

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, January 18th, 2024 – 9:49 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 Regular Meeting and Public Hearing was called to order by Mayor Joey Raspe at 9:49 am followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Joey Raspe, Vice-Mayor Freddie Foster, Commissioner Tom Harding, Commissioner Beth Ramsay-Vickrey, Commissioner Tom DiFransico. **Also Present:** City Attorney Dirk Smits, 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 100

2. Agenda Additions, Changes & Deletions: City Clerk Gransee asked for the following additions, changes, and deletions:

- Addition under Special Request as Item 3c.: Special Request by the Marathon Moose Lodge to provide transportation during the Key Colony Beach Day.
- Deletion of Item 7d.: Proposal by RMPK Funding. An additional management option was provided that will need to be reviewed first.
- Addition to 8h.: Discussion on Florida Keys Days in addition to the Florida Legislative Days.
- Addendum to Item 9a. – Treasurer's Report
- Amendment to 9b.: Corrected Warrant 1223 in the amount of \$607,958.91.
- Correction on 11c.: Complete Resolution 2024-03 (missing signature page in original packet)
- Addition under Item 11 Ordinances & Resolutions as Item 11d.: Resolution 2024-04: Designation and Powers of the City Administrator to the Mayor
- Addendum to 12c.: Wastewater Report

Commissioner Ramsay-Vickrey asked for Agenda item 11d. to be tabled until the next meeting for it was not received until 5:30 am this morning.

Commissioner Ramsay-Vickrey further asked to pull item 12 b (ii).

Vice-Mayor Foster stated an urgent need for the addition of Resolution 2024-04 and having discussed it with the Attorney. Vice-Mayor Foster spoke on the importance of codifying the roles and responsibilities that are being fulfilled.

Commissioner Ramsay-Vickrey spoke on late Mayor Ron Sutton's ability to operate in the position as acting City Administrator without the need of a Resolution and repeated for a chance to review the document for a proper review.

Mayor Raspe informed on having reviewed the document and not finding anything out of the ordinary that not already involves his regular duties as the acting City Administrator.

Commissioner DiFransico asked City Attorney Smits on the consequences if the Resolution does not get approved.

City Attorney Smits informed on not having clear knowledge of what is being discussed, but for the city's code to allow the Mayor to assume the City Administrator's responsibilities. City Attorney Smits further talked on the intent of the resolution to be a clarification on job responsibilities and the Commissioner's prerogative to determine if more time is needed for review and to determine cause.

Vice-Mayor Foster asked for clarification on procedure for the item to be added to the agenda and made a motion.

MOTION: Motion made by Vice-Mayor Foster to determine cause for the addition of Resolution 2024-04 for Mayor Raspe to fulfill his duties as City Administrator to the agenda. Mayor Raspe seconded the motion.

DISCUSSION: Commissioner DiFransico stated no concerns on the addition of the item.

ON THE MOTION: Rollcall vote. Commissioner Ramsay-Vickrey – No. Commissioner Harding – Yes. Commissioner DiFransico – Yes. Vice-Mayor Foster – Yes. Mayor Raspe – Yes. Resolution 2024-04 was added to the agenda.

The Commission gave the City Clerk agreement with the prior requests for agenda additions, deletions, and changes.

3. Special Request:

a. Recognition of the Promotion of Corporal Buxton to Sergeant:

Police Chief DiGiovanni spoke on the promotion of Sergeant Jamie Buxton and talked about Sergeant Buxton's career in the City, passion for family, and love for the City. Chief DiGiovanni informed that all training requirements were completed which included requirements by the previous Administrator and management training. Chief DiGiovanni explained the role of a Sergeant and for Sergeant Buxton having proven herself to be ready for those responsibilities. Chief DiGiovanni informed for Sergeant Buxton to hold the role as first female Police Sergeant for the City of Key Colony Beach and congratulated her on the accomplishment.

Sergeant Buxton's daughter completed the pinning of the badge. Chief DiGiovanni presented a plaque to Sergeant Buxton for her hard work and dedication, as well as a badge signifying her accomplishment as first female Sergeant for the City of Key Colony Beach.

b. Special Request by the Key Colony Beach Pickleball Club to hold a concert at Sunset Park on February 10th, 2024:

Lynne Conklin spoke on behalf of the Pickleball Club and the request to hold a concert at Sunset Park. Lynne Conklin spoke on current collected donations in the amount of approximately \$135,000 and a planned give-away of an e-Bike and a concert by 'Rick and Dayna'. Lynne Conklin asked for approval of the concert and consideration to waive the park rental fee and informed of 220 current Pickleball Club members

Commissioner Harding gave support for waiving the park rental fee and informed on regulations on not being able to sell items in the park. Lynne Conklin informed that previous plans for a food truck were cancelled.

Mayor Raspe informed on current rental fees and limits and asked about preparations for parking and the number of people attending. Mayor Raspe further informed of the need for the help of the Public Works Department after the concert in preparation for Sunday concert. Lynne Conklin anticipated an attendance about 100 but said that no one would be turned away from attending.

Commissioner Harding suggested waiving fees for Police or Public Works and this to be a community event.

Chief DiGiovanni confirmed one officer on duty plus an additional officer to be sufficient for the event. Commissioner Foster suggested the use of 11th Street for parking to reduce the amount of crowding. Mayor Raspe confirmed to send notice to Assistant Fire Marshal Card on the event. The Commission received confirmation for Sunset Park volunteers to help with the event.

Mayor Raspe asked for a motion and a second.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

c. Special Request by the Marathon Moose Lodge to provide transportation during the Key Colony Beach Day **AGENDA ADDENDUM**

Mayor Raspe informed of the request and asked to coordinate with the Key Colony Beach Community Association. Mayor Raspe informed on the 7th Street grass lot to be the location for trolleys and to provide the contact information to the Marathon Moose Lodge.

Mayor Raspe asked for a motion.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

4. Citizen Comments and Correspondence: City Clerk Gransee informed on the following correspondence:

- December 14th, 2023, Logan Blackburn, 305 14th Street, expressed dissatisfaction with Mayor Raspe's rules of procedure at the December Commission meeting.
- December 24th, 2023, John DeNeale, wrote to the Commission expressing support for the construction of a new City Hall building and gave concerns of State approval for the repair of the old building.
- January 4th, 2024, Diane Slusher, Vice-Chair Pickleball Club, shared positive correspondence from residents on the management of the Pickleball Club.
- January 6th, 2024, John DeNeale shared his design concept on repair of the old City Hall building.
- January 16, 2024, Kathryn McCullough wrote to the Commission for the consideration of an apology from the City Commission for the investigation of fraud in the FEMA investigation.
- January 16, 2024, Sue Bartkus wrote to the Commission on various issues including the number of city staff, legal representation, current Commissioners involvement on the City Hall building contract, the past City Administrator, and questioning on the need for a new City Administrator.
- January 17, 2024, Sue Bartkus, wrote to the Commission in reference to a general ledger spreadsheet on legal expenses.

City Clerk Gransee informed that all correspondence was shared with the Commission and available to the Public upon request.

Vice-Mayor Foster spoke on Kathryn McCullough's long time role in the City and issued an apology to the former Commissioner and City Clerk.

Mayor Raspe agreed with Vice-Mayor Foster and disagreed with the involvement of Kathryn McCullough in the investigation.

Vice-Mayor Foster asked City Clerk Gransee to include citizen correspondence in the meeting minutes. City Clerk Gransee confirmed the request.

Mayor Raspe asked for citizen comments.

Joe Zino, Monte Christo Condominiums, spoke on the differences in opinion on City Hall and the need to move forward. Joe Zino talked on compromise and to obtain outside professionals for expert recommendations. Joe Zino further suggested municipal bond financing for the City and to chart a way to move forward with compromise.

Joe Schmidt, 430 4th Street, voiced opposition to the payout of former City Administrator Turner and further talked about not having found verbiage of the actual declaration of the condemnation of City Hall and asked for an explanation.

Elizabeth Kohaut, 701 8th Street, asked who holds the responsibility of inspecting properties and the separation of utilities. Mayor Raspe advised those questions to be directed to the Building Department. Building Official Leggett informed for the City not to regulate private sales and not being informed of splitting utilities and for the responsibility to be with the property owner. Vice-Mayor Foster suggested to contact the utilities company and to ask for authorization and documentation.

5. Approval of Minutes

- a. December 13, 2023 - City Commission Special Meeting
- b. December 14, 2023 - City Commission Organizational Meeting
- c. December 14, 2023 - City Commission Regular Meeting & Public Hearing Minutes
- d. December 20, 2023 - City Commission Special Meeting

Mayor Raspe asked for changes to the minutes. There were none. Mayor Raspe asked for approval of the minutes.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

6. Committee and Department Reports

- a. Marathon Fire/EMS – Marathon Assistant Fire Marshal Card

Marathon Fire Assistant Mike Card reported on emergency calls for the past month and informed on a slow month for the City. Mike Card informed on five members of the Marathon Fire Department trying out for

the SWAT Team and two open paramedic positions. Assistant Fire Marshal Card informed on the implementation of the GIS system for fire hydrants which provides exact locations through GPS technology. Mike Card explained for the system being implemented through an app and gave additional information on the usage.

Vice-Mayor Foster thanked Assistant Fire Marshal Card for the 'Wounded Warrior' Event.

Assistant Fire Marshal Card informed of wanting to involve the city in all of their functions and asked for the City to inform the Fire Department on events bigger than 100 people to be able to assist with paramedics.

b. Police Department – Chief DiGiovanni

Police Chief DiGiovanni gave his monthly report to the Commission. **The report in its entirety is attached to the meeting minutes**

Vice-Mayor Foster recommended to move forward with the purchase of the requested police equipment and the use of the former Administrator vehicle. Vice-Mayor Foster asked about compensation for Officer Burden for his work with the FWC.

Police Chief DiGiovanni informed for Officer Burden volunteering with no compensation and voiced concern on paying for volunteer services for officers.

Mayor Raspe informed for the topic to be added to the contract negotiations with the Union, and voiced support for the vehicles and equipment and to have monies available in the budget.

Mayor Raspe asked for a motion and a second after further discussion.

Commissioner Harding asked on budget assumptions for the renewal of vehicles and if a change is needed. Commissioner Harding agreed with the vehicle swap and voiced support for the tasers but asked on the legality of a 5-year contract.

City Attorney Smits informed that 5-year contract is legal as long as it includes a clause to cancel after one year.

Commissioner Harding spoke on the importance of upfront pricing, warranty services for 5 years, and bid requirements for purchases over \$25,000.

The Commission continued discussing pricing, warranties, and bid requirements.

Mayor Raspe recommended to keep the best vehicles for reserve vehicles.

Vice-Mayor Foster spoke on the possibility of piggybacking on the purchase of another entity and provisions of sole source purchasing.

Chief DiGiovanni gave concerns on purchasing under someone else's contract due to warranties and liability issues.

Chief DiGiovanni confirmed that the Charger had to be purchased according to the City's Accountant.

Mayor Raspe asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to purchase the Charger for Fair Market Value as listed, a vehicle truck swap with the Building Department, and to investigate taser purchasing options within purchasing guidelines for the city. Mayor Raspe seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Raspe called for a 30 minute recess.

The meeting reconvened at 12:30 pm.

- c. Building Department:** Building Official Leggett gave his monthly report to the Commission. **The report in its entirety is attached to the meeting minutes**

Commissioner Harding reported good feedback from the Property Managers meeting and to keep building good relationships.

Vice-Mayor Foster asked on his request for clarification on the Ocean Front Condos and stated for the owners requiring help. Building Official Leggett informed on being aware on questions on sewer payments. Vice-Mayor Foster asked Building Assistant Bursa for the purpose of the master spreadsheet for substantial improvements. Building Assistant Bursa explained the purpose and benefit for the owner, as well as the Building Department, and receiving CRS Credit for the tracking of the information. Building Assistant Bursa gave further details on using the value from the Property Appraisers Office per Florida Statutes and the owner having the ability to seek an independent appraisal as well. Building Assistant Bursa confirmed to share the spreadsheet.

Commissioner DiFransico asked Building Official Leggett on his report on working with the DEO on the upgrading of the Comprehensive Plan and suggested to work with Planning & Zoning Chair George Lancaster on the process. Building Assistant Bursa informed on being past due on reporting requirements and having followed the former City Administrators directive on working on the reports. Building Assistant Bursa stated to be happy to work with the Planning & Zoning Board and confirmed that no changes on the Comprehensive Plan have been made and for the Planning & Zoning Board and City Commission to have final approval on any update.

- d. Public Works:** Public Works Department Head Guarino gave his monthly report to the Commission. **The report in its entirety is attached to the meeting minutes

Commissioner DiFransico spoke on prior discussions on buttonwood trimming at Sunset Park and asked on knowledge of any exotic species.

Public Works Department Head Guarino informed for the Buttonwood Hedge being on a regular trim schedule and the cutbacks on the hedge having to be made in small increments and progress is being made. Commissioner Harding spoke on erosion at the Sunset Park Pier due to mild storms and suggested possible improvements and permit state requirements, and to look into a proposal for a grant request.

City Clerk Gransee informed of the possibility of inclusion of erosion control in the current Sunset Park Grant application.

- e. City Clerk:** City Clerk Gransee gave her monthly report to the Commission. **The report in its entirety is attached to the meeting minutes**

Mayor Raspe congratulated City Clerk Gransee on her City Clerks certification.

Vice-Mayor Foster thanked City Clerk Gransee for her work.

- f. Code Enforcement Officer:** Code Officer Goldman gave his monthly report to the Commission. **The report in its entirety is attached to the meeting minutes**

Vice-Mayor Foster asked for clarification on the report on a conflict with the Police Department. Code Officer Goldman stated for there to be no conflict.

