

# MINUTES

## KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, June 15, 2023 – 09:47 a.m.

Key Colony Inn Banquet Room, 700 W. Ocean Drive, Key Colony Beach  
& Virtually via Zoom Conferencing

**1. Call to Order, Pledge of Allegiance, Prayer, Roll Call:** The June 15<sup>th</sup>, 2023, Key Colony Beach City Commission Public Hearing and Regular Meeting was called to order by Mayor Trefry at 9:47 am followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Vice-Mayor Ramsay-Vickrey, Commissioner Harding, Commissioner Foster, Commissioner Raspe, Mayor Trefry. **Also Present:** City Administrator Dave Turner, Assistant Fire Marshal Mike Card, Police Chief Kris DiGiovanni, City Attorney Dirk Smits, City Clerk Silvia Gransee, Code Officer Barry Goldman, Public Works Department Head Mike Guarino, Administrative Assistant Tammie Anderson, Administrative Cheryl Baker, Police Corporal Jamie Buxton.

**2. Agenda Additions, Changes & Deletions:** None.

**3. Special Request:** None.

### **4. Citizen Comments and Correspondence:**

Toni Appell, 200 8<sup>th</sup> Street, thanked Chief DiGiovanni, Commissioner Raspe, and the Sutton Family for their sponsorship and organization of the ‘Ron Sutton Memorial Fishing Derby’.

Laurie Swanson, spoke via Zoom, and reported experiencing technical difficulties in the audio quality of the meeting. City Clerk Gransee confirmed to Mayor Trefry to follow up with the concerns.

Mary McFadden, spoke via Zoom, and also voiced difficulties in the audio quality of the meeting.

### **5. Approval of Minutes**

**a. 05-18-2023 City Commission Regular & Public Hearing Minutes:** Mayor Trefry accepted the meeting minutes as written with no objection from the Commission.

### **6. Committee and Department Reports**

**a. Marathon Fire/EMS:** Assistant Fire Marshal Mike Card reported to the Commission on an uptake in emergency calls and the nature of calls received. The Assistant Fire Marshal further informed on the upcoming Leadership Monroe event in July and the purpose and benefits of attending the class. Assistant Fire Marshal Card invited all to attend and informed that the event will be taking place at the Key Colony Inn.

**b. Police Department:** Chief of Police DiGiovanni confirmed to Commissioner Foster that the Golf Course Incident was resolved. The Chief of Police further confirmed to the Commissioner that the liveboard issue was nearly resolved. Chief DiGiovanni reported that Corporal Buxton is attending advancement classes and training with the Sheriff’s Office. Mayor Trefry and the Commission congratulated Corporal Buxton on her accomplishment. Chief DiGiovanni confirmed to Commissioner Foster to follow up with City Administrator Turner on further training needs.

**c. Building Department**

**d. Public Works:** Commissioner Harding thanked Public Works Department Head Mike Guarino for installing the Holiday banners and thanked the Beautification Committee for the purchase.

Mayor Trefry thanked the Public Works Department staff, Public Works Department Head Mike Guarino, and City Administrator Turner for their work on the ‘Do Not Block’ section at the intersection.

City Administrator Turner confirmed to Commissioner Harding that the ladder for Public Works was approved.

- e. City Clerk
- f. **Code Enforcement:** Commissioner Foster thanked Code Officer Goldman for the submittal of his report.
- g. Beautification Committee
- h. Planning & Zoning Board
- i. Recreation Committee – Chair Report
- j. Utility Board

There were no additional reports or questions by the Commission.

## 7. Items for Discussion/Approval

### a. **Discussion/Approval of yearly Contract Renewal with Iguana Control in the amount of \$15,600.00:**

City Administrator Turner reported to the Commission on the services that were received over the prior year and recommended for the renewal of the contract. City Administrator Turner informed that the month of July will be provided at no cost due to some missed service calls for unforeseen events. The City Administrator informed that no complaints have been received and talked about the reutilizing aspects of the service.

Mayor Trefry asked for a motion to approve the contract with Iguana Control, Invoice No. 48120, in the amount of \$15,600.00.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to approve. Mayor Trefry asked for a second. Commissioner Harding seconded the motion.

