

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, February 15th, 2024 – 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 Mayor Raspe at 9:30 am followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Joey Raspe, Vice-Mayor Freddie Foster, Commissioner Tom Harding, Commissioner Tom DiFransico. **Also present:** City Attorney Dirk Smits, Building Official Lenny Leggett, Building Assistant Karl Bursa, Chief Kris DiGiovanni, Sergeant Jamie Buxton, Assistant Fire Marshal Mike Card, Public Works Department Head Mike Guarino, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.

Public Attendance: 17

2. Agenda Additions, Changes & Deletions:

City Clerk Gransee asked for the following agenda changes:

- Under Item 5 c. Deletion of Approval of Minutes for January 18th, Regular Commission Meeting
- Under Item 7. Discussion/Approval for City Hall repair estimates
 - i. Estimate # 44FALFAS from AM Electric for electrical repairs as specified in the quote for \$4,000.00
 - ii. Estimate # 11194PAV from SunMasters AM, Inc. for Shutter Service as specified in the quote for \$3,500.00.
 - iii. Proposal from Florida Keys AC form 2/6/2024 for the replacement of the 7.5 Ton Split Coil System for \$18,000 for the Post Office.
 - iv. Proposal from Florida Keys AC from 2/6/2024 for the replacement of ONE (1) 7,5 Ton Condenser for \$7,050 for City Hall.
- Under Item 8 h. Discussion/Approval of the recommendation of appointment by the Recreation Committee:
 - i. Carman Slusher, 1st Alternate
 - ii. Aleta Williamson, 2nd Alternate
- Under Item 8.i. Discussion Approval of Superior Invoice for 1st Street Park Equipment Purchase (Reimbursed by FDRAP Grant 24071 for 1st Street Park)
 - i. Superior Invoice No. 0244097 for \$13,316.56
- Under Item 9 a. Addendum to the Treasurer's Report
- Under Item 12 a. Addendum to the Wastewater Report

Mayor Raspe asked for the addition of an invoice from Decon Engineering for the Asbestos Abatement for \$5,990.

The Commission had no objections to the changes.

3. Special Request:

- a. **Recognition & Award for Life-Saving Actions by Police Officer John Buckwalter:** Chief DiGiovanni spoke on Officer Buckwalter's life-saving efforts while on duty which led to saving the patient's life. Chief DiGiovanni informed to present a life-saving award to Officer Buckwalter at a later time when he is able to attend.

- b. **Recognition of 5 Years of Service to the City for Sergeant Jamie Buxton:** Chief DiGiovanni recognized Sergeant Buxton for 5 years of service with the City of Key Colony Beach Police Department and expressed his gratitude for her dedication and service.
- c. **Recognition of Officer Joe Burden for building Community Partnerships:** Chief DiGiovanni informed on the services of the Florida Wildlife Commission in coordination with the Florida Probation Parol Office and providing safety for residents. Chief DiGiovanni informed on Police Officer Burden’s action as the Flare Operator in an FWC aircraft leading to the discovery of illegal fishing activities and bringing justice to those that violate the law.

Chief DiGiovanni informed on the 2nd Annual Ron Sutton Memorial Fishing Derby, which is the 17th Annual Key Colony Beach Fishing Derby, and asked for approval to hold the event on June 12th, 2024. The Commission approved.

Chief DiGiovanni thanked Public Works Department Head Mike Guarino for his organization in providing fuel cards for the officers which makes it much easier to obtain fuel.