Commissioner DiFransico asked on the intent for a community outreach to inform citizen on rules and floodplain management.

Code Officer Goldman informed on the information being available on the City's website.

Building Assistant Bursa informed of pamphlets being available at City Hall and gave support for a Townhall meeting on Floodplain Management to provide new information to residents.

Commissioner DiFransico asked if the program for identifying unlicensed rentals is still being used.

Code Officer Goldman confirmed for the program 'Rentalscape' still being used and explained the process of the software program identifying rentals without a license.

Commissioner DiFransico asked for an update for the property at 680 11th Street and spoke of the property having been under a red tag for over a year and to have been an eyesore for the community and neighbors. Commissioner DiFransico suggested for the City Administrator and Building Official to have a meeting with the property owner to discuss the possibility of a settlement. Code Officer Goldman informed for the Special Magistrate having issued orders on how to achieve compliance. Commissioner DiFransico asked to review options on how to come to a settlement. City Clerk Gransee informed for the property owner having appealed the Special Magistrate's order. City Attorney Smits informed that a private meeting can be held with staff and no attorneys present if both sides are in agreement. Commissioner DiFransico suggested for the city to reach out to the owner. Vice-Mayor Foster agreed with Commissioner DiFransico and referred to the City Attorney on how to move forward. City Attorney Smits informed to direct the city's Insurance Attorney to reach out and advised for the attorney's to set up the meeting.

g. Beautification Committee – Sandy Bachman

Beautification Committee Chair Sandy Bachman thanked the Public Works Department and residents for their help with the Holiday decorations. Chair Bachman informed on having reviewed Holiday needs for the upcoming year including several holiday banners needing replacement due to wind damage. Chair Bachman informed on the Committee's plans to participate in the St. Patrick's Day parade and asked for participation in the locating of the 'Scary Rabbit' who used to hang out on Ocean Drive and Sadowski Causeway. Sandy Bachman informed on a successful work party at the old Post Office Tiki Garden and thanked Public Works for their help. Chair Bachman further informed on having placed a memorial plaque in the garden in memory of Carol Gross who tended to the City Hall Garden before her passing. Sandy Bachman informed for the December Beautification Award having been given to Liz Montgomery on 10th Street and for resident Tim Heitman to give a presentation on Monarch butterflies at the February Beautification meeting.

h. Planning & Zoning Board – Chair George Lancaster: None.

i. Recreation Committee: Vice-Chair Barbara Tatarchuk gave an overview of the last year and informed of Committee's concern about a lack of indemnity and a Committee member having resigned due to Sunshine Law concerns. Barbara Tatarchuk informed of the Committee's frustration with not making progress and for the matter to be of ongoing concern to members of committee. Vice-Chair Tatarchuk reported on the Committee's agreement to the expansion of the Pickleball courts and move of the Tennis courts to 7th Street. Barbara Tatarchuk further informed on conditions to the agreement and support by the Committee to the forming of a Pickleball Club. Vice-Chair Tatarchuk informed of resolving issues on the color of pickleball and tennis lines and improvements made for Tennis, Pickleball, and Bocce Courts including new nets, fencing, a new drainage system, and the resurfacing of the West Tennis Court.

- j. Utility Board: Chair Bill Fahs reported on efforts by the Board to save money on electricity cost for the Wastewater Plant. Chair Fahs informed on a Fact-finding mission to the Key Largo Wastewater Plant which is the largest producer of electricity through solar energy in the Keys. Bill Fahs informed on comparability in size of both plants and having asked Burke Energy Solutions to give a cost analysis for the needs of the city. Chair Fahs informed on the Key Largo Plant having been fully funded by Grants and for Vice-Mayor Foster to be travelling to Tallahassee in the coming weeks to meet with Legislators on available funding. Chair Fahs informed on current electric costs in the amount of \$154,000 a year and estimated costs to build the Solar facility between 2.2 and 2.5 Million Dollars. Chair Fahs informed for the Board to look forward to the next step with grant funding and Commission approval. Chair Fahs reported for the Board having approved a sewer main line replacement on 11th Street and Plant Manager Evans having found intrusion of roots into the lines forcing partial restriction. Bill Fahs informed on the emergency purchase of two vacuum pumps with approval of the Mayor and the Stormwater Project progressing on schedule. Commissioner DiFransico asked about the progression on the recommendation by the Board for third-party billing through FCAA. City Clerk informed of a contract having been received which will have to be reviewed by legal prior to going forward. Chair Fahs informed on the continuous updating on priorities for capital improvements for the plant.

Mayor Raspe called for a lunch recess at 11:50 am.

The meeting reconvened at 12:30 pm.

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

- a. Discussion/Approval of pay increase for Public Works Department Head Mike Guarino:

Mayor Raspe introduced the agenda item and proposed an increase for Public Works Department Head Mike Guarino to a base pay to \$100,000.00 plus benefits in addition to an increase in the overall overtime budget to \$10,000.00 per year. Mayor Raspe asked for a motion and a second.

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

DISCUSSION: Commissioner Harding asked on the impact of the overtime increase to the budget. Mayor Raspe explained this to be a discretionary increase and not necessarily to be used every year. Commissioner Harding informed for the change in overtime pay to involve a budget change and suggested instead for the Commission to agree not to be concerned if the Public Works Overtime Budget goes beyond the current approved budget. Mayor Raspe agreed and asked Public Works Department Head to Guarino to inform the Commission if the overtime budget comes close to the current budget limit. Commissioner Harding agreed.

AMENDED MOTION: Vice-Mayor Foster amended his motion to only pertain to the pay increase. Commissioner DiFransico seconded the amended motion.

FURTHER DISCUSSION: Commissioner Harding gave concerns about another staff member being recruited and suggested for one of the Commissioners to assess salaries and responsibilities. Mayor Raspe agreed with concerns on outside recruitment. Commissioner Harding agreed and asked to delegate a Commissioner to do the research and provide a recommendation. Commissioner Foster agreed and asked City Attorney Smits if it would represent a conflict for him to do the research on salaries and a recommendation to the Commission. City Attorney Smits stated no conflict. Commissioner Harding informed on being in direct competition with the County.

ON THE MOTION: City Clerk Gransee reminded for the rollcall to be on the amended motion on a pay increase to \$100,000 plus the regular benefit package for Public Works Department Head Mike Guarino. Rollcall vote. Unanimous approval.

b. Discussion/Approval of former City Administrator Turner payout and severance pay in the amount of \$30,172.45.

Mayor Raspe introduced the agenda item and asked for a motion to approve.

MOTION: Motion made by Commissioner Ramsay-Vickrey to approve the payout. Commissioner DiFransico seconded the motion.

DISCUSSION: Commissioner Harding asked City Attorney Smits for the payout to be inline with the contract. City Attorney Smits confirmed and for the numbers having been confirmed the by City's accountant. Commissioner Harding informed on the last City Administrator's payout being significant and the Commission at that time reduced the payout in the contract to a competitive number.

ON THE MOTION: Rollcall vote. Unanimous approval.

c. Discussion/Approval of backpay for Sergeant Buxton in the amount of \$5,060.75

Mayor Raspe introduced the agenda item.

MOTION: Vice-Mayor Foster made a motion to approve the backpay. Mayor Raspe seconded the motion.

DISCUSSION: Commissioner DiFransico asked on prior approval of the agenda item. Commissioner Harding asked City Attorney Smits for confirmation for the matter to be approved during the ongoing police negotiations. City Attorney Smits confirmed.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Gransee informed for the approval having been placed on the agenda due to the amount going above the City Administrator's discretionary spending of \$5,000.00.

d. Discussion/Approval of a proposal by RMPK funding to administer grant administration services for Stormwater Projects LPA0448 and LPA0311 in the amount of \$4,500.00.

City Clerk Gransee confirmed the agenda item had been tabled. Mayor Raspe explained an additional proposal had been presented for grant management which is currently under review. Commissioner Harding explained the purpose of the RMPK Grant Management Firm and having been successful in the past for the City. Commissioner Harding further explained the State requirements for grant administration and the continued involvement of city employees to be involved in the process.

8. City Commissioner Items for Discussion/Approval

a. Discussion/Approval of recommendation of appointment by the Utility Board:

- i.** Gil Gilbertson – full-time member
- ii.** Joe Turgeon – alternate member

b. Discussion/Approval of recommendation of appointment by the Planning & Zoning Board:

- i.** Doug Colonell – full-time member

c. Discussion/Approval of recommendation of appointment by the Beautification Committee:

- i.** Mary Kohl – alternate member

City Attorney Smits informed Mayor Raspe for agenda items 8a through c be able to be passed with one motion. Mayor Raspe presented the approval items to the Commission and asked for a motion to approve.

MOTION: Motion made by Commissioner DiFransico to approve. Vice-Mayor Foster seconded the motion.
DISCUSSION: Vice-Mayor Foster asked for confirmation on the residency requirements for Mary Kohl. City Clerk Gransee confirmed that the requirements were satisfied. Commissioner DiFransico stated to have been impressed by all applicants and their qualifications. The Commission agreed.
ON THE MOTION: Rollcall vote. Unanimous approval.

d. Discussion/Approval on putting the search for a new City Administrator on hold:

Mayor Raspe spoke on the agenda item and informed of the matter having been discussed in the Townhall Meeting. Mayor Raspe spoke on the need for the job description of the City Administrator having to be changed and received a general consensus from the Commission. Mayor Raspe stated for the job description and contract having to be researched to find the best way to go forward for the City.

MOTION: Mayor Raspe made a motion to put the search for a City Administrator on hold until the job description has been amended. Mayor Raspe asked for a second. Commissioner DiFransico seconded the motion.

DISCUSSION: Commissioner Ramsay-Vickrey suggested having the topic discussed at the next Townhall Meeting and agreed with putting the actual search on hold until the Commission has come to a consensus. Vice-Mayor Foster commented that no vote is needed to put the search on hold because it had not being started. Mayor Raspe agreed to a discussion at the next Townhall meeting and to provide the current documentation on the City Administrator's position to the Commission. City Attorney Smits informed on the Commission's ability to have workshops and special meetings on the matter.

ON THE MOTION: No action was taken.

e. Review of Townhall Meeting:

Mayor Raspe spoke on the prior day's Townhall meeting and gave appreciation for the resident's questions and understanding for concerns. Mayor Raspe informed for the Commission to be working on solutions with transparency and honesty. Mayor Raspe informed on the next Townhall meeting to be on February 12th. Mayor Raspe informed of overwhelming positive feedback on the Townhall meeting. Commissioner Harding asked for the time limitations to be added to the agenda. Mayor Raspe agreed.

f. Continuance of Brightview Landscape contract

Mayor Raspe spoke on the agenda item and prior plans to cancel the contract. Mayor Raspe informed for the contract not having been cancelled and prior concerns were given on the impact on the Public Works Staff. Mayor Raspe informed Public Works Department Head Guarino having expressed desire to continue with the current contract. City Clerk Gransee informed on the budgeted cost of \$40,000.00 for the contract and the former decision for cancellation to have been made due to provide funding for the increase in the EMS contract. Public Works Department Head Guarino confirmed to Commissioner Harding for the additional purchased lawnmower to still be beneficial to his department.

Public Works Department Guarino confirmed prior concerns with quality of work and agreed with a competitive bid in the future for a landscape contract. Vice-Mayor Foster suggested Public Works Department Head Guarino to take over the responsibility of overseeing the management. Public Works Department Head Guarino confirmed the possibility of taking over the landscape responsibilities with at least one additional employee. Commissioner Harding spoke on costs for an additional employee and the ability to chose a different contractor if work is not satisfactory.

Mayor Raspe called for a general consensus by the Commission for the continuance of the contract and there was no further discussion.

g. Review of City Commission approval for all staff travel and education expenditures:

Mayor Raspe introduced the agenda item and recognized Vice-Mayor Foster. Vice-Mayor Foster asked City Clerk Gransee about concerns with the change in travel approval. City Clerk Gransee informed on some difficulties with the change in approval process for the department heads and recommended for the City Administrator to give approval on staff travel. Vice-Mayor Foster recommended to leave the decision up to the Mayor/City Administrator and for the responsibility to be solidified with the passing of the Ordinance. Vice-Mayor Foster asked for a vote by the Commission for the City Administrator to approve all travel with no need for approval by the City Commission.

MOTION: Motion made by Vice-Mayor Foster to give approval for the Mayor-City Administrator controlling and approving the travel for City employees. Mayor Raspe seconded the motion.

DISCUSSION: Commissioner Harding asked for the edit to approve travel within the budget of each department.

AMENDED MOTION: City Clerk Gransee informed for the request of the edit to be noted as an amended motion. Vice-Mayor Foster gave agreement.

ON THE MOTION: Rollcall vote. Unanimous approval.

h. Discussion/Approval of Commissioner Attendance of the Florida Legislative Action Days and the Florida Keys Days **addendum**

Vice-Mayor Foster introduced the agenda item and asked City Clerk Gransee about approval requirements. City Clerk Gransee informed for past Commission travel always having received a head-nod from the Commission and asked for Commission agreement to continue the process. The Commission agreed.

i. Discussion/Approval of a renewal agreement for legal services with the Firm of Vernis & Bowling of the Florida Keys, P.A., for a period of one year beginning January 18, 2024, to January 18, 2025.

i. Red-line version of the Contract

ii. Clean version of the Contract

Mayor Raspe introduced the agenda item and asked for discussion on the amended contract. Vice-Mayor Foster informed on the changes that were made and recommended the approval. Mayor Raspe informed for City Attorney Smits having informed on a significant decrease in communication to the City Attorney's office. City Attorney Smits confirmed that all a-la-carte requests come through the Mayor. Mayor Raspe asked on the possibility of a more itemized bill. City Attorney Smits informed on having worked on the separation of expenditures and to be happy to work with the Mayor on further separations. City Attorney Smits spoke on code fines being assessed through the Special Magistrate and a tremendous amount of money parked in liens through code fines. City Attorney Smits further informed on ongoing settlements and recovery in fines and prosecutions.

