

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, March 24, 2022 – 9:30 a.m.

City Hall Auditorium & 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, Police Chief Kris DiGiovanni, Code Enforcement Officer Stacy Stahl, and Fire Chief John Johnson.*

Public: *10 Marble Hall, 15 Virtual*

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

3. Approval of Minutes: *The City Commission Public Hearing and Regular Meeting Minutes from March 10, 2022, were accepted as written.*

4. Agenda Additions, Changes, Deletions: *Mayor Trefry requested the deletion of Item I.A. under the Building Department. In addition, Mayor Trefry requested to move the discussion on Pickleball to ‘Special Requests’ by Sue Redding.*

City Administrator Dave Turner requested to add a discussion on Smart City to his report.

5. Special Requests: *Susan Redding, 21 Sombrero Boulevard, appeared before the Commission presenting a check in the amount of \$3,000.00 from the Key Colony Beach Fishing and Boating Club. Mrs. Sue Redding reported that last year the fundraiser only raised \$1,700.00 which presents a 33 percent increase for this year. Mrs. Redding presented a rough sketch of the Pickleball courts showing where Buttonwood trees were planted as a sound barrier for people on the 9th hole and the Pickleball courts. The Buttonwoods also act as a windscreen which replaces the windscreens. Mrs. Sue Redding proposed a Pickleball fundraiser on the 9th and 10th of April limited to maybe 30 participants. Mrs. Redding continued by saying that with the money raised she would like to address a few safety issues and continue the Buttonwoods on the two end courts to hide the septic systems and the trailers. Mrs. Redding also would like to replace the wind nets which currently need to be put up and down twice a year. Mrs. Sue Redding further stated that in between the two courts is a fence line that she would like to have addressed for a safety hazard as well. Mrs. Sue Redding reported that in between the courts is a lot of gravel that presents a sliding hazard which had already resulted in injuries. Mrs. Sue Redding stated that eventually she would like to have this replaced with Astro Turf or other rubberized material. Mrs. Redding closed by saying that this is her proposal, and she would like to hold the Fundraiser on April 9th and 10th when it is slow, they will keep courts available for the public, and limited to 30 participants.*

MOTION: *Motion made by Vice-Mayor Harding, seconded by Commissioner Sutton, to approve the Pickleball Fundraiser.*

DISCUSSION: *Commissioner DeNeale stated that he believes this is great idea and appreciates the cause for safety. Mayor Trefry also stated that the City will be upgrading the playground equipment and asked Mrs. Redding to coordinate with the City Administrator in regard to the black cushion surface which might help to keep the cost a little bit lower. Mrs. Sue Redding asked if this material is porous to let the rain through which was confirmed by the Commission. Mayor Trefry asked Mrs. Redding to coordinate with the City Administrator for pricing. City*

Administrator Dave Turner stated that this can be discussed during the Recreation Committee meeting and can be added to next year's budget.

ON THE MOTION: Roll call vote. Unanimous approval.

6. Committee and Staff Reports:

A. *Marathon Fire/EMS – Fire Chief Johnson reported 2 internal fire alarms, 3 medical calls, and 1 public assist. Fire Chief Johnson stated that the St. Patrick's Day Parade went well, and he attended it from the water way. Fire Chief Johnson also reminded everyone that storm season is coming and to have all preparations set-up including to-go bags ready and houses being taken care off. Fire Chief Johnson stated that the Fire Department has started their storm preparations as well with trimming trees by the station, so not to be rushed when a storm is approaching.*

