

AGENDA

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, February 15th, 2024 – 9:30 am

*Located at the Temporary Meeting Place for the City of Key Colony Beach,
at the Key Colony Inn Banquet Room, 700 W. Ocean Drive, Key Colony Beach
& Virtually via Zoom Conferencing*

[Zoom Login Information at the end of this Agenda](#)

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call

2. Agenda Additions, Changes & Deletions

3. Special Request:

- a. Recognition & Award for Life Saving Actions by Police Officer John Buckwalter – Pg. 1*
- b. Recognition of 5-years of Service to the City for Sergeant Jamie Buxton – Pg. 2*
- c. Recognition of Officer Joe Burden for building Community Partnerships – Pgs. 3-4*
- d. Special Request by the Fishing & Boating Club for the Clam Bake Event on February 19th, 2024*
- e. Special Request by the Key Colony Beach Police Department for the approval of the 'Ron Sutton Memorial Fishing Derby' on June 12th, 2024*
- f. Special Request by the Beautification Committee for the 'Hot Dogs at the Hut' Event on March 2nd, 2024 – Pg. 5*
- g. Special Request by the Joe Turgeon for the approval of the Annual 7-Meter Bridge Run on March 21st, 2024*
- h. Invitation to apply for vacant City Commission Seat – Pgs. 6-11*

4. Citizen Comments and Correspondence - Pgs. 12-37

5. Approval of Minutes

- a. January 17th, 2024 - City Commission Townhall Meeting – Pgs. 38-45*
- b. January 18th, 2024 - City Commission Public Hearing – Pgs. 46-48*
- c. January 18th, 2024 - City Commission Regular Meeting & Public Hearing **TBA***

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

- a. Marathon Fire/EMS – Marathon Assistant Fire Marshal Card*
- b. City Administrator's Report – Mayor Raspe – Pg. 49*
- c. Police Department – Chief DiGiovanni – Pgs. 50-58*
- d. Building Department – Building Official Leggett – Pgs. 59-60*
- e. Public Works – Public Works Department Head Guarino – Pgs. 61-62*
- f. City Clerk – City Clerk Gransee – 63-67*
- g. Code Enforcement Officer – Code Officer Goldman – Pg. 68*
- h. Beautification Committee – Sandra Bachman*
- i. Planning & Zoning Board – George Lancaster*
- j. Recreation Committee – Barbara Tatarchuk*
- k. Utility Board - Bill Fahs*

7. **City Administrator Items for Discussions & Approvals** (These agenda items will be presented by acting City Administrator Mayor Raspe): TBD
8. **City Commissioner Items for Discussion/Approval**
 - a. Review of Townhall Meeting held on February 12th, 2024
 - b. Discussion/Approval to reopen Marble Hall for immediate use
 - c. Discussion/Approval to obtain bids for:
 - i. Bids to repair Marble Hall and Administration area floor
 - ii. Bids to put Construction of the New City Hall Building out for rebid.
 - d. Discussion/Approval on the continuation of the Smart City Project
 - e. Discussion/Approval on qualifications and requirements for a new City Administrator
 - f. Discussion/Approval on an increase in fees for short and long-term trailer parking – **Pgs. 69-70**
 - g. Discussion/Approval on Invoice 1513 by Deckard Technology for the annual renewal for the ‘Rentalscape’ monitoring in the amount of \$18,500.00 – **Pg. 71**
9. **Secretary-Treasurer’s Report**
 - a. January 2024 Financial Summary – **Pgs. 72-74**
 - b. Approval of Warrant 0124 in the amount of \$410,690.20 – **Pg. 75**
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.
 - 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.
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. – **Pgs. 76-79**
 - 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. – **Pgs. 80-83**
12. **Commissioner’s Reports & Comments**
 - a. **Commissioner Harding**
 - i. Wastewater sampling results update
 - ii. Monthly legal costs review
 - iii. Maui Fire lessons learned from the Maui Police Department Initial Report
 - iv. FEMA Hazard Mitigation Partner Workshop Summary
 - b. **Commissioner DiFransico**
 - c. **Vice-Mayor Foster**
 - d. **Mayor Raspe**

13. Citizen Comments

14. Adjournment

This meeting will be held at the temporary meeting place for the City of Key Colony Beach at the Key Colony Inn Banquet Room at 700 W. Ocean Drive, Key Colony Beach, Florida 33051.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://us02web.zoom.us/j/89749178538?pwd=T1pCZVdLQnVkNU9POzZaNEJyQjAwQT09>

Passcode: 060049

Or One tap mobile:

*+13052241968,,89749178538#,,, *060049# US*

*+13126266799,,89749178538#,,, *060049# US (Chicago)*

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 305 224 1968 or +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099 or +1 301 715 8592 or +1 309 205 3325 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 897 4917 8538

Passcode: 060049

International numbers available: <https://us02web.zoom.us/j/89749178538?pwd=T1pCZVdLQnVkNU9POzZaNEJyQjAwQT09>

Key Colony Beach Police Department

Chief Kris I. DiGiovanni

P.O. Box 510141, 600 West Ocean Drive, Key Colony Beach, Florida 33051. Phone 305-289-1212

Ref: Life-Saving Actions

Date: February 15, 2024

Date of Occurrence: December 30, 2023

Officer John Buckwalter,

On December 30, 2023, you responded to a medical call at a residence on 9th Street. Upon arrival, you discovered a large amount of blood coming from the patient and a large amount of blood on the floor. You quickly applied your tourniquet to the resident's leg and stopped the flow of blood. You stayed with the resident until Marathon Fire Rescue arrived and they transported the resident to the hospital.

Your quick response time and the heroic action that you performed saved the resident's life.

Officer Buckwalter, it is actions such as these that bring credit not only to you but also the entire Key Colony Beach Police Department.

Thank you, John, from not only myself, but also the residents of our city for a job well done.

Keep up the good work!

Sincerely,



Kris I. DiGiovanni

Chief of Police



Key Colony Beach Police Department

Chief Kris I. DiGiovanni

P.O. Box 510141, 600 West Ocean Drive, Key Colony Beach, Florida 33051. Phone 305-289-1212

Ref: 5-year Anniversary

Date: February 15, 2024

Sgt. Jamie Buxton

Sgt. Buxton,

January 28, 2019, to January 28, 2024

Thank you for your 5 years of service and hard work.

We are grateful to have you on our team!

Congratulations!

Sincerely,



Kris I. DiGiovanni

Chief of Police



Key Colony Beach Police Department

Chief Kris I. DiGiovanni

P.O. Box 510141, 600 West Ocean Drive, Key Colony Beach, Florida 33051. Phone 305-289-1212

Ref: Partnership

Date: February 5, 2024

To: Officer Joe Burden

Ofc. Burden,

You were instrumental in organizing the following operation with the Florida Department of Corrections Probation and Parole and FWC:

On 02.01.2024 at approximately 1500 hours Officers from Florida P&P, FWC and KCBPD conducted checks of people currently on Probation or Parole living aboard vessels in and around Bonefish Basin and Boot Key Harbor.

The officers checked for violations of their probation/parole, resource violations, violation of boating/safety regulations and new criminal offenses.

Agencies Involved: Florida Department of Corrections Probation and Parole, Florida Fish and Wildlife Law enforcement SOG, Key Colony Beach Police Department.

These partnerships reaffirm the safety and security of the Key Colony Beach residents and visitors by holding subjects on probation or parole accountable for their whereabouts and actions.

Thank you, not only from me, but the entire City of Key Colony Beach.

Sincerely,



Kris I. DiGiovanni

Chief of Police



Key Colony Beach Police Department

Chief Kris I. DiGiovanni

P.O. Box 510141, 600 West Ocean Drive, Key Colony Beach, Florida 33051. Phone 305-289-1212

Ref: Partnership

Date: February 6, 2024

To: Officer Joe Burden

Ofc. Burden,

You made it a personal and professional desire to develop a partnership with the Florida Fish and Wildlife Commission, (FWC), and as a result, you are a trained FLIR Operator. You assist FWC pilots and boat operators while they are searching for illegal acts to be committed. Your assistance is vital to the success of their missions as the "eye in the sky".

Recently I received a letter describing an operation that was done under the Lacey Act during vessel patrol. It stated:

"...Key Colony Beach PD officer as Flir operator conducted surveillance in the FWC aircraft. The FWC aircraft spotted a large center console fishing deep inside Bahamian waters. As the vessel began returning to the US, the FWC aircraft guided the patrol vessel into position, and the subject vessel was stopped. Over 50 fish were discovered, and the vessel did not properly check in and did not have the required Bahamian fishing permits. The investigation is ongoing."

The effort made, through this partnership, to protect vital environmental resources and to bring justice to those who violate the law is recognized and appreciated.

Thank you, from me, the City of Key Colony Beach and the many generations in the future that can enjoy our valuable marine life.

Sincerely,



Kris I. DiGiovanni

Chief of Police



THE BEAUTIFICATION COMMITTEE PROPOSES:

FREE "HOT DOGS AT THE HUT" EVENT SATURDAY MAR 2 FROM 2-5 TO BE HELD AT THE TIKI HUT NEXT TO THE POST OFFICE. HOT DOGS, BEER, WINE AND SODA ARE PROVIDED AT NO CHARGE. MUSIC BY STEEL DRUMMER VAN BERTIE OUT OF KEY WEST. THIS EVENT IS AN ANNUAL FUNDRAISER FOR BEAUTIFICATION AND IS HELD AT NO COST TO THE CITY

WE REQUEST CITY APPROVAL FOR THIS EVENT.

WE REQUEST THE APPROVAL TO CONTACT PUBLIC WORKS FOR ASSISTANCE WITH TRASH CANS AND POST EVENT PICKUP.

WE REQUEST APPROVAL TO CONTACT OUR POLICE CHIEF TO ADDRESS ANY CONCERNS HE MAY HAVE

WE REQUEST THE USE OF CITY CHAIRS (ABOUT 40) AND FOLDING TABLES (ABOUT 4) DURING THIS EVENT

EVENT COODINATOR: DAVID MCKEEHAN 713 417 3854



The City of Key Colony Beach invites all residents (property owners or long-term renters) to apply for a vacant seat on the City Commission. Commissioner Ramsay-Vickrey resigned from the City Commission on February 7th which created a vacancy on the Commission.

The City is accepting applications for consideration of appointment to fill the vacant seat until the next general scheduled election on November 5th, 2024. If the majority of remaining Commission members are unable to agree upon a person to fill said vacancy, the Commission shall call a special election for that purpose.

Please submit a letter of interest, resume, or any other appropriate format to the City Clerk at cityclerk@keycolonybeach.net no later than

Thursday, March 14th, 2024, 4:00 p.m.

Interested candidates are encouraged to fill out an ‘**Application for Commissioner**’ to be submitted with their letter of interest. Applications are available for pickup at City Hall or can be downloaded via the link below.

[Application for City Commissioner](#)

Applicants will be considered for appointment at the next City Commission Regular Meeting & Public Hearing on

Thursday, March 21st, 2024, at 9:30 am.

Applicants must be residents (property owners or long-term renters) of the City of Key Colony Beach

and registered voters eligible to vote in Key Colony Beach elections.



CITY OF KEY COLONY BEACH

APPLICATION FOR CITY COMMISSIONER

OFFICE OF THE CITY CLERK
PO Box 510141
CITY OF KEY COLONY BEACH, FL 33051
TELEPHONE: (305) 289-1212
WEB: www.KEYCOLONYBEACH.NET

****It is not required to complete this application to be considered for the vacant Commission seat. Applicants may submit a letter of interest, resume, or any other appropriate format for consideration****

Name: _____
(Last) (First) (Middle)

Address: _____

Mailing Address (if different): _____

Business Address: _____

Occupation: _____

Home/Cell Ph.: _____ Work Ph.: _____

E-mail: _____

Do you reside within the City limits?

☐ Yes ☐ No

- If yes, how long have you resided in the City of Key Colony Beach? _____

Do you own property in the City of Key Colony Beach?

☐ Yes ☐ No

Are you a Registered Voter in Key Colony Beach?

☐ Yes ☐ No

Have you ever served on a volunteer board/committee/commission or in a volunteer capacity before?

☐ Yes ☐ No

If yes, please indicate name of board/committee/commission and dates of service.

Why would you like to serve on this commission? _____

Do you plan on running for the seat in the next election of 2024?

☐ Yes ☐ No

What special skills would you bring to this position? _____

Please list fields of work experience: _____

List any licenses and/or degrees (location and year): _____

Local References (Please list 3):

1. _____
2. _____
3. _____

Signed: _____ Date: _____

Submit application to:

Silvia Gransee
City Clerk
City of Key Colony Beach
PO Box 510141
Key Colony Beach, FL 33051

OR

Cityclerk@keycolonybeach.net

CITY OF KEY COLONY BEACH

CITY COMMISSIONER APPLICATION

Acknowledgments:

1. Accuracy of Information. I certify that the information provided in my Commission Application with the City of Key Colony Beach is correct to the best of my knowledge.

Printed Name: _____

Signature: _____

Date: _____

GENERAL INFORMATION

SUNSHINE AMENDMENT/CODE OF ETHICS:

All Volunteer Advisory Board/Committee/Commission Appointees are governed by and subject to the Florida Sunshine Law, which includes the Public Records Law and Code of Ethics.

[Ref. Sec. 24, Art. I, F.C., Sec 286.011, F.S. Chap. 119, F.S. and Chap. 112 – Part III, F.S. respectively]

FORM 6 – STATEMENT OF FINANCIAL INTERESTS:

Persons required to file FORM 6 include all local officers. A local officer is defined as any appointed member of a board, excluding any member of a solely advisory body. However, a governmental body with land-planning, zoning or natural resources responsibilities shall not be considered an advisory body and therefore would be required to file.

Within 30 days from the date of appointment, and subsequently no later than July 1st of each year thereafter, a local officer shall file a statement of financial interests with the Monroe County Supervisor of Elections. Additionally, within 60 days of leaving the position, unless you take another “reporting position” within that period of time you are required to file a FORM 1F with the Monroe County Supervisor of Elections.

[Ref. Sec. 112.3145, F.S.]

REPORTING REQUIREMENTS AND PROHIBITED RECEIPT OF GIFTS; SOLICITATION AND DISCLOSURE OF GIFTS FROM GOVERNMENTAL ENTITIES, DIRECT SUPPORT ORGANIZATIONS AND HONORARIUM RELATED EXPENSES:

Certain instances require disclosure of gift and honoraria. For a full detail of requirements, please review the **GIFT LAW** as identified in Florida Statutes or contact the City Attorney for specifics.

[Ref. Secs. 112-3148 & 49, F.S.]

NOTE: Forms which may be required to be filed by a local officer are as referenced in Florida Commission on Ethics’ **“GUIDE TO THE SUNSHINE AMENDMENT AND CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES”** booklet, as published annually and on file in the Office of the City Clerk or online at the Florida Commission on Ethics at www.ethics.state.fl.us under the tab entitled Publications and/or Forms.

Silvia Gransee

From: Laurie & Fred Swanson <swansonfj@yahoo.com>
Sent: Tuesday, January 23, 2024 11:12 PM
To: KCB Mayor; KCBFoster@gmail.com; KCB Commissioner2; KCB Commissioner1; Thomas.DiFransico@gmail.com
Cc: Silvia Gransee
Subject: [External] Updated City Hall FAQs - comments
Attachments: Updated City Hall FAQ - FJS (2).docx

Attached are my comments on the December 27, 2023 Updated City Hall FAQs. I have inserted my comments with-in the original document. I do not mean to dwell in the past and want to move forward. It will be helpful, however, to better understand how different people view the options ahead of us. These are my thoughts -- I do not pretend to speak for others, and certainly not for the majority.

Fred Swanson
620 9th Street

CITY UPDATE & CITY HALL FAQ'S

From Key Colony Beach City Commissioner Beth Ramsay-Vickrey

Updated on **December 27, 2023**

Over the last 6 months I have received many emails and questions about the city hall building, but due to the then ongoing lawsuit I wasn't able to discuss (legal advises a Commissioner to not discuss ongoing litigation).

Just because I couldn't discuss it, didn't mean I had stopped working on the issue; I have been gathering information and reports, digging into the facts, and preparing this FAQ for you.

I sincerely hope you find all the answers to your questions in the below document.

~Beth

I have added comments to this FAQ sheet where I believe the facts presented lead to a biased conclusion. Moving forward with the LIVS designed City Hall Project as the only alternative, denies the fact that the existing city hall is only cosmetically damaged and should be back in service as the city figures its way forward.

