

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, May 12, 2022 – 09:36 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 09:36 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.*

Present: *Mayor Trefry, Vice Mayor Harding, Commissioner Sutton, Commissioner Ramsay-Vickrey. Absent: Commissioner DeNeale* **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, Fire Chief John Johnson, Administrative Assistant Barbie Morales, Administrative Assistant Christine McLeod.*

Public: *4 Marble Hall, 7 Zoom*

2. Citizen Comments and Correspondence: *City Clerk Silvia Gransee reported on having received one letter of correspondence regarding the property at 680 11th Street (Please contact the cityclerk@keycolonybeach.net for a copy of the record).*

Mrs. Barbara Cisna, 690 11th Street, addressed the Commission regarding 680 11th Street, and asked the Commission to consider additional inspections on monthly or bi-monthly basis to ensure that progress is being made. Mrs. Cisna further asked if progressive work schedules can be implemented to evaluate progress. Mrs. Cisna asked to implement regular inspections, so the property does not fall back into what it looked like before. The Commission thanked Mrs. Cisna for her time.

3. Approval of Minutes: *The City Commission Public Hearing and Regular Meeting Minutes from April 14, 2022, were accepted as written. The City Commission Special Meeting Minutes were accepted as written, with a change from Mayor Trefry to reflect that under council's advice the City Attorney took over the meeting.*

4. Agenda Additions, Changes, Deletions: *Mayor Trefry asked for the agenda addition under 'Special Requests' for the appointment of members to the Utility Board. The Commission agreed to the agenda addition.*

5. Special Requests

A. Presentation by LIVS via Zoom – *Architect Tony Rosabal reported on the progress on the City Hall architectural design. Mr. Rosabal reported on working with Building Official Roussin and City Administrator Turner on updating the floor plans due to changes in the FEMA guidelines. Tony Rosabal shared drawings via Zoom and explained the changes that have occurred in the*

updated drawings. Mr. Rosabal explained that the building has been pushed further south so it is out of line with the flood line in question. Mr. Rosabal further explained that walking steps will be reduced and that the Post Office route for the trucks had to be changed. Mr. Rosabal explained the change of parking spaces that was required to avoid having the large post office truck go through the neighborhood. Mr. Rosabal confirmed with Mr. Lazaro from the Architectural Firm that only three parking spaces were lost. Mr. Rosabal further explained that their firm tried to save as much green space as possible from the original design. Mr. Rosabal continued explaining further design changes on the drawings due to the change of the truck route. Mr. Rosabal stated that this design is not final, but a demonstration of what the area will look like. Mr. Rosabal further stated that once the firm has permission to go forward, the development will continue with the area in question. Mr. Rosabal continued saying that the firm had been asked to reduce the height of the beacon due to zoning, to stay within the code requirements. Mr. Rosabal stated that the building has been raised up to comply with FEMA and that the tower has been lowered to comply with zoning. Mr. Rosabal showed drawings on what the new city hall will look like via Zoom. Mr. Rosabal stated that LIVS is now at a point on where they are seeking approval on these revisions to proceed with the design changes. Mr. Rosabal stated that they do not have a direct timeline yet but will be able to give an update upon approval of the revisions. Commission Sutton asked Mr. Rosabal how many parking spots the city is gaining with the design modifications. Mr. Rosabal stated that the total number of parking spots are at 3, with having lost three overall. Vice-Mayor Harding asked Mr. Rosabal to show on the drawings the entrance to City Hall to clarify the walk for residents from the parking lot to the main entrance. Mr. Rosabal showed the driving and walking directions on the drawing shared over Zoom. Mr. Rosabal further explained where additional parking spaces were located, including handicapped parking spots. Mr. Rosabal explained the grade changes in the walkway, which range from five feet to nine feet over 110 feet of walking surface. Additionally, Mr. Rosabal showed different pathways on the drawing. City Administrator Turner explained that the parking spaces on the right side of the turn are in line with the newspaper boxes, and the corner of Marble Hall would be halfway in the parking lot. City Administrator Turner further explained that the farthest existing parking spot is a longer walk to Marble Hall now than any of the new parking spaces. Vice-Mayor Harding further commented on the movement of the line further back and stated that it is a good opportunity to place a picnic table there. City Administrator Turner explained that this area will be an outside area for the city with a flat surface where tables and benches can be placed. City Administrator Turner continued by saying that the steps in the drawing will be going away, and the back porch will be there with the view of the canal. Mayor Trefry stated that this was part of the original vision to have a nice outdoor green space. Mr. Rosabal agreed with the intent of a nice outdoor green space but stated that at this point a consensus is needed on the new building position. Mr. Rosabal said that this design is not finished, and that once approval is given to move forward, designs will be started to incorporate the outdoor areas. City Administrator Turner asked the Commission to give Tony Rosabal a head-nod to move forward. City Administrator further stated that the building itself has not changed but only has been moved. The City Administrator explained that the change in the tower was so no height variance would be needed. City Administrator Dave Turner further stated that there might be a possible request for a setback variance from the road, which is normal for the city to give out, but that the height will fall under the normal limits for the new LDR's. The City Administrator stated that Commissioner

