

MINUTES
KEY COLONY BEACH CITY COMMISSION
TOWNHALL MEETING

Wednesday, January 17th, 2024 – 9:30 am
Key Colony Inn Banquet Room, 700 W. Ocean Drive, Key Colony Beach
& Virtually via Zoom Conferencing

****Commissioners had 3 minutes each to present their topic followed by 17 minutes of
Public comment and Commissioner input - for a total of 20 minutes per Commissioner****

1. **Call to Order, Pledge of Allegiance, Prayer, Roll Call:** The Key Colony Beach City Commission Townhall Meeting 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 Beth Ramsay-Vickrey, Commissioner DiFransico. **Also present:** Building Official Lenny Leggett, Building Assistant Karl Bursa, Building Administrative Assistant Brandi Yellin, Code Enforcement Officer Barry Goldman, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.

Public Attendance: Approximately 100

Mayor Raspe explained the planned procedure of the Townhall meeting to all attendees and informed on the next meeting to be held on Monday, February 12th, 2024.

2. **Introduction of Guests:** Mayor Raspe informed of Tony Rosabal from LIVs Associates attending via Zoom and to be available for questions.
3. **Mayor Raspe**
 - i. **Topic:** Discussion on City Hall

Mayor Raspe informed on meeting with a structural engineer to find out if the building can be structurally used for a social room. Mayor Raspe informed for this to be a short-term solution to give time finding solutions on how to move forward. Mayor Raspe informed on looking into the possibility of Municipal Bonds Financing to allow residents to invest tax free with low risk. Mayor Raspe assured to keep everyone informed on future developments.

i. Public Comment & Commissioner Input

A resident residing at 680 10th Street asked if the Engineering inspection date was known.

Mayor Raspe informed for the Engineer's office to be closed until January 9th and a second Engineer being contacted.

Sandy Bachman, 171 8th Street, asked Tony Rosabal about the size and design of the new Marble Hall and kitchen compared to the original building.

Technical difficulties prevented Tony Rosabal from answering the question. Commissioner Harding informed to follow up with Mr. Rosabal after the meeting.

Louis, 520 10th Street, asked how many dollars in bonds the city is asking for and if a formula could be

provided for the amount of the loan corresponding with possible tax increases.

Commissioner Harding explained possible financing scenarios and loan repayments, and informed on the ability to use monies from the infrastructure tax for a loan repayment after the Sunset Park loan is paid off.

Mayor Raspe explained the idea of Municipal Bonds to be in its beginning stages and further talked about the purpose and benefits of using bonds to offer tax free investment for citizens. Mayor Raspe informed on the current effort to find a smaller loan with a competitive rate that fits the city's needs. Mayor Raspe spoke on discrepancies in documents on City Hall and challenges associated with.

Dave McKeehan, 2 7th Street, spoke about entering a new chapter for the city due to efforts of residents and observed tremendous traction on part of the commissioners and asked to give the new chapter a chance. Dave McKeehan informed on observing piles and pile caps four years ago which showed pristine condition. Dave McKeehan asked if an inspection will include the main ring of the foundation and if this will be a factor in determining the temporary usage of City Hall.

Mayor Raspe stated for the purpose of the report to be as comprehensive as possible and for safety to come first.

Gregory Burke, 621 8th Street, asked if an engineering study was done after Irma and who did it and if it was reported.

Commissioner Harding asked if the question can be answered during his presentation, which was confirmed.

Ted Bentley, 980 Shelter Bay Drive, spoke on challenges after Hurricane Irma and a complete lack of transparency in the past. Mr. Bentley gave concerns on clean hands in the selection of engineers, architects, and contractors regardless of a renovation or a rebuild and for the community to look for transparency and shared knowledge.

Mayor Raspe commented that the purpose for the Townhall Meeting is transparency.

Florence Schmidt, 430 3rd Street, asked if the building could be viewed as three separate entities and asked for the legal name of the structure.

Building Official Leggett informed that the building in its current state is one building and also insured as one building. Building Official Leggett stated for this question to require further research but speculated for this to require some subdividing of the parcel.

An additional question was inaudible because no microphone was used.

Commissioner Harding agreed with the Building Official's opinion that the building is one property and the question of a separation to be dependent on a structural engineer, but for the suggestion to be a potential option on how to go forward.

Commissioner Ramsay-Vickrey cautioned on the 50% substantial improvement rule and voids under Marble Hall that were discovered. Commissioner Ramsay-Vickrey explained the 50% rule and the requirement of meeting all code requirements including a height of 11 feet, ADA compliance, and wind and flood load requirements.