I am not advocating that repairing the existing building is the only final solution either. I think we do need new, adequate office space that is elevated and able to withstand hurricane force winds. We have a lot invested in the LIVS design (it took long enough to get there), but that design is unwieldy, not pedestrian friendly, removes almost all the green space, rises too high at the entrance, has wasted space, makes the delivery of mail to the post office questionable, and creates an needlessly complex traffic pattern. I don't like the final product. I don't like spending money to finance the project. The City should explore the possibility of continued use of the Marble Hall and post office.

Why is the building condemned?

After inspections of the structure by both prior Building officials, in their capacity as a state certified official, it was determined that it is "not safe" to inhabit the building.

*The "building" was not declared unsafe by either Borysiewicz or Roussin. The continued operation in the office area of the building was considered unsafe. Clearly repairs were needed to the floors in the office area only. Trailers were ordered to provide a space to move to and **five months later** the move was made. Consideration was given to moving the office staff into Marble Hall, but discarded because the hall is (was) used by the city and multiple other groups for meetings and other activities. Also, the commission believed that there was a good chance that FEMA would pay for the trailer rent.*

Both former Building Officials (Borysiewicz and Roussin) determined substantial and extensive damage to the City Hall Complex, as did all three engineers (IBTS, CSA, Peters) who inspected the building following the Sept. 2017 Hurricane event.

IBTS is the contractor recommended by then City Administrator Moonis, hired by the city in October 2017 to provide emergency services to KCB for 120 days. IBTS studied the city hall and developed a report submitted to FEMA about February 2018. Although I have not read this report, I believe it recommended demolishing and replacing the city hall vs. repairing

the building. IBTS stated the old building would have to be elevated to be brought into compliance with regulations.

Quote from the March 22, 2018 Commission Meeting: “Alan Musgrove, IBTS, reported receiving a recommendation from CSA, a Florida engineering company, concerning City Hall, which has been provided to FEMA and to Mr. Moonis. ... Vice Mayor Sutton asked for the details of the engineering report that was received. Alan Musgrove said the engineer’s recommendation is that the building is not suitable for repair due to the extent of damage and that it cannot be lifted. Commissioner Ellis said the City needs to be careful not to put themselves in a trap by declaring the building is not salvageable then finding there is no money to replace the building.”

In the April 26, 2018 Commission Meeting IBTS was the only bid for continuing recovery services (their initial 120 day contract was expiring.

Quote from the April 26, 2018 Commission Meeting: “This is an open ended disaster recovery and FEMA public assistance contract which is based on time and materials. IBTS would still not be paid until the City was reimbursed by FEMA. It is an ongoing contract as long as it is mutually productive. IBTS will continue to help with disaster recovery but will also be helping with longer term issues like mitigation projects and CBDG grants. Mr. Moonis also stated he negotiated a 5% reduction of the hourly rates listed on page 52 of the RFP response. The IBTS fees will be reimbursed 75% by FEMA and 12 ½ % from the State. The remaining 12 ½% will be the City’s responsibility. City Administrator Moonis strongly recommended approval of the agreement with IBTS.”

Peters Consultants, Inc. is discussed in the March 14, 2019 Commission Meeting. City Administrator Moonis “reached out to an Engineer/Surveyor he knows from Pennsylvania but who also has a home in the Keys.” There followed a lengthy discussion – Mr. Peters was not a Florida registered professional engineer but is associated with Criterium Engineering whose principal, Alan Mooney, who is a Florida registered professional engineer and has reviewed and stamped reports from Peters to City Administrator Moonis. City Administrator Moonis reported Mr. Peters did a site visit, he took measurements and he met with Norry Lynch, an IBTS expert. Commissioner Tracy asked if there are plans. City Administrator Moonis answered it is an engineering report.

Quote from the April 11, 2019 Commission Meeting: “Vice Mayor Sutton reported speaking to Corky Spehrley, and a few others, about the thumb drive of Peters Consultants Engineering Report. He asked City Clerk McCullough for a copy of the report and she said she did not have it. He then asked City Administrator Moonis for one, which he received about a week later. He said the City Clerk should have had the document, it is public information. The report stated on March 5, 2019 there was no settlement of City Hall due to Hurricane Irma. A revised report was subsequently put out stating there was minor settlement. Vice Mayor Sutton said he does not understand why the report was not done right. The Peters report stated the weight of 3’ of water in City Hall caused the settlement, however, Vice Mayor Sutton has pictures showing the highest water level is 18”. Vice Mayor Sutton said he heard Mayor DeNeale state the report was going to be thrown out. He felt that should be a Commission decision. Mayor DeNeale disagreed saying City Administrator Moonis is the person signed up as the point of contact with FEMA. Commissioner Tracy reported, in the 556 pages of the document there were at least 5

different opinions on the settlement of the floor in City Hall. "City Administrator Moonis said he can only give his non-professional engineering suggestions to the engineer. Ultimately it is the engineer's opinion. It is his stamp on the document and if he doesn't like the results of it he can't tell the engineer to change it. Vice Mayor Sutton asked Becky Todd if one check had not been sent out yet. Becky Todd answered that is correct. Vice Mayor Sutton said he felt the engineer should not be paid."

Based on the above no one can place any faith in the recommendations from Peter's Engineering report that existed before the March 14 2019 commission meeting.

And, in 2018 Ground Penetrating Radar (GPR) studies were conducted and voids were discovered under both the Administrative Area and Marble Hall.

True but this was essentially treated as incidental to the report findings -- not shown as an alarming finding in the report. This was attested to by Ed Borysiewicz in the January Workshop meeting.

Once a building is deemed "unsafe" to occupy by a local building official (in their legal capacity) the building cannot be occupied, nor can it be "un-condemned" by anyone, not even by the City Commission or Mayor. Legal opinion provided on Dec 08, 2023 clarified the old city hall building has been declared "unsafe" with no legal avenue for appealing or overturning that declaration. *The validity of the referenced legal opinion is questionable. This is further discussed below.* Based on this "unsafe" declaration, the Certificate of Occupancy is void, and no one can enter the building.

Neither this Commission nor the Mayor has any authority to reopen Marble Hall or any portion of the building. And, by our own City Code Sec. 6-40 the old city hall has been found to be an "unsafe structure", is thereby "subject to demolition". Discussion of opening or repairing only the marble hall portion is mute as it was determined that the old city hall building is, legally, considered one-building. *It is unreasonable to think one can "uncondemn" a portion of a condemned building, or in our case, a portion of building declared "unsafe" under the FI Building Code.* That would be paramount to saying your house is unsafe and condemned, but we will let you fix your bedroom so you can occupy just that portion.

If one of two bathrooms in a house has a leak and damages the floor or a ceiling below, is it unreasonable to condemn the entire house until repairs can be made to that room? Half-duplex's that had one half condemned did not mean that the other half had to be demolished. Reasonably, that argument should apply to the city hall complex. 4 structures built at four different times are separate structures. Tax assessments have no place in this argument. Separate the buildings and have them assessed separately.

But the newspaper reported that FEMA said the structure was not unfit for occupation?

- (1) FEMA does not, and cannot, declare a structure to be "unsafe", that declaration falls solely to the authority of the local building official. Once declared "unsafe" that condemnation cannot be appealed or overturned.

FEMA can and did review KCB's request for funding to replace the city hall building due to damages:

Quote from FEMA PA Eligibility Determination Memorandum (page 7 of 13) attached to FEMA's letter of October 6, 2022, to David Turner, Key Colony Beach: "Document "Exhibit 2 KCB Geotech Report-Universal.pdf" dated August 14, 2018, is a Universal Engineering Services report which presents findings of severe slab elevation differences and significant sub-slab voids caused by improper site fill and settlement over time. The slab is divided into three areas of which two exhibit settlement of at least 4.7 inches. This report uses data from an IBTS report dated November 16, 2017, titled "Site Boring Analysis." The IBTS data is an appendix to the Universal Engineering report and includes only photographs of slab borings and sub-slab voids Document "Exhibit 9 Keystone Revised Engineer Report 170026620 City of Key Col.pdf." is an Engineering report commissioned by the NIFP Insurer. The report is dated August 3, 2019. Their findings include: A) The building is not unfit for occupancy. B) The voids can be filled. C) The slab problems all predated the disaster."

- (2) The newspaper left out the next line from that letter that stated *"however, the voids below the floor will need to be eliminated to prevent the collapse of the concrete floor"*. The letter also references the required repair method for the damaged facility to be *"demolition in excess of 50 percent of the structure in order to install augercast concrete piles to a depth of 23 feet"*, noting *"it was also advised that the construction equipment necessary to make the repair would be inhibitive to the existing 1960's foundation system"*.

Quote from FEMA PA Eligibility Determination Memorandum (page 5 of 13) attached to FEMA's letter of October 6, 2022 to David Turner, Key Colony Beach: "In FEMA's initial review of the **City of Key Colony Beach's request to FEMA for total replacement of the city hall building and its contents**, FEMA utilized documentation provided by Eastern Engineering Group (Daryl Osborne), the Applicant's (KCB) licensed engineer, which advised that the required method of repair for the damaged facility is demolition in excess of 50 percent of the structure in order to install augercast concrete piles to a depth of 23 feet. It was also advised that construction equipment necessary to make the repair would be inhibitive to the existing 1960's foundation system. 11458 DR4337 FL – *Universal Geotech Report – Key Colony Beach – Soils Report.pdf*. According to the Applicant's engineer, the viable method of restoration was determined as facility replacement. Additionally, the Applicant provided a letter from Eastern Engineering Group dated May 14, 2019 that indicates that the **City's intention to replace the City Hall building was brought to Eastern Engineering's attention**. In its letter, Eastern Engineering Group provided a recommendation of another engineering firm concerning the proposed construction of a water tank at the City's Wastewater Treatment Plant (an entirely different geographic location) which recommends the same type of slab/pier/foundation the city is planning to build at the current damaged city hall site. The recommendation from the prior firm was in November of 2016 – approximately one year prior to the Hurricane Irma disaster event. **Further, in provided documentation, Eastern Engineering Group does not claim to have inspected the damaged city hall building or reviewed any other damage data or assessments. Eastern Engineering Group did not provide**

findings of damages or recommendations for repair of any damages from any cause.”

(The above quote from FEMA states that augercast concrete piles driven to a depth of 23 feet are not required to repair the tilted floors in the old city hall administrative office as claimed in Gerard Roussin’s letters of 12/13/21 and 12/16/21. Roussin’s letters do not say that the augercast concrete piles are the only way to fix the floor in the office area.)

Due to this potential for the floors to collapse (because of the voids under the floors where the “*substrate materials scoured from underneath the supporting structure*” see Roussin Dec 10, 2021, and “*excessive washout under the building and substantial slab settlement*” see Borysiewicz letter dated Apr 25, 2018), our two prior building officials (Borysiewicz and Roussin) have declared the building “unsafe to occupy”; legally, that declaration cannot be undone.

In his letter of April 25, 2018, Borysiewicz stated that the administrative offices and restrooms of City Hall are no longer safe to occupy. He did not condemn the building. The safety of continued use of the offices was addressed at length in the April 26, 2018 meeting of the Commissioners. An option to move the admin staff from their offices into the Marble Hall (which could be partitioned to provide offices and meeting rooms) was rejected. It was agreed to get trailers to house the staff.

From the August 23, 2018 Regular Commission Meeting minutes: “Mr. Cole asked why not move the offices into Marble Hall thus eliminating the rent. Vice Mayor Sutton answered that would create a real security issue for the police and for the public records. Mayor DeNeale stated Marble Hall is also used a lot during snowbird season and residents count on that. He also said FEMA will fund the temporary facilities so the City will only be responsible for 12.5 % of the cost.”

From the September 27, 2018 Regular Commission Meeting minutes: “City Clerk McCullough reported a seamless move from the conference room to the new office trailers.” This is five months after the office area in the existing city hall was deemed unsafe.

There is no official condemnation or unsafe declaration of Marble Hall, Post Office or the Building Official’s offices all of which are contained within the city hall complex. This idea came only recently as the City Commission ramped up to put into motion their vision of demolishing the existing city hall to make way for the LIVs designed building.

Why not just repair the structure and add the additional space we need?

There are several reasons:

1. Due to the age and construction of the building it is not feasible or cost effective to repair and maintain. Sinking foundation issues, resulting in collapsing floors, walls, and roof damages, are documented going back to 2005. The walls supported by 1960’s wood pilings and the old roof structure are failing. Pin pilings are also not considered a long-term solution. The size of the building does not meet our current staffing needs, an addition is not an option. The 60+ year old building has failed and has outlived its useful life cycle.

(The Post Office and the Building Department were built in 1995-- 30 years old not 60.) Several reports have been initiated to establish a case to obtain replacement money from FEMA. All requests for replacement were denied by FEMA. FEMA told us the buildings sustained cosmetic damage and could be fixed. The insurance company offered \$167,000 for repairs excluding the floors in the administration building which they and FEMA said were a pre-existing condition. Many of our citizens believe that the building can be refurbished and returned to use at a relatively low cost. Independent bids for refurbishment are required to evaluate these options.

2. The elevation of the building is below the base flood elevation (BFE) and will be well below the new elevations soon to be released. The new requirements put the building more than 5 feet below BFE. Repair estimates exceed 50% of the value of the building and thereby mandate the building be elevated, but engineering reports state the old building cannot be elevated. The engineering firm CSA Group states: *"This existing facility is not suitable for lifting as you have a slab on ground that is in poor structural condition with visual evidence of significant uneven settlement caused by the erosion of the sand under the slab". "The exterior masonry structure bearing walls are also not feasible for lifting". "We know from the excessive slab settlement that grade beams do not exist between the perimeter grade beams in the short direction thus limiting the bracing of the grade beams and pile caps." "In alignment with FEMA regulations, we believe that the damaged sustained by this building in addition to all the noted technical difficulties makes this building unfeasible as a renovation or elevation."*

I have not seen this report, but it is obvious that CSA is evaluating the administrative office area only. It does not appear that they have evaluated the Marble Hall, the Post Office or the Building Department for any reason.

3. Based on the cost estimates for repairs to this building, whether you look at it as "Substantially Damaged" or "Substantial Improvement", it exceeds FEMA, NFIP, and the FL Building Code's 50% rule threshold – therefore the building must be elevated and must meet all applicable building codes and ADA compliance (which it cannot). And as it houses essential and critical facilities, it must be CAT5 compliant (it isn't, it's only rated to CAT2).

Why did FEMA conclude that we could repair within the 50%? If we aren't driving 23 foot piles as part of the repair, it would be possible.

The problem here is that we are designing and demanding that our meeting hall and post office facilities to be critical facilities that are CAT5 compliant. The reality is only the Admin/Police offices and EOC need to be that robust according to the hardening grant rules.

4. Norry Lynch Risk Recovery Advisors Report of Nov. 03, 2020 states: *"Each engineer, whether retained by the city or the insurers, has recommended the slab be pinned in order to repair the damage. Each ignores, or is not aware of, the fact that a building permit to pin the Administrative Area cannot be issued under the Florida Building Code." The Risk Recovery Report concludes by stating "Homeowners must be made to understand that the city cannot undertake slab*

repair as it will violate the FBC (Fl. Building Code), jeopardize the Building Official's license, the city's continued participation in the Community Rating System (CRS), the homeowners future ability to purchase flood insurance, and potentially create a situation where the city may be ordered to demolish the illegal work".

This needs to be supported with a reference to the specific Florida code that is prohibiting the repair recommended by FEMA. Apparently, this argument didn't prevail with FEMA per their October 6, 2022 letter. The Norry Lynch report is not available to me. This report should be thoroughly examined for accuracy given that Moonis and ITBS and Norry Lynch were involved in questionable actions during their reign of influence in KCB.

5. The City's CEF (FEMA's Cost Estimating Format) Fact Sheet of Nov 24, 2020 states "Method of repair identified by the applicant's engineer Eastern Engineering Group has been stamped by a licensed engineer and would require demolition in excess of 50% of the structure in order to install augercast concrete piles to a depth of 23 feet. Construction equipment necessary to make the repair would also be inhibitive to the existing 1960's foundation system" -The Calculated repair costs from this 2020 report was \$3,685,939.00.

This may be true, but FEMA's letter of October 6, 2022 denies the need for these piles. See comments under "But the newspaper reported that FEMA ..." Item 2 on page two above.

How much were the repair estimates for the old City Hall Building?

