

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, July 28, 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 DeNeale, Commissioner Sutton, Commissioner Ramsay-Vickrey.*

Also Present: *City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Gaelan Jones, Public Works Department Head Mike Guarino, Building Official Gerald Leggett, Chief Kris DiGiovanni, Administrative Assistant Barbie Morales.*

Public: *4 Marble Hall*

2. Citizen Comments and Correspondence: *City Clerk Silvia Gransee reported on the following citizen correspondence: Mr. David Fischer emailed the City Clerk with a question regarding the Tipline, to which City Clerk Gransee informed the resident that the topic was up for discussion today. Mr. Lenny Geronemus emailed the City Clerk regarding the Townhall Meeting email that went out to residents. Former Building Official Gerard Roussin contacted City Clerk Silvia Gransee with a request on donations on his payout on sick time. (Please email the City Clerk at cityclerk@keycolonybeach.net for a copy of all citizen correspondence).*

There was no public comment online or in the audience.

3. Approval of Minutes – none.

4. Agenda Additions, Changes, Deletions:

Commissioner Beth Ramsay-Vickrey asked for Item 7C. to be added to the Agenda: Discussion/Approval of Turtle Beach Lighting.

City Administrator Dave Turner asked for Resolution 2022-08: Millage Approval to be added to the Agenda.

Both items were added to the Agenda.

5. Special Requests – None.

6. Committee and Staff Reports: *Mayor Trefry stated that reports from all Department Heads were received and the Commission had no additional questions.*

A. Marathon Fire/EMS – No Report.

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 – No additional report.

*I. **Building Department** – Building Official Gerald Leggett updated on 1000 W. Ocean in addition to his Department Head report. Building Official Leggett reported that the completed electrical work on the property has to wait for the FKEC inspection due to the company being backlogged on work orders. Vice-Mayor Tom Harding asked if a contractor has been approved for the demolition on the property which Building Official Leggett confirmed.*

J. Public Works – No additional report.

*K. **City Secretary/Treasurer** – Secretary/Treasurer DeNeale yielded the floor to Jen Johnson from Bishop Rosasco & Co. Mrs. Johnson gave a brief overview of the City’s 9-month financial report with details on revenues, expenditures, road funds, impact fees, building department revenues and expenditures, wastewater revenues and expenditures, and stormwater revenue and expenditures. The Commission had no questions for Jen Johnson.*

L. City Clerk – No additional report.

M. Code Enforcement Officer – No Report

*N. **City Administrator** – City Administrator Dave Turner updated in addition to his submitted report.*

*a) **City Hall Update:** City Administrator Dave Turner reported that the new drawings are at 100%, were shared with the Commission, and are up for review with the Building Department. City Administrator Turner further updated on correspondence received from FEMA. The City Administrator reported that FEMA indicated disputes over the flood insurance payout from Wright Flood Insurance in 2017.*

*b) **Approval of Wilscot Invoice# 9014590844 in the amount of \$28,204.10:** City Administrator Dave Turner informed the Commission the invoice pertains to the new City Hall Annex/Temporary Post Office trailer and explained the services included in the cost. City Administrator Dave Turner further explained that the Electric Company will energize the trailer and he will check with 3rd Generation Plumbing on their work. The City Administrator described that the trailer will be used as temporary City Hall until the Post Office is ready to move and confirmed to Vice-Mayor Harding that tables and chairs will be moved from Marble Hall to the trailer. City Administrator Dave Turner updated that he will confer with Building Official Leggett on the standing estimate for the Asbestos removal process.*

Commissioner John DeNeale had a question regarding the FEMA update. Commissioner DeNeale recalled the impression that was given when he was Mayor, that this was a 2-part process which consisted of insurance and FEMA. Commissioner DeNeale recalled that the City’s consultant thought the same way and that it was brought that way to the City. Commissioner DeNeale asked if there was a recourse to take and what the City can do since this is not the way the issue was presented. City Administrator Turner explained that it was described to him that the City did not reach the total payout on flood insurance of \$500,000.00, and a check was accepted that was well below that limit. The City Administrator further stated that the insurance company was given