DeNeale's concern was that the back porch would be staying, which the City Administrator confirmed will stay. Mayor Trefry stated that she is ready to move forward, which the Commission agreed on. Vice-Mayor Harding asked about the parking on 7th Street and if additional parking would be needed. City Administrator Turner stated that he does not believe so but mentioned that the Gazebo is in bad shape and might have to be taken down with a replacement of a Tiki next year. City Administrator Turner further stated that hopefully at that point the new city hall will be up, and the temporary trailers gone which might allow for more parking spaces. Vice-Mayor Harding asked the City Administrator if more parking spaces are needed based on the highest numbers of population during the month of February and March. City Administrator Turner stated that it is currently not needed since additional parking is available behind the hedge row. Mr. Rosabal stated that the gravel parking lot will remain intact, and the city will have 37 dedicated parking spaces. Mr. Rosabal further said that perhaps a dedicated walkway could be put in to connect the gravel parking lot to City Hall. Mr. Rosabal asked if the city ever a situation had where the main parking lot was overfilled and said that currently the Post Office Trucks are blocking the parking lot when making deliveries. Mr. Rosabal explained that this situation will no longer occur with the new parking design. City Administrator Dave Turner asked the Commission to give Mr. Tony Rosabal a nod to continue with the design and to be able to give 100% of the drawings. Mayor Trefry and the Commission agreed and gave a head-nod to proceed. Mayor Trefry did request that updated exterior sketches will be provided. City Administrator Dave Turner stated to Mr. Tony Rosabal that he received the nod to go ahead with the drawings and asked to be send the PDF of the exterior drawings. Mr. Rosabal stated that he will send them and that a revised schedule will be send the following week.

***B.** Appointment of two members to the Utility Board – Mayor Trefry stated that Mike Alexander rescinded his resignation from the Utility Board and that she would like to appoint Bill Fahs as an alternate to the Utility Board. Mayor Trefry stated that the Commission is taking this action under recommendation absent from the direction of the Utility Board. City Administrator Dave Turner added that the Utility Board needs a quorum with a lot of projects taking place, and that the Utility Board is short of members like all the committees. City Administrator Turner continued saying that if anyone would like to serve on any of the committees, to see himself, the Mayor, or any of the Commissioners. City Administrator Turner stated that the city has good participation from residents, but that the boards need to be full especially during the summertime when everyone is traveling. The City Administrator further stated that there are monies depending on a quorum which also applies to other committees. Mayor Trefry commented that the demographic of the city is changing and that the last winter season some of the volunteer committees could not get quorum. Mayor Trefry continued by saying that the Commission should be cognizant of the situation and recommended trying to think of a solution or plan with the volunteerism being down. Mayor Trefry asked if the Commission if there was any further discussion which was not.*

***MOTION:** Motion made by Commissioner Sutton, seconded by Vice-Mayor Harding, to accept the rescinding of resignation of Mike Alexander and to appoint him to the Utility Board.*

***DISCUSSION:** None.*

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

MOTION: Motion made by Commissioner Ramsay-Vickrey, seconded by Commissioner Sutton, to appoint Bill Fahs, to the Utility Board.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Unanimous approval.