Mayor Raspe asked for a motion and a second.

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

DISCUSSION: Commissioner Harding spoke on the increase in legal fees and the need for a funneling method on work approval. Commissioner Harding further talked on the need for monthly discussions on assignments and approvals. Vice-Mayor Foster spoke on all communications having a cost associated with and to understand that authorization is needed. There was no further discussion.

ON THE MOTION: Rollcall vote. Unanimous approval.

j. Discussion/Approval of Interlocal Agreement between the City of Key Colony Beach and Monroe County, Florida, for Municipalities Roadway Vulnerability Analysis

Mayor Raspe introduced the agenda item and recognized Vice-Mayor Foster. Vice-Mayor Foster informed on the purpose of the interlocal agreement and its benefit for information for floods, hurricanes, and elevation changes. Commissioner Harding gave the background on the agreement for the purpose of asking for State funding in addition to information on needed road improvements. City Clerk Gransee confirmed to Commissioner Harding to forward prior grant agreements to the Commissioner. Commissioner Harding gave support for the agreement.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

k. Discussion/Approval for an after-the-fact emergency expenditure for the Wastewater Treatment Plant in the amount of \$14,385.48

Mayor Raspe introduced the agenda item and explained for Utility Board Bill Fahs having talked about the emergency purchase in his report and asked for approval.

MOTION: Motion made by Vice-Mayor Foster to approve the emergency expenditure in the amount of \$14,385.48. Commissioner DiFransico seconded the motion.

DISCUSSION: Commissioner Harding informed about the expense having been in the budget. Commissioner DiFransico recalled a maintenance program during his time on the Utility Board and asked if it is still in place. Commissioner Harding explained the capital improvement list and allocations for the current and upcoming budget and prioritization of items.

ON THE MOTION: Rollcall vote. Unanimous approval.

l. Discussion/Approval on proposed changes to procedures for City Commission Meetings

i. Allow citizen comment at the beginning and end of the meeting – will require ordinance change

Mayor Raspe introduced the agenda item and recognized Commissioner DiFransico. Commissioner DiFransico proposed to add citizen comments to the end of the agenda to give residents the opportunity to comment on what was discussed during Commission meetings. Commissioner Harding asked on the Commission's prerogative to add feedback to agenda items. City Attorney Smits informed for the Commission to be able to add citizen comments at each meeting without an ordinance change and suggested for the Commission to allow citizen comment at the end of the meeting instead of after each discussion item. The Commission gave consensus to the change to the agenda format.

ii. Have the Mayor allow comments of more than three minutes without Commission approval – will require ordinance change:

Commissioner DiFransico spoke on the benefit for the Mayor giving approval to allow citizens to speak past their allowed time. Commissioner Ramsay-Vickrey stated for this to never have been a problem and for it to be no need for an ordinance change. Commissioner Harding agreed. The Commission gave consensus not to change the format.

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

Mayor Raspe informed for the item still being pending and asked to bring the item back at the next meeting. Vice-Mayor Foster informed on having read all documents related to the topic and spoke on the use of verbiage unsafe vs. condemned. Vice-Mayor Foster recalled work practices during his career in nuclear engineering and gave disagreement with the condemnation of an entire building for when the verbiage of having been condemned was never used. Mayor Raspe asked to wait for the structural engineers to give a report on the safety of the building. Vice-Mayor Foster requested to be aware of the extent of words and actions.

Building Official Leggett spoke on Vice-Mayor Foster's recollection on practices on a nuclear site and asked for clarification on public access. Vice-Mayor Foster informed on safety work practices and sites being open to the public. Building Official Leggett read a letter from former Building Official Borysiewicz that stated that the building was no longer safe to occupy, and for the building to be unoccupied and to cease any use. Vice-Mayor Foster agreed with Building Official Leggett's information on the letter and asked on the law on the revocation of a Certificate of Occupancy. Vice-Mayor Foster asked on the Building Official Leggett's determination that the CO should have been revoked. Building Official Leggett stated for the revocation is by the operation of law and gave details on Florida Statutes. Vice-Mayor Foster stated understanding of the code and reiterated the use of the word 'condemned'. Building Official Leggett recalled prior discussions on verbiage. Commissioner Harding gave his understanding for the Building Official to be responsible to make an opinion and to have that authority. Mayor Raspe informed for Building Official Leggett having stated to agree with the findings of the structural engineer. Building Official Leggett agreed and stated for this to have to be considered if done by a professional engineer. Commissioner Harding advised for the Fire Marshal to give approval as well. Commissioner Ramsay-Vickrey advised that insurance has to be considered also. Vice-Mayor Foster asked about the current insurance on the building. Building Official Leggett assumed the insurance having been cancelled and the Commission agreed to follow up on the question. Commissioner Ramsay-Vickrey asked Mayor Raspe to look into the FEMA and CRS ramifications and explained her concerns on monthly insurance rates, CRS ratings, and city-wide insurance ratings. Commissioner Harding informed on the prior Commission's decision to cancel flood insurance and the question on insurance to be based on the condition of the building. Vice-Mayor Foster clarified the question to be if the building is safe and if Marble Hall can be used for citizens. Building Official Leggett informed for his Building Assistant having confirmed for the liability insurance to have been cancelled and further informed on having an 'unsafe structure determination' by the City of Key Colony Beach on the building from 2017. Vice-Mayor Foster informed for everyone in the City having had the sign after Hurricane Irma and recalled the process on how the Utility Company determined safety.

Building Official Leggett informed on not having the historical knowledge on this but for the sign to have been posted on City Hall. Mayor Raspe also recalled the determination for red tags with being marked a big x. Building Official Leggett spoke on the prior days Townhall meeting and confusion on the amount of Engineers reports and asked on the possibility of two structural engineers report to evaluate the building objectively. Vice-Mayor Foster spoke on the importance of a professional engineering stamp to the license holder and not understanding a need for two reports. Mayor Raspe spoke on the importance of Building Official Leggett not jeopardizing his license. Commissioner Ramsay-Vickrey reminded that the city has three stamped engineering reports that deemed the building unsafe. Mayor Raspe spoke on the inconsistencies in the engineering reports and confirmed the question to be surrounding Marble Hall and not the entire building. Commissioner DiFransico spoke on the question of voids under Marble Hall and being supported by pilings and not whether the Administrative Offices are safe. Vice-Mayor Foster informed for voids being irrelevant under Marble Hall and the need for the floating slab in the administrative having to be looked at and the possibility of foam being used.

Mayor Raspe asked for the matter to be tabled until more feedback from the structural engineer has been received.

o. 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.

Mayor Raspe informed on the need for both agenda items to be tabled until the findings of the structural engineer have been received. Mayor Raspe confirmed his intent to look at Marble Hall and the Administrative area independently.

Commissioner Ramsay-Vickrey asked Mayor Raspe to follow up with the question on insurance. The Commission gave concern on no current liability insurance for the building.

Commissioner DiFransico asked if staff should be given direction on the reinstatement of the insurance. City Clerk Gransee confirmed to follow up.

9. Secretary-Treasurer's Report

a. December 2023 Financial Summary

Commissioner Harding gave his Treasurer's report for the 3rd month of the fiscal year. Commissioner Harding reported good standings for all accounts and gave details on the payment of the infrastructure loan and significant phone bill expenses. Commissioner Harding further informed on combined water expenses for the last three month, quarterly payments for ambulance and rescue services for a total allocation of \$700,000 with the first payment having been made in December. Commissioner Harding spoke of no restrictions on cash accounts and a running positive balance.

Commissioner Harding informed on the Wastewater budget being below the target value as well as expenses with a negative value for the month.

Commissioner Harding had no concerns with the Stormwater account.

Commissioner Harding informed on the FEMA Dry Proofing Maintenance Project and for the first quarterly report to the State having been completed. Commissioner Harding additional informed on talks with the Engineering Firm K2B on providing drawings for the project.

Commissioner Harding spoke on the FDOT 2022 Grant and discussions with K2B on a design concept but no decisions is expected until July.

Commissioner Harding informed on the FDOT Grant application for 2024 and having attended a presentation in Miami. Commissioner Harding informed of a good presentation and for the application being currently under review. Commissioner Harding informed on requested funding changes to come out of the infrastructure fund.

b. Approval of Warrant 1223 in the amount of \$611,454.51 **Agenda Correction: \$607,958.91**

Commissioner Harding informed on the corrected warrant and asked for a motion to approve.

MOTION: Motion made by Vice-Mayor Foster to approve Warrant No. 1223 in the amount of \$607,958.91. Mayor Raspe seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

10. City Attorney's Report

- a. Update on Swanson Settlement:** City Attorney Smits informed that the Swanson Settlement was completed and the litigation closed.

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

City Attorney Smits informed on the solicitation from an outside law firm challenging the new State law for the Form 6 Financial Disclosure requirements. City Attorney Smits recommended not joining the lawsuit and talked about the Commission's prerogative on making a decision.

MOTION: Motion made by Commissioner Ramsay-Vickrey to deny Resolution 2024-03. Commissioner Harding seconded the motion.

DISCUSSION: The Commission discussed the cost of the lawsuit and considerations of joining the lawsuit.

ON THE MOTION: Commissioner Ramsay-Vickrey rescinded her motion.

The Commission continued discussions on the details of the lawsuit and the possibility to opt out of the lawsuit. City Attorney Smits clarified the prerogative of the individual elective official to participate in the lawsuit. Vice-Mayor Foster asked about the possibility to table the matter for a month. City Attorney Smits supported the suggestion.

The matter was tabled until the following month.

~~**c. Discussion on the amendment of Rules of Procedure for Volunteer Advisory Boards and Committees; providing for an effective date—will require a separate approval of Resolution 2024-02 under Item 11b.**~~ ****tabled until the following month****

Vice-Mayor Foster informed on having provided a mark-up on Commissioner DiFransico's draft document and provided the details to the Commission. City Attorney Smits asked Commissioner DiFransico to provide a copy of the edited document to the Clerk for the minutes.

11. Ordinances & Resolutions

a. Resolution 2024-01: A Resolution of the City Commission of the City of Key Colony Beach, Florida, authorizing and approving designated email addresses for the City of Key Colony Beach Commissioners; providing for an effective date.

Mayor Raspe introduced the Resolution to the Commission and asked for questions from the Commission. Vice-Mayor Foster informed for having been under the impression for the Resolution having been terminated. Commissioner Ramsay-Vickrey spoke on Commissioner DiFransico's suggestion of First Name – Last Name in coordination with a city issued email address and for the benefit of public records requests and a good policy to have.

MOTION: Motion made by Commissioner Ramsay-Vickrey to approve the Resolution.

DISCUSSION: Mayor Raspe also spoke on the prior statement on the benefits of city owned email accounts in case of Officials changes.

MOTION: Motion seconded by Commissioner DiFransico.

DISCUSSION: Vice-Mayor Foster asked on the possibility to opt out of the Resolution. City Attorney Smits explained for the Resolution being an expression of the will of the Commission and a directive to the Commission. City Attorney Smits stated not to be sure on the consequences of not following it. Vice-Mayor Foster informed of expressed objections many time. Commissioner Beth Ramsay-Vickrey spoke on the benefits of continuity in the case of the loss of a Commissioner and for good records keeping. Mayor Raspe spoke on Vice-Mayor Foster's concern of losing his prior email address and having to give a new one out. City Clerk

Gransee confirmed on the ability to forward the old email address and explained the current forwarding of the City Administrator's email address. There was no further discussion.

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

~~**b. 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. ****tabled until the following month****~~

c. 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. ****tabled until the following month****

d. Resolution 2024-04: A Resolution of the City Commission of the City of Key Colony Beach, Florida, authorizing the designation and assignment of powers and duties of the City Administrator to the Mayor of the City of Key Colony Beach, providing for an effective date.

Mayor Raspe introduced the Resolution and asked for a motion to approve.

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

DISCUSSION: Commissioner Ramsay-Vickrey spoke on the lateness in receiving the document and spoke on a suggested change in responsibilities for the ability to terminate employees. Vice-Mayor Foster reminded of a first and a second motion and for termination to be part of management. Commissioner Ramsay-Vickrey spoke on prior City Administrator's having too much authority and her desire for the Commission to have a voice in it. Mayor Raspe stated for the City Administrator's job to include hiring, maintaining day-to-day operations, and to terminate if necessary. Commissioner Harding agreed with Mayor Raspe and recalled prior procedures on the Commission being informed on staff changes. Commissioner Harding spoke on Sunshine Law restrictions with Mayor Raspe in his capacity as City Administrator and to accept not being informed on some items. Commissioner Ramsay-Vickrey asked Mayor Raspe on the possibility of a weekly report which City Attorney Smits confirmed can be done as long as there are no back-to-back communications. Vice-Mayor Foster informed for this to be discretionary for the Mayor and for the Mayor not being paid for the job of the Administrator.

ON THE MOTION: Rollcall vote. Unanimous approval.

12. Commissioner's Reports & Comments

a. Commissioner Harding

i. Wastewater Sampling Update

Commissioner Harding informed on a Monroe County Health Survey having posted on the city's website.