information on prior damage on the building which was taken into heavy consideration as well. City Administrator Dave Turner further explained that the Commission can proceed in whichever way they like, however, if demolition starts on the building the claim would be closed. City Administrator Turner continued saying that the Commission can start a new claim if so desired. Commissioner DeNeale asked if a new person could be hired to work with FEMA to which City Administrator Turner explained that the question is whether or not to go after the insurance company at that time. City Administrator Turner further explained that FEMA is stating the acceptance of the check from the Flood Insurance as a deciding factor and no additional adjuster was requested to proof significant more damage on the building. Commissioner DeNeale stated that those facts were never presented to them that way and it was always explained as a 2-part process. Commissioner DeNeale further stated that the hired FEMA consultant, himself as the Mayor, and the Commission at that time, did not understand it that way and suggested hiring a knowledgeable person to find out what is going on. City Administrator Dave Turner stated he can reach out, but that FEMA had indicated that information was received on prior damage to the building which was taken under consideration. Mayor Trefry explained that the understanding by the Commission at that time was, that it was not Hurricane Damage FEMA money but fell under a different category. Commissioner DeNeale explained his recollection that there were insurance funds and disaster funds, and explanations were given of two pockets consisting of insurance settlement and then the disaster monies would kick in. Commissioner DeNeale stated that he is not willing to accept this without trying to find out more information with outside assistance. Mayor Trefry asked Commissioner DeNeale to meet with City Administrator Dave Turner to talk about the matter, as he himself as the Mayor, and Ron Sutton as Vice-Mayor at that time, have more information and details on what happened. Mayor Trefry continued saying that City Administrator Turner can give a recommendation on how to proceed after. Vice-Mayor Harding asked City Administrator Dave Turner if there are records on what was submitted to the Insurance Company for the money that was received. City Administrator Turner stated that he looked through various files, letters, and statements, and explained that the flood money was not exhausted for the disaster money to kick in. Vice-Mayor Harding asked that he was inquiring about a document that would show that the insurance company was asked for more than \$134,000.00, but the money received was all the insurance company paid out. City Administrator Turner stated that he has not located a document of that nature, but that there are many boxes in storage that he can continue to look through. Commissioner DeNeale questioned why FEMA came months later and gave an estimate of \$3,200,000.00 which carried over the next several years. City Administrator Turner agreed with Commissioner DeNeale. Commissioner DeNeale asked City Attorney Gaelan Jones if his firm has an attorney that deals with FEMA issues which Mr. Jones explained he will check with Lead City Attorney Dirk Smits on. Mayor Trefry asked City Administrator Turner if he has been in contact with the City's Lobbyist Company to which the City Administrator said he had not but stated he will reach out. City Attorney Jones further said that he can look into an outside FEMA consultant. The Commission had no further discussion on the topic.

Mayor Trefry asked for a Motion for the approval of the Willscot invoice in the amount of \$28,204.10.

MOTION: Motion made by Commissioner Sutton, seconded by Commissioner Ramsay-Vickrey to approve the Willscot invoice in the amount of \$28,204.10.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

c) Update on Temporary Building Official Coverage: City Administrator Dave Turner updated that Building Inspector/Official Leggett received approval for his tests and is waiting on the approval letter which should arrive by August 18th. City Administrator Turner further explained that until that time Mr. Terrence Justice will fill in as the temporary Building Official. The City Administrator further explained the hours and pay the temporary Building Official will receive and asked for approval of payment with a limit of \$10,000.00 for the temporary Building Official coverage. City Administrator Dave Turner further explained that with the approval he will ask the legal team to draw up a contract and proceed. Commissioner Sutton stated the importance of the temporary Building Official coverage and made a motion to approve the temporary coverage.

MOTION: Motion made by Commissioner Sutton, seconded by Commissioner Ramsay-Vickrey, to approve the temporary Building Official coverage in the amount of up to \$10,000.00.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

7. Commissioner Items for Discussion/Approval:

A. Discussion/Approval of Mittauer Service Agreement for 9th Street, 10th Street Phase 2B, 11th Street, and 12th Street Stormwater Improvements – City Administrator

City Administrator Dave Turner explained the details of the agreement and stated it was recommended to be approved by the Commission from the Utility Board. City Administrator Turner continued saying that the costs are covered by grant money and asked for approval by the Commission. Mayor Trefry asked for a Motion to approve the agreement in the amount of \$152,500.00.

