

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, August 17, 2023 – 9:30 am

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

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call: The Key Colony Beach City Commission Regular Meeting and Public Hearing was called to order by Vice-Mayor Ramsay-Vickrey at 9:30 am followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Vice-Mayor Ramsay-Vickrey, Commissioner Harding, Commissioner Foster, Commissioner Raspe, Mayor Trefry (via Zoom). **Also present:** City Administrator Dave Turner, Assistant Fire Marshal Mike Card, Building Assistant Karl Bursa, Police Chief Kris DiGiovanni, City Attorney Dirk Smits, City Attorney Roget Bryan, Code Officer Barry Goldman, Public Works Department Head Mike Guarino, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.

Physical Attendance: 15

Virtual Attendance: 55

Vice-Mayor Ramsay-Vickrey asked for consensus from the Commission for Mayor Trefry to participate via CMT due to illness. The Commission agreed. Mayor Trefry joined the meeting via CMT.

2. Agenda Additions, Changes & Deletions:

City Administrator Turner asked for the addition of corrected Ordinance No. 2023-486 for a scrivener's error had occurred on the original.

City Administrator Turner further asked for the agenda addition of a discussion on the use of Sunset Park. Vice-Mayor Ramsay-Vickrey added the item under 8d.

City Administrator Turner also asked for the addition of the Nearshore Electric, Inc. Proposal in the amount of \$19,370.00 for emergency work on the Utility Plant. Vice-Mayor Ramsay-Vickrey added the item under 8e.

City Administrator Turner further asked to move agenda item I ahead of Item A for the outgoing Utility Board Chair to address the Commission.

The Commission had no objections and all requested changes were made.

Commissioner Harding asked for the addendum of the Wastewater and Florida League of Cities update. They were no objections.

3. Special Request: None.

4. Citizen Comments and Correspondence: City Clerk Gransee informed on the following citizen correspondence received for the City Commission:

Joanne Stewart, August 14th, gave thoughts on Sunset Park, the City Administrator, and voicing support for the referendum on a new building.

Paul Eville, August 14th, gave thoughts on the closed attorney/client session.

Sue Bartkus, 140 1st Street, August 15th, gave thoughts on a variety of topics.

Jane Byland, August 15th, gave thoughts on the referendum and a re-establishment of peace in the city.

Michelle Smoot, August 15th, gave thoughts on the cost to the taxpayer for a new building.

Vice-Mayor Ramsay-Vickrey asked for citizen comments.

Laurie Swanson, 620 9th Street, spoke on failed communications with the City Commission, the filed referendum, the upcoming closed meeting with City Attorney Smits, and gave thoughts on how to go forward.

Armand Messina, President of the Florida Keys Contractors Association, spoke about concerns by contractors on the lack of accessibility and lack of knowledge in the Building Department. Mr. Messina further spoke on concerns about unlicensed contractors in condominiums.

Vice-Mayor Ramsay-Vickrey asked for Mr. Messina to contact City Administrator Turner for an appointment. City Administrator Turner informed on having already reached out to Mr. Messina and plans for a meeting are being worked on for the following week.

Fred Swanson, 620 9th street, spoke to the City Commission on the proposed ordinance on sea turtle protection and gave suggestions for improvements.

Vice-Mayor Ramsay-Vickrey asked Mr. Swanson to stay for the discussion on the proposed sea turtle ordinance to hear Commissioner comments.

James LaConte, spoke to the City Commission on City Hall and recollected his experience on timeline of events and his impression on collusion.

There were no additional citizen comments from the audience. There were no citizen comments online.

5. Approval of Minutes

a. 07-20-2023 City Commission Regular Meeting & Public Hearing Minutes

Vice-Mayor Ramsay-Vickrey asked for any corrections to the minutes. Commissioner Foster stated to vote yes on the approval of the minutes but asked for a meeting with City Clerk Gransee for comments he would like to see included in the future. City Clerk Gransee agreed and the minutes were approved as written.