Mayor Raspe explained for his time limit to have been reached.

Commissioner Harding answered Sandy Bachman's previous question on a comparison in size on Marble Hall to be within 10 feet.

4. Commissioner Harding

i. Topic: History of the Old City Hall Repair Estimate

Commissioner Harding informed for his slide show to be available to the public upon request. Commissioner Harding informed on 6 total engineering reports, 4 of which were paid for by city, 1 by FEMA, and 1 by the Flood Insurance Company. Commissioner Harding informed on additional reports on subservice and floor evaluation, and 1 additional engineering drawing report from 2014 adding piles to the Administration Building. Commissioner Harding stated for the FEMA report to have been the most detailed report which also included flood and wind damage. Commissioner Harding gave further data on proposed repair and replacement costs and code requirements.

ii. Public Comment & Commissioner Input

Dave McKeehan, 2 7th Street, asked if there have been estimates for only floor repairs for Marble Hall which could have been different than a general repair. Dave McKeehan asked if the historical value of marble hall has been considered and asked for every opportunity to be taken to make repairs. Dave McKeehan further talked on the previous designs and his belief that it could be repaired.

Mayor Raspe informed that some of Dave McKeehan's concerns will be addressed at the next day's Commission meeting.

Commissioner Harding informed that one of the engineering reports from 2017 estimated floor repairs in the Administration Building to be at \$350K and for the roof removal not being factored into the price. Commissioner Harding informed that quotes from 2017 need to be adjusted and also cautioned on the 3-year rule of the accumulation of costs not to exceed \$800,000.00.

Commissioner Harding further cautioned on prior engineering reports stating for Marble Hall and the Administrative Building are not able to be elevated with the current structure.

Vice-Mayor Foster informed that no bid package for repair has been asked for from a general contractor and informed of the previous Building Official Ed Borysiewicz to be in attendance. Vice-Mayor Foster further clarified that no bid packages were ever asked for to repair the hurricane damage versus the previous damage to the building.

Ed Borysiewicz, 771 12th Street, former Key Colony Beach Building Official 1987-2019, gave his personal opinion that the City Hall Building was not substantially damaged during Hurricane Irma. Mr. Borysiewicz spoke on the substantial damage and 50% rule and reiterated that the building was not substantially damaged. Mr. Borysiewicz spoke on the document that he had submitted in 2018 regarding the center part of City Hall and explained for the center part of the Hall to run from Marble Hall to the two-story area of City Hall. Ed Borysiewicz explained for this to be the old original part of City Hall which never had received pin piles and explained that engineering plans and pricing were provided for. Ed Borysiewicz continued explaining the installation process and explained that no roof would have to be removed and gave an estimate of \$1,500 to \$2,000 per pin pile for a total of \$60,000 to \$70,000. Ed Borysiewicz stated for the two-story portion of the old City Hall building being a reinforced concrete building with a reinforced concrete roof that was built to the Florida Building Code in the early 2000's. The former Building Official stated for the Post Office to be the same and that the Marble Hall section was pin piled, the floor leveled, and for the marble tile having placed on top. Ed Borysiewicz explained for there to be no problem in his

opinion with the Marble Hall floor, and for the only floor in question being the portion of the old Administrative Building. Ed Borysiewicz recalled his written a letter stating for the building to be unsafe due to the fact of unsafe wiring, possibilities of mold or mildew and asbestos. Ed Borysiewicz spoke on the raised question on the possibility of the Administrative Building slab failing and stated for this having been a hard question and he assessed for that section being unsafe at that point. Ed Borysiewicz informed on having been given reports of nothing having changed and having shot elevations with former Building Official Roussin and current Building Official Leggett after Hurricane Irma and guessed that hardly any settlement had occurred over the last 6 year. The former Building Official gave different ways on how to go forward and stated to believe there to be no reason for Marble Hall or the Post Office to be closed. Ed Borysiewicz further stated his belief that the interior can be easily reopened once inspections are complete, and if necessary, pin piles can be installed to stabilize the floor to utilize the entire complex again in the most economical way. Ed Borysiewicz explained that Marble Hall could be used during the decision making process on a new City Hall building. The former Building Official further talked on the possibility of the designation of a historic building for Marble Hall and reiterated his opinion for City Hall being able to be reopened.

Vice-Mayor Foster asked Ed Borysiewicz opinion on the voids under the pin piles.