Mayor Trefry thanked the Commission after the vote.

6. Committee and Staff Reports:

A. Marathon Fire/EMS – Fire Chief Johnson was not in attendance, however, Chief DiGiovanni stated that the Fire Chief would most likely remind everyone that hurricane season is approaching and to be ready with plans and supplies.

B. Recreation Committee – No report.

C. Beautification Committee – No report.

D. Disaster Preparedness Committee – No report.

E. Planning & Zoning Board - No report.

F. Code Enforcement Board – No report.

G. Utility Board – No report.

H. Police Department – Chief DiGiovanni informed on 4 reports, including 1 accident with no injuries at the trailer lot, 1 accident with no injuries at Coury Drive, 1 accident with injuries on the Causeway, and 1 domestic battery with an arrest on 3rd Street. The KCBPD responded to 3 medical and alarm calls, 13 calls for service, and backed up MCSO 9 times, along with boat and road patrol, and the vacation watch program. Police Chief DiGiovanni stated that he had an opportunity to take the new Commissioner around the City and stated his appreciation. Chief DiGiovanni further stated that May 11th-15th is National Law Enforcement Week recognizing law enforcement throughout the nation. The Chief further reported that Corporal Buxton and Officer Burden are teaching a class to KCBPD, as well as MCSO, on the importance of seatbelts, speed, and body armor. Chief DiGiovanni explained that the class is called “Below 100” and focuses on wearing seatbelts, watching speed, and wearing body armor, and explained that it is an important class to have for officers. Chief DiGiovanni continued by stating that the Fishing Derby Committee is continuing to prepare for the 15th KCB Fishing Derby on June 15th, and that Corporal Buxton is continuing to work on the departments policies and procedures.

I. Building Department – Building Official Gerard Roussin

a) Building Official Gerard Roussin gave an update that the new Building Inspector is working his Fire Safety 1 Inspector License with a goal of completion by the end of June.

b) Building Official Gerard Roussin reported on attending the Code Enforcement Board Hearing yesterday, which addressed 1000 W. Ocean Drive as well as 680 11th Street. Building Official Roussin stated that both cases have reached an agreement. Building Official Roussin further explained that a permit application was received from 1000 W. Ocean to demolish the property. The Building Official stated that two more items are needed from the contractor, including an engineer’s report on the effects of the adjoining duplex, as well as an engineer’s report on how to finish the fire safety wall between the two units. The Building Official explained that part of the demolition is to fill in and finish the wall for the fire safety rating. Building Official Roussin further

reported on the property at 680 11th Street and the recommendation by the Code Board to extent the permit to December 30th with a continuation of permit fees, and a daily fine that will disappear if the work will be completed on time. Building Official Roussin further commented on the stipulated agreement with 141 10th Street regarding the floating dock, as well as having send out additional five letters to property owners with floating docks to receive a permit after the fact. Building Official Roussin stated that two of these properties will be presented to the Commission for approval or disapproval. Mayor Trefry asked the Building Official for clarification on the daily fine for 680 11th Street, which was clarified as two separate fines for not applying for a permit and the other for not finishing the work on time. City Attorney Dirk Smits added that there was a question if the Code Board had the ability to waive the fines but believes there was a joint meeting where the resolution of waiver of fines was addressed. City Attorney Smits asked the Commission for a head-nod that the waiver of fines by the end of December is acceptable if in compliance. The Commission agreed with the Code Board direction. Vice-Mayor Harding asked if a cost recovery sheet on significant violations for the Code Board could be started by the Administration to keep track of costs. Vice-Mayor Harding further stated that he believes that the \$3,000.00 fine the Code Board agreed on was significantly low to repay the city and the city will get smarter in the cost recovery process. City Attorney Dirk Smits stated that he does not have an exact figure, but that Vice-Mayor Harding is probably right on the legal side of the calculations and that he will open a separate file for code cases to track costs. Vice-Mayor Harding continued by saying that in addition to the attorney fees there are 11 city employees that incurred costs as well. City Attorney Smits agreed with Vice-Mayor Harding. Mayor Trefry asked if there were any further questions for the Building Official which were not.