- d. **Special Request by the Fishing & Boating Club for the Clam Bake Event on February 19th, 2024:** Joe Schmidt, 430 4th Street, asked for permission to hold the annual Clam Bake on Presidents Day and to allow the setup of tents on Sunday, with the event on Monday, followed by with the removal of canopies on Tuesday. Joe Schmidt confirmed the same schedule as in previous years and for Chief DiGiovanni to be informed. The Commission approved the request.
- e. **Special Request by the Key Colony Beach Police Department for the approval of the ‘Ron Sutton Memorial Fishing Derby’ on June 12th, 2024:** see under 3c.
- f. **Special Request by the Beautification Committee for the ‘Hot Dogs at the Hut’ Event on March 2nd, 2024**
 Dave McKeehan, Beautification Committee member, asked for permission to hold the annual ‘Hot Dogs at the Hut’ event on March 2nd, 2024. Dave McKeehan informed for the event to be free to the public and its purpose to raise funds for landscaping of the City Hall Gardens and the Front Entrance Garden. Dave McKeehan further asked for permission to contact Public Works for chairs and assistance with garbage. The Commission approved the event.

Dave McKeehan further commented on the number of volunteering events and positive vibes in the City. Chief DiGiovanni confirmed no concerns over the use of alcohol at the event and for Marathon Fire to be keeping an eye out during the event.

Dave McKeehan presented the flyer for the event and welcomed all to volunteer.

- g. **Special Request by Joe Turgeon for the approval of the Annual 7-Meter Bridge Run on March 21st, 2024:** Joe Turgeon asked for permission to hold the annual community event on March 21st, 2024, and informed of plans to sell t-shirts for a good cause. The City Commission approved the event. Commissioner Harding asked if transportation is needed to the bridge. Joe Turgeon informed that most people walk to and from the event but stated to accept help with transportation for elderly people.
- h. **Invitation to apply for vacant City Commission Seat:** Mayor Raspe thanked former Commissioner Ramsay-Vickrey for her service to the city and proceeded to read the invitation to apply for the vacant City Commission seat. The Public or Commission had no questions on the process.

4. Citizen Comments and Correspondence

City Clerk Gransee informed on the following citizen correspondence:

January 23, 2024, Fred Swanson, 620 9th Street, wrote to the Commission with comments on former Commissioner Ramsay-Vickrey's report on City Hall FAQs.

January 24, 2024, Logan Blackburn, 305 14th Street, wrote to the Commission with remarks on prior engineering reports on the City Hall building, former Building Official Borysiewicz, and asked to move forward with a decision.

January 25, 2024, Pete Diez, a Key Colony Beach resident, wrote to the Commission asking for Mr. Blackburn's concerns to be addressed.

City Clerk Gransee informed on additional correspondence received after the publication of the agenda packet is as follows:

February 14, 2024, Logan Blackburn, 305 14th Street, requesting the latest engineering report as discussed by Mayor Raspe at the Townhall Meeting.

Mayor Raspe asked for public comment:

Joe Schmidt, 430 4th Street, spoke on looking forward to the reopening of Marble Hall, the bathrooms, and the Post Office moving back. Joe Schmidt informed for volunteers to be available to provide cleaning in preparation for occupancy. Joe Schmidt further informed on the Lady's bathrooms not complying with current regulations but himself having the ability as a licensed Plumber to do the necessary work. Joe Schmidt stated his willingness to help wherever needed and thanked the Commission for their efforts.

Mike Yunker, 799 W. Ocean Drive, Chairmen of the KCB Pickleball Club, recalled the forming and purpose of the Pickleball Club and informed on the expansion program and management of the club. Mike Yunker talked about playtime hours for members and non-members and informed about clinics for new players and positive comments from residents. Mike Yunker reported that Memberships are up to almost 300 players, with the majority being locals and property owners. Mike Yunker further talked about the objective of the Pickleball expansion and the plans to move the Tennis Courts to 7th Street and the expansion of the existing courts. Mike Yunker reported on fundraising goals and objectives and monies raised. Mike Yunker stated for the Club to help with maintenance of the courts and to continue to focus on the community. Mayor Raspe thanked Mike Yunker for his service to the City.

There were no other citizen comments.

5. Approval of Minutes

- a. January 17th, 2024 - City Commission Townhall Meeting
- b. January 18th, 2024 - City Commission Public Hearing
- c. ~~January 18th, 2024 - City Commission Regular Meeting & Public Hearing~~ ****deleted****

Mayor Raspe asked for any changes to the minutes. There were none. Mayor Raspe approved the minutes as written.

