

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, December 14, 2023 – 9:50 am

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

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call: The Regular Meeting & Public Hearing of the Key Colony Beach City Commission was called to order by Mayor Raspe at 9:50 am followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Joey Raspe, Vice-Mayor Freddie Foster, Commissioner Tom Harding, Commissioner Beth Ramsay-Vickrey, Commissioner Tom DiFransico. **Also present:** City Attorney Dirk Smits, Police Chief Kris DiGiovanni, Building Official Lenny Leggett, Public Works Department Head Mike Guarino, Code Enforcement Officer Barry Goldman, Corporal Jamie Buxton, Building Assistant Karl Bursa, Marathon Assistant Fire Marshal Mike Card, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.

Public Attendance: approximately 100

2. Agenda Additions, Changes & Deletions: City Clerk Gransee asked for the change in the agenda lineup for Item 6 (i) to be moved to Item 3: Special Requests. Commissioner Harding asked for the addition of the addendum to the Wastewater and Treasurer's Report under Item 12 (a) and 9 (a).

City Clerk Gransee confirmed the requested agenda item change to be for the 'Request for the installation of signage for pickleball sponsors'.

Vice-Mayor Foster asked for the items under his Commissioner's Report to be changed from 'Introduction on Discussion' to 'Discussion & Approval'. Vice-Mayor Foster recommended for Mayor Raspe to make the same change to his items under his report. Mayor Raspe asked for items under D (iii) and (iv) to be votable as well as D (i) and for the remainder items to be tabled.

City Attorney Smits advised Mayor Raspe to make a finding of urgency for the requested agenda changes. Mayor Raspe explained that the items originally were requested as action items but placed under Commissioner Comments.

City Attorney Smits provided the code requirements per the City's Code of Ordinances.

Mayor Raspe recognized Vice-Mayor Foster.

Vice-Mayor Foster stated for these items to require urgent attention and need to be addressed now.

City Attorney Smits reminded to vote on the agenda change.

MOTION: Motion made by Vice-Mayor Foster to change the agenda. Mayor Raspe asked for a second. Mayor Raspe seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Commissioner Ramsay-Vickrey – No. Commissioner Harding – No. Commissioner DiFransico – Yes. Vice-Mayor Foster – Yes. Mayor Raspe – Yes. The motion passed.

There were no other changes, additions, or deletions.

3. Special Request: Request from the Pickleball Club for the installation of signage for pickleball sponsor recognition (moved from 6 (i)): Mike Yunker spoke to the Commission on the request and asked the City Commission for the approval of the signage. Mike Yunker talked on the ongoing fundraising efforts and having raised over \$128K to date and for the Pickleball Club to be looking to attract corporate donors in addition to private donations. Mike Yunker explained that a recognition sign would show appreciation and support for

corporate sponsors. Mike Yunker asked approval for two signs and continued talking on the new club and asked for questions from the Commission.

Commissioner DiFransico spoke on the purpose of the signs and gave understanding on the importance of recognition of patrons and asked if advertisement for the corporate donors will be provided. Mike Yunker informed that only recognition will be given. Commissioner DiFransico expressed to be looking for a less commercial look for the signage. Mike Yunker continued talking about the club's intent to recognize sponsors and the benefits of the sport.

Vice-Mayor Foster talked on his previous concerns including visibility from the street and the display of phone numbers but gave support after additional review.

Mayor Raspe talked about his prior concerns but stated, that after meeting with Mike Yunker and having seen the courts, to give support for the signage. Mike Yunker confirmed the number of recognition on the signs and no need to come back to ask for additional signage at a later time.

Commissioner Harding commended Mike Yunker for his work.

Mayor Raspe recognized Vice-Mayor Foster.

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

FURTHER DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mike Yunker thanked the Commission and informed of a new player orientation on December 19th with five open spots remaining.

4. Citizen Comments and Correspondence: Mayor Raspe asked City Clerk Gransee for citizen comments & correspondence.

City Clerk Gransee informed of the following citizen correspondence.

November 21, Judy Burgett expressed support for the opening of Marble Hall for Fishing Club meetings and the repair of the existing City Hall.