6. Committee and Department Reports

a. Recreation Committee –Report by Ted Fischer & Mike Yunker on the Pickleball Expansion

Mike Yunker spoke to the City Commission on assisting the City and the Pickleball Community with the forming of a Pickleball Club. Mike Yunker talked about the Recreation Committee's recommendation to form a pickleball club and the popularity of the sport. Mike Yunker explained the intent of the organization and implementations of a fee structure, bylaws, and structures. Mike Yunker detailed the different structures that are being considered and the recommendation of approval by the Recreation Committee and for the club to grant authority to administer playtime hours.

Ted Fischer had no additional comments to Mike Yunker's report.

Commissioner Harding asked for clarification to whom the club will report to. Mike Yunker informed the club being a separate entity and to work hand-in-hand with the city and Recreation Committee. Commissioner Harding gave further thoughts on structure and how possible conflicts can be resolved. Mike Yunker explained the importance of a Pickleball Club and how it will assist the Recreation Committee without the constraints of Sunshine Law and meeting procedures.

Ted Fischer added that the focus of the club will be to handle operational aspects and to generate income to help offset costs of maintenance of the courts. Ted Fischer confirmed that agreements between tennis and pickleball are established and that the club will work within those agreements.

Commissioner Harding suggested for a member of the pickleball club structure to be part of the Recreation Committee and not to be independent. Mike Yunker explained the intent of the structure and agreed to the possibility of an incorporation of a liaison between the club and the committee.

Ted Fischer explained the clubs intent to be a stand-alone club comparable to the Fishing and Boating Club and a liaison being a good idea.

Mike Yunker explained his request to look for a vote to form a Pickleball club.

City Attorney Smits explained that the Commission can give a head nod to have the request as an action item at the next City Commission meeting.

Commissioner Foster asked for clarifications on the intent by Mike Yunker and Ted Fischer on approval for the forming of club and a head nod on Option 4 as presented in the agenda packet. Mike Yunker agreed and explained the purpose of intent in the forming of the club. Mayor Trefry asked if a liability insurance will be incorporated. Mike Yunker confirmed that the club will have liability insurance and is currently looking at available options. Ted Fischer informed on the liability coverage for the Community Association and the club to be looking for more continuous coverage.

Vice-Mayor Ramsay-Vickrey asked for City Attorney Smits to elaborate on management, administration, and fee structure management. City Attorney Smits stated his preference on club structure and him being happy to work with the club on structure, limitations, and a fee structure.

Vice-Mayor Ramsay-Vickrey asked for a head nod from the Commission for Mike Yunker and Ted Fischer to work with City Attorney Smits on the establishment of a structure to form a Pickleball Club. The Commission gave their head nod. City Attorney Smits asked for the expenses related to the incorporation to fall to the Club. Mike Yunker confirmed to bring the question back to the committee group and asked if the club can start formulating rules and procedures. City Clerk Gransee asked if the Commission would like to have brought back the topic as an action item at the next Commission meeting. City Attorney Smits and Vice-Mayor Ramsay-Vickrey agreed on the condition that the club will be ready with all requirements.

Vice-Mayor Ramsay-Vickrey asked for the discussion to continue for available options. Mike Yunker summarized the report that was given to the Commission including the recommendation by the Recreation Committee for approval. Mike Yunker recalled the beginning of the discussions in March and his involvement in the planning. Mike Yunker described his research in finding court locations and explained the conclusion on the recommendation for Option No. 4. Mike Yunker explained the move of the existing tennis court to 7th Street will include new facilities, a new Tiki Hut, a drinking fountain, and shrubs. Mike Yunker explained that upon completion, pickleball will expand into the existing tennis court with the layout of four new courts. Mike Yunker further explained that the basketball court will be placed closest to 8th Street which will enable multi-use. Mike Yunker spoke on prior concerns by the tennis community and explained that all concerns have been addressed and satisfied. Mike Yunker stated for Option No. 4 to be the best option for the expansion and for the Recreation Committee to have approved Option No. 4. Ted Fischer had nothing to add.

Vice-Mayor Ramsay-Vickrey asked for Commissioner comments or questions.