- **\$2,248,000.00** -CSA Engineering Group (01/24/18).
- **\$2,823,810.00** -The Institute for Building Technology and Safety (IBTS) (12/12/17).
- **\$1,255,509.30** -Peters Engineering "administrative section only" (03/07/19).
- **\$3,685,939.00** -The City of Key Colony Beach, in it's FEMA application (note: FEMA did not dispute this amount in their denial letter, they simply stated the damage was all preexisting and therefore only allotted \$162,048.00 as new, IRMA related, damage). *It was disputed in FEMA's October 6, 2022 letter. These repair estimates were provided to a commission that was seeking to justify demolishing the existing city hall and building a whole new structure. Keys Engineering Services (Daryle L Osborn, KCB' city engineer) letter of April 8, 2019, was excluded in the above list of engineering reports. It concludes that the overall condition of the structure is fine. It states that the deflecting concrete floors in the administrative area require repairs. *** Please see Keys Engineering Services attached report. ****

**Please note, the above quoted figures all exceed the 50% threshold, yet these repair estimates do not include elevating the building or addressing the "critical or essential facilities" or "ADA compliance" as so required by law. And these repair estimates do not include asbestos abatement (\$82,918.75 IBTS 02/19/18) required before any repairs could begin.*

What about money from FEMA and that FEMA letter?

FEMA sent the City a letter on Oct 06, 2022 stating that "FEMA determined the cost to complete the Applicants scope of work to reflect an estimated total of **\$3,685,939.00**"(this amount was what KCB told FEMA it wanted), (FEMA stated the cost to replace the building without elevation, is \$1,813,504) yet FEMA was only allotting the City \$162,048.00 (This is approximately what our insurance paid us

after Hurricane Irma.) because “the Key Colony Beach City Hall building contained substantial degradation prior to Hurricane Irma”. FEMA goes on to say “damages appear to be a long-standing issue from site conditions”.

What this letter means is that while FEMA didn’t disagree with the cost estimates of \$3,685,939.00 (FEMA did not agree with this estimate see above.) they aren’t going to pay for it because the old City Hall Building damage was pre-existing (i.e., the damages pre-dated Hurricane Irma); FEMA calculated only \$162,048.00 was new damage caused by Irma. We know this pre-existing damage to be the case from the recently discover documents dating back to 2005 where the City had initiated an ad-hoc committee to evaluate the condition and size of the building, and that committee recommended a new building due to the sinking foundation and the inadequate size of the building.

What does FEMA’s 50% rule, “Substantial Damages” mean?

“Substantial Damage” means “damage of any origin” sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. FEMA’s 50% rule “requires the calculations be for full repair even if the owner elected to do less”, and those total costs must include structural, labor, finish, and materials (right down to the cost of the lightbulbs).

The old city hall was valued at \$1,052,907; meaning FEMA’s substantial damage regulations, and consequences, kick-in if the buildings’ assessed damage equals or exceeds \$526,453.50. All three engineering and repair quotes received exceed this threshold, and are in alignment with the December 2021 letter from our last building official (Roussin) whereby he stated “the scope of repair work necessary would far exceed FEMA’s 50% rule given the major structural issues”, including the need to, “pin pile a sinking slab to stabilize the floors”, which would “require grade beam rebuild” and “removal and rebuild of the roof”, before any other repairs could begin.

Quote from FEMA PA Eligibility Determination Memorandum (page 6 of 13) attached to FEMA’s letter of October 6, 2022 to David Turner, Key Colony Beach: “The base construction cost for replacement (omitting all soft costs) of the claimed facility is determined as \$1,813,504.00. Therefore, based on FEMA policy and project cost calculations, this project does not meet the 50 Percent Rule and does not qualify for replacement, \$162,048.00/\$1,813,504.00 = 8%.”

FEMA’s replacement cost is \$1,813,504. We should use this number in our calculations.

Under FEMA’s Federal Regulations any building whose damages equals or exceeds 50% of the value of the building must be elevated to current requirements and must meet all current building codes and regulations, which, among other things, means (1) all new electrical and plumbing, (2) compliance with current fire-code regulations (which the old building isn’t), (3) compliance with regulations regarding “essential facilities” “needing to remain operational under the most extreme wind and flood conditions” – meaning a CAT5 Hurricane (which the old building absolutely cannot), and (4) it would need to be ADA compliant (which the old building isn’t). On top of all that, the old building does not meet our current

staffing needs and it would need to be expanded (which is not feasible given the structural and foundation issues identified).

What does 50% “Substantial Improvement” mean?

This 50% Rule falls under the Florida Building Code and is a requirement of the NFIP (National Flood Insurance Program), which requires that any structure located in the SFHA (Special Flood Hazard Area: flood zones beginning with A and V) where the cost of proposed improvements or repairs equals or exceeds 50% of the value of the structure (in the case of old city hall, if repairs and/or improvements equals or exceeds \$526,453.50), then that structure must be brought into full compliance with current flood damage prevention regulations, and current building codes.

This rule is basically the same rule as Substantial Damages, in that if improvements cost are equal to or exceed 50% of the value of building then the building must be elevated to or above freeboard and must be brought up to all the same above noted current building codes, ADA compliance, and compliance for both “essential facilities” and “critical facilities” (a CAT5 rated building).

So, whether you look at it as “50% Substantial Damage”, or “50% Substantial Improvement” the resulting requirements (elevating the building, bringing it current to codes, compliance with ADA and essential and critical facilities CAT5 compliant rating, etc.) are the same. Anything above \$525,453.59 triggers this 50% Rule, and all three estimates received from licensed engineering firms far surpassed that amount.

If we use FEMA’s replacement estimate, we have more than \$900,000 available for repairs. If we build a new, separate Cat 5 admin/EOC/police building, there is no need to raise the Marble Hall or the Post Office to CAT5 compliance at this time. Minimum upgrades will suffice until we have sufficient funds to replace them without attracting finance charges over twenty years.

As the repair costs for just the pin-piling alone are in the \$800,000.00 - \$900,000.00 range (Norry Lynch, Nov 03, 2020), this 50% Rule applies – the old city hall building would need to be elevated (which engineering reports say is not possible due to the construction) and all the above noted code updates and requirements would apply. Meaning, with an expenditure of \$800,000 - \$900,000 just to make safe the floors through pin-piling, we’ve already fallen well into the 50% Substantial Improvement clause, and we cannot be issued a permit to proceed under Florida Building Code.

The cost estimate to repair the floors in the Administration area of the City Hall included in FEMA’s letter of October 6, 2022 to David Turner, Key Colony Beach dated March 5, 2019 is \$341,844.30. Why is the Norry Lynch estimate correct?

How might this effect my flood insurance rates?

The FEMA report filed from the post-Irma site inspection, along with the three engineering reports and repair estimates received, demonstrate the old structure’s necessary repair costs far exceed the 50% threshold (regardless of whether one looks at this from substantial damages or substantial improvement).

NFIP (National Flood Insurance Program) 50% Substantial Improvement Rule and the Florida Building Code Substantial Improvement applies in the same way as 50% Substantial Damages”: If the cost to repair the building exceeds 50% of the value of the building, then the building must be elevated and brought up to all the current building codes and standards. Additionally, as City Hall is a “critical government facility,” which houses “essential facilities” it is required that it “must remain operational under the most extreme wind and flood conditions” (i.e. a CAT5 Hurricane).

All the above necessitates a new building which meets current Florida Building Codes and complies with FEMA/NFIP regulations. If we do not build new, we could lose our FEMA discounts for all homeowner NFIP policies (15%) and we could still be told to demolish what we repaired. The City would be paying the maximum rate for flood insurance on City Hall, as would all property owners in the City.

What inspections and damage reports were done, and by who?

The following damage reports and inspections were done per the KCB minutes:

SPECIAL COMMISSION MEETING September 25, 2017: “Hiring a Structural Engineer for the City: A structural engineer needs to be hired to determine the extent of the damage. City Administrator Moonis requested a 3rd party independent structural engineer to assess the damages to City Hall. He presented a proposal from K2M Design, an engineering firm certified in the State of Florida, who has done this type of assessment, for the public and private sector, up and down the Keys. The proposal is for a cost not to exceed \$4,500 to determine the constructional integrity of City Hall, including the post office. Mayor DeNeale spoke with a FEMA representative who suggested the City obtain estimates from a third party.”

COMMISSION REGULAR MEETING October 12, 2017: City Hall Discussion – “Mayor DeNeale reported FEMA and the independent engineer didn’t find enough damage to warrant demolishing and rebuilding City Hall. There is also a question about insurance, however, it does not look like there will be enough funding to demolish and rebuild. Mayor DeNeale met with Jeff Rider, Ed Borysiewicz and Chris Moonis to discuss options given the fact the building is below flood level. Marble Hall was pin piled years ago but there is a question of stability. Mayor DeNeale said his recommendation, for discussion, is to demolish and rebuild City Hall. The square footage of the building is about 10,000 square feet. Jeff Rider estimated about \$275 per square foot to rebuild. Mayor DeNeale recommended staff hire an architect/engineer to start the design of a new City Hall. FEMA would pay for office trailers during reconstruction. Commissioner Ellis asked why not just move back into City Hall while another building is constructed. It should not cost that much to put up some drywall. Mayor DeNeale indicated the next step would be to explore funding options.

Motion made by Mayor DeNeale, seconded by Commissioner Ellis, to hire an architect for the purpose of designing a new city hall and to improve the current city hall to use as temporary headquarters, and to direct the City Administrator investigate funding options. Unanimous approval.”

A site inspection was carried out on Dec 13, 2017 by FEMA Site Inspectors Ben Suriel and Howard Whittington, and FEMA Recovery Manager Gerard DuCote. Accompanying them was Consultant Eric Cruz from The Institute for Building Safety and Technology, and our past City Administrator Chris Moonis.

COMMISSION REGULAR MEETING December 14, 2017: IBTS City Hall Update: Gerard Ducote, IBTS, introduced himself as the Recovery Manager working on the FEMA grant requests. He said the City is mandated to have the report to FEMA by January 29, 2018. He reported 88 damage items to be submitted to FEMA including City Hall... Eric Cruise, IBTS Senior Technical Advisor, said he is preparing a scope of work for City Hall, (360 line items and growing), to be submitted to FEMA as a request for funding. Based on their Engineer's report, Mr. Cruise recommended demolishing the building. The estimate for repairs, which is still in draft, is \$2.8 M. Mayor DeNeale attended a meeting with IBTS and FEMA the other day. He has seen the report and it is very detailed.

It is clear from the dialog here that IBTS is leading the discussion toward replacing the existing city hall, a plan that will allow them to continue their influence on the commission leading to their goal of securing funding for a larger project.

The FEMA report filed from that inspection states "Documented Structural Damage to 40% - 50% of the building inspected". "The building suffered roof damage and interior damage to walls, floor, electrical components, and equipment. The most significant damage is structural damage to an estimated 40% - 50% of the foundation...large cavities could be seen along foundation...cameras under slab indicate significant loss of base materials with at least two feet of cavity below location where drilled... offices inside exhibit significant sagging and tilting from deformation of the foundation".

Who wrote this "FEMA report"? Is this a report developed by IBTS and submitted to FEMA? Is this a FEMA document? In the October 6, 2022 letter from FEMA, damage to the floor slab was deemed a previous condition and ineligible for FEMA funding. Roof damage and interior damage to walls, electrical components, and equipment were considered covered by insurance.

The report prepared by the Institute for Building Technology and Safety (12/12/17) stated "With the destruction of Hurricane Irma, this building is not fit to be occupied." "This building has sustained critical washout of the sand cushion that the structural slab is resting on. There is further evidence of a failing structure in the exterior and the interior". "The Institute for Building Technology and Safety is recommending the demolition of the City Hall Building". The Institute for Building Technology and Safety concluded their report with a repair estimate of \$2,823,810.44

My concern with IBTS is the potential for them to make a lot of money if the city hall is replaced instead of repaired. It makes them far from independent. FEMA did not accept the structural damage was a result of Hurricane Irma.

Two additional reports, and repair estimates, were obtained from the Engineering and Architectural Firms of CSA Group and Peters Engineers. Professional engineer Roberto León of CSA Group (01/24/18) recommended “the City Hall Complex be demolished and replaced with a new complex”, “the existing complex has been significantly damaged and the cost to renovate will be in excess of the current value of the building”, “the building is unfeasible as a renovation or elevation.”

I haven't read the Peter's 556 page report and don't have a copy. It doesn't seem to be the most trusted source.

They concluded by referencing FEMA regulations and recommending a full reconstruction of the City Hall Complex, and their repair estimate was \$2,248,000.00.

And Peters Engineering (03/07/19) supplied a repair bid of \$1,255,509.30, but that was only for repairs to the “administrative section only”.

COMMISSION REGULAR MEETING April 11, 2019: Peters Consultants Engineering Report: Vice Mayor Sutton reported speaking to Corky Spehrley, and a few others, about the thumb drive of Peters Consultants Engineering Report. He asked City Clerk McCullough for a copy of the report and she said she did not have it. He then asked City Administrator Moonis for one, which he received about a week later. He said the City Clerk should have had the document, it is public information. The report stated on March 5, 2019 there was no settlement of City Hall due to Hurricane Irma. A revised report was subsequently put out stating there was minor settlement. Vice Mayor Sutton said he does not understand why the report was not done right. **The Peters report stated the weight of 3' of water in City Hall caused the settlement, however, Vice Mayor Sutton has pictures showing the highest water level is 18". Vice Mayor Sutton said he heard Mayor DeNeale state the report was going to be thrown out.** He felt that should be a Commission decision. Mayor DeNeale disagreed saying City Administrator Moonis is the person signed up as the point of contact with FEMA. Commissioner Tracy reported, in the 556 pages of the document there were at least 5 different opinions on the settlement of the floor in City Hall.

Again, the October 6th FEMA letter disagrees with these estimates.

The August 14, 2018 Report from Universal Engineering, as noted in the Norry Lynch Risk Recovery Report, that reported Ground Penetrating Radar (GPR) studies were conducted and “some voids were annotated on the report under both the Admin Area and Marble Hall”. On November 29, 2023 we confirmed that “Figure 4” in that report is in fact the Marble Hall area of the building, and that “Figure 4” depicted “GPR Anomalies” (i.e. voids in the foundation under the floor in marble hall).

The report does not indicate that the anomalies detected are structurally dangerous.

And, the September 03, 2021 report from AIRMD showed asbestos (3% Chrysotile) in the building, with a calculated remediation cost of \$82,918.75 (IBTS). Due to the environmental hazard posed, asbestos abatement would need to happen before any

other work could be performed. So, beyond the tangible damage, structural limitations, and legal restrictions involved with this old city hall building, there are also hazardous environmental issues.

I have not seen this report, it was not included in Tom Harding's costs comparison spread sheet. The Decon Environmental & Engineering, Inc proposal of November 10, 2021 addresses the safe removal and disposal of Asbestos containing materials, per AirMD Asbestos Survey, dated 9/3/21 for a total cost of \$2,700.00. This was a firm proposal, not an estimate. This should be checked – the bid for removal is very low compared to the \$82,918.75 estimate quoted. Initially, I thought there must have been two different studies, and there may be, but the repair bid does reference the AirMD survey.

**Please note, all the above quoted figures were repair estimates only and do not include elevating the building or addressing the "essential facilities" or "ADA compliance" as so required by law.*

What does the new building design provide?

The new design will provide all required functions for our government, post office, and a community center (Marble Hall) for well into the future, and it will be resilient from hurricane force winds and surge. It will provide an Emergency Operations Center (EOC) for our first responders and it will ensure the continued operations of our City following a storm. The entire facility will be ADA compliant, Cat 5 wind capable, and much more cost effective to operate and maintain. Its design is in compliance with FEMA regulations, thus ensuring your flood insurance rates are not compromised or raised (15%) due to non-compliance.

Will the Post Office stay?

Negotiations with the Post Office were difficult and required the assistance of our State Representative Carlos Gimenez to facilitate. The Post Office eventually agreed to a new contract to stay in Key Colony Beach in the newly proposed City Hall building as such new facility plans were a part of the agreed upon contract.

In reading the letter that appeared on the Post Office door, it is evident that the Post Office had no part in demanding to move to a new building that will not have enough boxes to serve the community. Why would the post office complain? They are renting the building for \$1 a year with no strings attached like electricity, water and air conditioning. The existing facility is certainly better than Marathon Shores or the Marathon post office or even Layton's post office. Our structurally sound post office is newer better equipped than the post offices in the area. Why would the negotiations have been so difficult? Is it possible that our city administrator just had difficulty finding the right person to talk to?

The U.S. Postal Service must examine numerous federal statutes when carrying out Facilities Department actions and the Postal Service may adopt policies to voluntarily comply with certain other laws, regulations, or executive orders. For example, the Postal Service is not legally obligated to follow Executive Order 11988, Floodplain Management, however, the Postal Service issued regulations at 39 C.F.R. part 776, Floodplain and Wetland Procedures, to implement the goals of these Executive Orders: "to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of floodplains and

to avoid direct and indirect support of floodplain development wherever there is a practicable alternative.”