6. Committee and Department Reports (written reports provided; Staff and Board Chairs available for questions)

- a. Marathon Fire/EMS – Marathon Assistant Fire Marshal Mike Card** informed on emergency calls over the last month. Mike Card informed that the call volume increased for the City of Marathon compared to the City of Key Colony Beach but for EMS calls and medical emergencies to have declined. Assistant Fire Marshal Mike Card updated on the progress of filling vacant positions for the SWAT team and reminded of proper driving rules. Mike Card further talked about the increase in electric bike use and for education to be the responsibility of bike riders and cars. Assistant Fire Marshal Card advised to contact the authorities to receive more information on the rules and regulations. Mr. Card informed to look forward to the Key Colony Beach Day and to be taking part in the event.

Vice-Mayor Foster asked what additional offices respond to EMS calls. Assistant Fire Marshall Card explained that Marathon is the only responder.

- b.** City Administrator’s Report – Mayor Raspe
- 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 – Sandra Bachman: No report.
- i.** Planning & Zoning Board – George Lancaster: No report.
- j.** Recreation Committee – ~~Barbara Tatarchuk~~ Richard Pflueger: No report.
- k. Utility Board - Bill Fahs:** City Clerk Gransee provided the report for Utility Board Chair Bill Fahs. City Clerk Gransee reported for the Board to continue to review the third-party wastewater billing as well as insurances for the sewer plant. City Clerk Gransee explained that the wastewater billing is currently under legal review with the FCAA. City Clerk Gransee further confirmed having received a Board Member application which will be presented at the next Utility Board meeting and gave details on the current opening on the Board.

Mayor Raspe asked for questions from the Commission and additional Chair reports.

Commissioner Harding asked for additional detail on the appraisal of the Public Works Building. Mayor Raspe informed on insurance requirements for an updated appraisal due to policy renewals. Mayor Raspe further talked about an upcoming policy renewal for the Wastewater plant and determinations on what is needed for insurance needs. Commissioner Harding spoke on prior experiences with insurance needs during his time on the Utility Board and gave further thoughts on the insurance needs for the Blower and Public Works Building.

Commissioner Harding congratulated Building Official Leggett on his Fire Safety Certification.

City Clerk Gransee informed on the Tennis bid procedures and for the Mayor to appoint a Review Committee who will make a recommendation to the Commission.

7. City Administrator Items for Discussions & Approvals (These agenda items will be presented by acting City Administrator Mayor Raspe):

Mayor Raspe updated on the new WEX fuel cards and informed on fuel problems that had occurred due to the city tank being damaged. Mayor Raspe commended Public Works Department Head Mike for his efforts to obtain the cards and confirmed the plan to eliminate the tank. Commissioner Harding cautioned of no fuel access during a storm. Public Works Department Head Mike Guarino confirmed to have enough fuel cans to function for two weeks. Commissioner Harding cautioned for the Police vehicles needing fuel as well. Chief

DiGiovanni recalled fuel being provided after Hurricane Irma for first responders. Vice-Mayor Foster asked to exhaust all options on possible repairs to the tank.

Mayor Raspe updated on police department vehicles and informed about the trucks currently being in the process of being swapped and fitted for Police use. Mayor Raspe stated that the former City Administrator's car will be fitted with life and safety equipment.

a. Discussion/Approval for City Hall repair estimates

- i.** Estimate # 44FALFAS from AM Electric for electrical repairs as specified in the quote in the amount of \$4,000.00
- ii.** Estimate # 11194PAV from SunMasters AM, Inc. for Shutter Service as specified in the quote in the amount of \$3,500.00.
- iii.** Proposal from Florida Keys AC form 2/6/2024 for the replacement of the 7.5 Ton Split Coil System in the amount of \$18,000 for the Post Office.
- iv.** Proposal from Florida Keys AC from 2/6/2024 for the replacement of ONE (1) 7,5 Ton Condenser in the amount of \$7,050 for City Hall.