Commissioner Foster asked Mike Yunker on his request for a head nod from the Commission to go forward. Mike Yunker confirmed his request for approval to be able to start the next step of fundraising. City Attorney Smits explained for the item to be added as an action item for the next meeting and the purpose of public notice for comments. Commissioner Foster asked for specific direction on how to go forward. City Attorney Smits talked on the purpose of a Resolution to address location and the Recreation Committee entering an agreement for the management of the club. City Attorney Smits agreed that it would be wise to go through Planning & Zoning for submittal of plans but stated that he does not know what stage the club is at. Commissioner Foster suggested for Mike Yunker and Ted Fischer to work with City Administrator Turner to complete all requirements prior to bringing it to the Commission for a vote. Mike Yunker spoke on the current tennis courts needing improvements and monies that have been budgeted. Mike Yunker explained additional upgrades that can still be provided. City Administrator

Turner explained the reasons why the resurfacing was held off due to discussions on an expansion and that it can be moved forward with. City Administrator Turner informed that he had suggested to the Recreation Committee to hold a Townhall meeting for public input by residents on 7th and 8th Street, and Shelter Bay Drive. City Administrator Turner stated that he can work through the Planning & Zoning Board to have all questions answered. City Administrator Turner agreed to have the topic back to the City Commission as soon as the club can have all available information. Mike Yunker confirmed to Commissioner Harding the number of available and proposed courts and remaining available space. Commissioner Harding suggested an alternative option on arranging the basketball and tennis courts by 7th Street. Commissioner Harding continued suggesting a type of sound barrier on 7th Street, ADA compliance for the use of the tennis courts, and an estimate of costs to take forward with a grant. Mike Yunker confirmed to bring back the suggestion to the committee and agreed with Commissioner Harding on the possibility of rearranging the courts. Ted Fischer explained the objective of having left the space open for noise reduction on 8th Street. Commissioner Harding asked to look into different options for noise reduction. City Administrator Turner asked on the Commission's thought on having only a half court for basketball. Commissioner Harding agreed with the City Administrator for this to be an option. Mayor Trefry agreed for this to be a great plan but stated the importance of outreach for residents to provide public input.

Vice-Mayor Ramsay-Vickrey asked for a head nod from the Commission for Mike Yunker and Ted Fischer to take into accounts today's comments and suggestions and work with City Administrator Turner to hold a Townhall meeting to receive public input. Commissioner Foster asked Mike Yunker and Ted Fischer on being satisfied with Option No. 4 or if a revisit is desired. Mike Yunker explained that Commissioner Harding's option could be an addition to Option No. 4. Vice-Mayor Ramsay-Vickrey asked Mike Yunker to go forward with Option No. 4 at the Townhall meeting with an Option No. 4b. expanding on Commissioner Harding's suggestion. Vice-Mayor Ramsay-Vickrey asked for a head nod from the Commission for Mike Yunker and Ted Fischer to continue working with City Administrator Turner on a Townhall meeting to bring back a solid plan. Mike Yunker and Ted Fischer asked for an updated drawing by the landscape design architect. City Administrator Turner spoke on available monies for the architect and that information will be available for residents. Commissioner Harding agreed with City Administrator Turner on the utilization of the monies and the possibility of reimbursement with grant monies. Vice-Mayor Ramsay-Vickrey suggested to work with Commissioner Harding on cost estimates and potential grants. Vice-Mayor Ramsay-Vickrey confirmed the head nod by the Commission to move forward as directed.

b. Marathon Fire/EMS – Marathon Assistant Fire Marshal Card gave the fire report for the past month including information on fire incidences, hazardous conditions, public service calls, and total number of calls for the month and year. Mike Card informed on safety training being held on lithium batteries and the fire dangers involved with them. Commissioner Harding asked for Public Works Department Head Mike Guarino and Police Chief Kris DiGiovanni to be included in the training for classes. Assistant Fire Marshal Card confirmed.

Mike Card continued informing on the Fire Department Benevolent Group including the past BrewBQ event and the upcoming Firefighter Bingo event which proceeds support training, apparatus, Firefighter families support, as well as local families.

