

**MINUTES**  
**CITY OF KEY COLONY BEACH**  
**CITY COMMISSION REGULAR & PUBLIC MEETING**  
November 8, 2021 - 9:30 a.m.  
Marble Hall & Virtually via Zoom Conferencing

**Call to Order, Pledge of Allegiance, Prayer, Roll Call:** The Regular Commission Hearing was called to order by Mayor Sutton at 9:30 am.

*Present:* Mayor Ron Sutton, Vice-Mayor Patricia Trefry, Secretary/Treasurer Kathryn McCullough, and Commissioner Tom Harding. *Also Present:* City Administrator Dave Turner, City Clerk Silvia Gransee, Executive Assistant Saara Staten, City Attorney Ryan Benninger, City Attorney Dirk Smits (*Virtual*), Public Works Supervisor Mike Guarino, Fire Chief John Johnson, Building Official Gerard Roussin, Building Inspector Greg Lawton, Police Chief Kris DiGiovanni, and Code Enforcement Officer Stacy Stahl.

Public – 11 (Virtually), 4 Marble Hall

*Excused:* Commissioner John DeNeale

1. **Citizen Comments and Correspondence**

A. 6 Clara Boulevard – Mary E. McFadden – Email to the Commissioners.

2. **Approval of Minutes:** Minutes from the City Commission Public Hearing and City Commission Regular Meeting, both from October 28, 2021, were accepted as written by the Commission.

3. **Agenda Additions, Changes, Deletions:**

A. In addition: Commissioner Kathryn McCullough – Ocean Club

B. City Administrator Dave Turner – Approval of bill for payment on Lumber Rock in the amount of \$6,638.12.

C. Building Official Roussin - Deletion of Item I.a) Boat Lift Approval. Letters from neighbors have not been provided yet.

D. Deletion of Item 11A, Canal Plan Project – Project will be discussed at next Commission meeting when Commissioner DeNeale will be in attendance.

4. **Special Requests:**

**A. Ocean Club – Commissioner Kathryn McCullough** reported on the possible sale of Ocean Club. Commissioner McCullough posed the question, whether the variances that were granted to Mr. Ong carry forward with the property or if they are limited to the developer. City Attorney Dirk Smits stated that the development agreement applies to the developer, and the variance that is on appeal has been granted pursuant to the application to the developer. If the variance does go forward, it will be granted to the property through the development agreement. Commissioner McCullough further asked if time frames, and stipulations can be put in place for future variances. City Attorney Dirk Smits commented that the variance appeals process has nothing to do with the City Commission and is between the developer and the appellant. The City Commission and City Attorney Smits further discussed where the legal proceedings are at this point and how to avoid a similar situation in the future. Commissioner Kathryn McCullough stated that for future variances, specifications on construction starts times, time limits on permit requests, and variances expiration dates might be helpful. The City Commission, City Attorney Smits, and Building Official Roussin further discussed the possibility of granting variances with conditions. City Attorney Ryan Benninger stated compliance with the court's order by the appellant will be November 9<sup>th</sup>. Vice-Mayor Trefry requested that an email will be send to the Commission with an update on the issue. City Attorney Benninger agreed to provide the Commission with all updates regarding the pending appeal.

**B. Resolution of Opposition to Proposed Development Master Plan (CDMP) in South Miami Dade: Mayor Sutton reported** on the special request by the Florida Keys National Marine Sanctuary in regard to a proposed Development Master Plan on the mainland. Mayor Sutton explained that at this point he would like to know whether the Commission will support the drafting of a resolution supporting this request. All Commissioners voiced their opinion of support. City Attorney Dirk Smits stated that the resolution will be ready for approval for the next Commission meeting.

5. **Committee and Staff Reports:**

A. Marathon Fire/EMS – Fire Chief John Johnson reported 2 medical calls and 1 public assist. Fire Chief Johnson further reported that international travel has opened up. Europe and Russia have reported higher COVID numbers and possible shutdowns again. Mayor Sutton asked for information on children's vaccination, which was not available at this time. Chief Johnson stated that he will provide the answer to Mayor Sutton at a later time.