**DISCUSSION:** None.

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

### b. **Discussion/Approval to modify the agreement with Brightview for the addition of Janitorial Services in the amount of \$22,692.00:**

City Administrator Turner spoke on the agenda item to the Commission and explained the benefits of the outsourcing of the janitorial services to Brightview. City Administrator Turner stated his intention of a trial period for two months and working on a contract with legal to bring back to the Commission for approval. City Attorney Smits clarified City Administrator Turner's request to the Commission for input on the suggested services. After a brief discussion, the Commission agreed with the trial period.

### c. **Discussion/Approval of an Interlocal Agreement between the Board of County Commissioners of Monroe County, Florida, and the City of Key Colony Beach, for the acceptance of State Boating Improvements Funds for the Replacement of Buoy and Marker Signs:**

City Administrator Turner spoke on the agenda item and explained the purpose of the agreement. Mayor Trefry asked for a motion to approve the Interlocal Agreement between the Board of County Commissioners of Monroe County and the City of Key Colony Beach for the acceptance of State Boating Improvement funds for the replacement of buoy and marker signs.

**MOTION:** Motion made by Commissioner Raspe to approve. Mayor Trefry asked for a second. Vice-Mayor Ramsay-Vickrey seconded the motion.

**DISCUSSION:** Commissioner Harding applauded the effort of working with Monroe County for the improvements.

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

### d. **Discussion/Approval to engage an Independent Investigative Attorney regarding Allegations of Fraud:**

City Attorney Smits spoke to the Commission on the agenda item and summarized the purpose of the suggestion. City Attorney Smits informed on having found an independent attorney and having a contract available for the Commission if desired.

Mayor Trefry asked Vice-Mayor Ramsay-Vickrey to speak on the topic.

Vice-Mayor Ramsay-Vickrey spoke on the publishing of allegations in the newspaper and the city's responsibility to address the accusations with the help of an independent investigator. City Attorney Smits estimated a cost of \$15,000.00 for the hiring of an investigator.

Mayor Trefry asked for comments or questions from the Commission.

Commissioner Raspe informed of not having been aware of the article in the paper and the need for more time to make an informed decision on the topic.

Commissioner Harding asked City Attorney Smits questions regarding FEMA if an issue was found. City Attorney Smits gave his understanding that monies were not received and the need for full disclosure and honesty. City Administrator Turner confirmed on no intentions of requesting monies from FEMA for the building itself and that monies were received from the insurance company. Commissioner Harding talked on the importance of transparency in case of wrongdoing. City Attorney Smits gave additional thoughts on the topic.

Commissioner Foster gave his understanding that no monies were received from FEMA, on received insurance monies, and statute of limitations having passed. Commissioner Foster suggested using the city's own detective and stated non-agreement with the spending of the monies.

City Attorney Smits clarified that he follows the directives of the Commission and the discussion to be within the Commission.

Commissioner Foster gave additional thoughts on the statute of limitations and available documentation to form a conclusion.

Vice-Mayor Ramsay-Vickrey spoke on the seriousness of the allegation of attempted fraud and the importance of operating within the law and with integrity for the city.

Mayor Trefry gave hesitations on spending monies and asked City Attorney Smits to elaborate on the statute of limitations.

City Attorney Smits explained his legal understanding of the statute of limitations and suggested for an outside review on the topic.

Mayor Trefry said for Commissioner Raspe to have opportunity to inform himself prior to the July meeting.

City Attorney Smits confirmed that the outside investigator will look up the question on the statute of limitations.

Commissioner Harding voiced support for the research on the statute of limitations and spoke on the importance of transparency with FEMA.

City Attorney Smits explained the process off an investigative attorney.

Mayor Trefry confirmed for the item to come back at the next Commission meeting.

**e. Discussion/Approval for purchase for a Land Pride 84" Hopper Broom from Florida Coast Equipment in the amount of \$11,850.25:** City Administrator Turner spoke to the Commission on the agenda item and explained the equipment in question being of proprietary nature and gave further information on benefits for the purchase and available monies. Mayor Trefry asked for motion to approve the purchase for the Land Pride 84" Hopper Broom from the Florida Coast Equipment in the amount of \$11,850.25.

**MOTION:** Motion made by Commission Raspe to approve. Mayor Trefry asked for a second. Vice-Mayor Ramsay-Vickrey seconded the motion.

**DISCUSSION:** Commissioner Harding commented on the benefits associated with the purchase. City Administrator Turner agreed with the Commissioner.