Assistant Fire Marshal Card further informed on the ongoing process of hiring a new Fire Chief and hoping to have it completed by the end of fiscal year. Mike Card further informed on four new firefighters having been successfully hired, and explained curriculum and services provided.

The Commission had no questions.

- c.** Police Department – Chief DiGiovanni
- d.** Building Department – Building Official Leggett
- e.** Public Works – Public Works Department Head Guarino
- f.** City Clerk – City Clerk Gransee
- g.** Code Enforcement Officer – Code Officer Goldman
- h.** Beautification Committee
- i.** Planning & Zoning Board
- j.** Utility Board

Vice-Mayor Ramsay-Vickrey asked for Commissioner questions on department head reports.

Commissioner Foster asked Public Works Department Head Mike Guarino for an update on the mangrove trimming. Public Works Department Head Guarino gave positive feedback and added that the prior trimming from the boat caused safety concern. Commissioner Foster further asked about the cost of adding a door to the City Hall trailer which Public Works Department Head estimated to be under \$400.00. Commissioner Foster also commented on the repair of the injection well covers and expressed satisfaction that the Public Works Department is handling the repairs.

Commissioner Harding complemented staff on completion of the monthly safety reports.

Commissioner Raspe commented staff on the completion and comprehensiveness of department head reports and providing them ahead of time.

Mayor Trefry commended Building Assistant Karl Bursa on his education on flood insurance bills and CRS discounts for residents on the city website.

7. Items for Discussion/Approval

a. Discussion/Approval of the Haack Excavating, Inc., bid for Stormwater Improvements on 9th and 10th Street in the amount of \$1,299,700.00.

Vice-Mayor Ramsay-Vickrey introduced the agenda item and asked City Administrator Turner to continue. City Administrator Turner reported that the Utility Board recommended approval by the City Commission to complete the Stormwater improvements. Vice-Mayor Ramsay-Vickrey asked for a motion to approve.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. Discussion/Approval of the Haack Excavating, Inc., bid for 9th, 10th, and 11th Street Stormwater Injection Wells in the amount of \$597,000.00.

Vice-Mayor Ramsay-Vickrey introduced the agenda item and asked City Administrator Turner to continue. City Administrator Turner explained the scope of work and the contract having been awarded to Haack through the proper bidding process and asked for approval. Vice-Mayor Ramsay-Vickrey asked for a motion.

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

DISCUSSION: Commissioner Foster asked about remainder monies which City Administrator Turner estimated to be about \$400,000.00. City Administrator Turner confirmed Agenda Item a & b to be covered under the grant as well as the use of a Swag grant eligible for use on the injection wells. Commissioner Harding explained the requirement of the monies to be used by December of next year. City Administrator Turner continued talking on the need to address the retention pond and the requirements on working with the South Florida Water Management.

ON THE MOTION: Rollcall vote. Unanimous approval.

c. Discussion/Approval of the Reynolds Construction of Florida, LLC, bid for a WRF Aerobic Digester Support Platform Column Replacement in the amount of \$113,250.00.

Vice-Mayor Ramsay-Vickrey introduced the agenda item and asked City Administrator Turner to continue. City Administrator Turner explained the project to be on the capital improvement list and the need for replacement. Vice-Mayor Ramsay-Vickrey asked for a motion.

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

DISCUSSION: Commissioner Foster asked on the number of bid responders. City Administrator confirmed two respondents and Reynolds being the most cost efficient as well as having worked previously with them.

ON THE MOTION: Rollcall vote. Unanimous approval.

Commissioner Harding spoke on the bidding process and reported that the approved Stormwater project only received one bid, the Injection Wells received two bids with a big difference in estimate. Commissioner Harding explained the bigger projects in the Keys usually receive one to two bids and approvals are within expected costs and estimates.

City Administrator Turner asked Commissioner Foster for help to be a liaison between residents and the city for the approved projects. Commissioner Foster stated to be happy to help.