Mayor Raspe asked for approval and discussion of the estimates and proposals under item 7(a)(i) to (iv).

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

DISCUSSION: Commissioner DiFransico asked about the need for building permits. Mayor Raspe confirmed the need for a building permit for all the work that is being completed just like any other resident. Vice-Mayor Foster asked about the need to include the price of the permit in the approval. Building Official Leggett could not provide a definitive answer. Commissioner Harding believed the permit cost was not to be included. City Clerk Gransee advised the Commission to go ahead with the approval and additional costs could be addressed with the City Administrator's discretionary spending. There was no further discussion.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Raspe asked for the approval of the proposal by Decon Engineering for the asbestos removal for \$5,990.00. Mayor Raspe informed that the asbestos is in an area that will not be reused once City Hall is reopened regardless of the ablation.

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

DISCUSSION: Commissioner Harding asked about the need for safety preparations for the floor. Mayor Raspe informed the contractor to encapsulate the area and the work involved is pulling carpet and tile in the hallway. Mayor Raspe informed the contractor having been made aware of the floor during the site visit.

ON THE MOTION: Rollcall vote. Unanimous approval.

Commissioner Harding suggested to have an assessment of mold and mildew before the use of Marble Hall. Mayor Raspe stated that the AC company gave good feedback on the condition of the venting in the building. Commissioner Harding stated a possible benefit for residents to inform compliance with EPA standards. Vice-Mayor Foster asked Building Official Leggett for assistance in locating a prior cleaning report on the HVAC system to prevent possible expenditure of monies that are not needed. Mayor Raspe stated understanding with Commissioner Harding. Commissioner Harding voiced concerns about possible litigation. Commissioner DiFransico agreed with Commissioner Harding on the benefits of an air quality inspection. There was no further discussion.

8. City Commissioner Items for Discussion/Approval

a. Review of Townhall Meeting held on February 12th, 2024

Mayor Raspe informed on the Townhall Meeting held on February 12th and informed what topics were discussed by individual Commissioners. Mayor Raspe informed on the next Townhall meeting date on March 18th and encouraged all residents to attend and give suggestions for discussion items.

b. Discussion/Approval to reopen Marble Hall for immediate use:

Mayor Raspe introduced the agenda item and recognized Commissioner DiFransico. Commissioner DiFransico asked about the status of the Certificate of Occupancy for Marble Hall.

Building Official Leggett explained the mechanism for issuing a temporary Certificate of Occupancy (TCO) for Marble Hall and the Post Office, and for the Building Department working towards issuing it. Commissioner Harding explained the engineering review requirements. Mayor Raspe informed for Building Official Leggett having met with the Engineer and having been informed what is needed before being signed off for.

There was no further discussion on the matter.

c. Discussion/Approval to obtain bids for:

i. Bids to repair Marble Hall and Administration area floor

Mayor Raspe informed for an assessment to be done once Marble Hall is back in use, to identify rebuilding and repair costs for the Administration, Police, and Building Department area. Mayor Raspe informed having met with Department Heads to identify office needs and having provided a tentative drawing to the engineer for CAD work. Mayor Raspe further explained that after approval from residents and the City, the plans will be submitted to Tallahassee for approval. Mayor Raspe explained that funds have to be allocated by the end of the year and all information to be available on the city website.

Commissioner DiFransico asked about the requirements for the Hardening Grant to elevate above base flood elevation. Mayor Raspe confirmed the requirement for critical facilities and gave further details on the state of the current offices. Building Official Leggett could not confirm that non-critical facilities do not need to be elevated. Vice-Mayor Foster clarified verbiage in the hardening grant to identify what is required. Vice-Mayor Foster further informed having received information on the ability to reword original grants to facilitate use in a new area. Vice-Mayor Foster continued explaining the ability and importance of mitigating and the importance of considering other methods in long-range planning.

ii. Bids to put Construction of the New City Hall Building out for rebid.

