

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

March 10, 2022 - 9:30 a.m.

Marble Hall & Virtually via Zoom Conferencing

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call: *The Regular Commission Meeting of the City of Key Colony Beach was called to order by Mayor Trefry at 9:30 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.*

Present: *Mayor Trefry, Vice Mayor Harding, Commissioner Sutton, Commissioner DeNeale, Secretary-Treasurer McCullough. Also Present: City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Dirk Smits, Public Works Department Head Mike Guarino, Building Official Gerard Roussin (virtual), Police Chief Kris DiGiovanni, Code Enforcement Officer Stacy Stahl, and Fire Chief John Johnson.*

Public: *3 Marble Hall, 13 Virtual*

2. Citizen Comments and Correspondence: *City Clerk Gransee reported on citizen emails received over the last month.*

3. Approval of Minutes: *The City Commission Public Hearing and Regular Meeting Minutes from February 24, 2022, were accepted as written.*

4. Agenda Additions, Changes, Deletions: *City Attorney Dirk Smits requested to have Item 11 A. removed due to Building Official Gerard Roussin being out sick.*

5. Special Requests: *None*

6. Committee and Staff Reports:

A. Marathon Fire/EMS – Fire Chief John Johnson reported 3 medical calls, 1 public assist, 1 vehicle accident and 1 small fire. The Chief reported Key Colony Beach Day a success with good attendance. Fire Chief Johnson further reported that traffic will be heavy this weekend due to the Seafood Festival. The Chief further advised that Storm Season is coming up and the time to prepare is now.

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 Kris DiGiovanni reported on 4 reports: 1 disturbance on the Causeway, 1 trespassing on W. Ocean Drive, 1 traffic stop by the Mobile Gas Station, 1 small fire on Coury Drive, 3 medical calls, 10 calls for service, provided backup for MCSD 7 times, along with the Boat & Road Patrol, and the Vacation Watch Program. Chief DiGiovanni also reported a great venue at Key Colony Beach Day with no incidences. Chief Kris DiGiovanni reported meeting with City Administrator Dave Turner to discuss the Key Colony Beach Police Department and the intention to bring it out and front. The objective to get past the cloud of Hurricane Irma and Covid, and to bring the Department back on the street. Chief DiGiovanni also reported to be aware of heavy traffic due to the upcoming Seafood Festival.

I. Building Department – Building Official Gerard Roussin reported virtually via Zoom. The Building Official asked for approval for an 8-post cradle style 60,000-pound boat lift on 245 15th Circle. Building Official Roussin stated that letters from the neighbors have been received giving approval and further stated, that the bay bottom is not privately owned.

MOTION: Motion made by Commissioner DeNeale, seconded by Commissioner Sutton, to approve the 60,000-pound boat lift on 245 15th Circle.

DISCUSSION: Vice-Mayor Harding stated for the record, that this approval poses no detriment to the neighborhood.

ON THE MOTION: Roll call vote. Unanimous approval.

Building Official Roussin further reported on being out of the office since a week ago Tuesday and is hoping to be back soon. The Building Official praised Building Inspector Gerald Leggett of doing a very good job while he has been out of the office. Building Official Lawton's last day was the previous Friday.

Building Official Gerard Roussin reported that the Endangered Species Audit is coming up in two weeks and is hoping to do well on that.

Vice-Mayor Harding asked Building Official Roussin to document the timing for the 30-day window for 1000 W. Ocean Drive. Building Official Roussin reported that the letters were finished by the office on the 16th and then send out by mail. Building Official Roussin reported of receiving the receive notice from EZ Construction on the 22nd, however, the actual date of notice on the letter was February 16, 2022. Commissioner Sutton asked when the decision will be made on compliance. Building Official Roussin stated that owner has 30 days from February 16th to complete the shoring and that they have been in contact with the building department. An engineer for the shoring was supposed to come this week and make a report for the building department. There also is expected to be structural report on the concrete. A certified engineer went with the building department to do an informal visit to look at what the city is looking at. The Building Department is waiting on the report from the contractor on the job.