Ed Borysiewicz compared Marble Hall to a stilted house, which has pin piles underneath holding the slab up, and confirmed for there to be no issue.

Joe Schmidt, 430 4th Street, spoke on being a resident for over 24 years and having experienced many public officials over the years. Joe Schmidt talked on a general ledger report from the city containing data from 2017 to date and informed of paid legal expenses for more than half a million dollars. Mr. Schmidt spoke on the unionization of the Police and the increase of legal billing under Vernis and Bowling compared to prior City Attorney Tom Wright and the mismanagement of monies.

Commissioner Harding agreed that legal fees increased tremendously and having voiced concerns at several meetings before. Commissioner Harding explained that lawsuits have to be handled for the city to defend itself, which are uncontrollable legal fees but agreed these lawsuits did not exist under former City Attorney Tom Wright. Commissioner Harding further stated that Code Board enforcement income offsetting some legal fees has to be considered. Commissioner Harding further explained for the attorneys to work on assignments on an hourly basis which are Commission driven.

Mayor Raspe stated to vouch for Commissioner Harding's previous concerns on legal expenses.

Commissioner Ramsay-Vickrey informed on being aware of 5 completed inspections, including one FEMA inspection in December 2017, which documented 40% to 50% of structural damage to the building. Commissioner Ramsay-Vickrey informed of the Institute for Building Technology and Safety having performed an inspection in December 2017 recommending demolition, an inspection in January of 2018 by Robert Leon from the Architectural Engineering Firm CSA Group which stated to demolish and replace, and an inspection report by Peters Engineering with no report available. Commissioner Ramsay-Vickrey informed of an additional report by Universal Engineering as mentioned in the Norry Lynch Recovery Report which noted voids found in the Administrative area and Marble Hall. Commissioner Ramsay-Vickrey further talked on a report from September 2021 from AirMD showing asbestos which had cost discrepancies to a report by IBTS for mediation. Commissioner Ramsay-Vickrey stated for their have been a lot of reports provided, with some that have not been seen yet.

Mayor Raspe stated for this to be a true statement and informed on facts from the CSA report from August 22, 2018, which stated for the affected areas to be of concern and not the entire building. Mayor Raspe

explained for the need to understand the different opinions in the engineering reports and asked for patience from the residents to understand the issue.

5. Commissioner Ramsay-Vickrey

i. Topic: City Hall Repair & Replace FAQ PowerPoint Presentation

Commissioner Ramsay-Vickrey asked Mayor Raspe for the ability to have the slideshow continue after her presentation concluded to accommodate the 3-minute time constraints. Mayor Raspe agreed.

Commissioner Beth Ramsay-Vickrey presented her PowerPoint Presentation on City Hall Repair & Replace FAQ. Commissioner Ramsay-Vickrey's presentation included facts on engineering reports recommending the demolishing of the building, repair estimates exceeding the value of the building, and declarations of prior Building Officials declaring the building unsafe.

Commissioner Ramsay-Vickrey continued her presentation by talking on reasoning for rebuilding versus repairs and gave information on age, elevation requirements, and the 50% Rule on substantial damage. Commissioner Ramsay Vickrey further spoke on three prior engineering reports and their recommendation on demolishing the building. Commissioner Ramsay-Vickrey further talked about repair estimates exceeding the 50% Rule, and determinations by three Building Officials on the building being unsafe. Commissioner Ramsay-Vickrey voiced concerns on asbestos in the building and prior Commissioners moving towards demolishing and rebuilding.

ii. Public Comment & Commissioner Input

Pete Diez, 480 3rd Street, thanked Commissioner Ramsay-Vickrey for her presentation and questioned the request for more engineering reports. Mr. Diez stated for multiple engineering reports having reported the building having problems and gave concerns on the integrity of the building by putting pin piles into them. Pete Diez continued by stating for the building having no insurance, no certificate of occupancy, and the building was not able to be occupied safely. Pete Diez agreed to feel for the loss of the building but stated for it to be time to build a new one. Mr. Diez explained that the Building department has informed of no Certificate of Occupancy, no insurance available, and no State entity going to approve a building that is not elevated and not brought up to Code. Mr. Diez suggested to reread the report to understand the issues at hand.