***J.** Public Works Department Head Mike Guarino reported that the poles for the Police Department Radar signs were installed, the equipment locker for the bocce ball courts were built, and a new welcome sign for 7th Street Park was built. Public Works Department Head Guarino further reported that the city-wide tree trimming is continuing, and assisted the Beautification Committee with moving the Lignum Vitae Tree from behind Marble Hall to the Pro Shop. The Commission thanked Public Works Department Head Mike Guarino for his report.*

***K.** City Secretary/Treasurer – No report.*

***L.** City Clerk – City Clerk Silvia Gransee apologized for the technical difficulties in starting the Zoom Meeting and the resulting delay of it. City Clerk Gransee continued by reporting on attending the WebEOC meeting with Mayor Trefry at the Government Center, as well as preparing for Code, Planning & Zoning, Beautification, and today's Commission Meeting. City Clerk Silvia Gransee further reported on preparing for the upcoming Townhall Meeting and that letters to the residents will be send out today, advertisement will be in the paper Saturday as well as next Thursday, and that the Townhall agenda will be send out and posted tomorrow. City Clerk Gransee further reported on updating the city website with Commissioner Beth Ramsay-Vickrey's information as well as the two new administrative assistants. City Clerk Gransee thanked Administrative Assistant's Barbie Morales and Christine McLeod for being there and that everybody is appreciating them being on board. City Clerk Gransee further reported on having completed a*

public records request for Mr. Harper, having attended the Code and Beautification Meeting, and is working on completing minutes. The Commission thanked the City Clerk for her report.

M. Code Enforcement Officer – Code Enforcement Officer Stacy Stahl reported on having created 49 new cases since the last meeting, including 37 for trash and/or yard waste, 5 for trailer parking issues, 2 trailer citations for no permit, 1 case for new construction requirements for 680 11th Street, and 1 parking in the right-of-way which was resolved by the property manager on site, 1 case for not displaying street numbers on a building, 1 for landscape irrigation, and 1 for building and property management. Code Enforcement Officer Stahl reported Year-to-Date 394 cases with \$14,705.00 total fines, \$8650.00 paid, and outstanding \$6,100.00. Code Enforcement Officer Stahl reported that the renewal process will start in the beginning of June with everyone being recertified or relicensed by the end of September and stated, that a lot of those fines will be collected during this time as well. Code Enforcement Officer Stay Stahl further reported on having handled 11 trailer lot calls, prepared for the Code Enforcement Board Hearing, ran an additional update with Rentalscape and that all cases that are showing as unlicensed are permanently accounted for. Code Enforcement Officer Stacy Stahl continued by saying that she is assisting with transfer applications for rental licenses and is sending out instructions in preparation for the renewal process, as well as preparing for the property managers class which will be held June 2nd. Code Enforcement Officer Stahl reported on working on a processing error by CitizenServe with license payments. Code Enforcement Officer Stahl reminded everyone that Marathon Garbage has not been picking up yard waste that is sticking up more than 12 inches over top of the can and to pay attention to fill the cans properly. In closing, Code Enforcement Officer Stahl reminded everyone that storm season is coming, to make sure to pick up lose items, and to know where to store them in case a storm is approaching. The Commission thanked Code Enforcement Officer Stacy Stahl for her report.

N. City Administrator Dave Turner reported on working on grants and moving forward with the Watershed report which will be worth 115 points towards the city's CRS rating. In addition, the vulnerability report can be used as part of the 25% match money to do the Watershed report. City Administrator Turner further reported that Chief DiGiovanni is working on the Cops Grant for two new officers, and that the vulnerability modeling is underway. City Administrator Turner reported that City Attorney Dirk Smits is working with the City of Layton on the interlocal agreement, and that the Fiber Optics/Smart City Project is slowly moving forward and is happy with the progress. City Administrator Turner further reported that seven projects are active on DemandStar which will mature next week, which in turn means a lot of activity within the city. City Administrator Dave Turner further reported that a Golf Tournament was held and the monies that were donated will stay with the Golf Course which means the Tiki Hut will be repaired within the next few weeks. Vice-Mayor Tom Harding asked City Administrator Dave Turner on the FEMA status on funding approval and the last update on insurance policies verification and if there was any additional progress. City Administrator Turner reported that Ron Howell has not reported of much progress and that he will have to decide in the next few weeks on how to proceed. City Administrator Turner reported that he is in a difficult situation on whether to make the decision to demolish the building without FEMA's final decision. City Administrator Turner continued by saying that he emailed Senator Rubio's office again on the issue and will touch base again with his office by the end of the