Commissioner Harding gave the Wastewater update and informed for all three viruses being low with a reported short increase in numbers over the Holiday season. Commissioner Harding further talked on hospitalization rates and an expected peak of the season for the Flu in February.

ii. State of Florida Department of Environmental Protection Grant 22FRP63

Commissioner Harding informed on having completed the quarterly report and gave details on the approved funding and requirements of the grant. Commissioner Harding explained grant monies and matching obligations and gave further details on the scope of work. Commissioner Harding informed for City Hall to be considered a critical facility with requirements to elevate for storm surges and high speed winds. Commissioner Harding informed on funding obligations by the end of this year and gave additional requirements on engineer approvals, independent auditors, and certification of completion. Commissioner Harding informed the State on no contract having been awarded, no permits having been issued, and no demolition having been done. Commissioner Harding spoke on the risk of the grant being pulled due to no progress.

Commissioner Harding reminded on the need for bridge repairs and an outstanding grant decision expected in May of 2024. Commissioner Harding gave concerns on prior findings that have not been addressed yet and load capabilities in the next year. Vice-Mayor Foster informed for a scheduled re-inspection which Commissioner Harding gave concerns with on the possibly results.

b. Commissioner Ramsay-Vickrey

- i.** Initiate Search for New City Administrator.
- ii.** Put Construction of the New City Hall Building out for rebid

Commissioner Ramsay-Vickrey stated for her topics having been covered and thanked the Mayor for adding a discussion on the City Administrator at the Commissioner Workshop.

c. Commissioner DiFransico

Commissioner DiFransico asked for an update on the police negotiations. Mayor Raspe informed of the negotiations going well, having met with the Union Attorneys via Zoom, and having received the entire contract for review. Mayor Raspe informed for it to have been a positive meeting.

Commissioner DiFransico spoke on the need to make decisions in regard to the existing City Hall building and to make a timeline and Fatal-Flaw Analysis on restoring of the existing building that includes insurances and CRS factors.

d. Vice-Mayor Foster: Vice-Mayor Foster had no report.

e. Mayor Raspe: Mayor Raspe had no additional report.

13. Adjournment: The meeting adjourned at 2:27 pm.

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: February 15, 2024

Silvia Gransee

City Clerk

Agenda Haddendum
Special Requests

Silvia Gransee

From: lodge1058@mooseunits.org
Sent: Tuesday, January 16, 2024 2:41 PM
To: Silvia Gransee
Cc: holly kepcha
Subject: [External] KCB Days

Ms. Gransee,

Kindly forward this request to the city commissioner or most appropriate official within the city as a special request.

The Marathon Moose Lodge would like to provide transportation during Key Colony Beach Day. If approved, we will use a street legal golf cart or trolley to move guests between parking and the festivities.

Our intent is to be of assistance within our community and raise awareness of the Marathon Moose Lodge. In addition, it will help us raise funds to furnish our event space we are working diligently to reopen since Irma.

Please consider this request during the next city meeting.

Respectfully,
Holly Kepcha
Marathon Moose Lodge 1058-Vice President

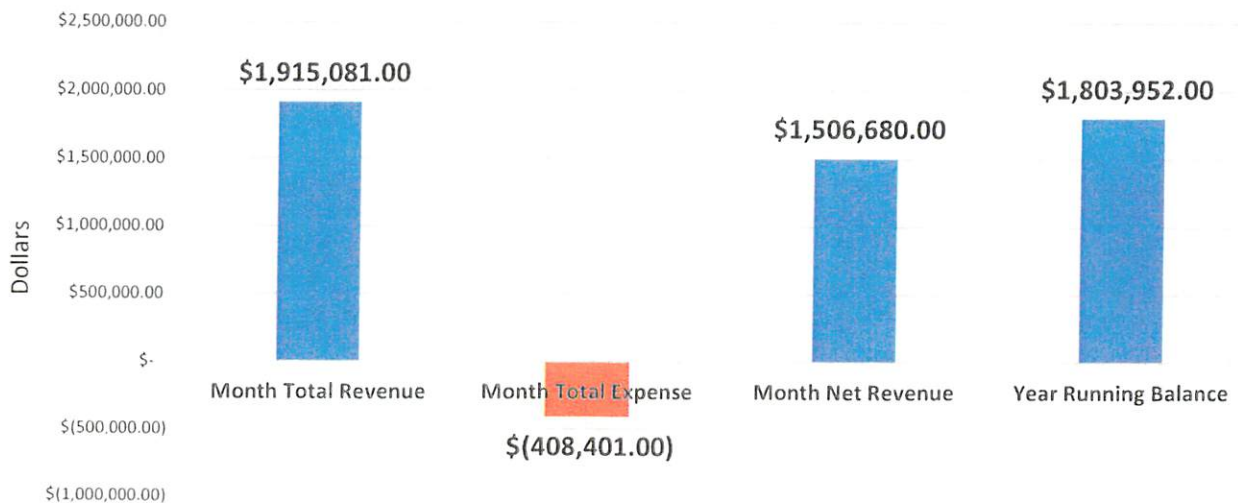
City of Key Colony Beach

Treasurer's Report – January 18, 2024 Addendum 15Ja24

December 2023 financial summary – General Fund

- 3rd month of 2024 fiscal year budget-
 - YTD revenue above budget target, in good shape with Ad Valorem Tax Revenue
 - YTD expenses below budget target, in good shape for YTD.
 - Overall, in excellent condition for YTD
 - Expenses to highlight for this month:
 - As usual interest and principal for Horizon Bank Loan paid out of Infrastructure Fund in the financials. Documented in the monthly warrant document #1223 under the First Horizon Checking Account.
 - Need to review monthly phone charges vs. previous months.
 - Water bills for the public parks, 3 months of bills compiled into Dec financials.
 - Quarterly payment made for Ambulance and Rescue Services
 - For awareness, we will be over budget for this line item by \$150,000 for the year based on the change for this year.
 - No concerns for General Cash Accounts and Restricted Cash Accounts:
 - General Cash at \$4,586,978
 - Restricted Cash at \$3,399,652.
 - Monthly plot below:

Key Colony Beach - General Fund December 2023 Summary



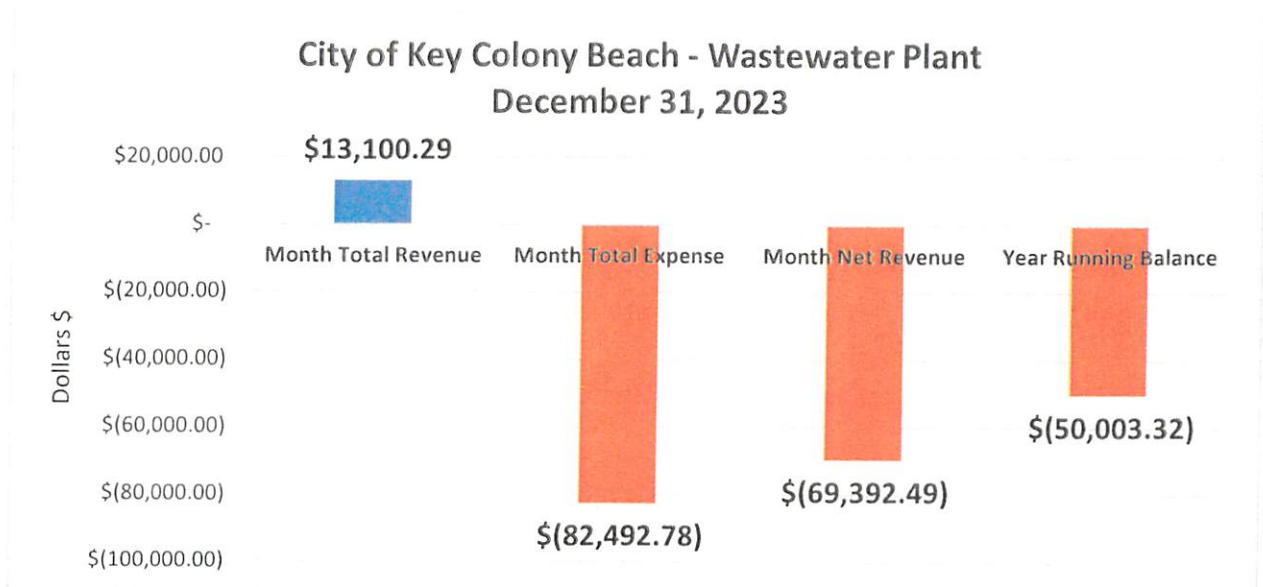
City of Key Colony Beach

Treasurer's Report – January 18, 2024 Addendum 15Ja24

December 2023 financial summary – General Fund

Wastewater

- Revenue below budgeted target value for the month, YTD revenue below budgeted target value
- Expenses below budgeted target value for the month, YTD expenses below budgeted target value
- Plot below for Monthly Summary:



Expense areas for highlighting:

- Telephone service costs need to be investigated for options of cost savings.

Stormwater:

- No concerns for this month

City of Key Colony Beach

Treasurer's Report – January 18, 2024, Addendum 15Ja24

Grant Activity:

1. FEMA shared funding for the Dry Proofing of the Maintenance Building Project:
 - a. Quarterly progress report provided to the State of Florida.
 - b. Initial engineering services discussion completed with K2B.
2. FDOT 2022 Transportation Alternative Grant
 - a. 2nd Engineering discussion with K2B on needs required from FDOT on design layout.
3. FDOT 2024 Transportation Alternative shared funding presentation completed January 11, 2024 (FY 2030) at the Miami District Six office. Application is in the review process.
 - a. Update on costs share from 13De24 on-site review by FDOT:
 - i. Federal Funds: \$133,212.00
 - ii. Key Colony Beach Funds: \$23,508.00
4. FDEP New City Hall grant – see separate summary document from Agenda for 18Ja24.

Update for Draft New City Hall Financing Proposal:

- Update provided on history of repair estimates provided at 17Ja24 Town Hall Meeting.

CITY OF KEY COLONY BEACH

Warrant Number 1223

Items paid from December 1, 2023
to December 31, 2023

First Horizon Checking Account - 6871 \$442,227.10

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

Escrow Account - 5537 -

Payroll Account - 2942 \$85,332.07

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 -

Sewer Account - 6006 \$80,399.74

TOTAL DISBURSEMENTS \$607,958.91

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 January __, 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 Beth Ramsay-Vickrey	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

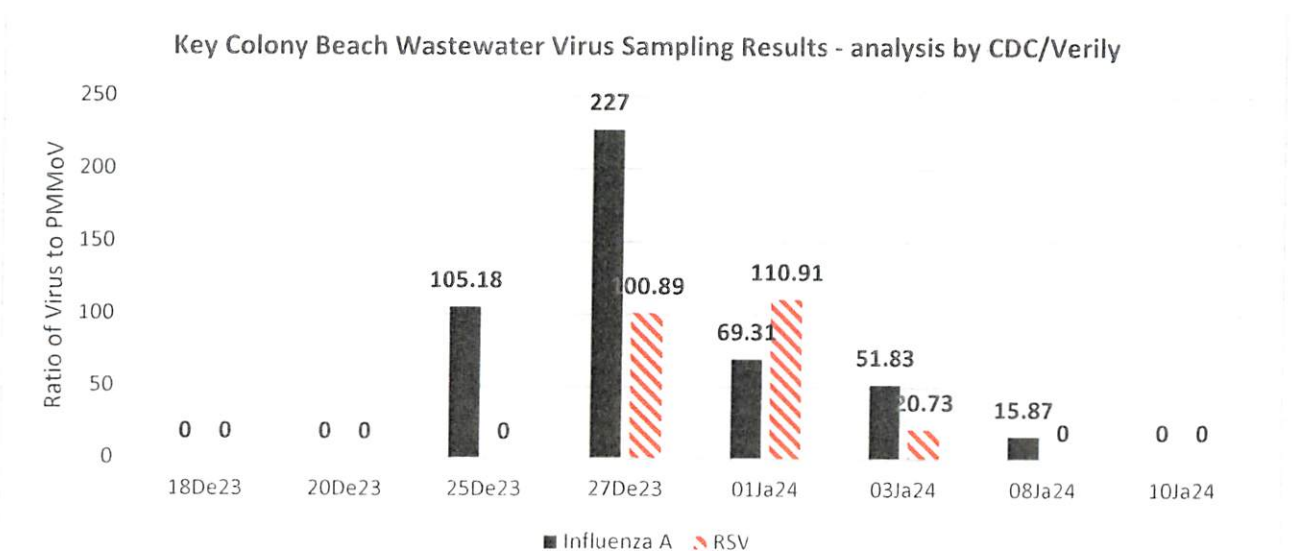
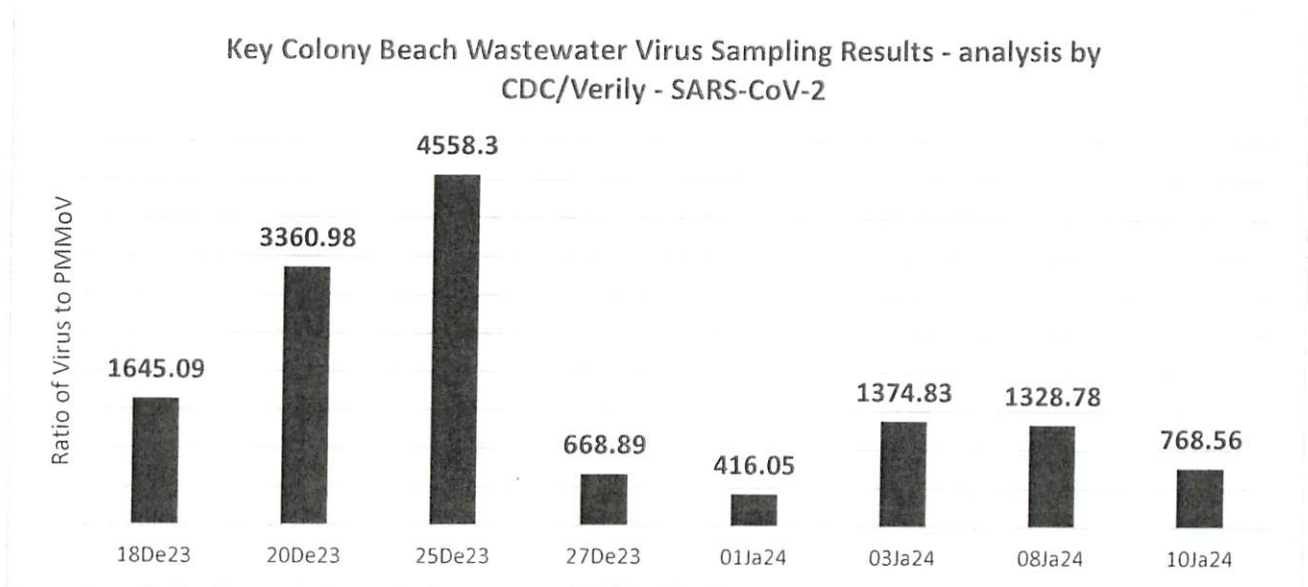
City of Key Colony Beach

Wastewater Sampling Update for Concern Virus's – January 15, 2024

Overview of the 3 main viruses being tracked by CDC and State of Florida Health Department:

- Covid-19 – Low levels, **increasing levels Southeast Florida, and Monroe County**
- Influenza A H1N1 – **High levels**, overall State is decreasing.
- RSV – low levels, Florida is decreasing. Miami-Dade/Monroe County rates are increasing.