B. *Recreation Committee – No report.*

C. *Beautification Committee – Beautification Committee Member David McKeehan reported for Beautification Chair Greg Burke. David McKeehan reported that it was a good month for the Beautification Committee with Volunteers with three work parties completed, including the golf course with two pallets of mulch. The Entrance Garden to KCB including the 'What's Your Hurry' sign was completed as well. David McKeehan continued by thanking the Volunteers that attended the work parties as well as the City of Key Colony Beach. David McKeehan reported that Public Works Department Head Mike Guarino and City Administrator Dave Turner had been indispensable with all the work have done. David McKeehan also said that the Lignum Vitae is under root pruning with about three weeks to go before the \$8,000.00 tree is ready for transplant. David McKeehan reported that the tree looks good and has not suffered so far. Furthermore, David McKeehan informed on planting 15 butterfly attracting plants in the Coconut Path and that the Beautification Committee is aiming on being certified as a butterfly garden. David McKeehan said that the inspection is next Thursday by the Marathon Garden Club, and that the Committee is hoping to achieve the certification. David McKeehan encouraged everyone to take a walk and enjoy the garden. David McKeehan also reminded that the 'Hot Dogs in The Tiki' event is next Saturday, April 2nd, for 2-5p.m, with local entertainment. David McKeehan said that he hopes for a great turnout for the fundraiser which will have hot dogs and free beer. David McKeehan further reported that the Committee will have one work party at the Tiki tomorrow, and five or six more scheduled until the weather becomes too hot. The Commission thanked David McKeehan for his 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 informed on 4 reports including disorderly intoxication with trespassing on 2nd street, Circle K had a parking accident, 1 accident on Coury Drive prior to the St. Patrick's Day Parade which resulted in some cables being pulled down, and a traffic case with a tag issue. The KCBPD responded to 4 medical alarm calls, 16 calls for service, and backed up MCSO 12 times, along with boat and road patrol, and the vacation watch program. Chief Kris DiGiovanni reported that he will be on Tuesday, March 29, at the Key Colony Inn for 'Coffee with the Chief' to get to know more residents and hopes to be able to plan more like events in the future. Chief DiGiovanni further reminded everyone that the 7-Mile Bridge Run is on Saturday, April 2, from 6-9 am with the bridge being closed and to be careful with the traffic. Chief Kris DiGiovanni also informed that the Police Department is in the planning stages for the 15th Annual Kids Fishing Derby on June 15th and the Chief will share more details as the planning progresses. In closing, Chief DiGiovanni wished Commissioner DeNeale a happy birthday.*

I. *Building Department – Building Official Gerard Roussin*

*a) 908 W. Ocean Drive—Owner Jody Cox: Appeal on Denial of Building Permit **deleted item***

b) Update on 160 10th Street – Building Official Gerard Roussin reported that all permits have been issued and that all fines have been paid and that work is progressing with a local contractor to bring the property into compliance.

c) Update on 1000 W. Ocean Drive – Building Official Gerard Roussin reported that the Building Department is working on some issues and that hopefully by the next Commission meeting there will be more updates. In addition, the property is being queued up to go into the system as a code issue, which should be filed by the end of this week. Building Official Roussin further stated that the property will be going on the next Code Enforcement Board Hearing on April 13th as an expedited unsafe structure issue.

d) Update on Monte Christo – Building Official Gerard Roussin reported that the railings were supposed to be delivered on Tuesday to address the retaining wall with the seawall caps with no railing. The Building Official informed that there was a stipulated agreement which was extended by one month due to delivery issues. The project should be completed by the end of this month, otherwise the fine will be retroactive to September 9th, 2021. The Building Official closed by saying that they are looking for this to be completed and to having a safe area there.

Building Official Roussin informed that the Endangered Species Audit is completed, passed, and to be repeated in six months. Building Official Roussin stated that the Building Department has been very busy with 195 permits issued in the last six month. The Commission did not have any additional questions for the Building Inspector.

J. Public Works – Public Works Department Head Michael Guarino reported the department has continued with their street cleaning project and are now on 12th Street. Furthermore, the Public Works Department has assisted the Golf Course with debris cleanup from the last few heavy winds. In addition, Public Works Department Head Mike Guarino reported that they have begun their annual maintenance on all their power equipment in preparation for hurricane season.