week. Vice-Mayor Tom Harding asked if an appointment can be set up face-to-face with someone in Tallahassee. City Administrator Dave Turner stated that maybe not right at this moment, but sometime soon, to receive an answer on possible monies and planning. City Administrator Dave Turner stated that he has been working with City Attorney Dirk Smits on the issue, and that the city has been saving money and will be doing so again in the upcoming budget cycle. City Administrator Turner further said that the city has 2.2 million dollars sitting in hardening money which will have to be used soon so that grant will not go away. Vice-Mayor Tom Harding stated that an individual in a mitigation meeting was in a similar situation, and that once the face-to-face meeting was formally requested, significant progress was being made. Vice-Mayor Harding further stated that if the city is at a point where no progress is being made, to formally request a meeting. City Administrator Turner stated that himself and Mayor Trefry had a meeting in Tallahassee where they had met with five individuals. Mayor Trefry stated that the current delay is with the insurance company and that updates are given every Friday. City Administrator Turner continued saying that currently the flood insurance company and FEMA are in discussion on who pays what. Vice-Mayor Tom Harding said that he understands the situation the City Administrator is in but wonders what a possible face-to-face meeting would accomplish. City Administrator Turner replied that he would like to see a response from Senator Rubio's office and will move on if no response is made. City Administrator Turner continued by saying that the plan still is to start the process with the asbestos removal and shutting down of Marble Hall in June.

7. Commissioner Items for Discussion/Approval:

A. Discussion/Approval of interlocal agreement between Monroe County, Florida, and the City of Key Colony Beach, Florida, for mobile LiDaR Services.

Mayor Trefry asked City Administrator Dave Turner to take lead on the item up for discussion and approval. City Administrator Dave Turner explained that by partnering with the County, the City will receive a great rate on LiDaR, which is a service of a truck measuring heights within in the city that can be used for certificates for heights for new buildings, as well as an option of reports of road conditions. City Administrator Dave Turner stated that he is planning on including the cost on this option in the next budget cycle which will help with planning on long-term future road conditions and repairs. City Administrator Turner further stated that this agreement will help with future grants and will also help the Building Department with elevation questions.

MOTION: *Motion made by Commissioner Sutton, seconded by Commissioner Ramsay-Vickrey, to approve the Interlocal Agreement between Monroe County, Florida, and the City of Key Colony Beach, Florida for Mobile LiDAR Services in the amount of \$10,778.00.*

DISCUSSION: *Mayor Trefry asked if the amount up for approval is correct which City Administrator Turner confirmed. Vice-Mayor Tom Harding asked regarding page 32 on the agenda packet regarding the agreement, that the data file will be maintained for two years with an option to have it maintained longer. Vice-Mayor Harding asked if the city could see how to maintain it themselves or to pay for additional service since this file will be needed for the next ten to twenty years. City Administrator Turner stated that he believes that there is an option to pay a minor*

amount for cloud storage, but also that with the future GIS mapping this data will be accessible online.

ON THE MOTION: Roll call vote. Unanimous approval.

8. Approval of Warrant – none.

9. Ordinances and Resolutions

A. Ordinances – First Reading

a) Ordinance No. 2022-474 Parking Ordinance: An Ordinance Of City Of Key Colony Beach, Florida, Amending Chapter 17 – Traffic And Parking Of The Code Of Ordinances Of The City Of Key Colony Beach By Amending Section 17-6. – Parking Restricted On Right-Of-Way In Key Colony Beach Subdivision And Section 17-7. - Parking Restriction On City Parking Lots/City Right-Of-Ways

City Attorney Dirk Smits explained that due to substance change in the ordinance, the ordinance will have to go back to a First Reading instead of a Second Reading. Mayor Trefry read the First Reading of the proposed ordinance.

