOTION: Roll Call Vote. Unanimous approval.

2. Request for Approval for FKA Fire Flow Test for New City Hall: Building Official Roussin reported another request from Architect Tony Rosabal to conduct a fire flow test on the fire hydrant in front of City Hall for \$70.00. Building Official Roussin stated FKA and Marathon Fire Department conduct routine maintenance testing on fire hydrants throughout the City.

MOTION: Motion made by Commissioner McCullough, seconded by Commissioner Harding to approve up to \$70.00 for the fire flow test.

ON THE MOTION: Roll Call Vote. Unanimous approval.

J. City Secretary/Treasurer: No report.

K. City Clerk: City Clerk Todd reported Executive Assistant Saara Staten submitted the annual Stewardship Report required by Florida Communities Trust and has been approved as submitted meeting all requirements of FCT Program Rules, the Grant Award Agreement and Special Management Conditions. City Clerk Todd is registered to attend the FACC Summer Conference from June 26-30th at which she will earn 14.5 hours equivalent to 7.25 CMC education points and 1 experience point. City Clerk Todd also met with City Accountant Jen Johnson on Tuesday for a couple hours and covered a multitude of items. One of the things discussed was ideas on using impact fees collected as these fees we collected are required to be utilized within 7 years of collection. There is an accumulation of \$32,856.34 in the Transportation Fund, \$21,380.51 in Parks Fund, and \$3,334.07 in EMS fund. The funds cannot be used on replacement items – they must be used on purchases required due to the increased density of building. City Clerk Todd recommended using these funds to add additional shade at children parks and possibly add additional equipment. There is also a Development Fee separate from impact fees that has accumulated \$100,679.69 which she is researching what qualified purchases that can be paid from there. City Administrator Turner and City Clerk Todd will be working on this and report ideas at the next meeting. Building Official Roussin will request a quote for adding additional shading to the children’s playground on 1st Street. Commissioner DeNeale recommended another radar sign for West Ocean Drive. Chief DiGiovanni will research whether impact fees could be used to purchase the additional traffic radar sign. Accountant Johnson notified City Clerk Todd that there is a new reporting requirement beginning this year for impact fees. City Auditor Julio Buzzi is preparing the final audit as FRS has released their final numbers. City Clerk Todd will provide the Commission with a bound copy of the final audit once submitted. There are 2 variance requests and the LDR recommendation review being heard by P&Z at the next hearing on Wednesday, May 19th and their recommendation will be presented to the Commission at a public hearing before the next regular commission meeting on May 27th. Assistant City Clerk Holly Rosado has spent a great deal of time working with Citizenserve finalizing the Business Tax application along with the assistance of the other staff and working with QuickBooks to implement the electronic submission of employee timesheets. Executive Assistant Saara Staten has completed and been certified in 11 FEMA Independent Study Courses through the Emergency Management Institute. A total of 29 hours of education were spent. Some of the courses include how to utilize Social Media in Emergency Management, Debris Management Plan Development, and Public Information Officer Awareness. These courses have prepared her to begin her first project in developing a comprehensive checklist of pre-disaster preparation and post-disaster action required to ensure future FEMA reimbursement. Also, Executive Assistant Staten and City Administrator Turner attended the 2nd Monroe County Emergency Management WEB EOC meeting explaining how to make resource requests during an event.

1. Request for Approval of Florida Retirement System Invoice for \$60,358.80: City Clerk Todd stated the former City Administrator was classified incorrectly in the Florida Retirement System. Due to him needing to have been classified in a higher rate, Florida Retirement System calculated the total for that error at \$60,358.80. City Clerk Todd stated that although it is a large expense it will not affect the overall budget dramatically due to other significant savings.

MOTION: Motion made by Commissioner Harding, seconded by Commissioner DeNeale to approve the Florida Retirement System invoice in the amount of \$60,358.80.

ON THE MOTION: Roll Call Vote. Unanimous approval.

L. City Administrator: City Administrator Turner thanked KCBPD for their hard work and dedication. City Administrator Turner was informed by Lobbyist Jerry Paul that Senator Ben Albritton had an interest in Key Colony Beach and would like to know where he can help. City Administrator Turner requested \$3.5 million to finish stormwater throughout the entire City. Mr. Albritton is planning on visiting Key Colony Beach in June. City Administrator Turner continues to work on updating the Personnel Policy and requested the Commission contact him with any further input. The City is now using electronic timesheets. This application allows staff members to track their time per project which will be an asset once cost recovery is implemented. Commissioner McCullough requested that Supervisors do not change hours worked without the employees consent and knowledge. City Administrator Turner will instruct supervisors to get prior authorization to changing the employees worked hours and have the employee initial approval of the change in the note section. City Administrator Turner contacted the

City of Marathon regarding ownership of the other half of Coral Lane. The City of Marathon agreed to give the other half of the street to the City of Key Colony Beach allowing Key Colony Beach to maintain it. Building Official Roussin stated a minimal amount of maintenance is needed on Coral Lane. City Administrator Turner stated development impact fees will be applicable because it is a new street and project. The Commission thanked City Administrator Turner for his hard work. Executive Assistant Staten is monitoring the American Rescue Plan which afforded Key Colony Beach approximately \$343,000. City Administrator Turner will meet with the Department Heads to discuss goals and action plans to improve the City's CRS level. City Administrator Turner and Chief DiGiovanni are working with FWC to ensure all water signs are correct. A meeting with Staff was conducted to discuss procedure for the upcoming Business tax season.