November 22, Gilbert & Vivian Gilbertson, 611 9th Street, voiced opposition to the implementation of city-wide fiber optics services.

December 2, John & Susan Bartkus wrote to the City Commission regarding repairs to the City Hall building, staff expenditures, and City Administrator Turner.

December 10, Jan & Roger Sables, Cay Condominium's, wrote to the Commission in support of the use of the City Hall building and expense of portable trailers for staff.

December 10, Constance Foster, 54 7th Street, wrote to the City Commission voicing frustration on the ongoing disagreement on the rebuilding of the City Hall building and the Commission's ability to change direction

December 11, Judi Virost, 80 7th Street, wrote to the City Commission in regard to the FEMA letter and City Administrator Turner's involvement, expenditures since Hurricane Irma and possible reimbursements, and how to go forward.

December 12, Chum & Carla Gette, 1058 W. Ocean Drive, wrote to the Commission expressing support for the firing of City Administrator Turner and not hiring a replacement.

Chum Gette, December 12, 1058 W. Ocean Drive, wrote in support of the disbanding of the Police Department and gave supporting reasons.

December 12, Tim Husel, 680 9th Street, wrote to the City Commission regarding the appointment of the City Attorney and City Administrator and their involvement in the FEMA letter from October 6th, 2022, support for Commissioner Raspe's discussion items on the agenda, and the possibility of all residents and property owners to vote on any referendum.

December 12, 2023, Michelle Smoot, 292 Sadowski Causeway, wrote to the City Commission requesting to cancel the current bid and research other options.

December 13, Sue & Jack Bartkus wrote to the City Commission in regard to City Hall, transparency and disclosure of documentation, City Administrator Turner and the letter of October 6th, 2022, the rebuilding of the City Hall building, involvement and knowledge of City Officials, budget cuts in staff and vehicles, the purpose of the Code Officer, the Smart City concept, a proposed ordinance to allow taxpayers to vote on large expenditures, eliminating the position of City Administrator and for taxpayers to elect a Mayor, and thanking the City Commission for all their work.

December 13, Sue Bartkus wrote as a follow-up asking on received grant monies from the State of Florida.

Mayor Raspe asked for citizen comments online and in person.

Tim Husel, 680 9th Street, spoke on his letter to the City Commission and asked for clarification on when the FEMA 2022 letter was made aware of and when it was received by the City Commission.

Laurie Swanson, 620 9th Street, spoke to the City Commission on the proposed settlement, handling of the petitions by City Clerk Gransee and City Attorney Smits, and consequent legal actions. Mrs. Swanson informed of no intent on signing the proposed settlement agreement, and for the lawsuit to be withdrawn after the Commission repeals the vote, for there would be no need for a referendum. Mrs. Swanson spoke on the newly elected Commission and to listen to the will of the people. Mrs. Swanson thanked all that signed the petitions and informed that all efforts came to fruition with the upcoming repeal of the vote to award the bid. Mrs. Swanson asked for continued active involvement from residents and for the newly organized Commission to be cooperative in the effort.

Ron Teke, 290 10th Street, spoke to the Commission on memories of flooding in his youth and his assessment of the building not being damaged significantly. Ron Teke continued reading a letter written by him to the Commission and gave thoughts on Commissioners, the former City Administrator, and City Attorney. Ron Teke further talked about FEMA not providing funding and the 2022 FEMA letter having been found after 12 months. In addition, Ron Teke called for the resignation of some of the Commissioners and staff.

Joe Schmidt, 430 4th Street, spoke to the Commission on being a long-term resident and congratulated Mayor Raspe, Vice-Mayor Foster, and Commissioner DiFransico on their election and gave further thought on what is needed to bring the old City Hall building back to live.

There were no further citizen comments.

5. Approval of Minutes

- a.** November 16, 2023 - City Commission Regular Meeting & Public Hearing Minutes
- b.** November 20, 2023 – City of Key Colony Beach 'Smart City' Townhall Meeting

Mayor Raspe asked for any changes or corrections to the minutes. There were none and Mayor Raspe accepted the minutes as written.