MOTION: Motion made by Vice-Mayor Tom Harding, seconded by Commissioner Beth Ramsay-Vickrey, to approve Ordinance No. 2022-474.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Unanimous approval.

B. Ordinances – Second Reading – None.

C. Resolutions

a) Resolution 2022-04: A Resolution By The City Of Key Colony Beach, Florida, Designation and Adopting A Fee Structure And Associated Policies For Notarial Services Offered By The City And Its Staff.

Mayor Trefry read Resolution No. 2022-04 and asked for a Motion to approve.

MOTION: Motion made by Commissioner Ron Sutton, seconded by Commissioner Beth Ramsay-Vickrey, to approve Resolution No. 2022-04.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Unanimous approval.

10. Commissioner’s Reports or Comments

Commissioner Sutton had no report.

Vice-Mayor Tom Harding updated on the local mitigation group on sending notices on state funding on storm mitigation. Vice-Mayor Harding reported that he will look into the flood proofing panel and find out if it can be submitted, which is due end the of May. Vice-Mayor Harding further reported on having received a report from Chief DiGiovanni concerning the Sadowski/US1

interchange. Vice-Mayor Harding reported on the issue of cars running the red light on US1 going from east to West and people coming out of Key Colony being potentially hit. Vice-Mayor Harding stated that he started auditing the intersection and found that people are consistently running the red light. Vice-Mayor Harding continued saying that he will share his audit results with FDOT, as well as Chief DiGiovanni who will share the results with the Monroe County Sheriff's Office. Vice-Mayor Harding stated that there might be a potential for cameras for enforcement as a deterrent to run the red light. Vice-Mayor Harding stated that he will follow up with Chief DiGiovanni on the issue.

Commissioner Beth Ramsay-Vickrey stated that the last two weeks were wonderful and reported on touring the City with the Executive Director, as well as the Police Chief, and appreciates everyone's different points of view of the City. Commission Ramsay-Vickrey continued by saying she met with the representative of the Beautification Committee and helped with the move of the Lignum Vitae Tree, which the Commissioner stated was a great project. Commissioner Beth Ramsay-Vickrey further reported on having attended the Beautification Committee meeting, the Marathon Council Meeting, and the Marathon Chamber After-Hours event. Commissioner Beth Ramsay-Vickrey continued saying that there are more pressing issues, that the city and contracts cannot be held up by a lack of quorums. Commissioner Ramsay-Vickrey stated that she briefly talked to City Attorney Dirk Smits on tightening some of the language under the duties and responsibilities of the Utility Board and to consider some minor changes. Commissioner Beth Ramsay-Vickrey continued by explaining the suggested changes in language in the ordinance. City Attorney Dirk Smits also explained the suggested change in language and stated that it would be a good safety net to have in place for the Utility Board. City Attorney Dirk Smits further stated that it is a good idea to have the City Administrator supervising and that 'Robert's Rules of Order' of the actual running the meeting would remain the same. Commissioner Ron Sutton stated that he would like to see this come to fruit as soon as possible and that the City cannot be put in a situation where it could potentially lose a lot of money. Mayor Trefry agreed with Commissioner Sutton and stated that the situation of not having a full board and 650,000 of money going away is not acceptable. Mayor Trefry reported that during the winter months one volunteer committee did not have a quorum for two consecutive meetings and did not notify staff that there would be no quorum. Mayor Trefry explained that staff prepared and came to the meeting with no one attending. Mayor Trefry gave praise to Commissioner Beth Ramsay-Vickrey on addressing this issue and stated that some tough decision must be made going forward. City Attorney Dirk Smits commented on the law of dual office-holding which states that no one is supposed to sit on two separate boards. The City Attorney stated that this is a concern for Key Colony and should be addressed pro-actively. Mayor Trefry agreed and stated that this could put the city in a difficult situation. Vice-Mayor Tom Harding stated that he was on the Utility Board for four years and understands the policies and procedures of that board. The Vice-Mayor stated that he was under the impression that if the Utility Board does not have a quorum, the lead of that board could bring the issue to the commission, and that the city commission was the final authority on any recommendations on grants, approvals, or contracts. Vice-Mayor Harding continued saying what he understood was that if a board does not have a quorum, it is up to the chair to bring the concern to the commission to address. Vice-Mayor Harding stated that he believes that this was part of the ordinance and further stated that he is not sure if they can be part of two boards. City Attorney Smits stated that it is clear in the code that a