On September 21, 2023, the Postal Service published notice of intent to occupy our “newly constructed Key Colony Beach [City Hall] building... which will be 3’6” above BFE”... ensuring compliance with all applicable 100-year floodplain construction requirements”.

If we do not build a new City Hall there is no guarantee that the post office will stay, based on verbal discussions during negotiations, and their floodplain management policies and goals (Title 39), they may not.

What about the survey the post office placed in all of our boxes?

Has the Commission approved a new building?

Yes, and the State has approved these plans as well.

On January 9, 2020, the KCB City Commission consisting of Mayor John DeNeale, Vice Mayor Ron Sutton, Secretary/Treasurer Patti Trefry, Commissioner April Tracy and Commissioner Kimmeron Lisle unanimously approved the rebuild and elevation to BFE standards for the new City Hall building.

At the January 9, 2020, the KCB City Commission Meeting the commission unanimously approved demolishing the existing city hall complex and replacing it with a new, larger facility. This was an economic decision based on a presentation by Mayor DeNeale. According to DeNeale the rebuild would cost the city \$750,000 out of pocket – the balance covered by grants. The refurbishment option would cost \$1,330,000---\$750,000 to repair the existing building plus \$600,000 to expand the office space (an additional 2,000 square feet @\$300/ sq. ft.) DeNeale stated. He also insisted that refurbishing would not attract any FEMA funding, insurance costs would increase, and we would end up with a facility below flood level. There was no consideration that repair of the existing building would be a legal issue. There were no 23 foot piles required. The Post Office, Marble Hall and Building Department offices were all in service at this time.

The City Commission has had two votes, one to replace the building and another to approve the design, both were unanimously approved.

I have not found a commission vote on the final design for the City Hall Complex. The design continued to be in flux throughout the second half of 2022. The site of the building moved several feet, the traffic pattern changed,

These decisions were based on recommendations from our Building Official, FEMA/Risk Assessment Consultant, Police Chief and Administrative Staff, and with feedback from our residents during the many public meetings discussing the project.

Why didn't I know about this?

During the 6-years between the date of Hurricane Irma (Sept 2017) through Nov 2023, there were 122 Regular City Commission Meetings. Of those 122 regular meetings, City Hall was discussed 75 times, plus there were an additional 11

Townhall & Special Meetings held to discuss “City Hall” – for a total of 86 times City Hall was discussed in the past 6 years, during those 133 meetings.

These assertions over report the number of meetings held to discuss the city hall project. A mention of “city hall” at a meeting does not a discussion make. When I asked for the minutes to two town hall meetings, Silvia told me there were no minutes. No minutes—no meeting. In the early days many KCB citizens turned out for the special/town hall meetings on the city hall project. A large majority of the attendees were adamantly opposed to the city hall project and favored obtaining bids to refurbish and rebuild the existing city hall. Many of those residents are still here and can testify to this fact.

During those 6 years and 133 meeting, the following 10 City Commissioners have all discussed the damage and unsafe conditions of City Hall, and all have moved towards demolish and rebuild of the old city hall building: Commissioners Ron Sutton, John DeNeale, Jim Pettorini, Jerry Ellis, April Tracy, Patti Trefry, Kimmeron Lisle, Kathryn McCullough, Tom Harding, and Beth Ramsay-Vickrey.

How much will the new building cost?

We put our new city hall project out for bid under the standard 45-day competitive bidding process, and with 34 bid packages pulled, we only got 2 final bids back. Of those 2, we only had 1 bid that was reasonable and within our financial reach at \$8.375-million. Between our State Hardening Grant and our Infrastructure cash, we have just over \$6-million dollars towards the new building. We will need to finance the remaining build amount, and we are actively seeking grant monies for landscaping and beautification.

(pls see: <https://keycolonybeach.net/wp-content/uploads/2023/02/City-Hall-Financials.pdf>)

There were two bids, one at \$8.375 million and one at \$12.488 million. The high bid was rejected as “unresponsive” due to a typo in the bid package. It was not rejected because it was “unreasonably high”. No attempt to evaluate the accuracy of the two bids.

The city hall construction financial plan was updated in July of 2023. Based on the \$8.375 million contract bid, the total project cost \$9.245 million. This includes a 5% allowance for change orders (which may be low considering the large spread in bids) but does not include employing a project manager to represent the city's interests. The plan includes financing \$2.9 to \$3.4 million over 20 years. In addition , the finance cost for the proposed 20 year loan is not included as a building cost.

Are we pouring our money to mitigate hurricane damage into the infrastructure fund to build the city hall?

ProEst calculates the new construction costs for a Government Building to be in the \$400 - \$800/sq ft. range. We are in a hurricane prone, FEMA flood zone area, and are building to a Cat5 rating, so the bid received and accepted at approx. \$600/sq ft was right in the middle.

For comparison, the City was provided a rough estimate on December 13, 2017 from CSA Group for rebuilding new; that estimate was \$6,650,000.00. It's important to note that estimate from 6-years ago predates Covid, predates the supply chain issues, predates the runaway cost of goods we are as a Nation

experiencing, and predates Hurricane Ian which drove up the costs of rebuild in South Florida, and has significantly contributed to the lack of available contractors.

Was the \$6,650,000 estimate used when the decision was made to build new vs. refurbish at the January 9, 2020 meeting? This is a dated estimate from a little vetted company.

The delays brought about by the Swanson lawsuit have effectively voided the one and only competitive bid we received as that \$8.375-million bid was currently locked in only until October 04, 2023.

The commission's refusal to obtain bids for repairing the existing facilities in the spring of 2023 and earlier or to address the rising level of concern expressed at several commission meetings contributed to generating a Referendum Petition. The poorly orchestrated bid the evaluation process and outcome also contributed to generating the petition. The petition only asked that a referendum vote be mounted by the city to support or reject the commission's vote to award the contract to H.O.B prior to proceeding with the project. If the commissioners were so sure that they were acting in response to the will of the electorate, they would not have tried to block the petition and they would have welcomed the referendum vote.

Recapping:

While the matter of a sinking foundation and the need to build new dates back to public meeting held in 2005, the City has held 86 commission meetings and townhalls discussing the matter of a new City Hall in the last 6 years. Hurricane Irma finished off what was already a failing 60-year-old structure, and with the condemnation of the old building, the City continues its outlay of monthly expenditures for the rental of trailers (which could be lost in the next storm) for its daily operations. We have now had three building officials and three engineering reports declare the building "unsafe" with no legal avenue for appeal, and all three engineering reports estimated the repair costs to far exceed the valuation of the building. Ten (10) City Commissioners (prior to Raspe and Foster) have all moved towards building a new City Hall (so documented in the 6+ years of city commission meeting minutes).

Hurricane Irma did not "finish off" a failing 60-year-old building (FYI, the Building Dept. and the post office are only 30 years old). Hurricane Irma caused only cosmetic damage to a substantially sound 60-year-old building. The City learned on October 12, 2017, that FEMA would not fund a new building to replace our city hall complex. The city then spent years trying to get FEMA to pay for a new building. With the belief that FEMA funding would be made available, the city spent years creating a design that would provide everything that LIVS, IBTS, city administrators and some commissioners thought we would need. The decision to stop using the Marble Hall, Post Office, and Building Department Offices was not because the buildings suddenly became unsafe.

Whether one looks at this as "50% Substantial Damage" or "50% Substantial Improvement", regulations apply (which include raising the building and bringing it up to all bldg. and code standards and other regulations as mentioned above), and these regulations are not "optional" and cannot be "waived".

Non-compliance threatens future State and Federal Funding and jeopardizing our standing in the NFIP (National Flood Insurance Program), which risks your insurance rates. We also risk losing millions in State Grant money (set to expire), along with our City's post office.

But what is this I hear about a referendum and a lawsuit?

I had been preparing the earlier above (then draft) version of this document in hopes of holding a Townhall to inform you on the facts surrounding the old city hall situation, but the Swanson lawsuit stopped that as I was no longer able to discuss the matter. Even though I could not discuss ongoing litigation, I promise you I read every email and tried to incorporate all your questions and comments into this document as I continued working on updating this knowing, one-way-or-another, the lawsuit would come to conclusion and you would still need this information.

ADD'L UPDATE ADDED Dec 27, 2023:

Prior to last month's meeting the Commission was given a legal opinion (*that the condemnation of the old city hall building cannot be appealed or overturned, and the building is one structure and must be viewed as a whole – 12/08/23*) and we received a written conclusion from our building official (*that the building "is not fit for occupancy", that condemnation cannot be waived, and "it is not feasible to be considered as a renovation project" -12/14/23*) – this is now our third building official to say so. Despite this information, the City, at the direction of Raspe and Foster, settled the Swanson lawsuit by rescinding the contract awarded to the low bidder.

We need a second legal opinion. As stated before, the first two building officials did not, in fact, condemn the entire building complex.

We should also consider Keys Engineering Services report by Daryle L. Osborn, of April 8, 2019, as a damage report.

Finally, if the bid evaluation process was reasonable, citizens might have been more trusting of the award. While this was not a \$300 million dollar project, it was not a \$100,000 job either. Throughout the whole process leading up to the solicitation of bids and after the debacle of the bid evaluation meeting, the commission refused to allow the uproar in the community against the LIVS design, against hiring H.O.B, against an outlay of money that many thought extravagant to be discussed at the commission meetings. The citizens knew that their opinions were being steamrolled by the commission and revolted in the only way possible—by mounting the referendum petition according to KCB ordinance. Before we blame the delay on Swanson, let's remember that the commission chose to deny the referendum petition causing the whole process to be delayed. It wasn't Swanson or the people of KCB who caused the delay, it was the commission and the poor legal advice that the commissioners allowed to prevail.

Yet the Facts speak for themselves:

(1) According to three separate engineering reports (CSA, IBTS, Peters) the old city hall "building is unfeasible as a renovation or elevation" and all three reports recommended demolishing the building. CSA, IBTS and Peters reports are not on the website and have not been made available to me. *Keys Engineering (Daryle*

Osborn, KCB engineer) did not recommend demolition. FEMA did not recommend demolition. K2M Design did not recommend demolition. They all recommended repair.

(2) The four legitimate repair estimates (2017 – 2019) far exceed the value of the building = “50% Substantial Improvement” which then requires:

- (i) Elevating the building to current requirements (ii) meeting all current building codes and regulations (electrical, plumbing, and current fire-code regulations), (iii) compliance with regulations regarding “critical facilities” and “essential facilities” needing to remain operational under the most extreme wind and flood conditions, i.e. a CAT5 Hurricane, and (iv) it would need to be ADA compliant.

-These requirements cannot be accomplished in the old building.

(3) The old city hall building has been declared “unsafe” by three city building officials, with no legal avenue for appealing or overturning that declaration.

This is a problem to be overcome – a road block to any alternative possibilities. This is a roadblock put in place by those who continue to advocate for the excessive LIVS designed city hall and refuse to hear the voices of their constituents who overwhelmingly want to consider repair and rebuild.

(4) The Universal GPR report noted voids under both the Admin Area and Marble Hall floors.

(5) The AIRMD report showed asbestos throughout the building.

(6) During the last 6+ years following Hurricane Irma, all (10) City Commissioners prior to Raspe and Foster have moved towards demolishing and rebuilding the old city hall building.

Commissioner Ellis did not support this position. The other commissioners were led to believe that “free money” was out there for building anew and that refurbishment was cost prohibitive because there was no free money for fixing up the existing city hall. Please note that many people who were pushing the LIVS design and building anew were heavily influenced by those who stood to make money from the decision i.e. IBTS, Norry Lynch, and LIVS (who was recommended by Norry Lynch). The question of repair vs. replace was hotly debated over the years.

Based on all the documentation supporting the above, the only legitimate avenue is for the City to demolish and replace the old city hall building; doing anything other than that risks the City’s standing in the NFIP (National Flood Insurance Program) and your insurance rates, risks future State and Federal grants and funding opportunities, risks the loss of our post office, risks the loss of our \$2,282,859.28 State Hardening Grant, and given the documented facts, studies, and engineering reports, leaves the City open to numerous liabilities and lawsuits.

Doing anything other is not in the best interest of the City of Key Colony Beach and its residents.

My suggestion is if we want to use that hardening grant that the State (via the Feds) has offered, we get busy designing an administration building, EOC, and police station in a single modest building either in place of the old admin building or in a new location entirely. Open the Marble Hall and the Post Office.

This Wednesday, January 17th at 9:30am, the City will be holding a townhall. The first three Commissioners speaking (Joey Raspe, Tom Harding & myself) will be presenting about city hall. Joey Raspe is pressing for repair, Tom

Harding will be giving a history of the repair estimates, and I will be giving a short power-point presentation bullet-pointing the top discussion points from this letter. -I hope you can attend.

KEYS ENGINEERING SERVICES

Daryle L. Osborn, PE #27428

"Serving the Florida Keys"

April 8, 2019

City of Key Colony Beach Building & Zoning
Key Colony Beach, Florida

Attn: Building Official

Re: Engineering Evaluation of City Hall Building
As a Result of Hurricane Irma

Numerous onsite inspections were performed by Keys Engineering Services at the above noted building over the last 5 years. In 2014 a repair program was developed to repair the "sagging" floors in the administrative area of the building. The following is a summation of my inspections and recommendations:

Existing Condition

City Hall is a partial two-story masonry structure with a wood roof truss system. Numerous additions and modifications have been performed on the structure over the years. Refer to attached sketch. The most recent event to affect the structure was Hurricane Irma. Hurricane Irma pushed hurricane force water into the structure for an approximate depth of 14". This salt water receded after 12 hours.

Foundation System

The foundation system consists of a series of concrete pilings driven to refusal, connected by pile caps and grade beams. The interior portions of the concrete slabs on-grade, however do not have a pilings system foundation. The soils in Key Colony Beach has approximately 20' of soft compressive muck over the hard pervious oolite rock substrate. Due to these prevailing soils conditions this "muck" layer decomposes and settles over time, leaving voids beneath the concrete slab on-grade. The concrete pilings and grade beam system are in good condition.

Concrete Slab On-Grade

The concrete slab on-grade are in various conditions as outlined below:

1. Post Office Wing

This wing was built in 1995 as an addition to the original City Hall building. The building has no apparent area of structural concerns.

2. Marble Hall Area

The city hall area went under significant renovations in approximately 15 years. At that time the concrete floor was structurally supported and elevated. There are no structural concerns in this area.

3. Administrative Area

The concrete slab on-grade floors in this area has a noticeable deflection in the floors. This is due to underlying soils decomposing and creating voids beneath the not structurally designed floor system. Refer to attached drawings for recommended repairs.

Exterior Masonry Walls

The existing walls show no indication of structural concerns and no repairs are required.

Roof Truss System

The existing roof truss system is in good condition and minimal repairs are required as a result of the hurricane force winds of Hurricane Irma.

Conclusion

The overall condition of the structure is in good condition for a building of this age. The "deflecting" concrete floors in the administrative area require repairs.

If you have any questions, please contact me at 305-852-0262.



Darryle L. Osborn, P.E.

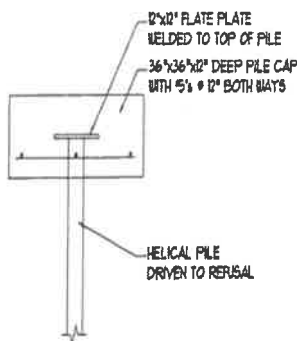
ALL POURED IN PLACE CONCRETE AND MASONRY GROUT SHALL ATTAIN A MINIMUM STRENGTH OF 5,000 P.S.I. IN 28 DAYS, UNLESS NOTED OTHERWISE. ALL CONCRETE BEAMS AND COLUMNS SHALL ATTAIN A MINIMUM OF 5,000 P.S.I. IN 28 DAYS.

ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH "SPECIFICATIONS FOR STRUCTURAL CONCRETE BUILDING" ACI-301.66.