8. City Administrator Items for Discussion/Approval

a. Update on Janitorial Services by Brightview: City Administrator Turner gave a good report on the janitorial services after initial problems in the beginning. City Administrator Turner explained more available hours for the Public Works Department and the cost being included in the next budget. City Administrator Turner further explained the benefit of service being completed on the weekend when city staff is not available.

b. Budget Update FY2023/2024: City Administrator Turner reported on the proposed budget to the Commission. City Administrator Turner updated on a slight drop in the proposed millage with no cuts to services. City Administrator Turner further informed of ongoing negotiations with Public Safety and having received all data on health benefits. City Administrator Turner spoke on the voting requirements for the approval of millage rates and expressed his preference to work on a lower millage rate. Commissioner Foster asked if it is reasonable to stay at the same millage rate. City Administrator Turner explained to look for taxpayer savings and not to cut services to lower the rate. Conversation followed on the county raising their millage rate and expectations for the city. City Administrator Turner explained that grants have helped with the budget. City Administrator Turner further stated to hope negotiations to have completed by September 7th.

c. Guidance on Implementation of Assessing Fines for Failure to Comply with Sewer Pipe Testing and Inspections per Sec. 14-5 Code of Ordinances: City Administrator Turner spoke to the Commission on the agenda item and asked for guidance on how to proceed with non-compliance of about 200 properties. City Administrator Turner confirmed the properties in question not having pulled a permit nor are they on a waiting list. Commissioner Harding suggested sending a reminder to be put on a waiting list within 30 days and a reasonable amount of time to pull a permit for repairs.

City Administrator Turner agreed to proceed with a letter from the Code Officer and to provide an update with the next staff report. City Attorney Smits confirmed the legality of providing a list of names of companies to complete the work. Commissioner Harding stated support for providing a list of names which City Administrator confirmed to be included. Commissioner Raspe asked for confirmation of reports received prior to sending the letter.

d. Limitation of use of Sunset Park (Agenda addition): City Administrator Turner spoke to the Commission on requests for use of Sunset Park for large events including the use of alcohol and need for police coverage. City Administrator Turner explained that no rules are in place and explained his concerns. City Administrator Turner asked for input from the Commission and how to move forward. Vice-Mayor Ramsay-Vickrey asked the Commission for preference on comments now or at a later point. Mayor Trefry gave concerns on larger groups

including parking, noise, damage to the grass, and irrigation. Commissioner Foster spoke on his attendance of events at Sunset Park and asked City Administrator Turner for the reason behind asking for guidance. City Administrator Turner confirmed on having received a larger request from a for-profit company and having no structure for rules. Commissioner Foster asked on previous size of events and complaints received. City Administrator Turner explained the need for structure and the different options to consider including fee structure, limitations by size, and alcohol use. Commissioner Foster asked for recommendations from the City Administrator. Commissioner Harding suggested to ask for feedback from the Police and Public Works Department and to give limitations to size, a fee structure depending on size, approval of alcohol use by the City Commission, and having a tiered fee structure. Commissioner Raspe agreed with Mayor Trefry and stated no support for larger groups and gave concerns on alcohol use and parking.

Mayor Trefry spoke on the change on what days weddings are being held and the need for coordination with City Hall on when Park events are being held.

Commissioner Raspe spoke on concerns of being a competitor with local restaurants and residents ability to use the park during the winter season. Vice-Mayor Ramsay-Vickrey asked City Administrator Turner to take all comments into consideration and to bring back a report to the Commission for consideration. Commissioner Foster observed that the comments should be useful to the City Administrator and asked about permit requirements for alcohol use. Commissioner Harding stated his observations on the use of Sunset Park and the benefit to the city's restaurants and suggested a time limit for events. City Administrator Turner agreed to bring back four options for the next meeting to form a Resolution for the use of Sunset park.