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

## **8. City Administrator Items for Discussion**

### **a. City Hall Update**

**i. Report on Bid Opening on June 5<sup>th</sup>, 2023**

**ii. Report on upcoming Review Committee Meeting**

City Administrator Turner reported to the Commission on the bid opening and review process. City Administrator Turner explained that once the Committee has concluded their review, he will present the item to the Commission.

**b. Safety Meeting Report:** City Administrator Turner spoke on the agenda item and reported good discussions and results. Commissioner Harding complimented City Administrator Turner on his work.

Mayor Trefry asked for a follow-up on the publication for the evaluation committee. City Clerk Gransee informed that sufficient public notice was given for the public meeting on June 28<sup>th</sup>, 2023.

**c. Recommendation on FMLA use:** City Administrator Tuner spoke on the agenda item and his recommendation to follow the wording from FMLA and explained possible benefit changes due to the unionization. Vice-Mayor Ramsay-Vickrey asked City Administrator Turner to keep the millage rate the same, or lower, if levels of standards can be kept.

Commissioner Foster asked City Administrator Turner for elaboration on a prior email sent to the Commission on potential savings in safety. After a brief discussion, Mayor Trefry asked Commissioner Foster to resend the email to the City Administrator.

**d. Florida League of Cities: 97<sup>th</sup> Annual Conference Voting Delegate Information:** City Administrator Turner spoke to the Commission about the upcoming event and asked for the Commission to choose a delegate among themselves.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey for the Mayor to be designated the voting delegate at the Florida League of Cities Annual Conference. Commissioner Harding seconded the motion.

**DISCUSSION:** None.

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

## **9. Secretary-Treasurer's Report**

**a. Treasurer's Report May 2023:** Commissioner Harding gave the Treasurer's Report for May 2023 and informed on taxes, income, and expenses. Commissioner Harding reported total expenses below budget, and further reported on cash accounts, restrictive cash flow, and infrastructure. Commissioner Harding additionally reported on income from vacation licenses and projected a positive budget based on current calculations. Commissioner Harding reported on the contribution for Sunset Park, infrastructure tax, building permits, expenses for Marathon Fire/EMS, and legal invoices. Commissioner Harding continued giving his report on debt for the city and updated on Wastewater financials. Commissioner Harding reported expenses over-budget and stated expectations of ending the fiscal year in the negative for Wastewater. Commissioner Harding further talked about working with City Administrator Turner for a proposed increase in Wastewater fees to offset expenses. Commissioner Harding continued talking about Stormwater financials including cash flow and reimbursements for the Stormwater project.

**b. Approval of Warrant 0523 in the amount of \$568,335.46:** Mayor Trefry asked for a motion to approve Warrant No. 0523 in the amount of \$568,335.46.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to approve. Mayor Trefry asked for a second. Commissioner Harding seconded the motion.

**DISCUSSION:** None.

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

Commissioner Raspe asked Commissioner Harding for ideas on savings for wastewater electricity. Commissioner Harding gave thoughts on possible ideas and having been in communication on the topic with Plant Operator Dave Evans.

**10. City Attorney’s Report:** City Attorney Smits updated the Commission on the unionization process and the finalization of the audit letter.

City Attorney Smits thanked the Commission for the ability to participate in the Fishing Derby alongside his grandson.

City Attorney Smits confirmed for the unionization process to last through the Summer. Discussion followed on the finalization of the budget and negotiations to continue into the next fiscal year. City Administrator Turner informed on waiting for insurance quotes and the requirements of holding two budget meetings in the month of September. Commissioner Harding suggested for budget talks to start in July. After a brief discussion, Mayor Trefry confirmed September for the two budget hearings.

**11. Ordinances & Resolutions**

**a. SECOND/FINAL Reading of Ordinance No. 2023-484:** An Ordinance of the City of Key Colony Beach, Florida; amending Chapter 5 of the Code of Ordinances Related to “Boats, Boat Trailers, Marine Facilities and Waterways”, Article III, “Marine Construction and Improvements, Docking of Boats”, Division 3 “Docks, Piers, and Mooring Equipment”, Section 5–43, Entitled “Elevator Lifts” to increase the maximum lifting capacity for elevator boat lifts within the city; providing for codification; repealing any inconsistent provisions; providing for severability; and providing an effective date.