Specific data for Key Colony Beach – wastewater sampling

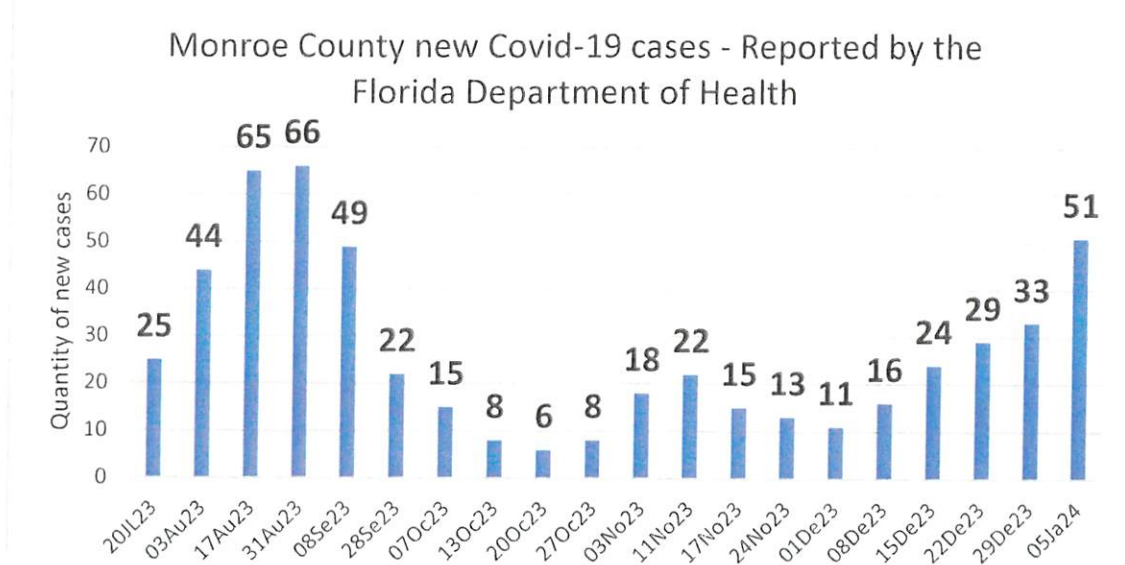


✓ **SARS-CoV-2 Virus – Covid -19**

○ **General overview data from CDC and Florida Dept of Health websites:**

- CDC Hospitalizations Summary – 462 cases, 308 % increase from last week (Broward, Miami-Dade, and Monroe County data together, data through 06Ja24).
- Florida Department of Health Weekly Situation Report (data as of 05Ja24):
 - Overall State of Florida – 17,073 new cases (increasing)
 - Monroe County – 51 new cases (increasing)
 - Dade County – 3,232 new cases (increasing)
 - Broward County – 1,679 new cases (increasing)

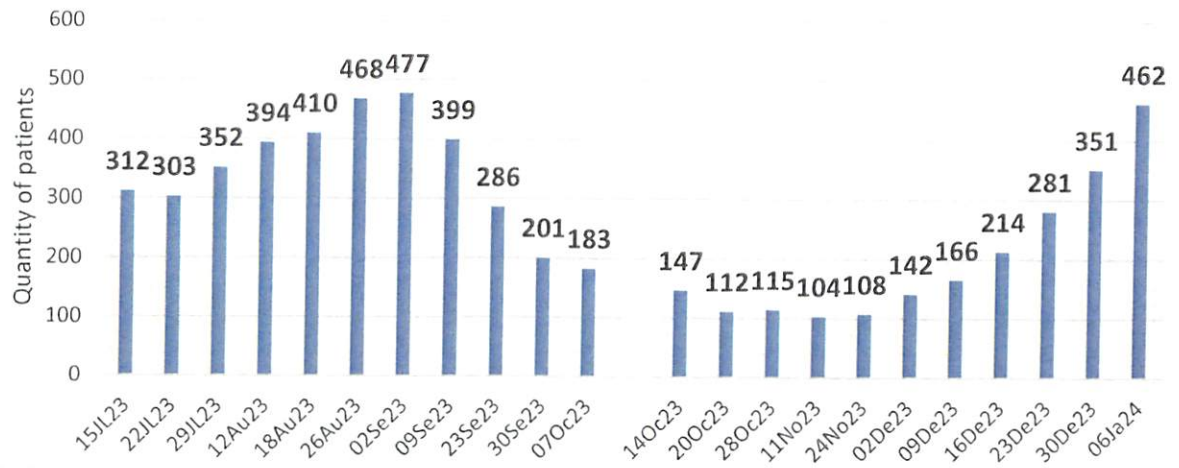
Plots organized by T. Harding from data obtained through CDC and State of Florida Department of Health weekly reports.



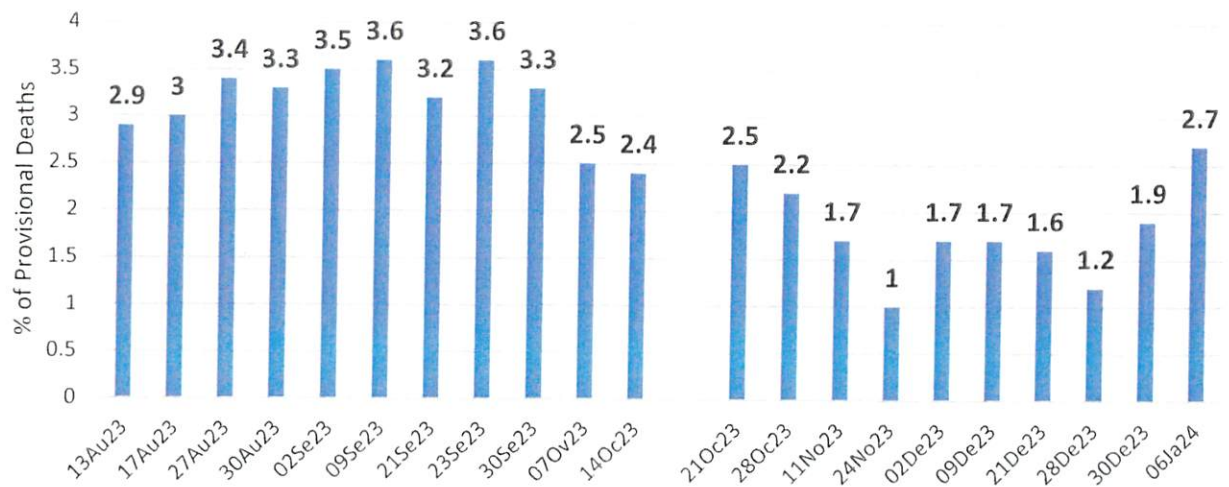
City of Key Colony Beach

Wastewater Sampling Update for Concern Virus's – January 15, 2024

CDC Covid-19 Reporting of Hospitalizations in Broward/Miami-Dade/Monroe Counties combined



CDC Covid-19 Death Rates - State of Florida



City of Key Colony Beach

Wastewater Sampling Update for Concern Virus's – January 15, 2024

CDC Flu View Webpage from 06Ja24 update

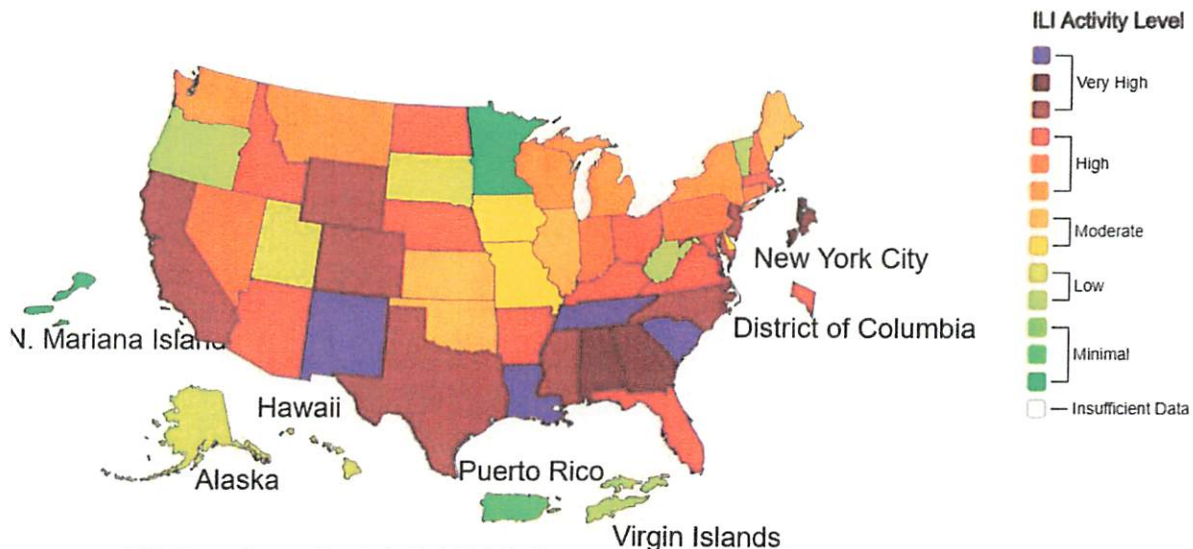


A Weekly Influenza Surveillance Report Prepared by the Influenza Division

Outpatient Respiratory Illness Activity Map Determined by Data Reported to ILINet

This system monitors visits for respiratory illness that includes fever plus a cough or sore throat, also referred to as ILI, not laboratory confirmed influenza and may capture patient visits due to other respiratory pathogens that cause similar symptoms.

2023-24 Influenza Season Week 1 ending Jan 06, 2024



*This map uses the proportion of outpatient visits to healthcare providers for influenza-like illness to measure the ILI activity level within a state. It does not, however, measure the extent of geographic spread of flu within a state. Therefore, outbreaks occurring in a single city could cause the state to display high activity levels.

*Data collected in ILINet may disproportionately represent certain populations within a state, and therefore may not accurately depict the full picture of influenza activity for the whole state.

*Data displayed in this map are based on data collected in ILINet, whereas the State and Territorial flu activity map are based on reports from state and territorial epidemiologists. The data presented in this map is preliminary and may change as more data is received.

*Differences in the data presented by CDC and state health departments likely represent differing levels of data completeness with data presented by the state likely being the more complete.

*For the data download you can use Activity Level for the number and Activity Level Label for the text description.

*This graphic notice means that you are leaving an HHS Web site.

For more information, please see CDC's Exit Notification and Disclaimer policy.

For more information on the methodology, please visit Outpatient Illness Surveillance methods section.

Summary Report by Tom Harding, based on CDC/State of Florida/Verily data through 12Ja24.

RESOLUTION NO. 2024-04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, AUTHORIZING THE DESIGNATION AND ASSIGNMENT OF POWERS AND DUTIES OF THE CITY ADMINISTRATOR TO THE MAYOR OF THE CITY OF KEY COLONY BEACH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida (hereinafter "City") is presently without a City Administrator; and

WHEREAS, the City Commission desires to assign to the the Mayor certain powers and duties as the City Administrator under the contract and City Code of Ordinances (the "Code") to the extent as permitted by Florida law; and

WHEREAS, Section 5-5 of the City Charter provides for the appointment or designation of the City Administrator by the City Commission of the City of Key Colony Beach (the "City Commission"); and

WHEREAS, in accordance with Section 5.5(b) & (c) therein, the City Commission desires to assign to the Mayor certain powers and duties as the City Administrator consistent with the City Code and to the extent permitted by Florida law; and

WHEREAS, the City Commission desires to provide consistency and continuity by providing that the powers and duties assigned hereunder to the Mayor/City Administrator are the same powers and duties are outlined in the former City Administrator's contract and the City Code as set forth herein; and

WHEREAS, the City Commission 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 THE CITY OF KEY COLONY BEACH, FLORIDA AS FOLLOWS:

Section 1: That the foregoing recitals are hereby incorporated by reference.

Section 2: That the City Commission hereby approves the assignment and granting of certain powers and duties as the City Administrator to the Mayor as set forth below:

Section 1. Duties of Mayor as City Administrator.