6. Committee and Department Reports

- a. Marathon Fire/EMS:** Marathon Assistant Fire Marshal Card informed the Commission on having provided the wrong Fire Report and apologized for the mistake. Mike Card informed on EMS and Fire calls over the last month for the City of Key Colony Beach as well as the City of Marathon. Assistant Fire Marshal Card updated on the upcoming Christmas Parade and for Santa Clause planning a longer stay in Key Colony this year. Mike Card further informed on the Marathon Fire Christmas T-shirt and for the City of Key Colony Beach as the Sister City having been incorporated in the City of Marathon's emblem. Assistant Fire Marshal Card stated that T-Shirts will be provided to the Commission and all staff and confirmed for the Christmas Parade to start at 6:40 pm and to last for about 20 minutes.
Assistant Fire Marshal Card reported on the boat fire on 13th Street and gave his understanding that the cables could not support the weight of the boat and that foam was used to extinguish the fire.
- b. Police Department – Chief DiGiovanni**
- c. Building Department – Building Official Leggett**
- d. Public Works – Public Works Department Head Guarino**
- e. City Clerk – City Clerk Gransee**
 - i.** Discussion on Commission Attendance of the IEMO I Conference in Gainesville, January 19th-20:
No Commissioners expressed interest in attending the conference.
- f. Code Enforcement Officer – Code Officer Goldman**
- g. Beautification Committee**
- h. Planning & Zoning Board**
- i. Recreation Committee: Request for the installation of signage for pickleball sponsor recognition **see under Item 3: Special Requests****
- j. Utility Board**

7. City Administrator Items for Discussion/Approval: None.

8. City Commissioner Items for Discussion/Approval

- a. Discussion/Approval of a renewal agreement for legal services with the Firm of Vernis & Bowling of the Florida Keys, P.A., for a period of one year beginning January 1, 2024, to January 1, 2025:**

Mayor Raspe introduced the discussion item and asked for Commissioner comments.

Vice-Mayor Foster stated disappointment with legal costs and concerns on the expenditure of monies and looking for a change.

City Attorney Smits clarified that conversations with Commissioners are free of charge.

Mayor Raspe agreed for the legal budget to be out of control and that it was clarified that hourly rates will not apply for travel. Mayor Raspe gave agreement on a spending cap and for services above to be a-la-carte and approved by the Commission as a whole. Mayor Raspe further stated for staff to stop incurring legal expenses and for the termination of the contract to be changed from 60 days to 30 days. Mayor Raspe suggested to table the matter until the next meeting to clarify contract details.

Commissioner DiFransico informed for the contract to have language on control on City Attorneys attendance at meetings and to have found a scrivener's error in the contract on fees.

Vice-Mayor Foster stated the need for a monthly budget compared to a yearly budget.

Commissioner Ramsay-Vickrey stated support for a termination clause of 60 days to give time to find a new attorney if necessary.

Mayor Raspe asked for a motion to extend the current contract. Vice-Mayor Foster asked for clarification for the extension to be for 30 days. City Attorney Smits agreed to the extension and informed that all requested changes were incorporated in the current proposed contract. City Attorney Smits further stated the termination clause can be as short as the Commission likes and the ability to terminate the contract as well.

MOTION: Motion made by Vice-Mayor Foster to table the matter until the January 18th meeting. Mayor Raspe asked for a second. Mayor Raspe seconded the motion.

FURTHER DISCUSSION: Commissioner Harding asked for direction to City Attorney Smits to provide requested changes from Commissioners prior to the January 18th meeting.

ON THE MOTION: Rollcall vote. Unanimous approval.

~~**b. Discussion/Approval of the installation of signage for pickleball sponsor recognition**~~**see under Item 3: Special Requests**

9. Secretary-Treasurer's Report

a. November 2023 Financial Summary: Commissioner Harding gave the November 2023 Financial Report in his position as Secretary-Treasurer. Commissioner Harding reported on revenues and expenses including higher expenses for medical coverage and legal expenses. Commissioner Harding reported on legal costs for lawsuits, the building department, code enforcement, and general business. Commissioner Harding gave no concerns about cashflow accounts and reported a positive revenue for the month and year. Commissioner Harding further reported on Wastewater and Stormwater accounts and explained the approval of warrants for the Utility Board prior to their meeting next week.