K. City Secretary/Treasurer – Secretary-Treasurer Kathryn McCullough reported on having a telephone conversation with Jen Johnson in the morning regarding some anomalies in the financial reports. Commissioner McCullough informed that on Page 4 of the report the sales use and fuel tax in the amount of \$5,200.00 was listed with no budget and no previous activity to it. Commissioner McCullough said that it appears to be a coding error between funds and that Mrs. Johnson is working on resolving it. In addition, Commissioner McCullough addressed the question on why the electric bills were not paid on time, which was explained due to a delay in mail. Commissioner McCullough also addressed the question of the new account on the monthly warrant which does not show on the balance sheet. Commissioner McCullough reported that one of the city's bank accounts was compromised by fraud and explained how the bank is resolving the issue. Commissioner McCullough thanked City Administrator Dave Turner for his help in addressing the questions with Mrs. Johnson.

Commissioner McCullough reported that the City is doing well on income, and expenses are on target. Commissioner McCullough reported that for the month of February the City lost \$26,132.00 and year-to-date is 1.61 Million to the good. Mayor Trefry thanked Commissioner McCullough for her report and verified that the Commissioner is satisfied with the answers that she received from Jennifer Johnson. Commissioner McCullough answered that she had been getting concerned over the last few months but stated that Jennifer Johnson is on top of things, but is concerned with the short amount of time that is available for the financial reports.

L. City Clerk – City Clerk Silvia Gransee reported on meeting the Deputy Director of the Supervisor of Elections Office with City Administrator Dave Turner and Public Works Department Head Mike Guarino. City Clerk Gransee reported that after inspection of the Public Works Building, the Election Office determined that that building could not be used as a polling place. City Clerk Gransee continued by saying that today at 1pm there would be another meeting to inspect the Golf Pro Shop as a possibility for a polling place. City Clerk Gransee also stated that all website updates were made and that a new tab for passed resolutions will be added to the city's website. City Clerk Gransee further reported on completing the City Commission Minutes, meeting with the Monroe County Clerks, attending the Planning and Zoning Meeting and being in the process of completing those minutes. Lastly, the City

Clerk reported on preparing for the Code Board Meeting on April 13, the Planning and Zoning Meeting on April 20, the Recreation Meeting on March 30, and the Beautification meeting on April 12.

M. Code Enforcement Officer – Code Enforcement Officer Stacy Stahl reported on working on a financial report for Code Enforcement. Code Enforcement Officer Stahl reported that since the beginning of the fiscal year 285 new code cases have been added to Citizenserve with a fee total of \$12,300.00. Payment totals are currently at \$7,100.00 with an outstanding balance of \$5,200.00. Code Enforcement Officer Stahl reported that she expects the majority of these will be paid by the end of September when the business license renewals are sent out. In addition, there are about \$8,000.00 in pending fines for Code Board Hearings. Code Enforcement Officer Stacy Stahl reported 15 Trailer Lot Calls, 7 new code cases, including 4 for trash, 1 dumpster/littering on Circle K which had been resolved completely, 1 yard maintenance, and working without a permit. Code Enforcement Officer Stahl reported on working with Rentalscape and resolving incorrect parcel numbers in the system. In addition to working with Citizenserve on the upcoming renewals in September and making corrections in the system. Furthermore, Code Enforcement Officer Stahl reported on new cases coming up, including a case of renting without a license as well as a possible business without a license. Commissioner McCullough asked Code Enforcement Officer Stahl if there have been new cases through the new data mining program. Code Enforcement Officer Stahl reported that the program has been helpful in investigating a few things so far but has not been presented with any cases yet since the program is still being worked on. City Administrator Dave Turner reported on a property that was being homesteaded, being rented, registered as a rental and has been turned over to the County Appraisers Office which also involves the State’s Attorney. City Administrator Dave Turner reported that this is an arrestable offense to homestead your property and to rent it out. City Administrator Turner further stated that the system will identify these properties and they will be turned in to the authorities. Mayor Trefry stated that the system should pay for itself in a very short time and the more input can be given the more the system will pick up. Code Enforcement Officer Stahl reported that the system is still being loaded with all the properties and is still being set up.