Mayor Raspe explained that costs will be examined for rebuild and repair. Commissioner DiFransico asked about intentions to put out the rebid for the new City Hall building at the current time. Mayor Raspe informed that new drawings will need to be obtained.

d. Discussion/Approval on the continuation of the Smart City Project

Mayor Raspe informed on prior presentations by the Company and asked the Commissioners on received feedback. Commissioner DiFransico informed on having received comments on the service being too expensive. Commissioner Foster informed of having received positive and negative comments and asked City Attorney Smits about the possibility of putting the question on a ballot. City Attorney Smits confirmed the ability to hold a straw poll and the possibility of placing the matter on a ballot for referendum.

Commissioner Harding reported receiving mixed feedback and expressed concerns about eliminating competition. Commissioner Harding agreed with the suggestion of a straw poll and stated that it could be an effective way to receive feedback. The Commission agreed for staff to send out a survey to receive feedback from the community.

e. Discussion/Approval of Qualifications and Requirements for a new City Administrator: Mayor Raspe spoke on being in the process of reviewing the job description and necessity for a City Administrator and bringing back suggested changes at the March meeting. Commissioner Harding recalled having reviewed typical salaries and benefits packages and for the position to be considered an executive. Mayor Raspe spoke on mistakes that were made in the past in the hiring process and for the Commission to take their time in addressing the matter. Vice-Mayor Foster asked to compare the job requirements of a full-time to a part-time position. City Attorney Smits confirmed to follow up on the Commissioner's questions.

f. Discussion/Approval on an increase in fees for short and long-term trailer parking

Mayor Raspe spoke on the matter of temporary and long-term boat trailer parking and stated that residents should not be subject to the same rate increases as short-term trailer parking. Mayor Raspe suggested increasing the parking fees for long-term parking for a 1-axle from \$200.00 to \$250.00, for a 2-axle from \$250.00 to \$350.00, and for a 3-axle from \$300.00 to \$400.00 per year. Commissioner Harding informed on an annual revenue budget of approximately \$70,000.00. Vice-Mayor Foster asked what the increase in fees would represent for revenue income. City Clerk Gransee confirmed to provide the report. Vice-Mayor Foster further stated not to oppose the suggested raise in fees. Mayor Raspe further suggested an increase for temporary boat trailer parking from \$100.00 to \$200.00 per week, and from \$200.00 to \$400.00 per month. Mayor Raspe asked for a discussion on the suggestion. Vice-Mayor Foster stated that the city provides the most reasonable rates compared to other places. Mayor Raspe further talked about the convenience of having the ability to park the boat trailers right in the city. Vice-Mayor Foster suggested a compromise in the short-term trailer parking and increase the fees to \$150.00 per week and \$300.00 per month. Mayor Raspe asked for a motion.

MOTION: Motion made by Vice-Mayor Foster to raise the long-term boat trailer parking fees for 2024 for a 1-axle to \$250.00 per year, for a 2-axle \$350.00 per year, and a 3-axle to \$400.00 per year. Mayor Raspe asked for a second. Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

MOTION: Motion made by Vice-Mayor Foster to raise the short-term rental fees for 2024 to increase the weekly rate from \$100.00 to \$150.00, and the monthly rate from \$200.00 to \$300.00 per month. Mayor Raspe seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

g. Discussion/Approval on Invoice 1513 by Deckard Technology for the annual renewal of the 'Rentalscape' monitoring for \$18,500.00:

Mayor Raspe introduced the agenda item.

MOTION: Motion made by Commissioner Harding to approve the annual renewal. Vice-Mayor Foster seconded the motion.

DISCUSSION: Commissioner DiFransico asked about the value of the monitoring system and the point of diminishing returns. City Clerk Gransee informed that both Code Officer Goldman and Vacation Rental

Administrative Assistant Tammie Anderson to agree with the continuation of the monitoring system. Vice-Mayor Foster explained the monitoring system and continuous data updates. Tammie Anderson confirmed agreement with the continuation of the service.