B. Recreation Committee – No report.

C. Beautification Committee - No report.

D. Disaster Preparedness Committee – No report.

E. Planning & Zoning Board - No report

F. Code Enforcement Board – No Report

G. Utility Board – No Report

H. Police Department – Chief DiGiovanni reported 3 medical alarm calls, provided backup to MCSO twice, 13 miscellaneous calls, various tip-line calls, along with Road Patrol and the Vacation Watch Program. Chief DiGiovanni further stated his appreciation of the Commission approving the Lexipol program. The Chief also reported that Ian has two more tests to complete before being able to sign up for the Police Department. Afterwards he can apply to the Policy Academy. Officer Joe Burden has completed the speed measurement course for running radar. Further, SPCA boxes have been put up in the Post Office to collect money during the holiday season. Vice-Mayor Trefry asked to verify that the correct verbiage is used in the contract for Ian to comply with certain time frames. Commissioner McCullough expressed the wish to have Ian participate in ride-a-longs in Police Cars as soon as possible, to provide Ian with as much exposure as possible. Chief DiGiovanni stated that Ian needs to have the polygraph and the psychological evaluation prior to being able to join the police department.

I. Building Department – Building Official Gerard Roussin reported that the BCAGS visit will be on Thursday. The trip was already planned for 11/11/21 before it was realized to be a holiday. Building Official Roussin will meet the inspector on Thursday to not delay the inspection process. The visit is very important to the City of Key Colony Beach as it correlates directly to the CRS Point Schedule. Two houses are up for approval by the DEO and should not have any delays.

J. Public Works – Michael Guarino reported that Public Works has finished city-wide coconut removal and further assisted the Golf Course with debris removal. Public Works is currently in the process of resurfacing the gravel parking lot and will complete the bridge project today as it was cancelled due to weather last week.

K. City Secretary/Treasurer – No report.

L. City Clerk – Silvia Gransee reported she will be attending the Beautification meeting tomorrow morning, as well as FRS training in the afternoon. City Clerk Gransee will meet the Education Department on Wednesday for the requirements on the CMC certification. Furthermore, City Clerk Gransee will attend the Sunshine Law Webinar this week and establish a Staff for the city.

M. Code Enforcement Officer – Stacy Stahl reported 4 trailer lot calls, garbage education with property managers, 30 licenses were issued, license renewal issues were addressed, several code complaints have been registered and addressed, 4 violations issued, 13 citations for garbage cans were issued, and tip-line calls were answered. Code Enforcement Officer Stacy Stahl also reported that the yard on West Ocean was being mowed as of this morning. Vice-Mayor Trefry asked about the new violation schedule and when it will be sent out. City Administrator Dave Turner reported that it will be sent out this week.

N. City Administrator – City Administrator David Turner reported that he attended the BOCC Special Transportation Meeting as well as the Scenic Highway Alliance Meeting. Furthermore, Christmas and New Year's fall on a Saturday this year and will be observed in accordance with the County schedule. Commissioner Kathryn McCullough asked about an update on Mrs. McFadden's letter. City Administrator Dave Turner reported that he spoke with Marathon City Manager George Garret who reported that the city should have the report by the first week of December. City Administrator Turner stated that he recommends following the recommendations from that report. Commissioner Kathryn McCullough stated that it is important to remember that this is a residential Key Colony Beach Street. Vice-Mayor Trefry asked Chief DiGiovanni what other measures can be taken to enforce the rules in place. Chief DiGiovanni stated that he does not have resources to place an officer there 24/7, however, will place officers there as much as possible. The Commission further talked about the situation for the residents. City Administrator Dave Turner stated that the traffic report should be out by the second week in December and will send it out to the Commissioners when it is received. Planning & Zoning Chairperson Joey Raspe asked if a traffic camera could be put up. Chief DiGiovanni stated that he will price out a traffic camera for the Commission. Key Colony Beach Resident, Mrs. McFadden, voiced her concern about the timing of the traffic analysis. Mrs. McFadden referenced a previous traffic study that was followed and the subsequent failure of that recommendation. Mrs. McFadden further stated to the City Commission her concerns about cars, as well as trucks coming through the area. Mrs. McFadden further commented that two Key Colony Beach restaurants have trucks that use the residential road for deliveries. Commissioner McCullough asked Mrs. McFadden to provide the document to support her statement. Mayor Sutton voiced his support for the traffic camera. Vice-Mayor Trefry and City Administrator Dave Turner suggested 'Hardscaping' to eliminate parking by the gas station on the side street. City Administrator Dave Turner further asked for the approval of a bill in the amount of \$6,638.12 to purchase lumber rock cedar for the observation pier. The amount will be reimbursed from TDC money.