**i. Proof of Publication:** Included in agenda packet.

**ii. Ordinance No. 2023-484 Boat Lift Amendment:** Mayor Trefry asked for a motion to approve the Final Reading of Ordinance No. 2023-484.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to approve. Mayor Trefry asked for second. Commissioner Foster seconded the motion.

**DISCUSSION:** None.

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

**12. Commissioner’s Reports & Comments**

**a. Commissioner Harding**

**i. Wastewater Sampling Update:** Commissioner Harding updated on Wastewater sampling and reported on costs, cases, and counting methods by the CDC. Commissioner Harding gave data for the city, comparison to national averages, and no reported cases of Monkey Pox for the city.

**Commissioner Harding** reported attending the quarterly Mitigation meeting and having received information on mitigating algae blooms, attending the DEO meeting on hurricane evacuation modeling, and attending the city’s CRS meeting. Commissioner Harding continued reporting on attending the Monroe County evacuation process for hospitals, as well as the DOAH Code Compliance Hearing. Commissioner Harding informed on having received a FEMA certificate from the prior year and clarified that he did not travel to Hawaii to receive the certificate. In closing, Commissioner Harding reported on working with City Administrator Turner on draft city hall financing plans and interest rates consistent with projections.

**b. Commissioner Foster**

**i. Potential Surplus on Building Permit Funds:** Commissioner Foster asked City Attorney Smits to explain the City of Marathon’s surplus funds and requirements for the City of Key Colony Beach to be compliant. City

Attorney Smits explained the purpose of a utilization report and the process of setting permit fees. City Attorney Smits continued explaining different options on spending a surplus for a building department. Commissioner Harding informed that the building department is in a separate fund with a separate reserve fund and gave anticipated end-of-year calculations.

City Administrator Turner explained the Florida Statutes on Special Revenue Funds being established in 2018 and informed of the city becoming compliant in 2022 after his was hired. The City Administrator further explained the calculations for compliance and reported for the reserves to be negative for the city. The City Administrator gave additional information on allowances under the Florida Building Code and the purpose for a reserve account.

**ii. Police Coverage for Mini Lobster Season:** City Administrator Turner reported on working with the City Manager of Marathon for coverage and anticipated adequate coverage through the FWC. Chief DiGiovanni confirmed that the Police boat will be on the water with the possibility of the use of a reserve officer. Commissioner Foster voiced his concern on adequate coverage for the event. Chief DiGiovanni confirmed coverage for the days. After further discussion, City Administrator Turner explained that the FWC will make their decision on support in the coming week.

**iii. Bid Opening Protocol:** Commission Foster asked City Administrator Turner on future bid opening protocols and expressed his dissatisfaction with the past process. City Administrator Turner gave his viewpoint on the topic which Commissioner Foster expressed disagreement with. Mayor Trefry asked City Administrator Turner to approach the Commission on future bid openings and stated un-precedence on the past bid opening.

**Commissioner Raspe** thanked the Beautification Committee for the hanging of the banners. Commissioner Raspe reported on the Kids Fishing Derby and thanked the Key Colony Inn and volunteers who helped with the event. Commissioner Raspe continued talking on possible contractor classes and the benefits it would bring.

**Vice-Mayor Ramsay-Vickrey** updated on the University of South Florida's Sargassum report with an anticipated decrease on the overall amount of sargassum and the majority of the event anticipated passing north of the Florida Keys. Vice-Mayor Ramsay-Vickrey further reported on participating in the Monroe County Emergency Management Hurricane Preparation Workshop, attending the Monroe County 200-year celebration at the old 7-mile bridge, attending the DEO Hurricane Evacuation Workshop, and helping out with the Kids Fishing Tournament. The Vice-Mayor gave special thanks to Kitty Sutton and her family, Joey and Karen Raspe, Chief DiGiovanni, as well as City Attorney Smits.

**Mayor Trefry** reported on attending the monthly legal meeting, the Hurricane Evacuation Workshop, and meeting with the DEO alongside City Administrator Turner on computer modeling suggestions and solutions.

**13. Adjournment:** The meeting adjourned at 11:07 am.

Respectfully submitted,

*Silvia Gransee*

City Clerk

**APPROVED:** July 20, 2023

*Silvia Gransee*

City Clerk