Commissioner Harding explained the purpose of a warrant including it being a requirement by Florida Statutes and being an official instrument of payment. Commissioner Harding explained the warrant to be prepared by financial consultant Jen Johnson and explained what line items are included in the regular warrant.

Commissioner Harding continued explaining the warrant approval process for the Utility Board and consequent approval by the City Commission. Commissioner Harding clarified the loan payment for Sunset Park to come out of the Infrastructure fund.

Commissioner Harding updated on the grant process for the FEMA Dry Floodproofing and informed that the contract was completed and executed.

Commissioner Harding continued updating on the submittal of the FDOT application and informed on the next steps of review in January. Commissioner Harding informed for having received formal feedback from a site visit from FEMA which included suggestions of paving of the whole parking lot on 7th Street, a formal environmental engineering report, and additional beach access for wheelchairs. Commissioner Harding informed that the official review by FDOT will take place in January. The Commission had no questions on the report.

Commissioner Harding informed of no further updates on City Hall financing.

Commissioner Harding informed on grant classification by FEMA and terms of critical, essential, and non-essential classifications. Commissioner Harding explained for the Police to fall under critical classification, the Post Office and employee offices to be essential, and Marble Hall to be considered non-essential. Commissioner Harding explained for this to be standard verbiage.

b. Approval of Warrant 1123 in the amount of \$359,121.29: Commissioner Harding asked for the consideration of approval of Warrant 1123 in the amount of \$359,121.29.

MOTION: Motion made by Vice-Mayor Foster to approve the warrant. Mayor Raspe seconded the motion.
DISCUSSION: None.
ON THE MOTION: Rollcall vote. Unanimous approval.

10. City Attorney's Report: City Attorney Smits informed that the Court Reporter for the Closed Session was pushed back to a 12:00 pm to 12:30 pm start time. City Attorney Smits informed that all Commissioners had been talked to prior to the meeting and that the contact information for the Union Attorney was provided. City Attorney Smits informed that he will disclose the timing on the FEMA Report and that the memorandum on the Building Official's Opinion not to be an Attorney-Client document and available for anyone to see. City Attorney Smits explained that he prepared a standard release for the potential resolve of the lawsuit to provide closure and no response was received.

Mayor Raspe clarified the status of the City Administrator and informed that City Administrator Turner's contract will be paid out and for the Administrator to be no longer working for the City effective immediately. City Attorney Smits informed to provide the payout information to Mayor Raspe and for Mayor Raspe to act as the interim City Administrator.

11. Ordinances & Resolutions

a. Resolution 2023-18: A Resolution of the City Commission of the City of Key Colony Beach, Florida, authorizing and approving designated email addresses for the City of Key Colony Beach Commissioners; providing for an effective date.

Mayor Raspe provided the reading of the proposed Resolution.

Commissioner DiFransico spoke on other municipalities protocol on city officials email and stated his belief that last names can be used to make the email addresses more personal.

Commissioner Ramsay-Vickrey suggested that the aliases can be used but forwarded to the official email address. Commissioner Ramsay-Vickrey further spoke on the importance of continuity for future purposes.

Commissioner Harding spoke on the current FEMA Dry Floodproofing project having started three years ago and expected to last another three years. Commissioner Harding explained that his Gmail account would not be accessible and the importance of retaining records for the City. Commissioner Harding further talked on FEMA requirements for city issued email addresses for grant applications.

Vice-Mayor Foster stated no support for the current Resolution and to provide City Clerk Gransee with any information if necessary.

City Attorney Smits confirmed the ability to rewrite the resolution to the Commission's preference and asked for direction from the City Commission on how to proceed.

Mayor Raspe stated to prefer a more personable address but gave understanding for the capturing of information for the future.

Commissioner DiFransico agreed with the need for city issued email addresses.

Commissioner Ramsay-Vickrey asked Commissioner DiFransico on agreement with the use of aliases in correlation with the suggested email addresses in the resolution.

Commissioner DiFransico expressed support if a personalized email address can be used that can be rolled over. Vice-Mayor Foster asked for clarification on access and transition and stated agreement if City Clerk Gransee has access only.