MOTION: Motion made by Vice-Mayor Harding, seconded by Commissioner DeNeale, to approve the Mittauer Service Agreement in the amount of \$152,500.00.

DISCUSSION: Vice-Mayor Tom Harding cautioned that the actual construction cost might be understated and the City should expect the bill to be higher. Commissioner Sutton asked what Vice-Mayor Harding is anticipating for increase in costs, which the Vice-Mayor estimated to be between six to seven million dollars from the original estimate with the current inflation and increase on material costs.

ON THE MOTION: Rollcall vote. Unanimous approval.

B. Discussion/Approval for Building Official Final Pay: Mayor Trefry stated that all Commissioners have received City Administrator Turner's final pay calculations which are based

on the City of Key Colony handbook. Mayor Trefry explained the calculations and asked for a Motion pertaining to payout of the \$23,064.60.

MOTION: Motion made by Commissioner DeNeale, seconded by Commissioner Sutton, to approve the payout in the amount of \$23,064.60 for sick and vacation time.

DISCUSSION: Mayor Trefry addressed the former Building Official Roussin's request to donate 75% of his sick time. Mayor Trefry stated that the former Building Official is only eligible to receive 25% of his sick time and asked the Commission for input on the request. The Commission discussed the request and asked for a rollcall vote on the Motion.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Trefry further addressed the question on comp time for the former Building Official. Mayor Trefry explained that Department Heads are not eligible for comp time and asked the Commission if there should be a Motion. Vice-Mayor Harding asked if the former Building Official was a Supervisor during the period in question or just a portion of it. City Administrator Turner explained that the comp time listed on the request is for the time period when the City started using QuickBooks during which time Gerard Roussin was the Building Official. City Administrator Turner further stated that he could not find any records prior to that time. Commissioner Sutton stated that he understands that Department Heads do not receive any kind of comp time, however, the last three department heads did receive comp time as part of their payout and stated his support for former Building Official Roussin's comp time payout. Mayor Trefry asked Commissioner Sutton if that is his Motion.

MOTION: Motion made by Commissioner Sutton to pay former Building Official Roussin \$6,432.00 in comp time.

DISCUSSION: None.

ON THE MOTION: No second. Motion failed.

Commissioner DeNeale stated that he understands what Commissioner Sutton is saying, however, it was made clear to Department Heads after the previous ones had left, that they are salaried employees and they are to manage their time. Commissioner DeNeale further stated he knows that the former Building Official was there when the topic was discussed. Commissioner DeNeale continued saying that mistakes were made in the past, but he is certain that it was made clear to the Department Heads that they are salaried employees which represents a bigger paycheck. Mayor Trefry asked the City Administrator if there are additional employees in the same position and how he is managing it. City Administrator Dave Turner explained that he started working for the City in April 2021 and on April 17th he sent out an email to all the Department Heads in reference to comp time and explained the ineligibility and required explanations to ask for it. The City Administrator further explained that there are a few employees that currently fall under the same situation but it is being managed. City Administrator Dave Turner continued saying that the new handbook will not have comp time included in it and further explained the difficulties managing comp time. City Attorney Gaelan Jones explained the Fair Labor Laws on federal exemptions on overtime and explained that this does not have to be included in a handbook to be the law. The City Attorney

further explained to the Commission the details on the law and who qualifies under it. Mayor Trefry asked the Commission if there was any further discussion or Motions regarding the former Building Official's payout which there was none.

C. Discussion/Approval on Turtle Beach Lighting: Commissioner Ramsay-Vickrey explained the background on the agenda item and event that occurred in the City of turtle hatchlings being lost. Commissioner Beth Ramsay-Vickrey explained that Key Colony Beach falls under county-wide standards regarding artificial lighting and proposed adding an informational page on the city website on how residents can help. The Commissioner further explained that sea turtles fall under the Endangered Species Act and to contact the Key Colony Police Department to report any violations who will in turn contact the FWC. Mayor Trefry stated that she believes this to be a wonderful idea and asked if there was a Motion to add the informational page to the City's website.

MOTION: Motion made by Commissioner DeNeale, seconded by Commissioner Sutton, to add the informational page on Turtle Beach Lighting to the City's website.