J. Public Works – Public Works Department Head Mike Guarino reported on prepping last week for the Key Colony Beach Day. Further, navigational signs within city waters were replaced. Currently, the Public Works Department is focusing on cleaning up the streets, in particular the overflow of pea gravel prior to the rainy season. Vice-Mayor Harding thanked Public Works Department Head Mike Guarino for help in cleaning up a table on public grounds.

K. City Secretary-Treasurer – No Report.

L. City Clerk – City Clerk Silvia Gransee reported completing 1 public records request, attending a webinar on updated legal notices and advertisement. The City Clerk further reported on completing the PointMatch report with the help from the Building Department, prepared for the Beautification meeting and completing their minutes. City Clerk Gransee reported on updating the City Website with previous year's minutes and agendas and the addition of upcoming meetings to the website. The City Clerk reported on the upcoming meeting with the Deputy Director of the Supervisor of Elections Office to determine, if the Public Works Building qualifies as an official voting station.

M. Code Enforcement Officer – Code Enforcement Officer Stacy Stahl reported 15 trailer lot calls, working on Rentalscape and CitizenServe for properties to be loaded in correctly, and attending a Rentalscape Training. Code Enforcement Officer Stahl is also working on CitizenServe to clean up old records to prepare for the upcoming year, as well as new violation reports. Code Enforcement Officer Stahl further stated on teaching her first Property Managers Class with a total of 15 attendees. 7 of those attendees have paid at this point for the certificate and Code Enforcement Officer Stahl will follow up with the remainder attendees on their intentions of obtaining the certificate. The Code Enforcement Officer reported on 2 upcoming Code Enforcement Hearings regarding a floating dock and a mangrove trimming case. There were 3 light encroachment cases, follow-ups on landscape maintenance cases from last month, 1 renting without a license case. The Code Enforcement Officer stated that she will be adjusting her schedule in the upcoming weeks to address different issues. There were 29 new cases including 24 actual citations issued, as well as a report on an illegal tiki hut that will be investigated. Commissioner Sutton asked about the policy on what happens when appliances do not get picked up by Marathon Garbage in a timely manner. Code Enforcement Officer Stahl replied that any white trash will get a sticker to make sure the public knows the item has been addressed, as well as a note to call the

garbage company to arrange for pickup.

N. City Administrator

a) City Administrator Dave Turner reported no changes on the City Hall update.

b) City Administrator Dave Turner submitted an estimate from a company for Iguana Control. Commissioner McCullough asked if the cost is for city properties only and asked if there could be a provision for private residents to obtain the service. City Administrator Turner stated that the vendor stated that there will be a discount available for residents to join the service. Vice-Mayor Harding reported on using the same firm and seeing a significant improvement with the iguanas and supports the next step in review. The Commission agreed for the City Administrator to contact the company and to set up a presentation for the next Commission meeting.

c) The City Administrator reported that the donated golf cart can be used on the road, but it will have to be added to the insurance. It can only be used for city business. An education class will be needed to teach on correct usage. Commissioner Sutton mentioned that he printed information material for City Administrator Turner in case he would like to make the cart street legal, even though it is not necessary since it is a government cart.

City Administrator Turner reported on attending a meeting with the Monroe County Sheriff's Department with all their command staff. Chief Kris DiGiovanni attended as well virtually. The City Administrator reported on having a great meeting and good feedback with a good partnership is expected to follow.

City Administrator Turner attended the ICMA conference and networked with many of his colleagues. City Administrator Turner thanked the Chief for the support during KCB Day and all the officers for their help. Vice-Mayor Harding commented on the new venue being a great location.

City Administrator Turner further met with Commissioner Sutton, the chairmen of the Utility Board, as well as Engineer Jason on the 10th Street project. The bid package was addressed, has been put together, and will go out to bid soon. A Street meeting with the residents will be scheduled to address expectations, responsibilities, and time frames.