ON THE MOTION: Rollcall vote. Unanimous approval.

h. Discussion/Approval of the recommendation of appointment by the Recreation Committee:

- i. Carman Slusher, 1st Alternate
- ii. Aleta Williamson, 2nd Alternate

Mayor Raspe introduced the agenda item and asked Recreation Committee Chair Richard Pflueger to speak on the matter. Chair Pflueger thanked the applicants for their interest in serving as alternate members and thanked the Commission for their consideration. Mayor Raspe stated to know both applicants personally and for both to be of wonderful character and to make great committee members.

MOTION: Motion made by Vice-Mayor Foster to appoint Carman Slusher and Aleta Williamson to the Recreation Committee. Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

i. Discussion/Approval of Superior Invoice No. 0244097 for \$13,316.56 for 1st Street Park Equipment Purchase (Reimbursed by FDRAP Grant 24071 for 1st Street Park)

Mayor Raspe introduced the agenda item.

MOTION: Motion made by Vice-Mayor Foster to approve the invoice. Commissioner DiFransico seconded the motion.

DISCUSSION: Commissioner DiFransico asked Public Works Department Head Guarino for his review on the matter. Public Works Department Head Guarino informed of his department's responsibility in removing equipment. Vice-Mayor Foster informed on the previous 7th Street Playground project and for Department Head Guarino to be certified for the inspection of the equipment. City Clerk Gransee clarified for the company to purchase the equipment and complete the installation.

ON THE MOTION: Rollcall vote. Unanimous approval.

9. Secretary-Treasurer's Report

a. January 2024 Financial Summary

Commissioner Harding gave the January 2024 Financial Report in his position as Secretary-Treasurer and reported all accounts in good standing.

Commissioner Harding reported on the city's costs for cellphone devices and insurance and having researched the need for insurance. The Commission discussed the need for insurance coverage on cellphone devices and after discussion, the City Commission gave consensus to cancel the insurance for the cellphones. Vice-Mayor Foster stated that City Clerk Gransee should have the capacity to make decisions on this matter.

Commissioner Harding informed on monthly details on legal costs and how future code cases will be billed individually. Commissioner Harding further informed having reviewed the December legal invoices and for no cost for monthly meetings. Commissioner DiFransico asked about reimbursement costs for code cases. City Attorney Smits informed inconsistencies in the award of fines from the Code Board compared to the Special Magistrate's award of fines. City Attorney Smits explained that litigation files are to be opened for every case and decisions to go forward will come from the Code Officer and Mayor. City Attorney Smits gave further details on cost recovery going forward.

Commissioner Harding continued his Treasurer's report and reported an overall net loss for the month. Commissioner Harding reported the Wastewater accounts in good standing and for the Utility Board to be working on good projects. Commissioner Harding informed that phone costs for the Utility Board are high and gave further detail on the past month's expenditures. Commissioner Harding informed on Stormwater accounts, expenditures, and concerns on cash flow. Commissioner Harding explained the reimbursement process through State funding and invoices being paid before reimbursement can be issued. Commissioner Harding informed on the dry proofing of the maintenance building and for an engineering proposal to be expected by the end of the month. Commissioner Harding gave further information on the FDOT 2022 Grant with expected approval in July. Commissioner Harding informed to attend required training alongside Public Works Department Head Guarino in Miami and for Mike Guarino having been designated the representative for the city. Commissioner Harding informed for the 2024 Transportation grant to be under formal review with a decision expected in May. Commissioner Hardin further informed to have provided updated information for the City Hall Grant and explained specific grant-related elevation requirements and the process of request for a work change statement. Commissioner Harding stated no new update on city financing. Commissioner Harding informed for delays being allowed in the grant process but for it needing specific detail and documentation. Commissioner Harding informed for the next progress report to be due in April and for loan rates having decreased. Vice-Mayor Foster informed on the option to move 10 percent of infrastructure funds and agreed with Commissioner Harding for it representing a relatively small amount.

b. Approval of Warrant 0124 in the amount of \$410,690.20

MOTION: Motion made by Commissioner Harding to approve Warrant No. 0124 in the amount of \$410,690.20. Vice-Mayor Foster seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Raspe called for a brief recess.