City Attorney Smits informed for the need for more information on technical questions and to draft two resolutions for consideration by the Commission at the January meeting.

Commissioner Ramsay-Vickrey stated that information is not available from personal Gmail accounts and would be lost in case of a misfortune.

Mayor Raspe stated to be comfortable if only City Clerk Gransee had access to the city issued email accounts. City Attorney Smits confirmed to bring back two resolutions at the next meeting for consideration.

b. Resolution 2023-19: A Resolution of the City Commission of the City of Key Colony Beach, Florida, adopting a policy for naming/renaming City property within the City of Key Colony Beach as attached hereto as Exhibit “A”, providing for an effective date.

Mayor Raspe provided the reading of the resolution and asked for comment.

Commissioner Harding commented on the verbiage of property owner and resident.

Mayor Raspe asked for a motion to approve.

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

DISCUSSION: Commissioner DiFransico asked on the purpose of the Resolution and suggested to address this matter as a case by case

ON THE MOTION: Rollcall vote. Unanimous approval.

c. Resolution 2023-20: A Resolution of the City Commission of the City of Key Colony Beach, Florida, ratifying and approving the City’s Grant Funding Application to the 2024 FDOT Transportation Alternatives (Ta) Program; authorizing the City Administrator to take necessary action to effectuate the City’s Funding Application as attached hereto as Exhibit “A”; and providing for an effective date.

Mayor Raspe provided the reading of the Resolution.

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

DISCUSSION: Commissioner Harding informed on the submittal of the resolution and how updates will be made. Commissioner Ramsay-Vickrey asked if the motion needs to be approved with edits. City Attorney Smits confirmed. Commissioner Harding asked if the motion should be approved with updates as necessary in January. Mayor Raspe clarified the edit to be the removal of the word “City Administrator”.

AMENDED MOTION: Commissioner Harding amended his motion to approve with the removal of the word “City Administrator. Vice-Mayor Foster seconded the amended motion.

FURTHER DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Raspe called for recess at 11:13 am.

The meeting reconvened at 11:18 am.

12. Commissioner’s Reports & Comments

a. Commissioner Harding

i. Wastewater Sampling Update: Commissioner Harding reported for current Covid levels being low in Southeast Florida and the County but spoke of an expected increase with the upcoming holiday season. Commissioner Harding informed on Wastewater testing to include testing for Covid, Influenza A & B, RSV, and Monkey Pox. Commissioner Harding continued reporting on hospitalization, death rates, and quantities of Covid increasing. Commissioner Harding further reported on the data provided in his report.

ii. South Florida Water Management District Resiliency Coordination Forum Feedback: Commissioner Harding reported on the attendance of meetings and information learned. Commissioner Harding informed on the purpose of the meetings to create awareness of flooding in cities and counties, and for

flooding events to be treated as a year-round possibility. Commissioner Harding further informed on the SFWM contracting with USGS for the installment of flood gauges and channels and having asked staff for feedback on need.

Commissioner Harding further talked on the importance of vacuum trucks, city to city communications, and injection wells. Commissioner Harding informed on how to be proactive prior to a storm and to continue attending the quarterly meetings.

Commissioner DiFransico asked Commissioner Harding about his involvement with the Counties evacuation models.

Commissioner Harding explained having attended prior meetings with former City Administrator Turner and gave his understanding on the Resolution sent out by the County.

Commissioner DiFransico asked City Attorney Smits if more information was available.

City Attorney Smits stated to be familiar with the topic and gave further information on building rights and allocation of permits.

Commissioner Harding spoke on the Bridge Report that was provided and informed that some work needs to be done on the foundation. Commissioner Harding suggested to keep the matter in the forefront to be addressed.

Commissioner Harding further spoke on attendance of two webinars on the new Form-6 requirements and asked if City resources can be used to answer questions. City Attorney Smits spoke on client privilege with each Commissioner and to be available for questions.

Commissioner Harding reported on having attended several City meetings and having attended the Florida League of Cities December Update which included updates on proposed Short-Term Rental changes and building permit approvals.