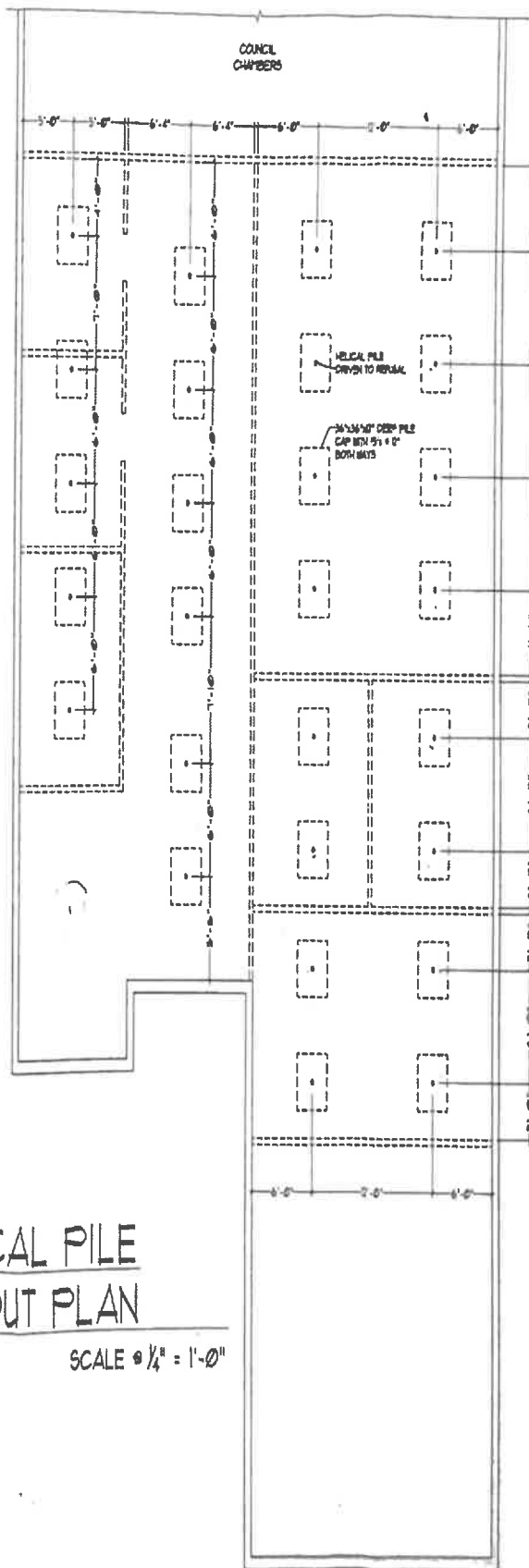
ALL REINFORCING STEEL SHALL BE 60,000 P.S.I. MINIMUM YIELD IN ACCORDANCE WITH ASTM A-615 GRADE 60, SPECIFICATIONS FABRICATED IN ACCORDANCE WITH A.C.I. BUILDING CODE MANUAL OF STANDARD PRACTICE.

ALL REINFORCING STEEL BAR LAPS SHALL HAVE 36 BAR DIAMETERS WITH A MINIMUM OF 30". BEND ALL HORIZONTAL BEAM AND WALL BARS 36° AROUND ALL CORNERS.

MINIMUM COVERAGE FOR REINFORCING STEEL UNLESS OTHERWISE NOTED	
A. CONCRETE DEPOSITED AGAINST THE GROUND	3"
B. WALLS EXPOSED TO WEATHER OR IN CONTACT	2"
C. WALLS NOT EXPOSED TO THE WEATHER	3/4"
D. BEAMS (OVER MAIN REINFORCING)	2" CENTERLINE
E. STRUCTURAL SLABS	3/4"



TYPICAL SECTION
SCALE @ 1" = 1'-0"



HELICAL PILE LAYOUT PLAN

SCALE $\bullet \frac{1}{4}'' = 1' - 0''$

KEYS ENGINEERING
DARYLE L. OSBORN
P.E., No. FL 37428
SUITE 300, 7 OVERSEAS HIGHWAY
TAVENNER, FLORIDA 33578 - TEL (336) 85-0243

SOURCE	AS SHOWN ON FORMS	NR.	REVISION	DATE
DATE	CHG BY:	OF	REVISION 1	
REVISION	AP			
BASIC DATE:				
ACAD FILE:				

STRUCTURAL PLAN
KEY COLONY BEACH CITY
HALL-600 W OCEAN DRIVE
KEY COLONY BEACH, FL.

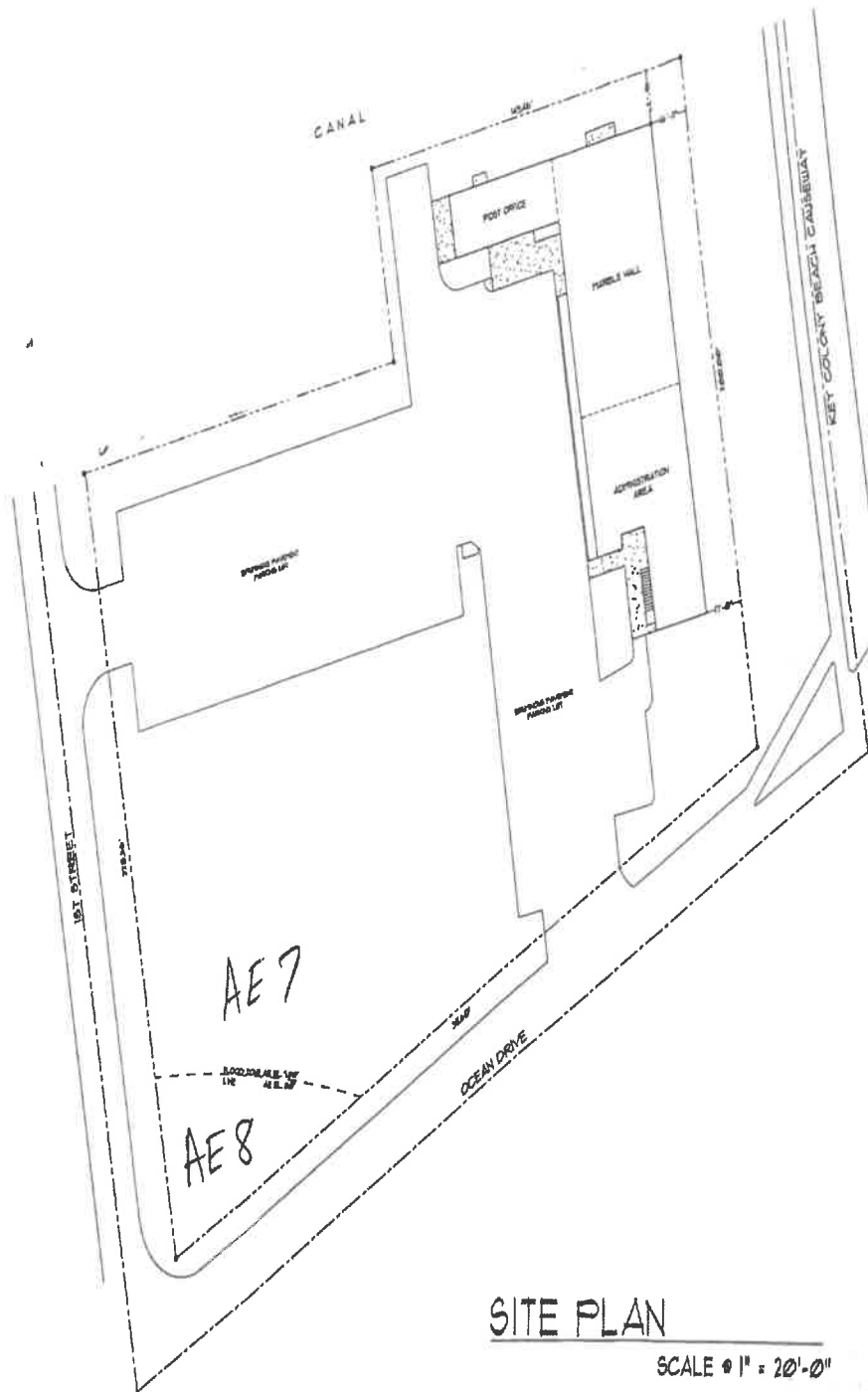
S-1
 D-4-38

TRACT "A", BLOCK 7, "KEY COLONY BEACH FIRST ADDITION", ACCORDING TO THE AMENDED PLAT THEREOF RECORDED IN PLAT BOOK 4, AT PAGE 11, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

1. REPAIR CONCRETE FLOOR IN FRONT HALF OF BUILDING
2. NO INCREASE IN FOOTPRINT

Floor plan of the second floor of the building. The plan shows a central corridor with several rooms. At the top is a large room labeled 'COUNCIL CHAMBERS'. To the left of the corridor is a 'POLICE' room. To the right of the corridor are three rooms labeled 'OFFICE'. A 'MEETING ROOM' is located at the top right. The plan also shows restrooms and a kitchen area.

SCALE $\bullet \frac{1}{8}'' = 1'-0''$



SCALE • 1" = 20'-0"

D-4-B-38		SITE PLAN	SCALE:	AS SHOWN	No.	REVISION	DATE
		PROJECT: KEY COLONY BEACH CITY	DATE:	06/17/94	0	REVISION 1	06/17/94
		HALL-600 W OCEAN DRIVE	DWG BY:	AB			
		KEY COLONY BEACH, FL.	ISSUE DATE:				
			ACAD FILE:				

KEYS ENGINEERING
DARYLE L. OSBORN
P.E. No. 171428
8700 SUITE 2, OVERSEAS HOLIDAY
TAVENNER, FLORIDA 33470 - PH. (560) 863-0742

Silvia Gransee

From: Logan Blackburn <logoblack@aol.com>
Sent: Wednesday, January 24, 2024 12:42 PM
To: Silvia Gransee
Cc: KCB Mayor; Logan Blackburn
Subject: Re: [External] City Hall / Marble Hall Engineering Reports

Silvia: Please distribute

Mr. Mayor and Commissioners: Thank you for your reply. I am aware that there have been discrepancies in the previous six evaluations relative to our city hall facility. In spite of these discrepancies the conclusion of all six professionals was the city hall facility was unfit for occupancy and was in fact an "unsafe structure".

Please note that there will always be discrepancies in the approach among professionals due to their training and their approach to evaluating a structure. This will never be eliminated and adding a seventh evaluation only adds to the confusion. You have stated that it is difficult to even find an engineer willing to step into this situation of trying to isolate marble hall. If the latest evaluation is different from the previous six you now have an even bigger problem. How can the commission favor this one over the previous six without exposing themselves to litigation? Other issues further compound the problem: How does the commission resolve the base flood elevation (BFE) problem, the ADA problem, the current building code problem, wind storm compliance, other compliance problems, and the insurance problem to name a few.

I have a great deal of respect for Mr. Borysiewicz and I have hired him over the years to do several reports for me. We need to remember when Mr. Borysiewicz was an employee of Key Colony Beach he was bound by Florida Statute 468.603 and 468.604. As a city official operating under that statute he was legally required to perform his duties as the building official. At that time (2018) as an official act Mr Borysiewicz declared the city hall structure was no longer safe to occupy. He currently speaks only as a citizen with no legal liabilities and he may have other motivations to change his opinion since he is no longer an officer of the city.

I believe it is time the mayor and commission make a decision based on the facts at hand and without further studies and delays. The current commission has the support of Key Colony Beach citizens and should act without further delay while this support is in place.

Logan Blackburn
305 14th Street

On Friday, January 19, 2024 at 03:10:18 PM EST, Silvia Gransee <cityclerk@keycolonybeach.net> wrote:

Good Afternoon Logan,

Silvia Gransee

From: minis1971@aol.com
Sent: Thursday, January 25, 2024 10:16 AM
To: Silvia Gransee
Subject: [External] City hall

Sylvia, please distribute,

I would like for the commission to address Logan Blackburn's concerns, and to explain why they keep wasting our money and time.

Thanks.

Pete Diez

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 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

MINUTES

KEY COLONY BEACH CITY COMMISSION

PUBLIC HEARING

Thursday, January 18th, 2024 – 9:30 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 Key Colony Beach City Commission Public Hearing was called to order by Mayor Joey Raspe at 9:30 am in the morning 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, Code Officer Barry Goldman, Police Chief Kris DiGiovanni, Sergeant Jamie Buxton, Building Official Lenny Leggett, Building Assistant Karl Bursa, Public Works Department Head Mike Guarino, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.

Public Attendance: Approximately 50

2. Agenda Additions, Deletions, or Changes: None.

3. Citizen Comments & Correspondence: None.

4. Administration of Oath of Witnesses: City Clerk Gransee administered the Oath of Witness to all testifying.

5. Disclosure of Ex-Parte Communication: Vice-Mayor Foster and Commissioner DiFransico informed attending the December Beautification Award for 501 E. Ocean and stated that no discussions were held that will influence a vote on the matter for 501 E. Ocean.

6. Variance Request - 501 E. Ocean Drive “Key Colony Beach Club” – Owners: Key Colony Beach Club Inc: Applicant requests a variance to the City of Key Colony Beach Land Development Regulations Chapter 26, Section 101, to rebuild two Tiki/Chickie Hut structures to replace structures that were destroyed in Hurricane Irma. This is the last phase of the rebuild in the original Buildings footprint for the Key Colony Beach Club. The original structures were in the 100’ setback from the ocean.

a. Proof of Legal Publications & Affidavits of Mailing/Posting: Included in the agenda packet.

b. Presentation of Variance Request – Building Department: Mayor Raspe introduced the agenda item and asked Building Official Leggett to present the matter to the Commission. Building Official Leggett deferred to Building Assistant Bursa.

Building Assistant Bursa presented the requested variance to the Commission and informed that all stated boundaries and size requirements were met.

c. Statement by Applicant: Key Colony Beach Club Board Member Bob Kenny spoke to the Commission and informed that the new Tiki Huts are a replacement for the previous ones that were destroyed. Bob Kenny informed of compliance with all code requirements and that all State approvals were received.

d. Planning & Zoning Board Recommendation – Chair George Lancaster

- i. Meeting Minutes December 20, 2023
- ii. Letter of Recommendation

Planning & Zoning Chair George Lancaster informed of a unanimous recommendation for approval by the Planning & Zoning Board.

e. Commission Discussions: None.

f. Motion to approve, deny, or approve with conditions: Mayor Raspe asked for a motion to approve.

MOTION: Motion made by Vice-Mayor Foster to approve the requested variance for 501 E. Ocean. Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

7. Discussion/Approval for the application of a new alcoholic beverage license and corresponding compliance with zoning requirements for the property located at 400 Sadowski Causeway.

a. Proof of Legal Publications: Included in the agenda packet.

b. Presentation of the Application Request: Mayor Raspe asked the Building Department to present the request. Building Assistant Bursa confirmed that all requirements were met for the approval of the alcoholic beverage license and for the approval to be contingent on opening the property.

c. Statement by Applicant: Rob DiGenaro, Operator, and Jim Figueroa, Property Owner, informed on difficulties with the process of obtaining the liquor license from the State with the requirements given by the city. Mayor Raspe explained the Board and Commission approval process to Rob DiGenaro.

d. Planning & Zoning Board Recommendation – Chair George Lancaster

- i. Meeting Minutes December 20, 2023
- ii. Letter of Recommendation

Planning & Zoning Chair George Lancaster informed of a unanimous recommendation for approval by the Planning & Zoning Board.

e. Commission Discussions: None.

f. Motion to approve, deny, or approve with conditions: Mayor Raspe asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve.

Building Official Leggett clarified that the building permit was not held and any directive of that sort did not come from his department. Building Official Leggett gave his understanding that prior City Administrator Turner had given that directive. Building Official Leggett informed that he was waiting for documentation for a scale back of the property which included engineering and architectural drawings.

Jim Figueroa confirmed the Building Officials statement and detailed the current standing of the project for revisions to downsize the building. Jim Figueroa explained the requirement by the State for approval by the city.

Mayor Raspe asked for a second.

MOTION: Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

8. Discussion/Approval of Unity of Title for the property located at 401 and 411 3rd Street

- a. Presentation of Variance Request:** Mayor Raspe introduced the agenda item and asked the Building Department to present the request. Building Assistant Bursa explained the request to the Commission. The Commission had no questions.
- b. Statement by Applicant:** None.
- c. Planning & Zoning Board Recommendation:**
 - i.** Meeting Minutes December 20, 2023
 - ii.** Letter of Recommendation

Planning & Zoning Chair George Lancaster informed of a unanimous recommendation for approval by the Planning & Zoning Board.