The meeting reconvened at 11:41 am.

10. City Attorney's Report

a. Discussion on the amendment of Rules of Procedure for Volunteer Advisory Boards and Committees; will require a separate approval of Resolution 2024-02 under Item 11a.

City Attorney Smits spoke on the proposed amendment to the rules of procedures and for the Resolution to be a good way to proceed. Commissioner DiFransico stated to have incorporated Vice-Mayor Foster's comments and had no further changes.

MOTION: Motion made by Vice-Mayor Foster to approve Resolution 2024-02. Mayor Raspe asked for a second. Commissioner DiFransico seconded the motion.

DISCUSSION: Vice-Mayor Foster clarified the motion and read the proposed Resolution header.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. Discussion on participation in a lawsuit against Form 6 Financial Disclosure requirements; will require a separate approval of Resolution 2024-03 under Item 11b.

City Attorney Smits spoke on the proposed participation in the lawsuit and informed on active participants in the lawsuit. City Attorney Smits explained the prerogative to participate individually or through the city and informed of a flat cost of \$10,000.00. City Attorney Smits informed for the lawsuit to be filed today and

the Commission's timely consideration to be of the essence. City Attorney Smits informed on the services provided for the flat fee and possible depositions and staff time consequences for the production of documents. Commissioner DiFransico suggested to not being involved in the lawsuit. City Attorney Smits voiced his opinion of not being involved in the lawsuit but stated his understanding of the concern on the Form 6 requirement. Vice-Mayor Foster reported that the matter was discussed at length at the Florida League of City Conference and Legislative Action Days in Tallahassee and a legal opinion was given by a CPA for costs to be paid by the City to complete Form 6. City Attorney Smits agreed with the suggestion to look into the suggestion. Vice-Mayor Foster further talked about implementations of having personal knowledge being made public and gave the inclination to join the lawsuit. Vice-Mayor Foster gave further support and strength in numbers to join the lawsuit. Commissioner Harding agreed for the expense of the preparation of Form 6 to be a reimbursable expense. City Attorney Smits informed to be able to look into the possibility further. Mayor Raspe provided the reading of Resolution 2024-03.

MOTION: Motion made by Vice-Mayor Foster to approve the Resolution. Mayor Raspe seconded the motion.

DISCUSSION: City Clerk Gransee clarified the motion to represent to join the lawsuit.

ON THE MOTION: Rollcall vote. Commissioner Harding – yes. Commissioner DiFransico – no. Vice-Mayor Foster – yes. Mayor Raspe – yes. The motion passed.

11. Ordinances & Resolutions

a. Resolution 2024-02: A Resolution by the City of Key Colony Beach, Florida, amending the Rules of Procedure for Volunteer Advisory Boards and Committees; providing for an effective date. ****see under 10a****

b. Resolution 2024-03: A Resolution Of The City Commission Of The City Of Key Colony Beach, Florida, Authorizing Participation in A Lawsuit Seeking A Declaration That The Provisions Of Section 112.144(1)(D), Florida Statutes, That Require Municipal Elected Officials To File Form 6 Financial Disclosure Forms Is Unconstitutional And Invalid, And Providing For An Effective Date. ****see under 10b****

12. Commissioner's Reports & Comments

a. Commissioner Harding

i. Wastewater sampling results update: Commissioner Harding reported on COVID numbers being back at a medium level, a significant increase in RSV numbers, and no Flu reports.

ii. Monthly legal costs review: see under 9a.

iii. Maui Fire Lessons Learned from the Maui Police Department Initial Report: Commissioner Harding informed on the released Maui Police Report which was shared with the Chief of Police and Fire Department for lessons learned on the disaster.