Commissioner Harding further reported on having residents reaching out on the Stormwater Project and that resident's awareness can be improved. Commissioner DiFransico asked on the need for a Townhall meeting. Vice-Mayor Foster spoke on being available for residents for questions and to be communicating with contractors.

b. Commissioner DiFransico

i. Introduction on Discussion on proposed changes to Resolution 2023-01: Rules of Procedure for Volunteer and Advisory Boards: Commissioner DiFransico spoke on his proposed changes to rules of procedure.

Commissioner DiFransico spoke on the ability to hold workshops for volunteer boards, virtual attendance of meetings, the ability to serve on more than one Board, training according to Statutes, Board Chairs making reports to the Commission on a monthly basis, and Boards being responsible for their own budget.

Mayor Raspe clarified that not all Boards have budgets.

Commissioner Ramsay-Vickrey spoke on Commissioner DiFransico's suggestions and the ability to hold workshops. Commissioner Ramsay-Vickrey informed on the requirement by the City Clerk to attend all meetings and the need to have meetings approved for time reasons. City Clerk Gransee confirmed the requirement for the City Clerk to attend all public meetings.

Commissioner Harding informed on prior workshops being held and the importance of following the Sunshine Law.

City Attorney Smits confirmed to Commissioner Ramsay-Vickreys that virtual attendance is allowed if a physical quorum is present. Commissioner DiFransico asked for the change to “may vote if physical quorum present”.

Commissioner Ramsay-Vickrey spoke on her original petition on members serving on only one advisory and one volunteer Board, and the need for more information on the training requirements according to Florida Statutes. Commissioner Ramsay-Vickrey further spoke on suggested changes to Paragraph 11 and the language being reflected in the Code. Commissioner Ramsay-Vickrey gave her opposition to Paragraph N and agreed with the change in paragraph O.

Commissioner Ramsay-Vickrey agreed with the request for Chairs making reports to the City Commission and that the ability is given at every Commission meeting. Commissioner DiFransico stated that the ability should be given for a verbal report. Commissioner Ramsay-Vickrey explained the purpose for the written report is to provide a review prior to the meeting. Commissioner DiFransico talked on the recommendation for verbal reports from Department Heads and Volunteer Boards to give information to the public. Mayor Raspe stated that both can be provided.

Commissioner Ramsay-Vickrey spoke on Paragraph P and the need for further legal review, and disagreement with the change in Paragraph Q on purchasing requirements, for Code and Policy having distinct differences.

Commissioner DiFransico and Commissioner Ramsay-Vickrey gave opinions on verbiage and proposed change.

City Clerk Gransee informed on time restraints for the meeting room.

City Attorney Smits reminded for the Closed Session having to start between 12:00 and 12:30 pm.

Commissioner Ramsay-Vickrey asked for a review in accordance with the Code.

i. Introduction on Discussion on proposed procedures for City Commission Meetings:

Commissioner DiFransico spoke on his suggested change for citizen comments to be at the beginning and end of the meeting and to include responses from the Commission. City Attorney Smits explained that this change would require a Code amendment with an ordinance change. Commissioner DiFransico further talked on suggested changes of the Mayor allowing additional time for comments without Commission approval, Commissioner participation via Zoom, Department Heads appearing in person to give reports, and going to two meetings a month during the Winter season. Commissioner DiFransico spoke on the possibility of holding a monthly workshop to allow for residents and Commission participation.

Commissioner Ramsay-Vickrey gave her thoughts on Commissioner DiFransico’s suggestions and spoke against allowing additional dialogue for citizen comments and against the Mayor having sole power to direct additional public comment. Commissioner Ramsay-Vickrey stated for virtual participation being already allowed, to value the written reports by Department Heads, and to support additional questions by the City Commission. Commissioner Ramsay-Vickrey stated that the current format of monthly meetings has proven successful and has freed time for staff to accomplish City business. Commissioner Ramsay-Vickrey welcomed an opportunity to discuss workshops.

Mayor Raspe agreed to hold Townhall meetings during the busy month.

Mayor Raspe asked for a recess at 12:00 pm to allow for lunch and for the Commission to conduct their closed session.