Until such time as the City Commission appoints or designates other individual as the City Administrator, the Mayor shall be the chief administrative/executive officer of the City and shall perform the functions and duties specified in the City Charter and City's Code of Ordinances, and shall also perform such other legally permissible and proper duties as the City Commission shall periodically assign, including but not limited to the following:

- A. *Employ and terminate on behalf of the City all other employees of the organization consistent with the policies of the governing body and the ordinances and charter of the City. Department heads appointed by the City Commission are not subject to this paragraph as the City directly appoints those positions.*
- B. *Direct, assign, reassign and evaluate all the employees of the City consistent with the City Charter, ordinances, and policies, as well as state and federal law.*
- C. *Organize, reorganize, and arrange the staff of the City and to develop and establish internal regulations, rules, and procedures which the Mayor/City Administrator deems necessary for the efficient and effective operation of the City consistent with the City's Charter, ordinances, and policies, as well as state and federal law.*
- D. *Accept all resignations of City employees consistent with the policies, ordinances, state, and federal law.*
- E. *The Mayor/City Administrator shall carry out the policy directives of the City Commission and shall perform such other legally permissible, ethical, and proper duties as may be assigned from the City Commission from time to time. All duties assigned to the Mayor/City Administrator by the City Commission shall be appropriate and consistent with the professional role and responsibilities of the city administrator.*
- F. *The Mayor/City Administrator shall manage and perform duties necessary to ensure compliance with County, State and Federal requirements from, but not limited to: County Emergency Management, State, Governor, Health, DEO/Florida Commerce, FDEP, FDEM, FWC and Federal agencies FEMA, EPA, USACE and the Florida Keys National Marine Sanctuary.*
- G. *The Mayor/City Administrator shall serve as the City Emergency Manager with assistance from the Police Chief and Building Official.*
- H. *The Mayor/City Administrator will coordinate and manage all interlocal agreements with the County and all other municipalities in Monroe County in accordance with such guidance/approval by the City Commission.*
- I. *The City Administrator will coordinate and oversee all public affairs and press requests to ensure that the policies of the City and City Commission are represented.*
- J. *The Mayor/City Administrator will provide the City Commission with a balanced budget and ensure timely workshops, commission votes and public hearings to complete the budget process in accordance with State/County "Truth in Millage" (TRIM) requirements.*
- K. *In performing the duties hereunder, the Mayor/City Administrator shall report directly to the City Commission as a whole, with policy direction coming from the City Commission as a whole and not individual city commissioners.*
- L. *The City Commission, individually and collectively, shall refer in a timely manner all substantive criticisms, complaints and suggestions called to their attention to the Mayor/City Administrator for study and/or appropriate action.*

Section 3: That the Mayor/City Administrator is hereby authorized to take all necessary action to effectuate the intent of this Resolution.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED by the Commission of the City of Key Colony Beach, Florida, at its regular meeting of the City held on January 18, 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 Beth Ramsay-Vickrey	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



CITY OF MARATHON FIRE RESCUE

8900 Overseas Highway, Marathon, Florida 33050
Phone: (305) 743-5266 Fax: (305) 289-9834

Memorandum

Date: 1/2/2024
To: Honorable Mayor and City Council members
From: John A. Johnson, Fire Chief
Through: George Garrett, City Manager
Subject: December Month End Report

ALARM RESPONSES

	December
Fire Incidents	6
Hazardous Condition	7
Public Service	19
False Alarm Fire	31
Good Intent Call	14
EMS	114
Inter-facility Transfers	45
Total for Month:	236
Total Calls for Calendar 2022:	2385

<u>KCB BREAKOUT REPORT</u>	December
Fire Incidents	1
Hazardous Condition	1
Public Service	
False Alarm Fire	1
Good Intent Call	1
EMS	12
Total for Month:	16

FIRE PREVENTION

	December
Fire Inspections	9
Fire Safety Plan Review	15
Vacation Rental Inspections	104
Occupational License Inspections	1
Annual Life Safety Inspections	0
Event Inspections	1
Annual State Inspections	0
DHR Follow-Up Inspections	0

VACATION RENTALS

	December
Total Applications Processed	92
Vacation Rental Inspections	104
Total VR Fees Collected	\$95,675.00
Agent/Local Contacts Trained	25
Total VR Licenses Issued	104

OPERATIONS:**• Training:**

- **Fire Officer Training:** All Fire Officers maintained daily incident management, continuing education.
- **EMS Training:** This month the Firefighters completed 100 hours of training. This training includes monthly medication exercises, updated protocols, and an EMS equipment refresher. We were also able to have a cadaver lab at the station for advanced training.
- **Fire Training:** All firefighters continue to conduct daily shift drills; they also completed NFPA 1410 hose drills.
- **Tactical Medic Program:** This month one (1) firefighter participated in 12-hours of SWAT Call Out with MCSO. The department is in the process of holding tryouts for the addition to our SWAT medic program.
- **Combined Training:** Vector Solution software for all shifts, a total of 225 courses were taken, which totaled 102.88 hours of training.
- **Instructors on Staff:** We have a total of six instructors with live fire training certifications and seven EMS instructors.

BENEVOLENT FIREFIGHTER SERVICES

The Benevolent Association did not meet for a formal meeting in December, but they did come together to decorate Station 14 for Christmas. They also coordinated a cool holiday themed t-shirt for all the MFR and City Staff. The Benevolent plans to meet again in January. As always, we continue to support recruitment of additional personnel coordinated through the Marathon Fire Rescue Benevolent Association.

INFORMATION

As the holiday season continues through the upcoming months, we anticipate the town to swell with both winter residents and tourists as Marathon is a great place to travel.

The new High School Cadet program is still going strong, the students are all doing well. They are engaged and plan to continue their education in public safety. The Department and some cadets will be attending an upcoming career fair at MHS to help drive future recruitment.

The Marathon Fire Department hopes that everyone had a wonderful holiday, and we are wishing all a safe, healthy, and productive new year.

PUBLIC OUTREACH IN NOVEMBER:

ACTIVITIES ATTENDED IN NOVEMBER:

Weekly Director Call (4)
City Council Meeting
KCB Meeting
Schmitt Realty Santa Drop Off
Hamilton Vent Training
Station Tour for children
City Christmas Party
Wounded Warriors Send Off at Sombrero Beach
Santa's Caravan
Teleflex Training

**Commission Meeting Report Outline
Key Colony Beach Police Department
December 14, 2023 to January 10, 2024**

A. REPORTS

1. 12/19/2023

Report Number KCB23OFF000053

781 9th St

Grand Theft

Result: Ongoing Investigation

2. 12/29/2023

Report Number: KCBP23OFF000054

600 W Ocean Dr

Criminal Mischief

Result: Ongoing Investigation

3. 12/31/2023

Report Number: KCBP23OFF000055

275 15th Circle

Accident Non-Traffic

Result: Citation Issued

B. MEDICAL/ALARM CALLS

Total Calls: 11

C. CALLS FOR SERVICE

Total Calls: 26

D. TOTAL WATCH ORDERS/NON-RESIDENTS

Total: 33

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

Total: 9

F. CITATIONS/WARNINGS

1. Traffic Citations: 2

2. Traffic Warnings: 17

3. Code Citations: 0

4. Code Warnings: 7

G. ADDITIONAL NOTABLE MOMENTS IN THE POLICE DEPARTMENT

Since the last City Commission meeting:

- 12/22/2023 – KCBPD Sergeant Jamie Buxton organized another donation drive for the Marathon SPCA. Donations were made to the animal shelter by Sgt. Buxton and Ofc. Niemiec.
- 12/23/2023 - 2 Children requested and received bicycle helmets after a proper fitting from Ofc. Burden.
- 12/25/2023 -Santa came to KCB. Santa was escorted down the Sadowski Causeway to City Hall for cookies with the kids and back to US 1 by Officer Burden.
- 12/30/2023 – Officer Buckwalter responded to a medical call and applied a tourniquet to the patient which saved the patient's life.
- 01/04/2024 – I attended GLOCK Armorer's Course to be certified in GLOCK firearm repair.
- Officer Burden continues to assist Florida Wildlife Conservation Commission (NOAA and Border Patrol) with the Flir camera. The Flir camera can spot things like illegal poaching, migrant vessels and other significant events that would need law enforcement attention and may only be discovered from the air.

DONATION RECEIVED

The police department received a donation from the Valerie Bonzer Foundation for the American Dreamer. The donation is an appreciation for the police officers "work and friendly manner".
Event: An officer stopped by the residence on 12th Street, noticed a door open on a camper, closed it and returned the next morning and informed the resident of what happened. The resident was very appreciative of what the officer did and wanted to make the donation to say, 'thank you'. (Attachment 1)

RON SUTTON MEMORIAL KID'S FISHING DERBY

The Police Department along with the Fishing and Boating Club are in the beginning stages of planning the 17th Kid's Fishing Derby. The derby changed its name in 2023 in honor of Mayor/Commissioner Ron Sutton.

This year, with Commission approval, the date projected for the derby is June 12, 2024.

EQUIPMENT REPLACEMENT

The police department is updating their firearms from 40 caliber to 9-millimeter.

The police department is also purchasing 3 replacement ballistic vests as required.

EQUIPMENT NEEDED

The police department needs the following:

1. Police Vehicles.

The police department has had a disabled patrol SUV at the Monroe County Garage for over 3 weeks. We were informed that it will be another week at the time of this report. The vehicle is awaiting warranty parts.

With Commissions approval, I would like to purchase the 2021 DODGE Charger. The FMV rate of this vehicle as a trade-in is \$20,579. Currently, there is \$40,000 reserved for police vehicles.

Additional equipment will be needed to bring it to ready status, however, I do not expect it to go over the reserve amount.

Additionally, I am seeking approval to swap out the 2021 DODGE RAM 2500, that is currently in the Police Department fleet, with the 2021 1500 DODGE RAM in the Building Department fleet. This would only be a swap, in which neither department would give up a vehicle.

The reason for this exchange is that the 1500 DODGE RAM is a quad cab and can transport arrestees if needed, whereas the

DODGE 2500 is only a single cab and there is no room for additional passengers. (Attachments 2-4)

2. TASERS.

The police department needs to replace the current TASERS that the officers are carrying.

TASER is the industry standard when it comes to this electronic device. The TASER 10 is the latest unit offered from TASER. It provides the officer with a less-than-lethal option to deploy in a force-on-force situation. TASER is phasing out production of the current model that is being used.

The attached proposal is for 6 of the TASER 10 Models. It is maintenance free for the department. The cost is split over the next 5 years: \$27,996.48. The first payment is \$2,799.64 with each payment after that at \$6,299.21.

This cost includes replacement cartridges, batteries, training for a current officer to train all the officers, a warranty that lasts 5 years and \$10 million-dollar legal protection in the event something should happen while using the TASER product.

There is \$8,868. In reserves for police equipment. I am seeking approval to replace our current TASERS. (Attachments5-13)

Respectfully,

**Chief Kris DiGiovanni
Key Colony Beach Police Department**



Valerie Bonzer Foundation for the American Dreamer

Frederick Kohler, 310-274-2177, 5409 Overseas Hwy. Unit 1165, Marathon, Florida, 33050

KCB Police Department

25 Dec'23

Happy Christmas and a good New Year

We are writing to thank you for your work throughout the year. While I sleep or travel, it is good to know you are there and ready.

Also, we would like to introduce you to our new 501c as below and attached.

Valerie Bonzer Foundation for the American Dreamer Also Known As **VB4AD**

Our Mission :

Valerie Bonzer Foundation for the American Dreamer Also Known As **VB4AD**
will assist an individual and/or family to achieve his/her/their "American Dream"
(Global Dream)

General Concept:

The American Dream is a national ethos of the United States, the set of ideals in which freedom includes the opportunity for prosperity and success, as well as an upward social mobility for the family and children, achieved through hard work in a in a society with few barriers. ...Wikipedia

We give Grants and assist individuals and family to make progress in their lives. See attached.

THANK YOU – Happy Christmas and all Seasons Greetings.

Frederick and Phoenix Kohler - 221 . 12th ST. KCB, FL. USA

AmericanDreamer.org

Best E-mail: VB4AD@usa.com and mail@P51.com – but also Race14@gmail.com

mobile 310-927-5552 + 310-274-2177 | 310-276-8224 msg ONLY | Emergencies: 310-703-7191

Now>>> **ALL Mail:**

5409 Overseas Hwy. #1165, Marathon, Florida, 33050-2710

To be a man is, precisely, to be responsible.

It is to feel shame at the sight of what seems to be unmerited misery

It is to take pride in a victory won by one's comrades.

It is to feel, when setting one's stone, that one is contributing to the building of the world.

-Antoine de Saint Exupéry.