- d. Commission Discussions:** None.
- e. Motion to approve, deny, or approve with conditions:** Mayor Raspe asked for a motion to approve.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

9. Other Business: None.

10. Adjourn: The meeting adjourned at 9:43 am.

Respectfully submitted,
Silvia Gransee
City Clerk

City Administrator Report

Attended: City Commission meeting

Recreation Committee meeting

Grant meeting on Stormwater

Review 1st Horizon employee 457B plan

Meetings with residents

LIDAR meeting

Dedicated new tiki hut @ Sunset Park

KCB Legal meeting

Safety meeting

Met with Department heads

Met with appraiser for Public Works buildings

Utility Board meeting

February Townhall meeting

Beautification meeting

PBA negotiations meeting with Labor Attorney

SAFETY MEETING AGENDA

Key Colony Beach Police Department

MEETING DETAILS

Date: 2/05/2024 and 2/7/2024

Location: PD Trailer

Meeting Lead: Chief DiGiovanni

Time: 1600 PM

Dial-in Number: 305-481-8597

Recurring: YES

Meeting URL:

Other Speakers:

ATTENDANCE

Attendees: Ofc. Buckwalter: 2/05/2024

Attendees: Sgt. Buxton, Ofc. Niemiec, Ofc. Burden: 2/07/2024

Ofc. Birklund on vacation ref. 2-week resignation.

ITEMS & DISCUSSION

1ST ITEM: OPENING & ROLL CALL

_5_min

DISCUSSION: Chief DiGiovanni advised all attendees that there will be a monthly safety meeting. Any topics that a member would like to address can have them prepared for the next meeting. Please send me an email with your topic prior to the meeting.

2ND ITEM: ADDRESS SAFETY TOPIC(S)

_10_min

DISCUSSION:

Stress Reduction

What Cuses Stress:

"Individual Factors, such as: Individual factors include:

Family and relationship problems

Financial problems

Health concerns

Difficulties from working second jobs to make extra income"

Work:

"Constant exposure to people suffering distress and pain

Threats to an officer's safety or health

The responsibility of protecting the lives of citizens

Having to be in control of emotions even when provoked

The inconclusive nature of police work

The quickly alternating pace of the job (situations can escalate rather quickly in this line of work)

The responsibility of owning a firearm"

3RD ITEM: ROUND ROBIN FOR QUESTIONS/CONCERNS

_5_min

DISCUSSION:

"Consequences of Stress:

Cynicism and suspiciousness

Emotional detachment from various aspects of daily life

Reduced efficiency

Absenteeism and early retirement

Excessive aggressiveness (which may trigger an increase in citizen complaints)

Alcoholism and other substance abuse problems

Marital or other family problems (for example, extramarital affairs, divorce, or domestic violence)

Post-traumatic stress disorder

Heart attacks, ulcers, weight gain, and other health problems

Suicide"

4TH ITEM: RESOLUTIONS

_5_min

DISCUSSION:

"How to reduce Stress:

Planning meals and making healthy eating choices. Stop eating high-calorie fast food.

Scheduling vacations and personal downtime.

Seeing your doctor regularly for checkups.

Sharing the workload and reducing the amount of overtime.

Living within your financial means so that "moonlighting" with a second job is not necessary.

Creating a realistic exercise program and forming healthy habits to get regular exercise.

Creating a "Patrol Buddy" program and make time to check on each other.

Keeping your civilian friends to help you get away from the job. If you socialize with police friends, make a point not to talk about work on your downtime together"

5TH ITEM: CONCLUSION

_5_min

DISCUSSION:

"How to manage Stress:

An important way to manage stress is through effective time management. Consider:

Taking the time to work out a plan to ensure there is a balance in your life.

Setting aside specified times for your responsibilities.

Setting goals for yourself and avoiding procrastinating.

Ensuring you get enough sleep and limiting your use of caffeine.

Being conscious of your limits and only setting realistic goals.

Setting aside time for exercise and leisure activities.

Having a good attitude and finding the upside to whatever situation life might throw at you"

(The above information was taken from the following website. KCBPD Officers have full access to Police1 through Lexipol)

[How police can reduce and manage stress \(police1.com\)](https://www.police1.com/stress/articles/how-police-can-reduce-and-manage-stress-AThewNlseDwMYCcB/)

<https://www.police1.com/stress/articles/how-police-can-reduce-and-manage-stress-AThewNlseDwMYCcB/>

**Commission Meeting Report Outline
Key Colony Beach Police Department
January 18, 2024, to February 08, 2024
Chief Kris DiGiovanni**

A. REPORTS

1. 1/24/2024

Report Number KCB24OFF000002

480 8th St

Accident no Injuries

Result: Crash report completed

2. 1/26/2024

Report Number: KCBP24OFF000003

600 W Ocean Dr

Identity Theft

Result: Ongoing Investigation

3. 2/01/2024

Report Number: KCBP24OFF000004

1121 West Ocean Dr

Assist Citizen

Result: Ongoing Investigation

B. MEDICAL/ALARM CALLS

Total Calls: 6

C. CALLS FOR SERVICE

Total Calls: 26

D. TOTAL WATCH ORDERS/NON-RESIDENTS

Total: 40

E. PROVIDED BACK-UP/ASSISTANCE TO MCSO, FHP, FWC, COAST GUARD OR U.S. BORDER PATROL

Total: 7

F. CITATIONS/WARNINGS

1. Traffic Citations: 2
2. Traffic Warnings: 15
3. Code Citations: 0
4. Code Warnings: 4
- 5.

G. ADDITIONAL EVENTS IN THE POLICE DEPARTMENT

Sgt. Buxton's 5-year Plaque (See attached)

Ofc. Buckwalter's Life-saving Award (See attached)

Ofc Burdens Partnerships FWC/P&P (See attached)

Since the last Commission Meeting on January 18, 2024:

- As previously approved, the Tasers have been ordered. I ordered 5 Tasers which will be issued to each full-time officer and myself. The contract allows additional Tasers to be ordered when new officers are hired. The total for the 5 Tasers, warranty, training, and legal coverage up to \$10 million was: \$24,871.00.
- As previously approved, The GLOCK Firearms have been ordered. The police department is switching from 40 caliber to 9-millimeter. There are several reasons for the switch. Examples: Cost of ammunition is cheaper and more available, most agencies in the United States are using the 9-millimeter, the recoil on the 9-millimeter is less (of a kick) than the 40 caliber – making a good shooter a better shooter and the model that we are switching to can attach optics and has more round capacity. The model we are switching to gives the

officer some better advantages than the firearms that they are currently carrying. Since the firearm is a different model, we had to order new holsters also.

- As previously approved, 3 officers have been measured for the new vest. The vest expiration is 5 to 6 years. It is very important for officer safety to have the correct and up-to-date equipment.**
- As previously approved, the Dodge Charger and the Building Dept. truck is being converted to patrol vehicles. Once complete, the current police truck will go back to the Building Dept. The equipment that is needed to convert these vehicles to patrol vehicles has been ordered. The new truck will be outfitted with the current equipment in the current police truck, however, there are additional items that are needed.**
- I received a public record request that involved multiple emails and text messages that had to be researched, saved and provided to the requestor upon payment to the City Clerk.**
- A complaint was received that there was a vehicle speeding up and down 4th Street. It was requested that the police department make contact at this resident's home and ask them to slow down. No certified person in the police department has witnessed this person speeding. In leu of accusing them of something that we did not witness or have a certified radar reading of, I have monitored 4th Street myself and officers have stationed themselves on this road and have not seen the vehicle that was described violating any laws. We will continue to monitor the street for violations.**
- I have completed a quarterly code/case report. This report covers the code enforcement rules that the police department**

enforced. Also, in the report, are the cases the police department received in 2023.

- The police department was audited by the Florida Department of Law Enforcement. The Florida Department of Law Enforcement regulates all activity of law enforcement agencies in Florida. They set standards of agency functions to the training requirements of officers. The auditors verbally stated that the police department is following their rules and regulations.
- Officer Lindsay Birklund resigned. After coming back to KCB as a reserve, in January 2023, Lindsay signed on as a full-time officer, once again. He worked a day shift, as he did 20 years prior in KCB. He and his wife plan to move out of KCB. We will miss him at the police department.
- I attended the Sheriff's staff meeting on 02/05/2024. The meeting is in Stock Island at the Monroe County Sheriff's Office. Members of his staff and other agency partners like Key West PD, Florida Highway Patrol, Florida Wildlife Conservation Commission, US Coast Guard, Florida Department of Law Enforcement, and other occasional guest, discuss things that are going on in their respective agencies. Partnership is the underlying theme at these meetings.
- I met with Michelle, who works for the Marathon Garden Club House Tour in reference to parking. People will be coming to KCB because 3 of the 4 homes on the tour are in Key Colony Beach. The homes are located at: 1255 Courty Drive, 285 14th St., 255 15th Circle. This event is on the Saturday before Key Colony Beach Day. This year that day is March 2, 2024.
- I attended a Florida Mutual Insurance Trust (FMIT)/Law Enforcement Advisory Panel (LEAP) Meeting along with 20 other Chiefs. At these meetings, we discussed safety initiatives to lessen

workers' compensation claims for our agencies. It is a time to also discuss other issues that we are facing and seek suggestions from others who have already dealt with the same issues.

- **I met with Ted Fisher, Gail Cortelyou and Marathon Fire/Rescue, Mike Card on 7th Street in reference to a Key Colony Beach Day Parade. The police department and the fire department see no reason that the parade cannot take a 7th Street and 8th Street route.**

- **During the past month, Ofc. Burden was trained in a less lethal shot gun. The less lethal shot gun provides an option other than a firearm in certain situations. It is my goal to purchase a less lethal shot gun, shot gun and patrol rifle for each vehicle.**

- **On 2/13/2024, all officers will be trained on the current Taser platform that the agency has.**

CURRENTLY

- **I am currently working on the 2023 full year report.**
- **I will continue contract discussions with the labor attorney.**
- **I signed up for training on WEBEOC in Marathon on 2/26/2024 with the Mayor and Mike/PW.**
- **Officer Burden is currently working with the vendor to install the equipment in the police vehicles.**
- **The police department is currently seeking a full-time police officer. Contact Chief DiGiovanni for more details.**

NEEDS:

- **Laptop for a new officer. Officer Birklund was using the computer issued to me.**
- **AEDS should be replaced. I will seek out grants that may be available.**

- I would like each officer to have a patrol rifle and a shot gun for each vehicle.
- Batteries for the radar signs.



Jamie Hughes Buxton

From: KCB 858 <kcb858@keycolonybeachpd.com>
Sent: Friday, February 2, 2024 3:12 PM
To: Chief Kris DiGiovanni; KCB 852
Subject: Boat Patrol

Hello,

On 2.2.24, I took the KCBPD boat out. The patrol was from 1230 to 3PM. I had 1 citizen contact and took Mike from public works around to document signage.

Thanks,
Joe Burden
KCB858

Key Colony Beach Building Department Staff Report January 2/8/2024

Permits issued: 45

Inspections Performed: 75 Inspections

Met with Mayor Raspe and discussed Existing Building Code 8th Edition requirements specific to Additions 502 and 1103.5.

502.1 General.

Additions to any building or structure shall comply with the requirements of the Florida Building Code, Building for new construction. Alterations to the existing building or structure shall be made to ensure that the existing building or structure together with the addition are no less conforming to the provisions of the Florida Building Code, Building than the existing building or structure was prior to the addition. An existing building together with its additions shall comply with the height and area provisions of Chapter 5 of the Florida Building Code, Building.

Attended the Florida Keys Contractors Association and discussed ways to improve our permitting processes.

Met with CRS coordinator to finalize documentation requirements for CRS verification visit. Results to be expected late March early April.

Scheduled ESA CAV with Jamie Machalino with FEMA. (Endangered Species Reporting) February 28th

Contacted Department of Commerce regarding Evaluation and appraisal report for comprehensive planning.

Met with Homeowners and Contractors to discuss potential permitting projects.

Obtained by Fire Safety Certification issued by the Division of the State Fire Marshals office.

Building Assistant report for January 2024 – February 2024

1. Interacting with FEMA, FDEM Floodplain Management Office, and Florida DEO.
2. Meeting with residents, elected and appointed officials regarding flood and planning questions.
3. CRS Coordinator position
 - a. Dealing with CRS verification questions including data collection and updating reports
 - b. Working to update processes and documents to receive additional points
 - c. Organizing files, reports, and data for easier access and additional points
 - d. Updating website
 - e. Coordinated with ISO staff to maximize KCB CRS rating
 - f. Updated CRS documentation requested by ISO for CRS verification visit. Review ongoing.
4. Updated the Master Spreadsheet for all properties in Key Colony Beach to track Substantial Improvement/Substantial Damage Data. ****SI/SD spreadsheet attached per Vice-Mayor's request at last meeting****
5. Updated data obtained via the Master Spreadsheet to confirm numbers of structures close to SI/SD.
6. Researched City Hall status and worked with Building Official to develop staff reports for City Commission regarding the building, its condition, and options moving forward.
7. Worked with Building Official to examine updates to Florida Building Code and synthesize the changes to help ensure the City stays in compliance with the 2023 Updates to the FBC.
8. Attended meeting with Florida Keys Contractors Association to discuss issues pertinent to development interests.
9. Refined a Substantial Improvement/Substantial Damage Worksheet for KCB (currently under review by FEMA Region 4) with final draft submitted for review. Anticipate final approval 3/4/24.
10. Working with Code Officer, testifying and documenting Ordinance and LDR violations.
11. Working with Florida DEO to update KCB's Comp Plan and Land Development Regulations including rendition of Amendments and Ordinances
12. Working with Florida State Floodplain Management Office (FDEM) to confirm state compliance with updated Floodplain Management Ordinance.
13. Laying the groundwork for adoption of updated FEMA Flood Insurance Rate Maps including discussions of appeals, adoption, Letter of Final Determination and the necessary Comp Plan and LDR updates required once the new maps are adopted.
14. Working with Florida DEO to update and complete KCB Evaluation and Appraisal Report (EAR)
15. Answering public questions and e-mails regarding LDRs, Variances, and Floodplain Management.
16. Responding to public records requests and historic permit research.
17. Permit review and inspections of building projects throughout KCB.
18. Handling variance application reviews and intake.
19. Performed site visits to aid constituents in determining solutions to various issues.
20. Confirmed Floodplain Townhall and set for February 23, 2024 at 9:30am at Key Colony Inn.
21. Responding to inquiries regarding development agreements in KCB.
- 22.

Public Works Staff Report

Report for February 15th, 2024 – City Commission Meeting

Since last City Commissioner's Meeting Public Works has:

- Trimmed, weeded & mulched City Hall Park Garden.
- Removed old trash receptacles and replaced with new, City Hall Park.
- Installed rain sensors on RO irrigation systems where applicable.
- Installed mop drying rack behind Sunset Park restroom.
- Leveled sand erosion behind riprap at Sunset Park.
- Repaired parking stops tennis/pickleball parking.
- Trimmed bearded palm from Sunset Park restroom roof, pruned, cleared brush along Sunset Park property line.
- Installed new net, assembled walk behind squeegee and installed new round robin sign for tennis courts.
- Assisted golf course with debris cleanup and cleaned equipment and material behind the golf maintenance building.
- Removed excess delineators on 7th Street.
- Repaired tennis restroom door and Installed motion sensor light switch.
- Removed roots and repaired pavers by Kapoc tree, City Hall Park.
- Removed two palm trees and re-graveled Sunset Park parking lot.
- Installed shelf, assembled desk, and moved staff offices in city hall.
- Assisted with restrooms, garbage, and parking with concert at Sunset Park.
- Repaired crosscut patch at 1355 Coury Drive, two on 3rd Street and filled potholes in wastewater plant road apron.
- Installed new door at the wastewater plant.
- Painted bicycle symbols in front of pedestrian symbols on multi-use paths.
- Completed bimonthly check of all irrigation systems.
- Clean areca hedge around boat trailer parking lot.
- Conducted the city's aids to navigation inventory and inspection with Officer Burden.
- Scheduled/ completed yearly fire extinguisher inspections and checked AED's and first aid kits.
- Conducted test of the City's emergency HAM radio system with KCB residents Mel Eleazer and Randy Smith.

Thank you,

Mike Guarino

Public Works Department Head

SAFETY MEETING AGENDA FOR City of Key Colony Beach

MEETING DETAILS

Date: 2/6/24 Time: 7 ☒ AM ☐ PM Recurring: ☒ Yes ☐ No

Location: Shop Dial-In Number (if any): Meeting URL (if any):

Meeting Lead: Mike Other Speakers: Montana State Fund

ATTENDANCE

Attendees: Esteban, Jesse, Darrin & Mike

Absentees:

ITEMS & DISCUSSION

1ST ITEM: OPENING & ROLL CALL

min

DISCUSSION: Ladder Safety

2ND ITEM: ADDRESS SAFETY TOPIC(S)

min

DISCUSSION: Watched ladder safety video.