The City Administrator further reported on attending the Beautification Meeting, as well as meeting with several residents to discuss concerns which all were resolved.

City Administrator Dave Turner stated that going forward, Chief Kris DiGiovanni will be working his day shift and will not be working the street. The Chief will be attending every high-level meeting in the future and will have a seat at the table. The City Administrator stated that the Chief will set his own schedule and will address his needs within the department.

City Administrator Turner reported that the Pickle Ball Group will have a fundraiser tournament April 9-10 which will help with the maintenance of the courts. The group will also have a "Learn to play Pickleball" on March 26 and 27.

The City Administrator further reported on the \$2,600,000.00 for Stormwater. Mayor Trefry informed that there will be a vote on Saturday morning and then the bill will go to the Governor's team. The Commission further discussed the approval process.

City Administrator Turner reported that 'Hot Dogs in the Hut' will have no entertainment on April 2. The event will run from 2:00 - 5:00 pm with Hot Dogs, Beer, and a 50/50 fundraiser. City Administrator Turner thanked the Beautification Committee for the great job they are doing. City Administrator Turner also commented on the Golf Pro Shop that was painted and the completed landscaping. The City Administrator stated that he will submit a color palette to adopt the colors that were used as the official city colors.

Mayor Trefry asked on how many people will be attending the Pickle Ball Tournament. City Administrator Turner replied that there will be between 20-30 people attending. Mayor Trefry reported that 'No Tournaments' was one of the stipulations when the Pickle Ball courts were built, but had no problem with 20-30 people attending at one time. In addition, Mayor Trefry asked that there will be no advertising for the National Pickle Ball League. City Administrator Turner commented that there is none. Commissioner McCullough stated that the issue of Pickle Ball has been a "lightning rod" and she would like some citizen input on the issue. Mayor Trefry also stated that it has been a "polarizing issue". City Administrator Turner asked if the Commission would like to deny the tournament. Commissioner McCullough stated she would like to know what the residents

and player think. Vice-Mayor Harding suggested that a townhall meeting could be scheduled for input. Commissioner McCullough suggested more notification on pickle ball events. The Commission further discussed the issue. Commissioner Sutton recommended the issue to be placed on the next agenda for a vote. Commissioner DeNeale stated that he does not see a difference between golf, bocce, or pickle ball, and does not see an issue with this. Mayor Trefry reported that it was made clear to the Pickle Ball Group that no big tournaments were going to be held like in Key West or other parts of the Keys.

Commissioner DeNeale asked what the next steps are in the City Hall process. City Administrator Turner explained that he is waiting for the drawings to be updated for the relocation of the building as well as the elimination of the stairs. Commissioner DeNeale stated that he sees this as change of the plans, and it needs a vote by the Commission for that. City Administrator Turner stated that he will wait for the finalized plans and present them to the Commission to approve.