DISCUSSION: Commissioner DeNeale voiced his support for Commissioner Ramsay-Vickrey's proposal.

ON THE MOTION: Rollcall vote. Unanimous approval.

8. Approval of Warrants – Warrant No. 0622 in the amount of \$322,606.30

MOTION: Motion made by Commissioner DeNeale, seconded by Commissioner Ramsay-Vickrey, to approve Warrant No. 0622 in the amount of \$322,606.30.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

9. ORDINANCES & RESOLUTIONS

A. Ordinances – None.

B. Resolutions:

RESOLUTION 2022-08: A Resolution Of The City Commission Of The City Of Key Colony Beach, Florida; Determining The Proposed Millage Rate, And The Current Year Rolled-Back Rate, And The Date, Time And Place For The First And Second Budget Public Hearings As Required By Law; Directing The Finance Director To File Said Resolution With The Property Appraiser Of Monroe County Pursuant To The Requirements Of Florida Statutes And The Rules And Regulations Of The Department Of Revenue Of The State Of Florida; And Providing For An Effective Date.

MOTION: Motion made by Commissioner Ramsay-Vickrey, seconded by Commissioner Sutton, to approve the tentative millage rate at 2.8726 mills per \$1,000.00 of assessed property within the City of Key Colony Beach, Florida.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

10. Commissioner's Reports or Comments

A. Commissioner DeNeale: Discussion on 'Tipline' phone. Commissioner DeNeale presented a PowerPoint Presentation and gave a brief overview on the history of the 'Tipline' phone and how it became established in the City. Commissioner DeNeale recalled that it worked well over the years with some exceptions of calls that should have gone to the 911 line or dispatch. Commissioner DeNeale stated that staff cannot take down the 'Tipline' without Commission approval since the Commission established it and that residents need a way to be educated and able to call in code violations. Commissioner DeNeale continued with the presentation of the slideshow to the Commission and his report. The Commissioner explained the need for residents to be able to report violations and to establish a code information line. Mayor Trefry asked Chief DiGiovanni on how many calls the Police Department received on code violations. Chief DiGiovanni explained that he does not have an exact number, but calls have been previously received on the tipline that should have been 911-calls. Mayor Trefry further asked on how the call volume changed since the law changed on anonymous complaints. Chief DiGiovanni explained that reports were still made anonymously but that call numbers did go down after the law passed. Mayor Trefry addressed the question on CitizenServe and the problems that it has presented. City Administrator Dave Turner stated that with the current staff changes he recommends staying with CitizenServe for the moment. The City Administrator further stated that residents need to understand what number to call for the proper response and have the understanding that calls cannot be made unanimously. The Commission further discussed the proper use of the code information line and the involvement of dispatch in code calls. City Administrator Dave Turner updated that a new Code Officer was hired and an additional Code Support member will be interviewed for hire as well. The City Administrator explained that a new phone line will be established in the office and that the new Code Officer understands that working hours will be fluid. City Administrator Turner continued saying that he wants the Police continuing taking code complaints when the Code Officer is not working so the City has 24/7 coverage. Vice-Mayor Harding asked if the old tipline has to be taken down which was confirmed as already having been done. Commissioner DeNeale stated that he believes that a Motion is needed to legally take down the tipline and then staff can be directed to establish a new code information line. City Administrator Turner stated that there will be no problem following the Commission's directive but asked for City Attorney Gaelan Jones to read the perimeters on leaving complaints. City Attorney Jones stated that the law went into effect July 2021 and further stated that the information needed for the Code Officer to start an investigation is the complainants name and address. City Attorney Jones continued explaining that Code or Police Officers can initiate a complaint on their own by observing a violation from a public area, however, they cannot follow up on an anonymous complaint. City Attorney Jones confirmed that a Commissioner can leave a private code complaint as long as they leave their name and address. City Attorney Gaelan Jones clarified that the bill that was passed, prohibits a Code Officer to follow up on a complaint that does not have a name or address attached to it, but Code Officers can observe code violations on their own. Mayor Trefry stated for clarification that anyone on city staff can be a code compliance officer and that the city needs observance day and night. Mayor Trefry further reported that the prior Code Officer used to have many requests on Mondays from other departments to investigate events from the weekend. The Mayor continued saying she believes that

this contributed to the former Code Officers burnout. Mayor Trefry further hopes that the new Code Officer will be working on weekends since it represents the time most violations occur and hopes that other departments will take responsibility depending on the working shift.