3RD ITEM: ROUND-ROBIN FOR QUESTIONS / CONCERNS

min

DISCUSSION: Have a coworker help hold an extension ladder. Have the ladder extend 3' past what it is resting on.

4TH ITEM: RESOLUTIONS

min

DISCUSSION: Always work directly in front of you. Do not reach to the sides.

5TH ITEM: CONCLUSION

min

DISCUSSION: Use the correct ladder for the job.

City Clerk Staff Report
Report for February 15, 2024 – City Commission Meeting

City Clerk Silvia Gransee

- Completed City Commission Townhall Meeting Minutes January 17th, 2024
- Completed City Commission Public Hearing Minutes from January 18th, 2024
- City Commission Regular Meeting Minutes from January 18th, 2024 – in progress
- Attended the Recreation Committee meeting on January 19th, 2024.
- Attended the Legal Meeting on February 1st.
- Completed Beautification meeting minutes from January 9th, 2024.
- An amendment was given to the Tennis Court Bid on DemandStar. Bid will close 02/22/2024 and bid opening is set for February 22nd, 2024. Amended Public Notice has been given.
- Posted questions and answers on Tennis Bid on DemandStar.
- The Invitation to the Bid for the Sewer Lines was published 02/05/2024. Calendar of Events is attached.
- Prepared for the Planning & Zoning Meeting on February 21st, 2024.
- Prepared for February Townhall meeting.
- Prepared for the Utility Board Meeting on February 20th, 2024
- Attended safety meeting on February 5th, 2024.
- The Grant Management for Stormwater Grants LPA0311 and LPA0448 has been taken over by RMPK funding. The cost for the management of both grants is under \$4,500.00 and falls within the City Administrator's discretionary spending.
- Issued contractor payments to Haack for a total of \$405,080. Reimbursement requests will be included in the JAN-MAR 2024 Progress Reports.
- FKAA is continuing to review the agreement for third-party billing. I will provide more information as it becomes available.
- Completed the verification on filers for the Commission on Ethics.
- Provided information and follow with the Utility Board on Financial Disclosure Filing Requirements.
- Mayor Raspe approved gifts of appreciation for our volunteer boards and committees. All members will receive a \$25.00 Amazon Gift Card over the next month at their respective meetings.
- Issued various orders from the Special Magistrate on Code Enforcement matters.
- Assisted Utility Board Member Steamer in accumulating data for FKAA backup.
- Completed Tier1 annual filing requirements for the Sewer Plant (Emergency Planning & Chemical Accident Prevention)
- Completed reimbursement request for the 2024 ILS for BIF with Monroe County in the amount of \$3,248.00.
- Completed check deposits for general & utility accounts, and Pickleball donations.
- Answered Citizen correspondence and multiple public records requests.
- Completed payroll reports and ACH transactions, and wire transfers.
- In addition to daily general invoicing and HR tasks.

Administrative Assistant Tammie Anderson

- Staff report – 1.12.24 to 2.9.24
- To date, we have issued a total of 631 Vacation Rental Licenses and 47 Long-Term Rental Licenses for the 2023-24 fiscal year.
- With Cheryl, processed ACH payments for Wastewater invoices for the 1st Quarter of 2024.
- Worked with CitizenServe to flag and record properties with liens.
- Scheduled and verified an additional 8 Rental/Business License inspections.
- Processed 4 property transfers and collected \$600 in transfer fees.
- Processed 14 property inquiries and collected \$420 property inquiry fees.

Administrative Assistant Cheryl Baker

- Temporary trailer parking since January: 14 total; all but 1 were for a minimum of 2 months.
- Maintain data entry for long and short term trailer parking.
- Collect monies for both and distribute appropriate identifying labels for trailers.
- Sunset Park Rentals for 2023 year: 23, with 1 cancellation due to weather.
- 6 Sunset Park Rentals are scheduled for this upcoming year to date.
- Maintain schedule and communication for all rentals of Sunset Park.
- Emailing and phone calling for 9th and 10th St Stormwater project.
- Updating and communicating with Freddie with latest changes.
- Sewer/storm water payment entry to QB's.
- Updates on web, upcoming meetings etc. post in city hall and post office.
- Retrieve all mail and distribute.
- Maintain office supplies.
- Sell and monitor KCBCA items.
- Notary for all departments.
- Answer incoming calls and direct to department.

Upcoming

02-19-2024 Presidents Day – City Hall closed
02-20-2024 Utility Board Meeting
02-21-2024 Planning & Zoning Board Meeting
02-22-2024 Tennis Bid Opening
02-22-2024 Road Elevation Planning Meeting
02-23-2024 Building Department Townhall Meeting on Floodplain Management
02-28-2024 Award of Tennis Bid
03-11-2024 Recreation Committee Meeting
03-12-2024 Beautification Committee Meeting
03-13-2024 DOAH Hearing **tentative**
03-18-2024 City Commission Townhall Meeting
03-19-2024 Utility Board Meeting
03-20-2024 Planning & Zoning Meeting
03-21-2024 City Commission Public Hearing
03-21-2024 City Commission Regular Meeting



City of Key Colony Beach
Safety Meeting – Code, Building, City Hall

Date: 02-05-2024

Time: 12:30 pm

Present: Lenny Leggett, Karl Bursa, Barry Goldman, Silvia Gransee, Cheryl Baker, Brandi Yellin, Tammie Anderson, Barry Goldman, Joey Raspe.

Absent: None.

1. Review/Follow-up from previous meeting:

Silvia informed on topics from the last Safety meeting on January 9th. There were no required follow-up's.

2. New Items for Discussion:

The group discussed the ongoing concerns on pedestrian and bicycle safety on the exercise path on the Causeway. Particular concerns were for 3-wheeled bicycles, electric bikes, and pedestrian stepping onto the road. Suggestions were made on the possible enforcement of current ordinances, installation of additional signs, and a possible survey by FDOT for improvements. Silvia talked on good working environment characteristics including open communications, strong work ethics, and positive thinking.

3. To-Do's: None

The meeting adjourned at 12:45 pm.

Silvia Gransee

City Clerk

**INVITATION TO BID (ITB)
CITY OF KEY COLONY BEACH
ITB 2024-01**

**CLEAN AND CAMERA APPROXIMATELY 38,000 FEET
OF 8-INCH SEWER GRAVITY MAIN LINE**

NOTICE IS HEREBY GIVEN that the City of Key Colony Beach, Florida ("City") hereby requests sealed bids for the following:

1. Clean and camera sewer gravity main line within the City of Key Colony Beach, consisting of one hundred twenty (120) manholes and approximately 38,000 feet of eight (8") inch width pipe of the City's main wastewater gravity conveyance line.
2. Debris must be removed, and area cleaned to pre-construction conditions.
3. All bids must be submitted electronically through DemandStar.
4. Successful vendors must provide proper insurance, and each contractor is to submit their bid as indicated in the specifications.
5. Award of Contract: The City Commission will make the final award of the bid or contract. The City reserves the right to reject any or all bids and to waive any informality in bidding.
6. Any questions from any bidders should be directed to City Clerk Silvia Gransee by email to cityclerk@keycolonybeach.net.

Answers to questions will be posted electronically by the City on DemandStar.

CALENDAR OF EVENTS 1TB 2024-01		
02-5-2024	3:00PM	Release Solicitation
03-5-2024	4:00PM	Last Day for submission of written questions to the City
03-13-2024	4:00PM	Last day for the City to post answers to questions
03-27-2024	4:00PM	Bid Due
04-08-2024	10:00AM	Bid Opening (Open to Public – 600 W. Ocean Drive, Key Colony Beach, FL 33051)
04-24-2024	4:00PM	Recommendation to Award *Can be posted on or before posted date
05-16-2024	9:30AM	City Commission Meeting (Open to the Public – 600 W. Ocean Drive, Key Colony Beach, FL 33051)

ADDENDUM NO. 1

INVITATION TO BID 7TH STREET TENNIS COURTS ITB 2023-014

This Addendum No. 1. revises the deadline for submittal of bids as well as the tentative calendar of events.

Bids to construct tennis courts at the **7th Street Park** to be submitted by ~~February 12, 2024~~ **February 21, 2024 at 12:00 PM** all bids must be submitted electronically through DemandStar.

Bid packets are available online at DemandStar. Bids will be deemed to be valid for a period of sixty (60) days after the submittal date.

Successful vendors must provide proper insurance, and each contractor is to submit their bid as indicated in the specifications.

The City reserves the right to reject any or all bids and to waive any informality in bidding. Award of Contract: The City Commission will make the final award of the bid or contract.

Any questions from any proposers should be directed to City Clerk Silvia Gransee by email to cityclerk@keycolonybeach.net. Answers will be posted electronically by the City on DemandStar.

Please be advised that the date set forth below for recommendation to award and approval by the City Commission are tentative and subject to changes.

DATE	TIME	ACTION
12/21/2023	11:00AM	Release of Solicitation
1/31/2024	4:00PM	Last day for submission of written questions to the City
2/5/2024	4:00PM	Last day for the City to post answers to questions
2/21/2024	4:00PM	Deadline for Bid Submittals
2/22/2024	9:35AM	Bid Opening (Open to Public - 600 W. Ocean Dr., Key Colony Beach, FL 33051-0141)
2/28/2024	4:00PM	Recommendation to Award* *Can be posted on or before posted date
3/21/2024	9:30AM	City Commission Meeting (Open to Public - 600 W. Ocean Dr. Key Colony Beach, FL 33051-0141)

February, 2024, Code Enforcement Department Report

A. From a patrol perspective, I wrote very few Citations in the last two months. Even though the rental community appears busier than it was in January, few garbage, trailer parking and noise violations are occurring. This is a good thing.

B. As for sewer inspections, as of November, 2023, there were 25 properties subject to the first month's fine of \$50.00, applied November 8. As of December 11, 2023, there are 16 properties remaining subject to the second \$50.00 monthly fine was applied. There were 11 properties that received the \$200.00 fine in month 3 beginning January, 2024. There are now about 9 properties subject to the February, 2024, fine.

C. I and the Building Department and the City Administrator met to discuss the new Florida Building Code, 8th Edition, incorporating FEMA/Flood Zone Management regulations and compliance, and the best process for interacting with owners who are/will be affected by these rules when applying for a building permit. Karl Bursa is preparing a town-hall presentation, and I will be preparing a Notice to send by email in an effort to educate the owners about renovation and new construction projects. It was also agreed that when questions arise over building permit applications, or when a permit is prevented by the building code rules, a personal, face-to-face meeting with the homeowner will take place, as opposed to email communication. I also prepared an Internal Memorandum for the City Administrator on these new rules.

D. I have spent considerable time in the last two months re-organizing the long-term trailer lot in light of owner complaints about trailers parks in the wrong assigned spots, and to maximize our available spots to sell. As renewal season is here, I drafted a new registration form and rules and regulations to try and eliminate recurring problems in the lot. I also suggested a permit price increase. These documents were presented to the City Administrator for consideration.

E. In response to the Commission concerns, and recent constituent complaints, the City remains focused on job site work hours, cleanliness and maintenance, contractor registration, rules and regulations, and permit posting. A rules and regulations Notice is being issued with every new building permit for contractor education, and a similar version is to be posted at each job site. Unfortunately, this has not remedied the problem. I am still interdicting workers well before the start of work hours at 7:30 a.m., and I am still interdicting many commercial vehicles illegally and hazardedly parked, including facing the wrong way in the lane of travel in violation of Florida law, and commonly on the public roadway instead of available parking areas and driveways. The Building Department, City Administrator and I have agreed to send a letter yet again to all contractors through an email blast system to bring these issues to their attention. Citations for violations must be the next step.

F. Speaking of contractors, I and the Building Department met with the Florida Keys Contractors Association to discuss issues of concern to it. The first issue, previously brought to my attention, was its concern over unlicensed contractors working in KCB. It told the members I am more than willing to enforce our rules on this topic, which is especially important for rental units, but I needed to secure competent evidence. This requires members to alert me to what they see and know, and be willing to testify, as I do not always have access to job sites, especially condominium units. They agreed to be willing witnesses. Other concerns were addressed by the Building Department.

G. It is Turtle Lighting season, I will again be working with the Save-a-Turtle Foundation to insure compliance.

H. Citizenserve has been updated to include a lien tab so properties with liens on them will be flagged for resolution before new building permits or rental licenses are issued.

Temporary Boat Trailer Parking Annual Rates

2011-2021	2021 - 2023	Proposed 2024
\$50/week	\$100/week	\$200/week
\$100/month	\$200/month	\$400/month

Long-Term Trailer Parking Annual Rates

2014	2015 - 2023	Proposed 2024
\$175/trailer (any size)	1 axle < 20 feet = \$200	1 axle < 20 feet = \$300
	2 axles < 30 feet = \$250	2 axles < 30 feet = \$600
	3 axles < 40 feet = \$300	3 axles < 40 feet = \$900

Deckard Technologies, Inc.
1620 5th Avenue, Suite 400
San Diego, CA 92101 US
accounting@deckard.com



BILL TO
City of Key Colony Beach, FL
PO Box 510141 , 600 W. Ocean
Drive
Key Colony Beach, FL 33051
USA

INVOICE 1513

DATE 02/06/2024 **TERMS** Net 30

DUE DATE 03/07/2024

DECKARD ORDER NUMBER
594

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	Monitoring & Reporting	Rentalscape Monitoring	1	18,500.00	18,500.00

TOTAL DUE **\$18,500.00**

To Pay by ACH transfer:
City National Bank
Routing number - 122016066
Account number - 027470165

City of Key Colony Beach

Treasurer's Report – February 15, 2024

January 2024 financial summary – General Fund

- 4th month of 2024 fiscal year budget-
 - January 2024 Financials have not been released as of 08Fe24; thus, an addendum will be sent out once they are received and reviewed.
 - Detailed review of General Fund phone bills. Findings:
 - A spreadsheet was developed for each device, phone, tablet, and air card.
 - Charges for each device are reasonable for the services being used.
 - Some phone numbers had additional insurance coverage on the device. As a cost savings, discuss value of continuing insurance coverage or dropping, and establishing a standard policy.
 - Monthly detailed legal costs discussion planned for 14Fe24.

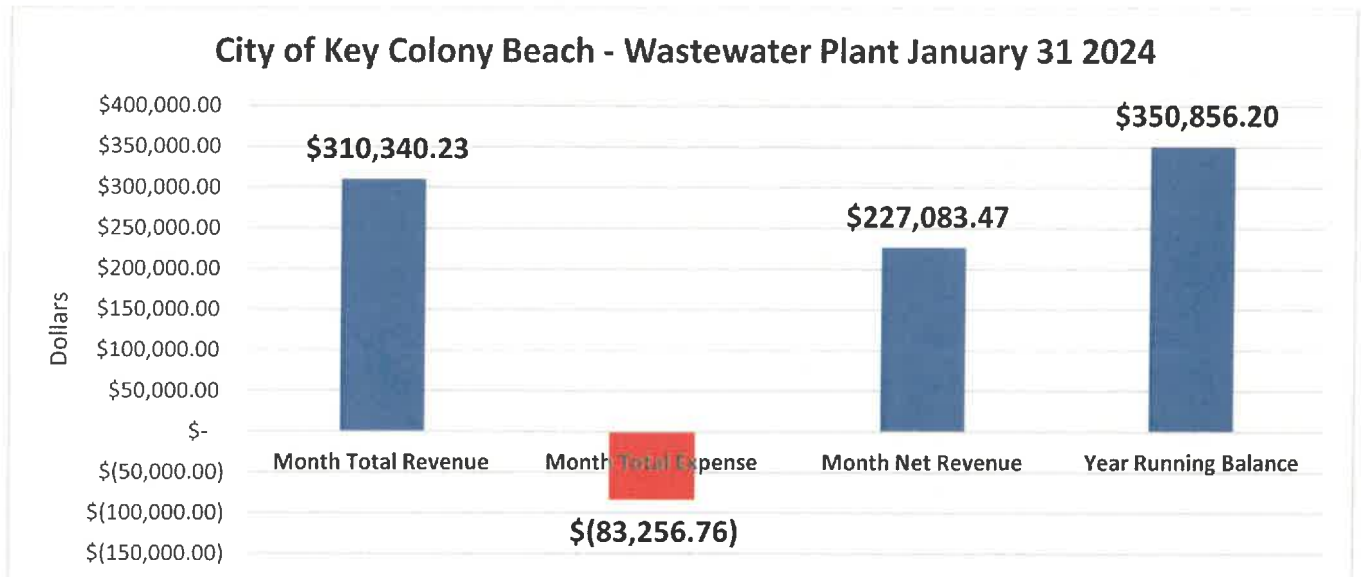
City of Key Colony Beach

Treasurer's Report – February 15, 2024

January 2024 financial summary – General Fund

Wastewater

- Overall revenue above budgeted target value for the month, YTD revenue above budgeted target value
- Overall expenses below budgeted target value for the month, YTD expenses below budgeted target value
 - Capital expenses above YTD targeted budget expenses, will need to continue to monitor based on the needed capital repair projects.
- Plot below for Monthly Summary:



Expense areas for highlighting:

- Telephone service costs still need to be investigated for costs savings.
- Electric installation charges received for VFD replacements.
- RO chemical costs tracking higher than planned YTD budgeted number.