N. City Administrator – Dave Turner

a) City Hall Update – City Administrator Dave Turner reported that the Postal Service approved the move of the Post Office into the temporary trailer, and he should have a contract by the end of next week. The City Administrator further reported that the current contract is up in two years, and he is hoping to receive a 10-year guarantee from the Postal Service. City Administrator Turner stated that he will bring the contract to the Commission when he receives it. The Building drawings by LIVS are still being worked on and will bring these back to the Commission when he receives them. Commissioner DeNeale stated that if a quick approval is needed, a special meeting can be held. Commissioner McCullough asked if moving the building will have any impact on waterfront park and the pavers. City Administrator Dave Turner responded that the fence line will go right along the garden and the bricks, and they will not get disturbed. City Administrator Turner reported that the building has to go toward the ocean 3 feet to be in the correct flood zone to help with future insurance costs. Commissioner Sutton asked City Administrator Dave Turner about the asbestos in the ceiling and possibly closing City Hall very soon. City Administrator Turner stated that he would like to start the process in the middle of April and is waiting for the Post Office to move to the temporary trailer. Once the Post Office has moved, the building can be closed. In addition, the Building Department and Police Department must be moved as well prior to the asbestos removal. City Administrator Turner stated that he would like to have the move completed by May 1. The City Administrator further said that with everyone here in the winter it made it a little bit easier to leave things open to wait for the season to slow down.

b) Approval of Dog Park – City Administrator Dave Turner reported that the projected cost of the Dog Park is \$10,640.00 and that in the last 2.5 weeks \$6,000.00 were raised through fundraising. City Administrator Turner asked the Commission for final approval to go ahead with the Dog Park and stated that with the approval City Attorney Dirk Smits will go over the contract and make sure it is done correctly. City Administrator Dave Turner further reported that Mr. Steve Wenger has guaranteed that if the money in the amount of \$10,640.00 has not been raised by April 15th, Mr. Wenger will pay the balance on that day and the project will be paid in full by private

funds. City Administrator Turner stated that the donations are coming in from \$100.00 to \$1,000.00 checks. City Administrator reported that 7th Street residents are donating to the project as well and were attending the Planning & Zoning Meeting last week and had not voiced any objections to him. City Administrator Turner further stated that with his later report on playground equipment, with this addition it would be a real benefit to the City. Mayor Trefry asked the City Administrator for clarification on what kind of approval he was seeking regarding the funding. City Administrator Dave Turner stated that he is only looking for approval to build the Dog Park and that the Dog Park will be built by private funds. Commissioner DeNeale stated that if these funds are going to be donated to the City and the City will be paying for the Dog Park, if there needs to be a vote on a dollar amount that comes out of city funds. Commissioner McCullough stated that she believes that it only needs to stipulate that it comes out of contributions. City Attorney Dirk Smits agreed with Commissioner McCullough. Commissioner DeNeale stated that the Commission will vote that they will spend the \$10,000.00 and that it will be based on contributions. City Administrator Dave Turner stated that the exact amount is \$10,640.00.

MOTION: *Motion made by Commissioner Sutton, seconded by Commissioner DeNeale, to approve the Dog Park to be paid for in contributions up to \$10,640.00.*

DISCUSSION: *None.*

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

e) Update on Grant for Playground Equipment – City Administrator Dave Turner reported that the \$50,000.00 Grant for the Playground Equipment will be funded. The City Administrator further explained that there were some conceptual drawings with shade over the playground equipment in the agenda packet and he would like to receive a head-nod from the Commission to proceed with the project and to go ahead and finalize plans to bring back to the Commission for approval. City Administrator Turner further stated that this will include taking one playground set out that is in bad condition and installing a new one. In addition to installing shade over the new one and installing shade over the 1st Street playground, as well as refurbishing the soft pad under the playground equipment and the swing set. The City Administrator stated that the black tire mulch is degrading and turns everything very dirty. City Administrator Turner further stated that there are some funds available if a planter buffer is needed as discussed in the last meeting regarding Bocce and ADA. City Administrator Turner stated that it will be very tight in the area and that the Horseshoe area is in bad shape, and he would like to remove it, and replace it with the Bocce Court. City Administrator Turner further reported that two large trees have roots sticking out that present a tripping hazard. The City Administrator stated that these can be covered with topsoil to prevent accidents as well as the protection of the roots for the trees. City Administrator stated that he would like to have a head-nod on the playground so he can move ahead with this. City Administrator Turner explained that the project will be funded at the end of the month, and he would like to be proactive and start moving forward with the conceptual drawings. City Administrator Dave Turner further stated that if some more funds are needed to complete the project he can come back and present on that and he believes that some funds can be used from the American Rescue Plan Money. The City Administrator stated there is currently no shade on the playgrounds which Mayor Trefry agreed upon. In Addition, Mayor Trefry suggested that there might be another small grant from the Skin Cancer Institute for shade. Vice-Mayor Harding asked City Administrator Turner if the equipment on 3rd Street will be replaced or if only shade will be added. The City Administrator replied that only a blue canopy will be added at minimal cost and the equipment itself is in good shape.