1. Campbell & Malafy Invoice for Legal Services: City Administrator Dave Turner reported receiving an invoice from Attorney Richard Malafy in the amount of \$19,302.65. Attorney Malafy assisted the City after former City Attorney Wright retired until a transition was made to current City Attorney Smits. After discussion, Attorney Malafy agreed to cut the bill in half and only charge the City \$9,717.65. Commissioner McCullough questioned whether you could require vendors to bill us within 180 days. City Attorney Smits will revise the standard contract to include a clause requiring vendors to bill the City within 30 days of the last day of service.

MOTION: Motion made by Commissioner DeNeale, seconded by Vice Mayor Trefry to approve the payment of Campbell & Malafy invoice in the amount of \$9,717.65

ON THE MOTION: Roll Call Vote. Unanimous approval.

2. Business Tax Fees: City Administrator Dave Turner reported the Commercial Business Tax license fees have not been updated since 2016. After review, Key Colony Beach is way below the average cost for a business tax compared to neighboring cities. Islamorada charges \$1,000 across the board and Marathon starts at \$1,000. Commissioner McCullough recommended separating the Condo's fees to recognize their contribution to the rental program. City Administrator Turner will meet with Condominium managers to discuss changes. City Attorney Smits reported receiving notification of a new provision requiring cities to, prior to effectiveness of the fee schedule, the City needs to create a report that provides utilization of building permit and inspection services. Building Official Roussin will create that report and then it must be posted on the City website. Commissioner Harding stated with the additional funds coming from the increase of business tax fees, a code enforcement officer should be considered for the 2022 budget.

3. Norry Lynch Consultant Invoice: City Administrator Dave Turner requested approval to pay the invoice from FEMA Consultant Norry Lynch in the amount of \$9,642.50.

MOTION: Motion made by Mayor Sutton, seconded by Vice Mayor Trefry to approve the payment of Norry Lynch invoice in the amount of \$9,642.50.

ON THE MOTION: Roll Call Vote. Unanimous approval.

7. Items for Discussion /Approval:

A. COVID-19 Update: Mayor Sutton reported 223 new COVID-19 cases in Monroe County over the past three weeks. One additional COVID-19 case was reported in Key Colony Beach. Vaccinations continue to be distributed and now children 12-15 are able to get vaccinated.

1. Action on State Emergency: Mayor Sutton reported the City entered a State of Emergency on March 16, 2020. On May 3, 2021, Florida Governor DeSantis signed Executive Order 2021-102 suspending all remaining local government mandates and restrictions based on the COVID-19 State of Emergency. Monroe County has approved unanimously to lift all COVID-19 restrictions as well.

MOTION: Motion made by Mayor Sutton, seconded by Commissioner McCullough to cease the Local State of Emergency effective immediately. (10:55 a.m.)

ON THE MOTION: Roll Call Vote. Unanimous approval.

B. Use of Boat Ramp for Kayaks, Canoes, and Paddle Board: Mayor Sutton reported a request from David McKee to use the boat ramp for kayaks, canoes, and paddle boards. The Commission expressed concern for the liability placed on the City due to the unsafe and unmonitored status of the boat ramp. The Commission unanimously agreed to take no action leaving the boat ramp unavailable for public access. Commissioner Harding stated if it was

something the Commission wanted to consider in the future, grants will be available to support the project if it allows access to the public.

C. City Administrator's Completion of ICMA Certification: Mayor Sutton reported City Administrator Turner completed his ICMA Certification. In Mr. Turner's contract, it stated he will be awarded a 5% annual increase once the ICMA Certification was completed. The Commission congratulated City Administrator Turner on his certification.

MOTION: Motion made by Commissioner DeNeale, seconded by Mayor Sutton to approve an increase of \$4,000 for City Administrator Dave Turner.

ON THE MOTION: Roll Call Vote. Unanimous approval.

8. Approval of Warrant: Warrant No. 0421 in the amount of \$525,781.52.

MOTION: Motion made by Commissioner McCullough, seconded by Vice Mayor Trefry to approve Warrant 0421 in the amount of \$525,781.52.

ON THE MOTION: Roll Call Vote. Unanimous approval.

9. Ordinances and Resolutions:

A. Resolution No. 2021-05 Amending Resolution 2015-02 Miscellaneous Fee Schedule: City Attorney Smits read Resolution No. 2021-05 into the record.

MOTION: Motion made by Commissioner Harding, seconded by Vice Mayor Trefry to approve Resolution No. 2021-05.

ON THE MOTION: Roll Call Vote. Unanimous approval.

10. Commissioner Reports: Commissioner Harding reported Monroe County updating their Canal Repair Plan and questioned whether Key Colony Beach has input in that process. City Administrator Turner will contact Monroe County Chief Resilience Officer Rhonda Haag and ensure that Key Colony Beach is informed and involved in those meetings. Commissioner DeNeale reported excellent coordination with the Mayors of Monroe County and Miami Dade County through the COVID-19 pandemic. Commissioner DeNeale thanked all involved: Emergency Managers, City Administrators, Mayors, and Staff for all their hard work.

11. City Attorney Report: City Attorney Smits stated after researching Florida Local Law regarding cyber meetings, the law permitting a virtual quorum does not apply to municipalities or volunteer boards. City Attorney Smits will send a written opinion on the rules to forward to all volunteer boards. The Development Agreement process for Oceanfront Condominiums continues to move forward.

A. Permit and Development Cost Recovery: City Attorney Smits reported discussing this item with each Commissioner individually. The City of Islamorada has a cost recovery section, Division 6 Section 30-331, that sets forth all the details. City Attorney Smits will use Islamorada as a basis and provide the Commission with that schedule. Advertisement is to follow in this process.

The meeting adjourned at 11:18 a.m.

Respectfully Submitted,



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