The meeting reconvened at 12:30 pm.

c. Commissioner Vice-Mayor Foster

i. ~~Introduction on~~ Discussion and Approval to promote Corporal Jamie Buxton to Sergeant with backpay: Vice-Mayor Foster introduced the agenda item and asked Chief DiGiovanni on the date when Corporal Buxton was to be promoted. Chief DiGiovanni stated to have first asked for a promotion in 2021. Vice-Mayor Foster asked when the obligations for training were completed. Chief DiGiovanni stated for training to have been completed in March of 2023.

MOTION: Motion made by Vice-Mayor Foster to promote Corporal Buxton to Sergeant and to give backpay from the day of completion of training. Mayor Raspe seconded the motion.

DISCUSSION: Commissioner Harding asked about possible implications for the Union negotiations. City Attorney Smits informed that the Labor Attorney's contact information was provided and anticipated no problems if the Union and Commission do not object. Chief DiGiovanni informed that the promotion was suggested prior to the Union negotiations. City Clerk Gransee asked for clarification on the date of backpay. Chief DiGiovanni believed for Corporal Buxton to have completed the class in March of 2023 but to provide the exact date to City Clerk Gransee. There was no further discussion.

ON THE MOTION: Rollcall vote. Unanimous approval.

Chief DiGiovanni asked on proper procedure for the promotion of Sergeant Buxton. Mayor Raspe agreed for the badge to be presented immediately and for an official presentation at the next Commission meeting.

Chief DiGiovanni presented Sergeant Buxton with her new badge and thanked her for her service to the City.

ii. ~~Introduction on~~ Discussion and approval for Commissioner Foster to re-write the employee manual with input from the department heads: Vice-Mayor Foster asked for a head-nod from the Commission to proceed and to bring back the matter at the next Commission meeting. Commissioner Harding agreed but asked to follow Federal and State Requirements. Commissioner Ramsay-Vickrey agreed but asked for a legal review prior. There were no additional comments.

iii. Introduction on Discussion to stop the independent investigation of FEMA fraud: Vice-Mayor Foster asked to stop to the ongoing FEMA investigation effective immediate. City Attorney Smits recommended a motion.

MOTION: Motion made by Vice-Mayor Foster to end the independent investigation of the FEMA fraud. Mayor Raspe seconded the motion.

DISCUSSION: Commissioner Ramsay-Vickrey stated for the investigation to be almost completed and to like to see the conclusion and recommendation on the report. Vice-Mayor Foster stated the need to stop spending money and for the City Commission to have to give directives to stop the investigation. Commissioner DiFransico asked if the investigative Attorney had any conclusions to provide. Vice-Mayor Foster expressed disagreement with the investigation. Commissioner Harding suggested a motion to conclude the investigation with one to two hours of a final fee to be able to provide a report. Attorney David Miller appeared via Zoom and informed of not being able to provide a reasonable conclusion with the suggested timeframe and could not provide an estimate on time needed.

ON THE MOTION: Rollcall vote. Unanimous approval.

~~iv. Introduction on~~ **Discussion and approval to turn over Union negotiations to Commissioner to be named:** Vice-Mayor Foster introduced the discussion item and asked for City Attorney Smits for guidance and asked for the Mayor or a Commissioner to take over the Union negotiations. Vice-Mayor Foster confirmed to be looking for a head-nod. City Attorney Smits clarified the role of being the City Administrator and in his absence the Mayor. Mayor Raspe stated to be able to take on the responsibility. Commissioner Ramsay-Vickrey gave support for Mayor Raspe.

~~v. Introduction on~~ **Discussion and approval to discontinue ALL city employees travel without explicit approval from the Commission:** Vice-Mayor Foster introduced the discussion item. Mayor Raspe supported the suggestion and agreed. City Clerk Gransee gave no concerns on the change in policy. Vice-Mayor Foster clarified for travel to include all travel. Commissioner Harding gave concerns and suggested for Mayor Raspe to give approval. City Attorney Smits stated no need for a motion. Mayor Raspe clarified for cost to be included in the approval request.