d) Discussion on Color Palette for City Owned Buildings – City Administrator Dave Turner reported on the new colors that were used on the Golf Pro Shop. The City Administrator stated that he would like to use these colors on the Public Works Building as well. In addition, City Administrator Dave Turner reported that he is working with the Utility Plant that needs painting as well as the new City Hall building. City Administrator Turner reported that City Attorney Dirk Smits is working on the City’s Trademark which blends with the color palette. City Administrator Dave Turner asked for a head-nod to go ahead with the presented color palette to use in city owned buildings as well as the new City Hall building. City Attorney Dirk Smits asked the Commission if they are looking to formerly adopt the colors which Mayor Trefry confirmed. City Administrator Turner stated that at this meeting the item could

be just for discussion and placed on agenda again at a future meeting. Mayor Trefry stated that the Commission should have a chance to look over the color palette before deciding. City Administrator Dave Turner clarified a color question for Vice-Mayor Tom Harding. Commissioner DeNeale suggested that the Beautification Committee should have input as well on the colors for the new City Hall building. The Commission agreed and City Administrator Dave Turner stated that he will bring the item in front of the Beautification Committee at their next meeting.

c) Discussion on City Engineer – City Administrator Dave Turner reported that since he took over the position as City Administrator, he has not been able to reach the City Engineer for questions as neither has the Building Department has. City Administrator Turner suggested that he would like to put out a RFQ for a new City Engineer. Building Official Gerard Roussin stated that Daryl Osborne has been the City Engineer for quite some time and there have been difficulties in reaching him. The Building Official continued by saying that Mr. Osborne did contact him yesterday, but he is more often than not replying to messages. Building Official Roussin stated that he would like to have someone that responds when he is needed, and the non-communication have been an ongoing issue. Commissioner Sutton stated the City had some problems in prior years and a gentleman from Key West was able to help but did not want to commit to the position. Commissioner Sutton further stated that he does not want to see Daryl Osborne go with no replacement. Commissioner DeNeale recalled that the issue had been going on since Hurricane Irma. Commissioner DeNeale continued by saying that a RFQ was send out previously for an additional engineer and that he agrees with Commissioner Sutton to have an additional engineer for City. Mayor Trefry asked City Administrator Turner if there was any movement on the engineer that he had contacted prior. City Administrator Turner replied that he believes that persons are interested but a Commission vote might be needed. City Attorney Smits responded that a head-nod is sufficient for the RFQ. Vice-Mayor Harding suggested to put a mile-radius on the RFQ to avoid expenses and difficulties. The Commission and City Administrator agreed.