iv. FEMA Hazard Mitigation Partner Workshop Summary: Commissioner Harding reported on attending a 4-day FEMA class and information learned. Commissioner Harding informed of having received summaries of historical storms and costs which were shared with the Building Department. Commissioner Harding further educated on FEMA calculations on storm education and the disaster effects on the elderly population. Commissioner Harding talked on federal loan requirements for products being made in America.

b. Commissioner DiFransico: Commissioner DiFransico talked about a proposed charter review and different approaches. Commissioner DiFransico asked for feedback from the Commission. Mayor Raspe questioned who would be volunteering for the Committee and reminded of protocol. Commissioner DiFransico explained the process of the Commission appointing a Committee and asked for thoughts on the process. Vice-Mayor Foster supported the idea of a volunteer-based Committee. Commissioner Harding informed that the input would have to undergo legal review for Florida Statutes and would represent a big legal expense. Commissioner DiFransico clarified for the review to be only for the Charter. Mayor Raspe asked Commissioner DiFransico to further

research the matter and to bring it back for further discussion, including cost, at the next meeting. City Clerk Gransee asked for a head nod from the Commissioner to reach out to the Supervisor of Elections Office for the deadline to be included on the November ballot for a referendum. The Commission agreed.

c. Vice-Mayor Foster: Vice-Mayor Foster spoke on the Safe-the-Turtle campaign to be looking for volunteers for Sunrise Beach Walkers to assist. Vice-Mayor Foster asked for a flyer to be posted on the website and informed on upcoming training sessions. Vice-Mayor Foster informed for Administrative Assistant Tammie Anderson to be very knowledgeable and able to answer questions.

d. Mayor Raspe: Mayor Raspe asked Chief DiGiovanni about the necessity to go over the annual report. Chief DiGiovanni informed it not to be necessary.

13. Citizen Comments

Lin Walsh, 755 W. Ocean Drive, asked for a clarification on Form 6 for public education. Vice-Mayor Foster spoke on the new Financial Disclosure Requirements and informed for more information to be available on the State Department's website. Mayor Raspe explained that Form 6 is much more intrusive than Form 1. Commissioner Harding gave further details on the financial disclosure requirements for Form 6 and the information being open to the public. Mayor Raspe informed of substantial fines for omissions on the form.

Laurie Swanson, via Zoom, spoke on being home with COVID-19 and asked Commissioner Harding to interpret the data on COVID-19 for Key Colony Beach. Commissioner Harding talked about a spike in mid-January but for numbers to back to a low. Commissioner Harding explained the data interpretation through wastewater studies and timelines. Commissioner Harding informed to compare the national and State data, and for Florida to be in a better position than some months ago.

Laurie Swanson further talked about the use of the exercise path by a variety of motorized and manual bicycles, walkers with canes, and walkers for exercise, and talked about having been almost hit by motorized bicycles. Laurie Swanson stated that bicycles have the right to ride on the road per Florida Law and for cars to have to be patient and follow the law. Laurie Swanson suggested education on the matter. Chief DiGiovanni explained that visitor education is difficult due to turnover but suggested a possible education of property managers. Chief DiGiovanni spoke on efforts by Public Works to paint road signs and to look into further education. Mayor Raspe spoke on the dangers of bicycles weaving in and out of traffic from the walking path. Chief DiGiovanni cautioned on traffic backing up on the Causeway and confirmed a speed limit of 10 mph in the exercise lane.

Carman Slusher, 411 12th Street, asked on the calendar of events for the Tennis Bid Opening. Mayor Raspe informed of the upcoming bid opening. City Clerk Gransee confirmed the calendar of events and for Mayor Raspe to determine the Bid Review Committee.

Karl Bursa invited the Public to attend the Townhall Meeting in Floodplain Management on Friday.

14. Adjournment: The meeting adjourned at 12:20 pm.

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: March 21, 2024

Silvia Gransee

City Clerk