Fred Swanson, 620 9th Street, thanked Commissioner Ramsay-Vickrey for her presentation and gave concerns on the legal conclusion on the opinion of condemnation by the former Building Officials. Mr. Swanson informed for not reading the opinions that way and former Building Official Borysiewicz having cited areas in the building that are not safe, and former Building Official Roussin having recommended replacement of the building due to cost and had defended the idea of pin piles. Mr. Swanson informed not knowing if Building Official Leggett had condemned the building and questioned the condemnation of the entire building because of one part of the building being considered unsafe. Fred Swanson gave his understanding of condemnation and stated not to agree with the given argument. Fred Swanson further gave his opinion that the decision from January 9th, 2020, to replace the building was based solely on economics and gave details from the minutes from the meeting. Mr. Swanson informed for costs of the project having increased and grant funding having dropped significantly. Mr. Swanson agreed that a good cost estimate is needed as well as adequate office space.

Joe Schmidt, 430 4th Street, recalled the minutes from the first meeting after Hurricane Irma and FEMA, and FEMA not having declared the building as substantially damaged. Mr. Schmidt continued informing that Daryl Osborne, former City Engineer, had not declared the building substantially damaged. Joe Schmidt suggested for the administration at that time having shopped around until a report produced what was

needed. Mr. Schmidt agreed with Mr. Borysiewicz and Mr. Roussin and suggested that part of the storyline is missing.

Commissioner Ramsay-Vickrey explained for there to be a difference between substantial damage and substantial improvement but the same 50% threshold. Commissioner Ramsay-Vickrey informed for the question to be if the cost to repair the building is equal to or more than 50% of the buildings value. Commissioner Ramsay-Vickrey explained that if the threshold is reached, Building Code requirements of elevation and bringing the building up to Code apply. Commissioner Ramsay-Vickrey thanked Fred Swanson for his comments and further talked on the Post Office's agreement to stay in the new building due to elevation requirements. Commissioner Ramsay-Vickrey explained that the Post Office has made it their policy under Title 39 to comply with flood plain requirements. Commissioner Ramsay-Vickrey informed of no one knowing if the Post Office would stay in a ground level building and gave concerns on the Post Office leaving.

James LeConte, 250/252 Sadowski Causeway, recalled the excitement for receiving money after Hurricane Irma to build a new building. James LeConte gave support for former Building Official's Borysiewicz assessment and suggested for the city to hire Mr. Borysiewicz to prepare a bid package. James LeConte stated there to be to many reports and repeated to put the repair out to bid.

Larry Mills, 251 4th Street, gave his opinion on why the building could be separated and informed for the wall between Marble Hall and the Building to be a load bearing wall. Mr. Mills explained that the building can be separated.

Vice-Mayor Foster talked on the prior Ocean Fronts property with three lots with one complex.

Pete Diez commented on how to separate one entity from another.

Inaudible comments by audience members followed.

6. Vice-Mayor Foster

i. Topic: Stormwater Project for 9th and 10th Street

Vice-Mayor Foster thanked everyone for attending and participating and talked on the importance of listening to citizen concerns and the transparency of the Commission. Vice-Mayor Foster reminded of Jamie Buxton's promotion to Sergeant and the importance of the promotion for being the first female Sergeant for the City of Key Colony Beach and asked for support.

Vice-Mayor Foster talked about the construction work on 10th Street and informed for 10th Street being the last phase of the project and gave an anticipated completion within a month. Vice-Mayor Foster informed on the construction of 5 Injection Wells on 9th, 10th, and 11th Street and planned completions. Vice-Mayor Foster further spoke on future projects on 11th and 12th Street as well as Coury Drive, and 7th Street experiencing continued problems with the Stormwater disbursements process. Vice-Mayor Foster stated for more work needed on 7th Street and the possibility of using remainder monies for further improvements. Vice-Mayor Foster informed for the Engineer to be looking for ideas for the Retention Pond and to be available for questions, concerns, comments, and to reach out at any time.

ii. Public Comment & Commissioner Input

Commissioner DiFransico asked if the goal of the project is to eliminate all outfall to the canals.

Vice-Mayor Foster informed on the primary goal to eliminate discharge of water to the canal system and further informed still to have the ability to use the gate system for the ability to discharge water in case of heavy rain.

Mayor Raspe informed for most of the work being grant funded.

A resident asked for an anticipated start date for 11th Street. Vice-Mayor Foster informed not having a date as of yet and to be in Tallahassee at the end of the month to look for additional grant money.

7. Commissioner DiFransico

i. Topic: City Administrator Position?