**MOTION:** Motion made by Mayor Sutton, seconded by Vice-Mayor Trefry, to approve the payment of \$6,638.12 for Lumber Rock.

**ON THE MOTION:** Roll call vote. Unanimous approval.

6. **Commissioner Items for Discussion/Approval:** None.

7. **Approval of Warrants:** None

8. **Ordinances and Resolutions:**

A. Citizen Comments & Correspondence: City Clerk Silvia Gransee swore in Joey Raspe as a witness so he may speak during the public hearing.

B. Proof of Publications: Accepted.

C. Recommendation Letter by Planning & Zoning Board for Ordinance No. 2021-468 & 2021-469: Accepted.

D. Resolutions: None.

E. First Reading (Public Hearing)

- a) **CITY OF KEY COLONY BEACH ORDINANCE No. 2021-468 Comprehensive Plan Amendment**  
Mayor Sutton conducted the First Reading of Ordinance No. 2021-468.

**MOTION:** Motion made by Vice-Mayor Trefry, seconded by Commissioner McCullough, to approve the First Reading of Ordinance No. 2021-468.

**DISCUSSION:** Commissioner Kathryn McCullough reported on the issue of affordable housing in the city. The Commissioner stated that she would like to see the city, moving forward, to take steps obtaining property and providing workforce/affordable housing for city employees. The Commissioners talked about the possibility of obtaining property for the city as well as possible grants to purchase vacant land. The Commission continued to talk about the possible obstacles involved. Vice-Mayor Trefry stated that previously an economic development consultant was consulted, and two properties were identified as possible affordable housing properties. Vice-Mayor Trefry mentioned the possibility of HUD monies and possible grants for workforce housing. Existing structures on these properties would have to be demolished and condos would be put up instead. Commissioner McCullough clarified that the document on the Motion for approval is fine. Mayor Sutton asked Vice-Mayor Trefry to form a committee to advise on the issue of workforce/affordable housing.

Commissioner Harding had two minor revisions on the document. Page 8 showed an outdated map of the city and asked for an updated map. Page 39 still had a comment on underground utilities which needs to be removed.

**ON THE MOTION:** Roll call vote. Unanimous approval.

- b) **CITY OF KEY COLONY BEACH ORDINANCE No. 2021-469 LDR Amendment:**  
Mayor Sutton conducted the First Reading of Ordinance No. 2021-469.

**MOTION:** Motion made by Vice-Mayor Trefry, seconded by Commissioner Harding, to approve the First Reading of Ordinance No. 2021-469.

**ON THE MOTION:** Roll call vote. Unanimous approval.

- c) **CITY OF KEY COLONY BEACH ORDINANCE No. 2021-470 Discretionary Spending:**  
Mayor Sutton conducted the First Reading of Ordinance No. 2021-470.

**MOTION:** Motion made by Commissioner McCullough, seconded by Vice-Mayor Trefry, to approve the First Reading of Ordinance No. 2021-469.

**ON THE MOTION:** Roll call vote. Unanimous approval.

F. Second Reading: No Second Reading.

9. **Commissioner's Reports or Comments:** Commissioner Harding presented a document draft pertaining to the recommendation for FDOT from Monroe County. Commissioner Tom Harding explained that the next step is to provide a resolution for suggested needs for the City of Key Colony Beach. This draft is to be scheduled for the next Commission Meeting for discussion. Commissioner Harding asked for the Commissioners to look through provided documents before the next meeting. City Administrator Dave Turner clarified the schedule of input from the City to Monroe County, which in turn submits to FDOT. All Commissioners input to be sent to City Administrator Dave Turner in regard to alleviating traffic issues in the Keys. Commissioner Harding stated that FDOT uses this list for work for the next 5 years. Mayor Sutton requested for the attorneys to compose a draft for the next Commission Meeting.
10. **City Attorney – City Attorney Dirk Smits reported** that he emailed the variance section pertaining time limits to the Commissioners for review.

The meeting adjourned at 10:47am.

Respectfully Submitted,

*Silvia Gransee*

City Clerk