City Administrator Dave Turner reported on visiting Golden Beach, which is a 'Smart City'. The City Administrator reported that the city is very similar to Key Colony Beach. The City Administrator explained the concept of a 'Smart City' and what it entails. The City Administrator further explained pricing and timeline of upcoming expenses. City Administrator Dave Turner reported that he met with the Mayor and City Administrator of Golden Beach which are currently going through the process. City Administrator Turner explained that the city was assessed for taxes which was approved by the council. The City Administrator further explained that the cost will go onto the tax bill when completed and will be an amenity on a property for every owner in the city. The City Administrator stated that Key Colony Beach is a prime city for its size and this would be a great improvement for all. The City Administrator stated that he is looking for a head-nod to continue the process and that he would be able to bring the company to the Commission for a presentation. Commissioner Sutton asked the question on pricing per month and how issues like brick pavers will be addressed and how the cost will be absorbed. City Administrator Turner confirmed that everything is absorbed. The City Administrator continued by explaining the process of underboring big properties and how the company is handling the process. The City Administrator continued by saying that the residents are very happy with the improvements, and he was very impressed by what he had seen. Commissioner McCullough stated that she thinks that it would be great for Key Colony Beach to be in the forefront of this and supports the thought. Furthermore, Commissioner McCullough recalled that after Hurricane Irma only AT&T phones were working in Key Colony Beach. City Administrator Turner added that Golden Beach has cameras throughout the city which their Police Department is using with the latest technology to support the city. The City Administrator added that there currently is only one company that offers this quality of service, and he expects it to be the only company that will bid on it. Mayor Trefry added that there a lots of grant monies available in the federal infrastructure for smart cities. City Administrator Dave Turner stated that the company is paying for the total bill, however, the added services like camera, Wi-Fi in the parks is federal money, however, the system has to be in place first and then apply for the upgrades. Commissioner DeNeale stated that this was great work by the City Administrator.

The City Administrator further stated that he has provided the Legislative Update to all the Commissioners and Mayor Trefry provided the Lobbyist report. In addition, the 2.6 Million for Stormwater is looking good, as well as

the 2.2 Million for Hardening, plus the additional Stewardship monies and the \$50,000.00 for the Parks and that the City has done quite well this year.

Commissioner McCullough stated that she was approached by several residents on why the City's Administrator was applying for the City Administrator's position at the City of Islamorada. City Administrator Dave Turner stated that Islamorada made him an offer of \$180,000.00, \$24,000.00 for housing, as well as a car, and he turned the offer down because he wants to be in Key Colony Beach. Commissioner McCullough and City Administrator Turner continued to talk about the hiring process that Islamorada implements. Commissioner McCullough voiced concern that City Administrator Dave Turner receives job offers from different cities which the City Administrator stated are mostly of the cuff. Commissioner McCullough thanked City Administrator Turner for his answers. Mayor Trefry elaborated that she herself has been with the City Administrator when he has been made job offers. In addition, Mayor Trefry was aware that City Administrator Dave Turner had submitted the job application and was also there when he turned down the job.

7. Commissioner Items for Discussion/Approval:

A. ~~Discussion on Pickle Ball~~ ****moved to Special Requests****

8. Approval of Warrants – Approval of Warrant 0222 in the amount of \$331,835.09.

MOTION: Motion made by Commissioner McCullough, seconded by Vice-Mayor Harding, to approve Warrant No. 0222 in the amount of \$331,835.09.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Unanimous approval.

9. Ordinances and Resolutions – None.

10. Commissioner's Reports or Comments

Commissioner DeNeale thanked everyone for all the birthday wishes.

Mayor Trefry wished Commissioner DeNeale a Happy Birthday.

Commissioner Sutton: None.

Vice-Mayor Tom Harding: None.

Commissioner McCullough: None.

11. City Attorney – City Attorney Dirk Smits reported on the ordinance to adopt the City Seal. The City Attorney stated that the ordinance states that the City Clerk is the custodian of the seal and as such is authorized to use it for official business. City Attorney Smits continued by saying that he would like to have Department Heads or other City Officials authorized to use the seal as well for the purpose of city business.

The City Attorney stated that ordinance will go in front of the Commission at the next meeting if the Commission agrees. Furthermore, the City Attorney clarified that the City owns the seal by common law, but the ordinance would formalize it much better. Commissioner DeNeale stated that he supports the idea of the City's Seal being on the Marathon's Fire Department Trucks and that it has always been considered to be the Marathon/Key Colony Beach Fire Department. City Attorney Smits stated that he will bring a resolution at the next meeting for the issue. The Commission thanked City Attorney Dirk Smits for his work.

12. Adjourn: The meeting adjourned at 10:30 a.m.

Respectfully Submitted,
Silvia Gransee
City Clerk

ADOPTED: April 14, 2022
Silvia Gransee
City Clerk