Stormwater:

- Fees collected to date are 83% of the yearly total, in good shape.
- Need to investigate Capital Expenses amount of \$427,900.00 not appearing on the monthly warrant.

City of Key Colony Beach

Treasurer's Report – February 15, 2024

Grant Activity:

1. FEMA shared funding for the Dry Proofing of the Maintenance Building Project:
 - a. Dialog continues with K2B for developing a proposal to review, proposal expected in February.
2. FDOT 2022 Transportation Alternative Grant
 - a. Mike and I will be attending an all-day training class in Miami on 16Fe24 for Local Agency Performance Certification (LAP) awareness.
 - b. Mike has agreed to be the City Employee who will be the “responsible charge” person for the city.
 - c. Dialog continues with K2B for developing a proposal to review, proposal expected in February.
 - d. Expected final funding approval July 2024, with the State’s budget approval process.
3. FDOT 2024 Transportation Alternative Grant Application
 - a. No expected updates until May 2024, FDOT completing internal reviews of our application and presentation.
4. FDEP New City Hall grant
 - a. January updates provided to FDEP through support of RMPK Funding Inc. FDEP accepted the updates. Updated estimated dates of construction:
 - i. Estimated start date: 10/17/2024.
 - ii. Estimated construction end date: 09/30/2026.

Update for Draft New City Hall Financing Proposal:

- No updates, no progress for any new information.

CITY OF KEY COLONY BEACH

Warrant Number 0124

Items paid from January 1, 2024
to January 31, 2024

First Horizon Checking Account - 6871 \$213,783.83

(includes all vendor payments for general,
road, building and infrastructure)

Escrow Account - 5537 -

Payroll Account - 2942 \$111,547.64

Infrastructure Reserve Account - 8644 -

Road Reserve Account - 8677 -

Impact Fees Reserve Account - 8669 -

First State Bank Reserve Account - 3703 -

Sewer Money Mkt - 0301 -

Stormwater Checking Account - 0128 1,599.00

Sewer Account - 6006 \$83,759.73

TOTAL DISBURSEMENTS \$410,690.20

RESOLUTION NO. 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.

WHEREAS, the City of Key Colony Beach, Florida (hereinafter “City”) desires to have uniform procedures to provide guidance and structure to City volunteer/advisory boards (hereinafter “Boards”); and

WHEREAS, the City Commission of the City of Key Colony Beach (the “City Commission”) hereby amends the rules of procedure to promote efficiency in conducting official business of the City; and

WHEREAS, the City Commission of the City of Key Colony Beach finds and declares that the adoption of this Resolution is appropriate, and in the public interest of this community.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF KEY COLONY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitations are hereby adopted and incorporated herein.

Section 2. This Resolution amends the Rules of Procedure, Section H. Voting, Section K. Board Member Training, and Section O. Reports to the City Commission of the Key Colony Beach Rules of Procedure for Volunteer Advisory Boards and Committees to read as follows:

- A. **Meetings:** All meetings of the Boards shall be held in accordance with the provisions of Florida Statutes. The public shall at all times be afforded access to all meetings. All business of the Boards shall take place at noticed Board meetings. Board meeting dates for the following year shall be placed on the agenda at the next scheduled meeting immediately following the City Commission organizational meeting (or the following meeting if said meeting is cancelled). Board meeting schedule may only be modified by a majority vote of the Board. Workshops, and special meetings, are not available to Boards unless required by law or approved by the City Commission. If considered urgent and necessitates immediate action, a special meeting requested by a Board may be approved by the Mayor and the notice and Board minutes shall reflect the reason for the special meeting. For purposes of this section, meetings shall be defined as a formal meeting at which official acts are to be taken; workshops shall be defined as an informal meeting with no formal action taken; special meetings shall be defined as a meeting that is urgent and demands immediate action to protect the community, residents, or property.
- B. **Notice:** Except in the case of special meetings, the City Clerk shall provide notice of meetings, hearings, and workshops no less than seven (7) days before the event. Notice for special meetings shall be given at least 24 hours before the meeting. Notice shall include a statement of the general subject matter to be considered.

- C. Commencement of Board Meetings: Meetings of the Boards shall commence as noticed by the city clerk pursuant to the schedule submitted by each Board, except if a meeting date shall fall on a legal holiday or during a state of emergency, then the meeting date shall be canceled.
- D. Attendance: Pursuant to City Code, as may be amended from time to time, if any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy. In the event of a vacancy created other than by the expiration of a term, the city commission shall appoint a person to serve for the remainder of the unexpired term.
- E. Agenda Item Submission and Deadline: The City Clerk or designee, with the advice of the Chair, shall prepare an agenda of subjects to be discussed for each meeting. Agenda items must be submitted at least seven (7) business days prior to publication date. Agenda items may also be added to the agenda by majority vote of the Board during a public meeting.
- F. Preparation and Approval of Minutes: Minutes shall be taken at all meetings. Minutes must be approved before they can be considered as an official record of the City. A copy of the minutes from the previous meeting shall be distributed to the board members at least one (1) business day before the following meeting. The minutes of the previous meeting shall be corrected and approved by the board members at the beginning of each meeting. A majority vote is required for approval. Conflicts regarding the content of the minutes shall be decided by majority vote.
- G. Quorum: A quorum must be present for conducting Board meetings. Unless otherwise required by Code, a quorum is a majority of the board members. It is the duty of the Chair to enforce this rule. If, during the course of a meeting, a board member leaves and a quorum no longer exists, the meeting cannot continue.
- H. Voting (Majority): Passage of a motion shall require the affirmative vote of a majority of board members present and voting at a meeting at which a quorum is present. ~~Board members attending virtually may participate in discussion but shall not vote.~~ Board members may participate via virtual attendance.
- I. Abstentions: A board member shall vote on all motions unless there exists a conflict of interest which would prevent that board member from making a decision in a fair and legal manner in accordance with applicable law. If a conflict of interest does exist, the board member shall explain for the record the decision to abstain on any vote and file a statement with the City Clerk per Florida Statutes.
- J. Board Members: Individual Board members can apply and serve on one (1) Advisory Board (Code Enforcement, Planning and Zoning, Utility) and may be an alternate on (1) Community Board (Beautification and Recreation). In the application process, applicants shall advise the City Commission of their preference by selecting their preferred Board in ranking order (i.e., 1, 2, and 3). Board members currently serving on multiple Boards shall advise the City Clerk of his or her Board preference to be considered by the City Commission for reappointment at the next available City Commission meeting.
- K. Board Member Training: ~~Appointed Board members are required to annually take an in-person up to 4 hour training course related to Florida Statutes and the Chair is required to take an additional in-person up to 1 hour training related to Chair duties.~~ Board members are required to be trained in accordance with Florida Statutes.
- L. Chair: The Chair is responsible for the orderly conduct of the meeting. To fulfill this duty, the Chair must enforce the rules of procedure that are adopted by the City Commission. The Chair shall be impartial and conduct the meetings in a fair manner. The chair may introduce motions and second any motion.
- M. Vice-Chair: The Vice-Chair shall fulfill the duties of the Chair if the chair is not in attendance.

- N. Decorum: All board members must conduct themselves in a professional and respectful manner. All remarks should be directed to the chair and not to individual board members, staff, or citizens in attendance. Personal remarks are inappropriate. A board member is not allowed to speak at a meeting until being recognized by the chair. All comments made by a chair shall address the agenda item that is being discussed. The Chair shall enforce these rules of decorum. If a board member believes that a rule has been broken, a point of order can be raised. A second is not required. The chair can rule on the question or allow the board members to debate the issue and decide the issue by a majority vote.
- O. Reports to the City Commission: Board Chairs ~~Boards~~ may submit reports to the city clerk for inclusion on the City Commission agenda. Reports shall be submitted at least seven (7) business days prior to the City Commission meeting. ~~All reports to be submitted to the City Commission shall be approved by a majority vote of the board members prior to submission. Chairs may make an in-person report to the City Commission.~~
- P. Budget: Boards provided with a budget by the City shall submit their budget, including backup information and material, to the City Administrator by June 1st each year.
- Q. Purchasing: Boards provided with a budget by the City shall discuss required items during the organizational meeting and provide the City Administrator with a list of items requested for purchase. Items in the amount of \$500.00 to \$5,000.00 are to be submitted to the City Administrator for review, approval and purchase. Items under \$500.00 may be submitted to a Department Head for purchase. Purchasing items over \$5,000.00 requires City Commission approval. ~~Boards, provided with a budget, shall discuss required items during the organizational meeting and provide the City Administrator with a list of items requested for purchase. In accordance with City Code, purchasing items in the amount of \$500.00 – \$5,000 requires three (3) quotes, unless reviewed and approved by City Attorney to determine if less than three (3) quotes are legally sufficient, to be submitted to the City Administrator for review and approval determination. Purchasing items under \$500.00 are to be submitted to the City Administrator for review and approval determination. For purchasing items over \$5,000, City Commission approval is required.~~
- R. Rules of Procedure: This Rules of Procedure for Voluntary/Advisory Boards Resolution shall supersede Robert' s Rules of Order on any subject specifically addressed herein; however, on any matters not specifically addressed by this Resolution, Robert' s Rules of Order shall prevail to the extent possible.

Section 3. The City Administrator is authorized to record this Resolution in the appropriate record book upon its adoption.

Section 4. If any clause, section, or other part of this Resolution shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

Section 5. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This Resolution shall become effective immediately upon adoption.

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PASSED AND ADOPTED by the Commission of the City of Key Colony Beach, Florida, at its regular meeting of the City held on February __, 2024.

FINAL VOTE AT ADOPTION
CITY COMMISSION OF KEY COLONY BEACH

Mayor Joey Raspe	NO	YES
Vice Mayor Freddie Foster	NO	YES
Commissioner Tom Harding	NO	YES
Commissioner Tom DiFransico	NO	YES

Joey Raspe, Mayor

Silvia Gransee, City Clerk

(City Seal)

Approved as to form and legal sufficiency:

Dirk Smits, City Attorney

RESOLUTION NO. 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; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, since 1976, Article II, Section 8 of the Florida Constitution has required that all elected State constitutional officers file a full and public disclosure of their financial interests, which is done through a state-adopted form (“Form 6”) that requires, among other things, the disclosure of the specific amounts of an official’s net worth, income and asset values; and

WHEREAS, historically, municipal elected officials have been required to make a more limited financial disclosure that is done through a different state-adopted form (“Form 1”) that requires, among other things, the disclosure of information related to sources of income, real property, intangible personal property liabilities and interests in specified businesses, but does not include the specific amounts of an official’s net worth, income and asset values; and

WHEREAS, the Mayor and all current elected members of the City of Key Colony Beach (the “City Elected Officials”) were elected by the voters of the City subject to and in reliance upon Florida law that required the Mayor and Commission Members to annually file Form 1 (not Form 6) financial disclosures forms; and

WHEREAS, although the State Legislature has the power in the Florida Constitution to require that additional public officers file a full and public disclosure of their financial interests, it must do so consistent with other constitutional limitations; and

WHEREAS, in 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the “Right to Privacy,” which states that “[e]very natural person has the right to be let alone and free from governmental intrusion into the person’s private life except as otherwise provided herein”; and

WHEREAS, because the right of privacy is a fundamental right within Florida’s constitution, the Florida Supreme Court has consistently required that any law intruding on the right is presumptively unconstitutional and must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means;” and

WHEREAS, the First Amendment to the United States Constitution, and Article 1, Section 4 of the Florida Constitution, protects the freedom of speech, which includes the right to choose

what to say and what not to say, any impairment of which must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means;” and

WHEREAS, during the 2023 legislative session, Senate Bill 774 was passed and codified at Law of Florida 2023-09, amending Fla. Stat. § 112.3144, to change the financial disclosure requirements and now require that all elected municipal mayors and elected members of the governing board file a Form 6 financial disclosure, which is substantially more burdensome and personally intrusive than the Form 1; and

WHEREAS, the imposition of the Form 6 disclosure requirements at the municipal level (a) represents an unwarranted intrusion into the privacy rights of municipal elected officials, most of which receive little or no compensation for their service, (b) unnecessarily risks the safety of such officials (making them targets of, among other things, burglary, identity theft and extortion), and (c) will deter many otherwise qualified and interested citizens from running for office; and

WHEREAS, in fact, many municipal officials resigned from office prior to December 31, 2023, as a result of the new disclosure requirements, disrupting the ability of some local governments to operate for lack of a quorum; and

WHEREAS, the imposition of the intrusive Form 6 disclosure requirements at the municipal level is not the least restrictive means of serving the governmental interests of preventing abuse of the public trust, as demonstrated by, among other things, the lack of such requirements at the municipal level in other states and at the federal level (even the President of the United States and members of the U.S. Congress are not required to make such extensive disclosures); and

WHEREAS, requiring that unpaid (or low paid) municipal elected officials disclose their precise net worth, income and assets does not serve (let alone constitute the least restrictive means of serving) any compelling interest – Form 1 disclosures constitutes sufficient transparency to inform the public of potential conflicts; and

WHEREAS, the imposition of new financial disclosure requirements upon municipal elected officials who were elected without such requirements violates due process, is fundamentally unfair and violates fundamental constitutional rights; and

WHEREAS, the City desires to participate in a lawsuit seeking a declaration that the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 financial disclosure forms are unconstitutional and invalid and should be enjoined (the “Lawsuit”); and

WHEREAS, the City of Key Colony Beach believes it is in the best interest of the citizens and residents of the City to participate in the Lawsuit and urges other municipalities and their elected officials to also participate as plaintiffs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA AS FOLLOWS:

Section 1: That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

Section 2: The City of Key Colony Beach hereby authorizes the participation of the City, and any of individual Members of the Commission who choose to participate as plaintiffs, in a lawsuit seeking declaratory, injunctive and other appropriate relief challenging the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 financial disclosure forms, based upon any appropriate legal theories, including those set forth above, subject to the participation of at least ten municipalities.

Section 3: Weiss Serota Helfman Cole + Bierman, PL (the “Firm”) is hereby retained to represent the City in this litigation. The Firm will charge the City a flat fee, inclusive of attorneys’ fees and costs, of \$10,000 to represent the City and the individual elected officials who choose to participate as plaintiffs, for the litigation in the trial court. The City and elected officials recognize that such flat fee may be less than the actual attorneys’ fees and costs incurred, and that if the City and elected officials prevail in the Lawsuit, the Firm may apply with the Court for its actual reasonable attorneys’ and costs from the defendants. The filing of any appeals will be authorized by separate resolution under the terms thereof. The City and its elected officials also acknowledges that the Firm will be representing other local governments and officials in this lawsuit and waives any conflicts related to such representation. [ONLY FOR CITIES WHERE WSH DOES NOT SERVE AS CITY ATTORNEY: The City further acknowledges that, from time to time, the Firm may be called upon by client to represent them as to requests for various approvals and as to other matters with respect to or involving the City. The City hereby waives any potential conflict of interest in the Firm’s representation of those clients arising from its representation of the City in the Lawsuit.]

Section 4: The City of Key Colony Beach invites and urges other local governments and elected officials to join the City as plaintiffs in the Lawsuit and to coordinate their efforts with the City.

Section 5: The City Clerk is directed to distribute this Resolution to all local governments in Monroe County.

Section 6: That the appropriate City Officials are hereby authorized to do all things necessary and expedient to carry out the aims of this Resolution.

Section 7: That this Resolution shall take effect immediately upon adoption.

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PASSED AND ADOPTED by the Commission of the City of Key Colony Beach, Florida, at its regular meeting of the City held on February __, 2024.

FINAL VOTE AT ADOPTION
CITY COMMISSION OF KEY COLONY BEACH

Mayor Joey Raspe	NO	YES
Vice Mayor Freddie Foster	NO	YES
Commissioner Tom Harding	NO	YES
Commissioner Tom DiFransico	NO	YES

Joey Raspe, Mayor

ATTEST:

Silvia Gransee, City Clerk

(City Seal)

Approved as to form and legal sufficiency:

Dirk Smits, City Attorney