Wind Sand and Stars

RESERVES FOR FUTURE ASSETS

ITEM	Estimated Reserve Balance FY20-21	Budget FY21-22	Purchase FY21-22	Estimated Reserve Balance FY21-22	Budget FY22-23	Purchase FY22-23	Reclass FY22-23	Estimated Reserve Balance FY22-23
GENERAL FUND								
Pick Up Trucks	\$18,000			\$18,000			-16,000.00	\$0
Tractor-Series 855	\$21,936			\$21,936			13,961.00	\$35,897
Tractor-Series 4500	\$4,961			\$4,961			-4,961.00	(\$0)
Mulcher	\$7,500			\$7,500			-7,500.00	\$0
Tractor Mulcher	\$1,500			\$1,500			-1,500.00	\$0
Paved Recreation Structures	\$5,000			\$5,000			-5,000.00	\$0
Tiki Huts	\$1,500			\$1,500			5,000.00	\$6,500
Police Equipment	\$8,868			\$8,868				\$8,868
Golf Course Equip	\$23,500	\$2,000.00		\$25,500	\$2,000.00			\$27,500
Office Equipment	\$3,647	\$1,500.00		\$5,147	\$2,000.00			\$7,147
Road/Street Equip/Sign Board	\$24,223	\$3,000.00		\$27,223	\$3,000.00			\$30,223
Pickup Trucks	\$50,000	\$2,000.00		\$52,000	\$2,000.00		16,000.00	\$70,000
Admin/Code Vehicles	\$0	\$0.00		\$0	\$5,000.00			\$5,000
Kubota	\$50,000	\$3,000.00		\$53,000	\$3,000.00			\$56,000
Mulcher (Chipper)	\$9,000	\$1,500.00		\$10,500	\$2,000.00		-12,500.00	\$0
Diode Chopper	\$3,000	\$500.00		\$3,500	\$2,000.00		-5,500.00	\$0
Generator	\$11,000	\$2,000.00		\$13,000	\$2,000.00		-15,000.00	\$0
Lift Truck	\$11,000	\$2,000.00		\$13,000	\$2,000.00		48,236.00	\$63,236
Mower Trimmer	\$9,236	\$3,000.00		\$12,236	\$3,000.00		-15,236.00	(\$0)
Road Maintenance	\$0	\$0.00		\$0	\$5,000.00			\$5,000
Police Vehicle	\$30,000	\$5,000.00		\$35,000	\$5,000.00			\$40,000
Patrol Boat	\$30,657	\$3,000.00		\$33,657	\$3,000.00			\$36,657
Boat Engines	\$8,959	\$1,000.00		\$7,959	\$2,000.00			\$9,959
Resurface Courts	\$10,000	\$4,000.00		\$14,000	\$4,000.00			\$18,000
Total General Fund	\$339,487	\$33,500	\$0	\$372,987	\$47,000			\$419,987



2021 Dodge Charger Pricing Report

Style: SXT Sedan 4D

Mileage: 22,148

KBB.com Consumer Rating: 4.6/5

Trade in to a Dealer



Valid for ZIP code 33051 through 01/10/2024



2021 Ram 1500 Classic Quad Cab Pricing Report

Style: Tradesman Pickup 4D 6 1/3 ft

Mileage: 4,577

KBB.com Consumer Rating: 4.4/5

Trade in to a Dealer

Trade-in Range
\$21,349 - \$23,452
Trade-in Value
\$22,401



Valid for ZIP code 33051 through 01/10/2024

Chief Kris DiGiovanni

From: Chief Kris DiGiovanni
Sent: Tuesday, September 26, 2023 1:26 PM
To: David Turner
Subject: FW: T10 Quotes
Attachments: Q-514165-45195.643WO.pdf; Q-514169-45195.643WO.pdf

Good afternoon Dave,

The Key Colony Beach Police Department is in need of replacing the current Tasers that the officers are carrying. I reached out to Taser to see if there were any grants that could assist us with this purchase. There were none known to them.

I was informed that they are breaking payments down over 5 years to assist agencies with the cost of the equipment.

The first quote allows us to pay 10% of the total cost in the first year, then the remaining cost is divided throughout the next 4 years.

The second quote, breaks the cost down evenly for 5 years.

This is divided into 5 years as they guarantee their Tasers for 5 years.

The maintenance plan and accessories are all included and it is backed by a "10 million" lawsuit protection and an expert to testify in court, if needed. (This was stated to me in a recent ZOOM call).

Taser will also send an instructor to this agency and train one of the officers as there are no instructors in the Keys for this model of Taser. Taser will eventually be phasing out these older models of Tasers.

This purchase will upgrade and advance us 5 years before needing new Tasers.

If you grant this purchase, and agree with the 10% first payment, I can pay that out of line item: 521-080 Misc.. I would, however, need to increase that line item, each year, to cover this for the next four years after this budget. This can be done at each budget cycle each year.

Supplying the officers with current equipment will benefit the public and the officer's safety.

I appreciate the time that you have taken to read this email. I am available to meet for further discussion.

Thank you.

Chief Kris DiGiovanni
Key Colony Beach Police Department
Key Colony Beach, FL. 33051
Office: 305-289-1212 ext. 1
Cell: 305-481-8597

Please note: Florida has a very broad public records law. Written communications to or from this office regarding State or County or City business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your email message may be subject to public disclosure.

Please be advised that under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity.

Chief Kris DiGiovanni

From: David Turner <cityadministrator@keycolonybeach.net>
To: Chief Kris DiGiovanni
Sent: Tuesday, September 26, 2023 1:28 PM
Subject: Read: FW: T10 Quotes

Your message

To: David Turner
Subject: FW: T10 Quotes
Sent: Tuesday, September 26, 2023 1:25:41 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Tuesday, September 26, 2023 1:28:02 PM (UTC-05:00) Eastern Time (US & Canada).





Axon Enterprise, Inc.
17800 N 85th St
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-514165-45301.638WO

Issued: 01/01/2024

Quote Expiration: 01/31/2024

Estimated Contract Start Date: 07/01/2024

Account Number: 477350

Payment Terms: N30

Delivery Method:

SHIP TO

Key Colony Beach Police Dept.-FL
800 W Ocean Dr
Key Colony Beach,
FL
33051-2000
USA

BILL TO

Key Colony Beach Police Dept.-FL
PO Box 510141
Key Colony Beach
FL
33051-0141
USA
Email:

SALES REPRESENTATIVE

Walter O'Brien
Phone:
Email: wobrien@axon.com
Fax:

PRIMARY CONTACT

Kris Digiovanni
Phone: (305) 289-1212
Email: chief@keycolonybeach.net
Fax: (305) 2891767

Quote Summary

Program Length	60 Months
TOTAL COST	\$27,993.60
ESTIMATED TOTAL W/ TAX	\$27,996.48

Discount Summary

Average Savings Per Year	\$2,987.06
TOTAL SAVINGS	\$14,935.32

Payment Summary

Date	Subtotal	Tax	Total
Jun 2024	\$2,789.64	\$0.00	\$2,789.64
Jun 2025	\$6,299.21	\$0.00	\$6,299.21
Jun 2026	\$6,299.21	\$0.00	\$6,299.21
Jun 2027	\$6,299.21	\$0.00	\$6,299.21
Jun 2028	\$6,299.21	\$0.00	\$6,299.21
Total	\$27,996.48	\$0.00	\$27,996.48

Quote Unbundled Price:	\$42,931.80
Quote List Price:	\$29,741.40
Quote Subtotal:	\$27,996.48

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
C00010	BUNDLE - TASER 10 CERTIFICATION	6	60	\$117.88	\$81.24	\$77.77	\$27,996.48	\$0.00	\$27,996.48
A la Carte Services									
20120	AXON TASER - INSTRUCTOR COURSE VOUCHER	1			\$495.00	\$0.00	\$0.00	\$0.00	\$0.00
Total							\$27,996.48	\$0.00	\$27,996.48

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
BUNDLE - TASER 10 CERTIFICATION	100390	AXON TASER 10 - HANDLE - YELLOW CLASS 3R	6	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	100393	AXON TASER 10 - MAGAZINE - LIVE DUTY BLACK	6	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	100394	AXON TASER 10 - MAGAZINE - HALT TRAINING BLUE	4	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	100395	AXON TASER 10 - MAGAZINE - LIVE TRAINING PURPLE	6	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	100396	AXON TASER 10 - MAGAZINE - INERT RED	6	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	100399	AXON TASER 10 - CARTRIDGE - LIVE	120	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	100400	AXON TASER 10 - CARTRIDGE - HALT	40	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	100401	AXON TASER 10 - CARTRIDGE - INERT	60	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	100611	AXON TASER 10 - SAFARILAND HOLSTER - RH	6	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	100623	AXON TASER - TRAINING - ENHANCED HALT SUIT V2	1	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	20018	AXON TASER - BATTERY PACK - TACTICAL	6	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	20018	AXON TASER - BATTERY PACK - TACTICAL	2	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	70033	AXON - DOCK WALL MOUNT - BRACKET ASSY	1	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	71019	AXON BODY - DOCK POWERCORD - NORTH AMERICA	1	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	74200	AXON TASER - DOCK - SIX BAY PLUS CORE	1	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	80067	AXON TASER - TARGET - CONDUCTIVE PROFESSIONAL RUGGEDIZED	1	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	80090	AXON TASER - TARGET FRAME - PROFESSIONAL 27.5 IN X 75 IN	1	06/01/2024
BUNDLE - TASER 10 CERTIFICATION	100389	AXON TASER 10 - CARTRIDGE - LIVE	5	06/01/2025
BUNDLE - TASER 10 CERTIFICATION	100400	AXON TASER 10 - CARTRIDGE - HALT	50	06/01/2025
BUNDLE - TASER 10 CERTIFICATION	100399	AXON TASER 10 - CARTRIDGE - LIVE	60	06/01/2026
BUNDLE - TASER 10 CERTIFICATION	100400	AXON TASER 10 - CARTRIDGE - HALT	50	06/01/2026
BUNDLE - TASER 10 CERTIFICATION	100399	AXON TASER 10 - CARTRIDGE - LIVE	60	06/01/2027
BUNDLE - TASER 10 CERTIFICATION	100400	AXON TASER 10 - CARTRIDGE - HALT	50	06/01/2027
BUNDLE - TASER 10 CERTIFICATION	100399	AXON TASER 10 - CARTRIDGE - LIVE	60	06/01/2028
BUNDLE - TASER 10 CERTIFICATION	100400	AXON TASER 10 - CARTRIDGE - HALT	50	06/01/2028

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
BUNDLE - TASER 10 CERTIFICATION	101180	AXON TASER - DATA SCIENCE PROGRAM	6	07/01/2024	06/30/2029
BUNDLE - TASER 10 CERTIFICATION	20248	AXON TASER - EVIDENCE.COM LICENSE	6	07/01/2024	06/30/2029
BUNDLE - TASER 10 CERTIFICATION	20248	AXON TASER - EVIDENCE.COM LICENSE	1	07/01/2024	06/30/2029

Services

Bundle	Item	Description	QTY
BUNDLE - TASER 10 CERTIFICATION	100751	AXON TASER 10 - REPLACEMENT ACCESS PROGRAM - DUTY CARTRIDGE	6
BUNDLE - TASER 10 CERTIFICATION	101193	AXON TASER - ON DEMAND CERTIFICATION	6
A la Carte	20120	AXON TASER - INSTRUCTOR COURSE VOUCHER	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
BUNDLE - TASER 10 CERTIFICATION	100704	AXON TASER 10 - EXT WARRANTY - HANDLE	6	06/01/2025	06/30/2029

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
BUNDLE - TASER 10 CERTIFICATION	80374	AXON TASER 7 - EXT WARRANTY - BATTERY PACK	8	06/01/2025	06/30/2029
BUNDLE - TASER 10 CERTIFICATION	80374	AXON TASER 7 - EXT WARRANTY - BATTERY PACK	2	06/01/2025	06/30/2029
BUNDLE - TASER 10 CERTIFICATION	80396	AXON TASER 7 - EXT WARRANTY - DOCK SDX BAY	1	06/01/2025	06/30/2029

Payment Details

Jun 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	20120	AXON TASER - INSTRUCTOR COURSE VOUCHER	1	\$0.00	\$0.00	\$0.00
Year 1	C00010	BUNDLE - TASER 10 CERTIFICATION	6	\$2,799.64	\$0.00	\$2,799.64
Total				\$2,799.64	\$0.00	\$2,799.64

Jun 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	20120	AXON TASER - INSTRUCTOR COURSE VOUCHER	1	\$0.00	\$0.00	\$0.00
Year 2	C00010	BUNDLE - TASER 10 CERTIFICATION	6	\$6,299.21	\$0.00	\$6,299.21
Total				\$6,299.21	\$0.00	\$6,299.21

Jun 2026

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	20120	AXON TASER - INSTRUCTOR COURSE VOUCHER	1	\$0.00	\$0.00	\$0.00
Year 3	C00010	BUNDLE - TASER 10 CERTIFICATION	6	\$6,299.21	\$0.00	\$6,299.21
Total				\$6,299.21	\$0.00	\$6,299.21

Jun 2027

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	20120	AXON TASER - INSTRUCTOR COURSE VOUCHER	1	\$0.00	\$0.00	\$0.00
Year 4	C00010	BUNDLE - TASER 10 CERTIFICATION	6	\$6,299.21	\$0.00	\$6,299.21
Total				\$6,299.21	\$0.00	\$6,299.21

Jun 2028

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	20120	AXON TASER - INSTRUCTOR COURSE VOUCHER	1	\$0.00	\$0.00	\$0.00
Year 5	C00010	BUNDLE - TASER 10 CERTIFICATION	6	\$6,299.21	\$0.00	\$6,299.21
Total				\$6,299.21	\$0.00	\$6,299.21

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

1/10/2024



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Q-514185-45301.638WO

SAFETY MEETING AGENDA

Key Colony Beach Police Department

MEETING DETAILS

Date: 1/10/2024/11/11/2024

Time: 400PM

Recurring: YES / NO

Location: PD Station

Dial-in Number: 305-481-8597

Meeting URL: NA

Meeting Lead: Chief DiGiovanni

ATTENDANCE

Attendees: 1/10/2024 Chief DiGiovanni, Sgt. Buxton, Ofc. Niemiec, Ofc. Burden.

1/11/2024 Chief DiGiovanni Ofc. Buckwalter and Ofc. Birklund.

ITEMS & DISCUSSION

1ST ITEM: OPENING & ROLL CALL

_1_min DISCUSSION: Performing a function test of the firearm can alert the officer that there is a problem that needs to be addressed prior to using their firearm.

2ND ITEM: ADDRESS SAFETY TOPIC(S)

_10_min DISCUSSION: - Function test should be performed after each qualification/range day.

3RD ITEM: ROUND ROBIN FOR QUESTIONS/CONCERNS

_1_min DISCUSSION: If, while performing a function test, there is an indication of a possible function failure, the officer should notify the department's armorer as soon as possible.