MOTION: *Motion made by Commissioner DeNeale, seconded by Commissioner Ramsay-Vickrey, to approve the discontinuance of the 'Tipline' phone and direct staff to establish a code enforcement information line.*

DISCUSSION: *None.*

ON THE MOTION: *Rollcall vote. Unanimous approval.*

Commissioner Sutton *had no further report.*

Vice-Mayor Harding *asked if there is a potential of having additional property manager classes before the end of September which City Administrator Turner declined. The City Administrator explained that the classes are set ahead of time and that some property managers are not following their expiration of their licenses. City Clerk Gransee confirmed that the current classes have been set up since the beginning of the year. Vice-Mayor Harding further updated on having completed the FPLT resiliency survey and having worked with the State on the flood panels for the maintenance building. Vice-Mayor Harding reported that costs have been updated and that FEMA will review the grant request. The Vice-Mayor further reported on having attended the South Florida Regional Planning Council Meeting on July 18th which focused on waste management and recycling. Vice-Mayor Harding continued saying that the Comprehensive Plan has been adopted and he will be attending a mitigation class in the afternoon and a FEMA training class tomorrow.*

Commissioner Ramsay-Vickrey *reported in participating in the release of sea turtle by the Turtle Hospital, attending the Utility Board Meeting and Monroe County Library Budget Board Meeting, and having met with local businesswomen. Commissioner Beth Ramsay-Vickrey reported that the majority of her week was devoted to turtles.*

Mayor Trefry *followed up on the department head reports and timing on when they are submitted. Mayor Trefry asked that the reports be submitted to the City Clerk. City Clerk Gransee asked that Tuesday at noon be the cutoff date for submittal and reports can be posted in the afternoon on the website.*

11. City Attorney

A. Discussion/Review of proposed Ordinance No. 2022-479 Chapter 2 Amendment: *City Attorney Gaelan Jones followed up on previous discussions on the proposed ordinance and presented the new draft to the Commission prior to first reading. City Attorney Jones reported on the changes in the proposed ordinance, primarily having agendas available to the Commission six days in advance, changes in format agenda, change in meeting days, discretion to the Commission to change meetings, and the ability to call emergency meetings. City Attorney Jones asked for input of the Commission on further edits. Commissioner DeNeale stated that after research of previous calendars, the third Thursday of each month looks to be the most effective day to hold Commission meetings in regard to Planning & Zoning Meetings as well as holidays. Mayor Trefry agreed with Commissioner DeNeale but remembers the recommendation from staff was due to financial reporting. Commissioner Sutton voiced his concerns on meetings around the holidays and*

recommended changing the organizational meeting to the 2nd Thursday in December. The Commission further discussed the best possible days for meetings. City Attorney Jones stated that the City Administrator and Jen Johnson confirmed that there will be no issue with Commission meetings being held on the third Thursday of each month and to add a change of meeting at the discretion of the commission. City Attorney Gaelan Jones further advised that the Commission has the discretion to change any meeting if they wish to do so by vote of majority. Commissioner DeNeale stated that elections are being held the first week of November and suggested to have the organizational meeting the third week in November. Mayor Trefry asked if the organizational meeting falls under a different ordinance. City Attorney Gaelan Jones stated that Mayor Trefry is correct and that organizational meetings are set for the first Commission meeting in December of each year and that the Ordinance would have to be amended. After further discussion, Mayor Trefry asked to keep the changes simple with the knowledge of a six-month sunset and move the December Meeting to the second Thursday and keep the organizational meeting the same. City Attorney Jones gave further input on what changes could be made and stated his understanding of the general consensus of the Commission is to designate the third Thursday of each month and have the organizational meeting on the third Thursday. City Attorney Gaelan Jones further explained that when the Ordinance is being brought back for First reading to clarify that the organizational meeting is scheduled by default on the third Thursday in November. The Commission had no further discussion.

12. Adjourn: The meeting adjourned at 10:52 A.M.

Respectfully Submitted,
Silvia Gransee
City Clerk

ADOPTED: August 25, 2022
Silvia Gransee
City Clerk