e. Discussion/Approval of Nearshore Electric, Inc. Proposal for VFD Replacements in the amount of \$19,370.00 (Agenda addition): City Administrator Turner spoke on the agenda addition and explained the need of the replacement of the VFD (Variable Frequency Drive) due to being outdated and failing. City Administrator Turner stated this to be an emergency repair and asked for approval for repairs and backup replacement parts. Vice-Mayor Ramsay-Vickrey asked for a motion.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Administrator Turner asked for the agenda addition of a provisional appointment due to the resignation of Toni Appell from the Utility Board. City Administrator Turner reported having talked to the Utility Board members individually and having received support for the appointment of Ed Carey. City Administrator Turner asked for a head nod or vote depending on the decision of Mr. Carey's Condominium Board. City Attorney Smits explained the need for the item to be on the agenda for public notice and explained that the item can be added to the agenda for cause. Vice-Mayor Ramsay-Vickrey asked for a head nod to add the item to the agenda for cause. City Administrator Turner asked for the item to be added to the Special Meeting agenda on September 7th. City Clerk Gransee informed on the meeting requirements for special meetings and it was agreed to have the item in a separate special meeting on the same day. Vice-Mayor Ramsay-Vickrey asked for guidance from City Attorney Smits. City Attorney Smits gave support for a special meeting on September 7th. After discussion, City Clerk Gransee confirmed to send out an invitation to the residents to apply for open seats and to schedule the meeting for September 7th.

9. Secretary-Treasurer's Report

a. July 2023 Financial Summary: Commissioner Harding gave the July 2023 Financial Report in his position as Secretary-Treasurer. Commissioner Harding reported on income and expenses for the month, including cash and restricted accounts, and infrastructure. Commissioner Harding stated continued expectations on a positive rollover to the next budget year and gave overall data on the current budget. Commissioner Harding continued reporting on Wastewater and predicted a negative income for the current budget year. Commissioner Harding stated no concern

with Stormwater and continued reimbursements on stormwater projects and remainder monies available to use by the end of next year.

b. Updated City Hall Financing Plan: Commissioner Harding gave a minor update on the City Hall financial proposal including the update on an asbestos invoice, a small change to the loan amount, and a lower anticipated bill for architectural support services.

c. Approval of Warrant 0723 in the amount of \$406,647.54: Commissioner Harding deferred to Vice-Mayor Ramsay-Vickrey to ask for a motion for approval. Vice-Mayor Ramsay-Vickrey asked for a motion.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Vice-Mayor Ramsay-Vickrey called for a 5-minute break at 11:20 am.

The meeting resumed at 11:25 am.

City Administrator Turner followed up on Commissioner Harding's report on Stormwater and reported on current cleaning on stormwater pipes being done. City Administrator Turner further reported an increase in bank rates to 4% in returns. Commissioner Foster asked for clarification on the asbestos removal in the old City Hall building which City Administrator Turner confirmed to be just a small area.

10. City Attorney's Report

a. Introduction to an Ordinance on Sea Turtle Protection for the City of Key Colony Beach

City Attorney Bryan introduced the agenda item and explained the draft Ordinance following standard rules and regulations, state statutes, proposed standards, and it having been adapted to fit the city's needs. City Attorney Bryan informed on a first reading for the Ordinance in September and being available for questions. City Attorney Bryan spoke about specific State requirements for beach cleaning during turtle season and parking lot lighting requirements. City Attorney Bryan asked for questions and comments.

Commissioner Raspe asked for City Attorney Bryan to be the contact person on the topic which was confirmed. Commissioner Foster asked about training on beach cleaning, certification requirements, and approval for seaweed disposal, and questions on removal. City Attorney Bryan explained that many standards are already adopted in State law or rule and suggested for current methods to match what is legally allowed. City Attorney Bryan gave further input on different approaches to find solutions to these questions. Vice-Mayor Ramsay-Vickrey asked for an updated ordinance to be brought back for action next month.

b. Update on the Hiring of an Independent Investigative Attorney regarding Allegations of Fraud: City Attorney Smits updated on the current standing and explained the requirements of confidentiality until the conclusion of the investigation. There were no questions from the Commission.

c. Review of USPS contract: City Attorney Smits approved of the USPS contract as valid and binding. The Commission had no questions.

d. Personnel Policy Update: City Attorney Smits spoke on the agenda item and informed that the City Administrator has no objections to adding the requested language to the Personnel Policy Manual. The Commission had no questions.