7. Commissioner Items for Discussion/Approval

A. Mayor Trefry reported on the City Administrator's contract. Mayor Trefry stated that one of the changes she would like addressed is the use of the city car to the City Administrator like the Chief of Police and Building Official. City Administrator Turner stated that the ability is also part of a possible emergency response situation. Mayor Trefry further commented that the City Attorney will do the contract modification for approval by the Commission. Vice-Mayor Harding stated that the IRS has very strict rules on vehicle use and state guidelines. The Vice-Mayor suggested for the City Attorney to review the cities policy to check for compliance. The City Attorney stated the benefit of public purpose for the vehicle and will investigate IRS requirements. Mayor Trefry further reported on the extension of Dave Turner's contract for one year from March 2024. Mayor Trefry further addressed the suggested pay increase of \$15,000.00. Mayor Trefry reported on average salaries, as well as the salaries currently being offered by neighboring municipalities. Mayor Trefry asked the Commission if they would like to ask further questions. Commissioner DeNeale stated that he supports a salary of \$100,000.00. Commissioner McCullough stated that she supports the car. Commissioner McCullough stated an increase to a salary of \$100,000.00 represents an increase of 17.68% which is well above the cost-of-living increase. Commissioner McCullough stated that Dave Turner had negotiated a bad contract by only asking for \$80,000.00 in the beginning. Commissioner McCullough further stated that she thinks Dave Turner has done a very good job and does not dispute that. Commissioner McCullough commented that she supports the car and idea of the project manager for the duration of the rebuild. Commissioner McCullough further stated that the city is unique with only 15 streets, no port, no commercial area, no frontage on US1, and many homeowners' association are bigger than Key Colony Beach. Vice-Mayor Harding agrees that Dave Turner is doing an excellent job and deserves a raise. Vice-Mayor Harding voiced is concern that it has only been a few weeks after the Commission stated that all employees should stay at 5% and were given a \$3,000.00 bonus. He further said that there is always the option of a bonus and a raise for his performance. Vice-Mayor Harding further stated he has never received a 19% raise during his employment in the motor motive industry. Vice-Mayor Harding further commented that he is comfortable with a 10% increase. Vice-Mayor Harding continued by saying that he believes Dave Turner's current salary is \$84,000.00, and that the Commission also has the ability to grant a bonus for performance. Vice-Mayor Harding stated the city of Marathon has a much bigger scope and justifiable their city manager should be paid more. Vice-Mayor Harding stated that he agrees with the car, however, cautioned everyone on very stringent IRS guidelines. Commissioner Sutton stated that Dave Turner has done a very good job last year and agrees that a 17 percent increase is a lot, however, Dave Turner will save the city a lot by being the project manager. Commissioner Sutton suggested he agrees to a 10% raise and to give a bonus to make up for the rest to make up for project manager. Vice-Mayor Harding stated that they are all having a hard time with Dave being the project manager as they need someone to run the city which he does a good job of. Vice-Mayor Harding further stated that a project of this scope needs a project manager and Dave will run the city or that the city will hire a person to help Dave run the city. Vice-Mayor Harding further reported that 5% of grants are allowed to being allocated to administrative costs. Commissioner Sutton commented that he would like to give Dave Turner a shot for project manager. Mayor Trefry stated that the project manager is on the agenda as item for discussion but needs more time before a decision is made. Commissioner DeNeale stated that he believes that Dave Turner will be there overseeing

the project regardless and it is worth a shot. Commissioner DeNeale further said that he is very comfortable with Dave Turner being the project manager. Commissioner DeNeale further told that the Commission was very comfortable with hiring a different City Manager prior to Dave Turner with a much higher salary. Part of the discussion with Dave Turners salary was that he did not have the background which resulted in a lower salary. Commissioner DeNeale further confirmed that he has been extremely impressed with Dave Turners performance over the last year and a \$100,000.00 salary will bring him inline with were he should be. Commissioner McCullough stated that the Commission would have hired Dave Turner at \$100,000.00 if he would have requested it. Commissioner McCullough stated that she supports a 5% cost of living adjustment, the car, and a bonus, but not the suggested increase. Mayor Trefry clarified that Dave is not eligible for a cost-of-living increase per his contract. City Attorney Smits suggested to make a motion to include each item for a vote.

Mayor Trefry stated the items up for a motion would be the extension of the City Administrator's contract, increase of salary, and the use of the city car.