~~iv. Introduction on~~ **Discussion and approval on employee's attendance expectations:** Vice-Mayor Foster stated no need to discuss the agenda item at this time. Commissioner Harding suggested to define the ability to work from home and to give flexibility to staff. City Clerk Gransee stated for this to fall under Vice-Mayor Foster's rewriting of the personnel manual. Commissioner Harding agreed.

d. Mayor Raspe

i. Discussion and approval to get bids to repair Marble Hall and Administration area floor: Mayor Raspe spoke on the reopening of Marble Hall for immediate use and stated to have read all minutes over the last years and spoke on information that he learned. Mayor Raspe spoke on misinformation and inaccuracies that were given including comments from prior Commissioners, prior Building Officials, the prior City Clerk, and communications from FEMA. Mayor Raspe further spoke on prior engineering reports that all gave different opinions and gave questions on who was telling the truth. Mayor Raspe gave highlights on prior statements and misquotes made. Mayor Raspe asked to meet with Building Official Leggett at Marble Hall to find out what is necessary to satisfy the City and Building Department for the usage of the building. Mayor Raspe asked for a third party to be present and Toni Rosabal from LIVs having stated for Marble Hall and the Post Office not being included in the damaged part of the building. Mayor Raspe asked Building Official Leggett to explain what is needed for compliance and gave his belief in the old City Hall building being the safest building in the City. Mayor Raspe explained that Marble Hall was used until July 2022 for all City and club meetings, as well as during Covid. Mayor Raspe asked for the ability to use Marble Hall in the interim and asked for a motion to meet with the Building Official. City Attorney Smits explained that no motion is necessary.

ii. Discussion and approval to reopen Marble Hall for immediate use: Mayor Raspe asked to look for bids to repair Marble Hall and the Administrative Offices, and for the expenditure of additional monies being worth the potential savings in the millions. Mayor Raspe stated to like to go ahead with a head-nod from the Commission to pursue possible options.

~~iii. Introduction on~~ **Discussion and approval to repeal the 7/20/2023 acceptance of HOB bid for City Hall or submit to a vote of electors**

iii. Introduction on discussion to revisit/reduce the City Attorney budget: Tabled.

iv. Introduction on discussion City Staff hours/attendance for ALL employees: Tabled.

v. **Introduction on discussion on the City Administrator position, in what capacity is it needed:**
Tabled

vi. **Introduction on discussion for the Personnel Policy and Procedures manual to have the Chief of Police report to the Mayor directly or the Vice-Mayor in the Mayor's absence:** Tabled.

13. Announcement of Commencement of Closed Attorney/Client Session pertaining to 'Laurie Swanson vs. Key Colony Beach' Case No. 23-CA-000205-M; per FS 286.011 (8).

14. Re-opening of Public Hearing & Regular Meeting and Termination of Closed Session

15. Discussion/Approval on a settlement proposal pertaining to Laurie Swanson vs. Key Colony Beach' Case No. 23-CA-000205-M: Mayor Raspe stated for the City being ready to settle the matter subject to a mutually agreeable written settlement document crafted between Mayor Raspe and Mrs. Swanson. Mayor Raspe stated for the agreement to be able to be ratified at a Special Meeting on December 20th. City Clerk Gransee informed of having to confirm with the owners of the Key Colony Inn for the ability of the meeting hall.

City Clerk Gransee confirmed the availability of the meeting hall.

Mayor Raspe announced for the Special Meeting to immediately follow the Planning & Zoning Meeting on Wednesday, December 20th.

Commissioner Ramsay-Vickrey explained to have worked on a document on frequently asked questions over the last six month but has not been able to present it due to being under litigation.

Commissioner Ramsay-Vickrey presented her report to the Commission and gave information on why the building was condemned, reports by FEMA for the building to be unfit for occupation, and questions on repair and additional space.

Mayor Raspe asked Commissioner Ramsay-Vickrey to summarize her report.

Commissioner Ramsay-Vickrey informed not being able to summarize but to skip over parts of her report.

Commissioner Ramsay-Vickrey continued giving her report.

Mayor Raspe stated for Commissioner Ramsay-Vickrey not having been on the agenda for a report.

Commissioner Ramsay-Vickrey stopped giving her report.

Mayor Raspe asked for any other discussion. There was none.

16.Adjournment: The meeting adjourned at 1:23 pm.

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: January 18, 2024

Silvia Gransee

City Clerk