e. Notice of Special Meeting for a Closed Special Attorney/Client Session on August 18th, 2023, at 9:30 am Regarding LAURIE SWANSON VS. KEY COLONY BEACH – CASE NO. 23-CA-000205-M: City Attorney Smits explained the purpose of the closed meeting and informed of the time, expected duration, the attendance of a court reporter, and expected attendees. City Attorney Smits further informed that the court reporter will provide the transcript to the City Clerk under seal, until the conclusion of the pending litigation. City Attorney Smits explained this meeting to fall under attorney-client privileged which can be waived if so required. Vice-Mayor Ramsay-Vickrey and Commissioner Raspe did not waive their privilege. Commissioner Foster asked for the benefit of waiving the privilege. City Attorney Smits explained the purpose further and Commissioner Foster stated not to waive privilege. Mayor Trefry did not waive privilege. City Attorney Smits explained that no vote was necessary. City Attorney Smits confirmed that Commissioner Raspe's absence for the closed session will not affect his voting ability. City Attorney Smits continued explaining purpose and gave information on the case number, public notice, procedure, and Florida Statutes. City Clerk Gransee informed that Mayor Trefry will be attending via phone conference. The Commission had no questions.

11. Ordinances & Resolutions

a. Resolution No. 2023-09: A Resolution of the City of Key Colony Beach, Florida, imposing the annual Stormwater Utility Special Assessment for Fiscal Year commencing October 1, 2023; approving the Assessment Roll, providing for collection of the Assessments; and providing for an effective date.

Vice-Mayor Ramsay-Vickrey provided the reading of Resolution No. 2023-09 and asked for a motion to approve.

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

DISCUSSION: City Administrator Turner explained no change in rates and the funds providing monies for the storm drain cleanings and pump out truck. Commissioner Harding complimented City Administrator Turner on the receipt of stormwater funds through grants. Commissioner Harding estimated a substantial increase in fees without the available grants.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. First Reading of Ordinance No. 2023-486: An Ordinance of the City of Key Colony Beach, Florida; Amending Chapter Fourteen of the Code of Ordinances, Entitled Sewers and Sewage Disposal, Section 14-6 Monthly Rates and Charges, and Providing for Codification; Repealing any Inconsistent Provisions; Providing for Severability; And Providing an Effective Date.

Vice-Mayor Ramsay-Vickrey provided the first reading of Ordinance No. 2023-486 and asked for a motion.

MOTION: Motion made by Commissioner Harding to approve with edits made by City Administrator Turner with a change of the monthly charge to \$66.67. Commissioner Raspe seconded the motion.

DISCUSSION: Commissioner Harding informed this to be 11% increase on sewer bills for residential and commercial accounts to help with additional income. City Administrator Turner believed the last increase to have occurred in 2013 and possible future grants will help the fees stay the same.

ON THE MOTION: Rollcall vote. Unanimous approval.

12. Commissioner's Reports & Comments

a. Commissioner Harding

i. Wastewater Status Update: Commissioner Harding gave the update on the Wastewater sampling which was included in the addendum to the agenda. Commissioner Harding reported the change to weekly updates as well as the postings to the website including CDC data, Florida Department of Health data, and specific city data. Commissioner Harding continued providing data from his report including hospitalization, death rates, and

reported cases. Commissioner Harding reported a significant increase for the city during lobster season and a reduction after. Commissioner Harding further reported no reported cases for Monkey Pox. Commissioner Harding informed of funding provided through the middle of September with an expected delay of shipments. The Commission had no questions.

ii. Dry Floodproofing Project Update: Commissioner Harding informed on FEMA having awarded notification of the requested dry floodproofing of the city maintenance building. Commissioner Harding informed on the details of Phase 1 which include engineering, preparation and design. Commissioner Harding reported approval of \$8,100.00 with the city being committed to \$900.00 for the 2024 fiscal year. Commissioner Harding continued reporting for Phase 2 to include the execution of installation of the panels. Commissioner Harding spoke on the application and approval process having taking almost two years and gave further details on the timeline of the process and FEMA requirements. Commissioner Harding explained the purpose of the dry proofing to be for the protection of city vehicles and equipment during a storm. Commissioner Harding stated the next step in the process to be the legal approval of the contract and signature by the Mayor. The Commission had no questions.