recommendation must come from the Utility Board, but the City Commission does have its own power to contract. City Attorney Smits further stated that the issue was going in front of the City Commission today if it would not have been resolved by the Utility Board. City Attorney Smits said that he does not like the language of 'shall recommend' as it is a boards job to do. Vice-Mayor Harding stated his understanding that the Chair of the Board and City Administrator to be a guide to the Commission if an emergency meeting is needed. City Attorney Smits replied that the Commission has the ultimate power of contracting and that the recommending board is supposed to do its due diligence when making a recommendation to the Commission. The Commission and City Attorney further discussed possible changes in wording for the ordinance, as well as the code on being able to perform on two boards at the same time. City Administrator Turner asked for confirmation of his understanding that the chair of a board or committee, or the City Administrator, can come to the City Commission for approval. The Commission confirmed this, and the City Attorney added that this could be considered the need for an emergency meeting. The Commission and City Attorney further discussed the wording on the recommendation portion for the ordinance amendment. Mayor Trefry recognized Planning & Zoning Chair Joey Raspe for comment. Joey Raspe commented that as a chair of one of the boards, if there would not be a quorum on his board, himself as the chair would be notifying City Administrator Dave Turner. Vice-Chair Harding asked Joey Raspe, that even if it was not a significant issue, if he would let the City Administrator know to take it to the City Commission for direction. Joey Raspe stated that this is correct if no quorum was reached, however, if himself as the chair was absent, the vice-chair would handle the meeting. Joey Raspe asked for clarification that a person can be on two boards, just not the Commissioners, which was confirmed. The Commission and City Attorney further discussed the wording in the current ordinance and desired changes. Mayor Trefry asked, with the Commission's approval, for Commissioner Beth Ramsay-Vickrey and City Attorney Dirk Smits to tighten up the language in the proposed document and bring back to the Commission for approval. Mayor Trefry recognized National Police Week and apologized for not having a resolution in front of the Commission. Mayor Trefry further stated to Chief DiGiovanni how much the City supports and appreciates his department.

II. *City Attorney Dirk Smits reported that the Code Board cases have been addressed and stated for the record, that he talked to all Commissioners individually prior to the meeting to clarify legal issues. City Attorney Dirk Smits reported on legislative updates, including the ability to further restrict smoking in public parks and beaches, a new advertisement law on public notices for online publishing, a new bill on geo-location information for police officers, a new law on police authority to disburse persons in front of private residences that have the intent to harass, as well as a new law on legislative actions by the City Commission and the possible impact on local businesses. Vice-Mayor Harding asked City Attorney Dirk Smits if the city must have a spreadsheet that shows how a business will be affected, and if this template should be provided to the City Clerk. City Attorney Smits stated that the law is effective July, and he will look into the issue, but City Attorney Smits stated that he does not believe that any of what the city has been doing had any significant impact on local businesses. Mayor Trefry also stated that the business must be established for three years to qualify. City Attorney Dirk Smits stated that he will circulate the new legislative updates. Vice-Mayor Harding asked City Attorney Smits if the Governor has signed the anti-smoking bill, as*

he would like a draft of non-smoking policy for the city parks. Mayor Trefry stated that there is one exception to the anti-smoking law, which is that cigars are allowed. City Attorney Smits stated that he will draft the policy to be effective after July 1st. City Attorney Dirk Smits further stated that he received a copy of the release form for the Fishing Derby which needs a few edits but will be addressed with Chief DiGiovanni.

12. The meeting adjourned at 11:00 a.m.

Respectfully Submitted,
Silvia Gransee
City Clerk

ADOPTED: May 26, 2022
Silvia Gransee
City Clerk