Commissioner DiFransico spoke on the current absence of a City Administrator and whether the position should be filled or replaced. Commissioner DiFransico gave his opinion on the need for a City Administrator and the difficulties of the Sunshine Law interfering with open communication with Mayor Raspe. Commissioner DiFransico asked for the Commission to think on what the role of the City Administrator is and the role in many other municipalities to to be comparable to a CEO of a company. Commissioner DiFransico stated for this role not to blend well with the city and asked for the Commission to come up with a model that works for the city. Commissioner DiFransico gave his opinion that the City Administrator should not be issuing directives to individual Police Officers and that the Chief of Police should report directly to the Commission as well as some other Department Heads might do as well.

ii. Public Comment & Commissioner Input

Vice-Mayor Foster stated for Mayor Raspe doing a great job.

Mayor Raspe informed for the topic to be addressed at tomorrow's meeting and having met with all Department Heads on the matter. Mayor Raspe informed not having received positive feedback on a new Administrator and support for letting the Department Heads running the Departments. Mayor Raspe informed for the need to adjust the job description and adjustment in salary. Mayor Raspe talked on the importance of grant writing and putting things out for bid but having received feedback from all Departments to keep running their departments with just a little bit of supervision.

Ted Bentley, 980 Shelter Bay Drive, spoke on the size of city and on the ability to attract effective City Administrators to have been poor. Ted Bentley further spoke on the importance of relying on Department Heads and the last two City Administrators having failed due to a lack of oversight. Mr. Bentley stated to appreciate both Commissioners standpoint but for being a small city not going to find a person to get the job done.

Laurie Swanson agreed with both Commissioners and voiced concern on effective communication between the Commission without an Administrator. Mrs. Swanson asked if minutes could be taken between the City Administrator and Commissioners and made public.

Vice-Mayor Foster informed for these conversations to be considered between employee and Commissioner.

Commissioner Ramsay-Vickrey agreed with Laurie Swanson to have a City Administrator to be able to talk to each Commissioner to be helpful. Commissioner Ramsay-Vickrey explained the two forms of Government in the City Charter available to the Commission. Commissioner Ramsay-Vickrey explained the difficulties for the current Mayor to make decisions and spoke on the Commission's responsibility to make decisions as a whole.

Laurie Swanson asked for clarification why the conversations between the City Administrator and a Commissioner could be made public.

Commissioner DiFransico explained for the suggestion not to be feasible and in fact hinder communications.

Commissioner Ramsay-Vickrey further explained restrictions in communications with Commissioners due to the Sunshine Law.

Mayor Raspe spoke on the importance of having an Administrator with total transparency and for the job description possibly having to be tweaked.

Laurie Swanson expressed her gratitude to the Commission.

Joe Schmidt, 430 4th Street, spoke of the other Post Offices in Marathon and being within inches of the geological survey. Joe Schmit gave appreciation to Commissioner DiFransico's input on an Administrator and spoke of the importance of being a resident of KCB. Joe Schmidt suggested for the Mayor's ability to speak to each Department Head who then can report to individual Commissioners. Joe Schmidt talked on prior Administrators Clyde Burnett and Ron Sutton in their position, and the Administration after Hurricane Irma having made changes to the Charter and having taken power away from the people. Mr. Schmidt further commented on the ability to speak at the end of a Commission meeting instead of just in the beginning.

Commissioner Ramsay-Vickrey explained for there to be four different forms of local government in Florida and the form suggested by Mr. Schmidt to be a Commission form of Government. Commissioner Ramsay-Vickrey explained for the form of Government prescribed in the City's Charter to be a Commission-weak Mayor or a Commission-City Administrator form. Commissioner Ramsay-Vickrey further explained for the Commission form of Government to be less than 2% of Governments used for the difficulties it presents.

Dave McKeehan, 2 7th Street, spoke on the candor of meeting and the spectrum of viewpoints provided. Dave McKeehan spoke on the need for transparency and suggested to hold off on the hiring of a new City Administrator until the City Hall project is tackled. Dave McKeehan further suggested hiring a Project Manager who then can be tried in an interim position. Dave McKeehan talked on the importance of understanding the person that is hired.

8. Next Townhall Meeting: Monday, February 12th, 2024 at 9:30 am.

Mayor Raspe reminded of the next Townhall meeting in February and asked for ideas to be shared.

Commissioner DiFransico asked residents to solicit ideas.

Mayor Raspe informed of a Building Department questionnaire to address any concerns and questions.

9. Adjournment: The meeting adjourned at 11:03 am.

Respectfully submitted,
Silvia Gransee
City Clerk

ADOPTED: February 15, 2024
Silvia Gransee
City Clerk