iii. FLC Conference Feedback: Commissioner Harding reported on the conference including attending sessions on crisis communications, ethics, and expected new EPA regulations in the year 2025 on water chemicals which will affect stormwater. Commissioner Harding further reported the airport fire department to be affected by the expected change and ongoing litigation. The Commission had no questions.

b. Commissioner Foster

i. Update on Police Vehicles Maintenance Status and next Purchase Date: Commissioner Foster asked Chief DiGiovanni on his plans how to replace the failing police vehicles, and on the process and contract with the county on future maintenance. In addition, Commissioner Foster asked on a maintenance plan for the gel coat on the Police boat. Commissioner Foster continued saying that he would like to have a maintenance plan for the vehicles and the boat and asked on the projections for replacement. Police Chief DiGiovanni informed of using the county's maintenance fleet since the year 2021 and problems are being addressed and informed off. Chief DiGiovanni informed that the noises in the transmission have been deemed safe and do not represent a safety issue. Chief DiGiovanni further informed of upcoming maintenance visits in the coming week. Commissioner Foster suggested for Police Officers to pop the hood on the vehicle to help dissipate the heat on the transmission and to not park on the grass to prevent fire hazard. Commissioner Foster stated to look forward to hearing the results from the maintenance visit and suggested for Chief DiGiovanni to work with City Administrator Turner on the budget.

City Administrator Turner informed Commissioner Foster that fleet management is being provided through the County and their point system is being used to determine needs for replacement and repair. City Administrator Turner further informed of estimated needs for the replacement of Police vehicles in 2026 and Public works vehicles in 2024. City Administrator additionally informed on plans for replacement unless unforeseen circumstances occur.

Commissioner Raspe had no report.

Mayor Trefry reminded of the Disaster Preparedness Sales Holiday from August 26th through September 6th and asked for staff to post information on the city's website and Facebook.

Vice-Mayor Ramsay-Vickrey reported on attending National Night Out and thanked Police Chief DiGiovanni and Police Corporal Jamie Buxton for a wonderful event. Vice-Mayor Ramsay-Vickrey further reported on attending the national Marine Sanctuary Advisory Council Meeting and informed on the main concerns of water temperatures and coral bleaching.

Additionally, Vice-Mayor Ramsay-Vickrey asked for two items to bring to attention and asked for a head-nod consensus to place on the next agenda for discussion and approval.

Vice-Mayor Ramsay-Vickrey asked to direct legal to provide a cost estimate at the first budget hearing on updating the city's code of ordinances and a charter review. Vice-Mayor Ramsay-Vickrey explained the need to address the issue because of the code being outdated after having been established in 1958. Vice-Mayor Ramsay-Vickrey informed of Municode's recommendation on a legal review every 10 years which has never been done. Vice-Mayor Ramsay-Vickrey asked for a head-nod from the Commission.

Commissioner Harding commented on the increase in legal fees in the last two years and proposed a review over the next two to three years to help with significant costs and time issues. Commissioner Harding expressed concerns for challenges in the budget with the doubling of legal fees. City Attorney Smits suggested the possibility of a third party vendor. City Attorney Bryan agreed on the need for a review and suggested options on how to approach the tasks. Commissioner Harding agreed with a phased approach and the importance of work on active litigation. City Attorney Smits agreed to give quotes on different approaches.

Vice-Mayor Ramsay-Vickrey continued addressing a need for review of the City Administrator's salary. Vice-Mayor Ramsay-Vickrey informed that at the past City Administrator performance review, no review or discussion to place, as per requirements in his contract. Vice-Mayor Ramsay-Vickrey asked for a head-nod from the Commission to place the item on the agenda at the September 7th Budget hearing and for Commissioner Harding to provide a review of salaries compared to other staff and other local City Administrators. The Commission gave a head-nod to add the item to the agenda.

13. Adjournment: The meeting adjourned at 12:16 pm.

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: September 21, 2023

Silvia Gransee

City Clerk