MOTION: *Motion made by Commissioner Sutton, seconded by Vice-Mayor Harding, to extend Dave Turners contract, 10% raise, use of the city vehicle and a bonus in the amount equivalent to reach the \$100,000.00 salary.*

DISCUSSION: *Commissioner DeNeale stated that the discussion on the project manager is premature and should not be included in this motion. Vice-Mayor Harding suggested an edit on the vote for 90 days after April based on performance a bonus. Mayor Trefry also stated to leave the project manager and bonus for future discussion.*

ON THE MOTION: *Motion withdrawn by Commissioner Sutton.*

MOTION: *Motion made by Commissioner Sutton, seconded by Commissioner DeNeale, to increase salary to \$100,000.00, add a 1-year extension to his current contract to 2025, and the use of the city car.*

DISCUSSION: *Commissioner McCullough clarified that the salary increase represents a 17.65% increase.*

ON THE MOTION: *Commissioner DeNeale – yes, Vice-Mayor Harding – no, Commissioner Sutton – yes, Commissioner McCullough – no, Mayor Trefry – yes. Motion passed.*

Mayor Trefry asked City Attorney Smits to modify the contract as voted upon and to check on IRS compliance.

B. Vice-Mayor Harding reported on the Community Rating System, which is a voluntary program through FEMA. Key Colony Beach is currently rated at a Class 7, which is a lower rating than other cities in the county. Vice-Mayor Harding further explained that the higher the rating the more discounts residents receive. An area of improvement in the CRS rating is the section of 'Storm Ready'. One of the items is weather service communications for storm events. A Key Colony Beach resident is a HAM amateur radio operator and volunteered to support the city. Vice-Mayor Harding further explained the process and benefits of having a HAM radio station for Key Colony Beach. The Monroe County Sheriff's Department supports HAM radio financially, and the National Guard will use it in the event of emergencies as well. Vice-Mayor Harding further stated the needed equipment to make the station operable. Mayor Trefry asked on a prior discussion by the Aqueduct Authority for a radio tower that could be used as a HAM radio tower as well. Vice-Mayor Harding reported that the proposal was a 35' tower that would be extended by a crank that is not in permanent position. City Administrator Turner stated that the tower is a telescopic tower that is operated by a winch and not highly visible. Vice-Mayor Harding stated that he will go forward with the project.

C. City Clerk Silvia Gransee reported that City Hall is currently providing free notary services to all residents and non-residents alike. At times the requested documents are larger and can take time away from regular city business by the staff. City Clerk Gransee reported on how other cities provide notary services. The City Clerk suggested future notary services to be free for all city-related business, to restrict notary services to 2 (two) seals free of charge to residents, and 2 (two) seals for non-residents with a charge of

\$10.00 per seal. The Commission agreed upon the change. City Attorney Smits stated that he will draft a resolution to formally adopt the change.

8. Approval of Warrants: None.

9. Ordinances and Resolutions: None.

10. Commissioner Reports or Comments:

Commissioner McCullough reported that Key Colony Beach Day was the 65th anniversary of the city. The Commissioner further stated that the new venue was great and netted \$13,000.00 for the Community Association. Commissioner McCullough further thanked the Public Works Department, the Police Department, and Fire Chief Johnson.

Vice-Mayor Harding gave an update on the FDOT grant and stated that the city is on the 2nd step in the application process.

Commissioner DeNeale stated that he will see everyone at the parade on St. Patrick's Day and for everyone to wear green.

11. City Attorney Dirk Smits:

A. ~~Update on Proposed Amendment on Structural Integrity~~ ****deleted****

B. City Attorney Dirk Smits updated on the Key Colony Beach Trademark. The City Attorney stated that the city may or may not have adopted the logo, but the city most certainly owns it by common-law. City Attorney Smits stated that he prefers to have an ordinance to have it officially in the code. Commissioner DeNeale stated that he remembers voting on the seal in prior years, but it was not codified. City Attorney Smits stated that he will include the fact in the resolution. The Commission discussed the possible timeframe on when the seal was voted upon. City Attorney Smits stated that the city has solid common-law grounds but will bring back an ordinance to formally adopt it.

12. The meeting adjourned at 10:55 a.m.

Respectfully Submitted,

Silvia Gransee

City Clerk

ADOPTED: March 24, 2022

Silvia Gransee

City Clerk