4TH ITEM: RESOLUTIONS:

_2_min DISCUSSION: - Glock Internal Inspection & Function Tests
"Visual Inspection of the Frame and Slide. Look for dirt, damage or corrosion.
Inspect sights, trigger, slide stop lever, magazine catch, extractor.
Visual Inspection of the Barrel. Look for bulges, cracks, blockages or other damage.
Firing Pin Safety Test. Grasping the Firing Pin Lug, move the firing pin back & forth and make sure it does not protrude past the breech face without pressing the firing pin safety.
Firing Pin Check. Ensure that the firing pin DOES protrude past the breech face when the firing pin safety is pressed.
Firing Pin Channel Check. While pressing the firing pin safety, shake the slide and the firing pin should "rattle" inside the channel.
Extractor Check. Ensure the extractor claw is clean and undamaged.
Ejector check. Ensure the ejector appears undamaged and looks like the picture.
Slide Stop Lever Test. Ensure the slide stop lever lifts easily and snaps back when released.
Magazine inspection. Inspect all magazines for cracks, damage or dirt.
Glock External Inspection & Function Tests
Trigger Safety Test. Ensures the trigger safety is in working order.
Trigger Reset Test. This test ensures the trigger and trigger reset is working properly.
Slide Lock-open Test. Ensures the slide will lock back on an empty magazine.

Slide Cycle Test. This test (not included in the Glock manual) verifies that the slide is cycling, rounds are ejecting and new rounds are loading into the chamber."

(<https://kydexowbholsters.com/glock-safety-function-checks-glock-pistol-user-inspection>)

5TH ITEM: CONCLUSION

_2_min DISCUSSION: A proper function test should help avoid the sound of "click" when the firearm is needed the most.



Key Colony Beach Building Department Staff Report December to January 2024

On 12/31/23 The 8th Edition of the Florida Building Code was adopted.

Reviewed available City Hall Documentation from 2017 to 2022 with Mayor Raspe. Research and outreach determined the C.O. for the City Hall was revoked by operation of law based on building official determination in April of 2018 that the building was unfit/unsafe. See Building Code 111.4 Revocation, and codes of ordinance Sec. 6-11 Certificate of Occupancy. By state and local code, the building may not be occupied in any way without a Certificate of occupancy. As determined by our legal team I do not have the authority to waive the prior building official's determination. The only way to obtain a Certificate of Occupancy is to have a licensed design professional evaluate the building and have the city execute any corrective action required to make space fit for occupancy.

Reviewed Blueprints for the Post Office Building Which Identifies Marble Hall and post office share a wall.

Brandi Yellin cataloged all available documents in chronological order regarding events and certified reports.

We have collected and reviewed permit application submittals and issued permits for complete applications. Have provided proactive outreach requesting additional documentation or clarification where permit applications were determined to be incomplete. All inspection requests were performed within a 24-hour period.

Met with Project manager for 400 Sadowski development due to high construction estimates received they are scaling back the project and the complete development will most likely be executed in phases. Spoke to their engineering/ architectural team to provide specific project guidelines for the 1st phase of construction regarding storm water and seating.

Met with the condo association property managers and discussed policies and procedures specific to structures and the requirements surrounding their required milestone inspection. Implemented a standard operating procedure for receiving and record keeping milestone reports.

Building Official and staff report for December 2023 – January 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. Prepped for CRS verification visit including data collection and updating reports
 - b. Updating and completing Public Participation Initiative information
 - c. Working to update processes and documents to receive additional points
 - d. Organizing files, reports, and data for easier access and additional points
 - e. Chairing the KCB CRS Committee
 - f. Updating website
 - g. Coordinated with ISO staff to maximize KCB CRS rating
 - h. Completed CRS documentation for final submittal the week of December 15th.
4. Updated the Master Spreadsheet for all properties in Key Colony Beach to track Substantial Improvement/Substantial Damage Data.
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. 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 2/4/24.
9. Working with Code Officer, testifying and documenting Ordinance and LDR violations.
10. Working with Florida DEO to update KCB's Comp Plan and Land Development Regulations including rendition of Amendments and Ordinances
11. Working with Florida State Floodplain Management Office (FDEM) to confirm state compliance with updated Floodplain Management Ordinance.
12. 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.
13. Working with Florida DEO to update and complete KCB Evaluation and Appraisal Report (EAR)
14. Answering public questions and e-mails regarding LDRs, Variances, and Floodplain Management.
15. Responding to public records requests and historic permit research.
16. Permit review and inspections of building projects throughout KCB.
17. Handling variance application reviews and intake.
18. Performed site visits to aid constituents in determining solutions to various issues.

Public Works Staff Report
Report for January 18, 2024 – City Commission Meeting

Since last City Commissioner's Meeting Public Works has:

- Trimmed coconuts at the Golf Clubhouse.
- Removed steel cable tripping hazards, pickleball court.
- Assisted golf course with debris removal.
- Trimmed hedges at the pickleball courts and wastewater plant.
- Repaired erosion and undermining at Sunet Park pier.
- Repaired potholes on East Ocean.
- Replaced fluorescent ceiling light fixtures with LEDs at the shop.
- Repaired damaged safety nets at golf course.
- Repaired RO water leak at Marble Hall.
- Removed abandoned lamp posts and electrical at Waterfall Park.
- Spread gravel at the post office, 7th Street Park and East Park parking lots.
- Made a path connecting Marble Hall Parking lot to post office trailer.
- Trimmed scaevola hedge at East Park parking lot.
- Cleared clogged floor drain, 7th Street Park restroom.
- Repaired steps from pickleball courts to tennis courts.
- Replace photo sensor for landscape lights at city entrance.
- Repaired exhaust bracket on Kubota utility vehicle.
- Hedged silver buttonwoods and trimmed scaevola along Coral.
- Removed, labelled, and packed, Christmas decorations, banners, and trees.
- Repaired ramp railing, wastewater plant.
- Planted 26 shrubs purchased by the Beautification Committee, eastside city entrance.
- Installed hose bib on the eastside of city's entrance for watering new plantings.
- Installed Community Association plaque on new tiki at Sunset Park.
- Replaced battery and solar trickle charger on dump trailer.
- Repaired exterior light on the shop.
- Completed preventive maintenance on trailers air conditioning units.
- Repaired major irrigation leak at city hall.
- Repaired broken stormwater drainpipe and surrounding pavement it the shop parking lot.

Thank you,

Mike Guarino

Public Works Department Head

**SAFETY MEETING AGENDA FOR
City of Key Colony Beach
MEETING DETAILS**

Date: 1/9/24 Time: 7 ☒ AM ☐ PM Recurring: ☒ Yes ☐ No

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

Meeting Lead: Mike

Other Speakers: HSE Kit Safety Animation

ATTENDANCE

Attendees: Darrin, Jesse & Mike

Absentees: Esteban

ITEMS & DISCUSSION

1ST ITEM: OPENING & ROLL CALL

min

DISCUSSION: Hearing Safety

2ND ITEM: ADDRESS SAFETY TOPIC(S)

min

DISCUSSION: Watched video, Information on deerhals. How long, how strong & how near for choosing proper hearing protection.

3RD ITEM: ROUND-ROBIN FOR QUESTIONS / CONCERNS

min

DISCUSSION: Concerns about radio/noise cancelling ear muffs.

4TH ITEM: RESOLUTIONS

min

DISCUSSION: We should not use them so we can hear traffic.

5TH ITEM: CONCLUSION

min

DISCUSSION: Keep all PPE in our trucks so we always have it.

City Clerk Staff Report
Report for January 18th, 2024 – City Commission Meeting

City Clerk Silvia Gransee

- Completed City Commission Special meeting minutes from December 13th.
- Completed City Commission Organizational & Regular meeting minutes from December 14th.
- Completed City Commission Special meeting minutes from December 20th.
- Cheryl completed website updates on City Official's changes and completed ordering for new business cards and shirts.
- New signature cards were completed by all banks.
- Attended the Utility Board meeting on December 19th and completed follow-ups with FKAA, Burke Solar, and Utility Board members.
- Attended the December 19th Planning & Zoning meeting and completed minutes and letters of recommendation by the Board.
- Provided assistance to the labor attorney on providing information for labor negotiations and gave public notice on meeting date.
- Amended Resolutions 2023-19 & 20 on verbiage of 'City Administrator'.
- Completed Beautification meeting minutes from December 12th.
- Informed FMIT on new workers compensation claim and provided assistance in providing follow up documentation.
- Assisted Wastewater plant manager Dave Evans in an emergency purchase of vacuum pumps.
- Completed a payment request for Stormwater Project NS099.
- Completed a payment request for Stormwater Project LPA0311.
- Completed posting of the Tennis Court bid on DemandStar. Bid will close 01-21 and bid opening is January 24, 2024. Public Notice has been given.
- Drafted bid for sewer line inspections and will publish on DemandStar upon final approval.
- Prepared for January Townhall meeting.
- Attended legal meeting on January 4th.
- Completed payroll reports and ACH transactions.
- Attended safety meeting on January 9th.
- Responded and worked on outstanding quarterly reports for grants.
- Worked on a complete list of current and upcoming grants.
- Attended a meeting with RMPK on current and future grants and the possibility of managing the Stormwater grants. Management quote will be provided.
- Completed check deposits for general & utility accounts, and Pickleball donations.
- Answered Citizen correspondence and multiple public records requests.
- In addition to daily general invoicing, payroll reports, and HR tasks.
- Attended meeting on Vulnerability Assessment.
- Received notice of compliance for Sunset Park archaeological survey requirements.
- In contact with the FKAA on providing an agreement for consideration to switch to third-party billing through the FKAA.

As previously shared with the Commission, I earned my Certified Municipal Clerk's (CMC) certification at the end of December. This accomplishment is a significant milestone for a City Clerk and I am thankful that the Commission has given me the opportunity to achieve my full potential as a clerk. I am looking

forward to achieving my Master Municipal Clerk's (MMC) certification over the course of the next year and will ask for Commission approval for my continuing education at the next meeting.

Administrative Assistant Tammie Anderson

- Staff report – 12.12.23 to 1.11.24
- To date, we have issued a total of 612 Vacation Rental Licenses and 47 Long-Term Rental Licenses for the 2023-24 fiscal year.
- Processed, printed and mailed Wastewater invoices for the 1st Quarter of 2024.
- Scheduled and verified an additional 10 Rental/Business License inspections.
- Processed 10 property transfers and collected \$1,500 in transfer fees.
- Processed 7 property inquiries and collected \$210 property inquiry fees.

Upcoming

01-15-2024 City Hall closed in observance of Martin Luther King Day
01-16-2024 Utility Board Meeting
01-17-2024 Planning & Zoning Board Meeting **cancelled**
01-17-2024 Townhall Meeting
01-18-2024 City Commission Public Hearing
01-18-2024 City Commissioner Regular Meeting & Public Hearing
01-19-2024 Recreation Committee meeting
01-24-2024 Tennis Bid Opening
02-12-2024 Townhall meeting
02-13-2024 Beautification Committee meeting
02-14-2024 DOAH Hearing **tentative**



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

Date: 01-09-2024

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:

None.

2. New Items for Discussion:

Joey talked about parking changes by the pickleball courts and informed of a damaged drain with a broken basin in the pickleball parking lot. Discussion followed on possible scenarios of repair and how to improve parking for safety, the possible elimination of that parking spot, and an additional handicapped spots.

Cheryl informed on having tested the smoke detectors and reported all to be in working order.

Brandi spoke on driving safety and to be aware of dangerous drivers.

Lenny spoke on pedestrian safety and to be aware of driving on the Causeway, in particular in the evening.

Karl Bursa spoke on driving safety and situational awareness.

Barry spoke on improvements in contractor parking.

Silvia spoke on stress management and listening to your mind and body.

3. To-Do's: None

The meeting adjourned at 12:55 pm.

Silvia Gransee

City Clerk

City of Key Colony Beach
GRANT STATUS (12/15/2024)

Active
Pending

Grant	Agreement Details	Actions taken	Notes
FRDAP	8 th Street Park Grant: \$50,000 Match: \$0	Application Submitted 10/15/2021	Project Completed Closeout Documents Submitted
Resilient Florida	City Hall Facility Hardening Grant: \$2,282,859.28 Match: \$4,431,432.72	Application Submitted 10/25/2021	Project Funded Contract Executed
FRDAP	1 st Street Park Grant: \$50,000 Match: \$0	Application Submitted 08/31/2022	Project Funded Contract Executed
FRDAP	Sunset Park Grant: \$50,000 Match: \$0	Application Submitted 08/31/2022	Funding Decision in May 2024
FRDAP	7 th Street Grant: \$50,000 Match: \$0	Application Submitted 08/31/2023	Funding Decision in May 2024
Resilient Florida	Sadowski Causeway Bridge Grant: \$422,711 Match: \$422,711	Application Submitted 09/01/2023	Funding decision in March 2024

Current and pending Grants for 2024

Florida Department of Environmental Protection - FDEPT Grants

Grant Manager David Taylor

- **NS099 (Stormwater Project Phase 2A)** is currently in the process of reimbursement and will have completely drawn its balance down to \$0.00. We have received 1 reimbursement for this project as indicated on the Payment Request Summary form in the amount of \$190,800.00. A 2 payment request was submitted on 12/21/2023 in the amount of \$21,200.00 for a total reimbursement request of \$212,000.00.

- **LPA0311 (Stormwater Project 9th to 12th Street)** has a balance of \$2,600,000.00. A first payment request has been made for the October-December 2023 quarterly report in the amount of \$65,500.00.

Grant Manager Sarah Louissaint

- **LPA0448 (10th Street Swales & Injection Wells)** has an unspent balance of \$461,105.

Division of Emergency Management Grant

Grant Manager Laura Dhuwe

- **H1033 Dry Floodproofing** \$8,100.00 – Match: \$900.00 - approved

Florida Recreation Development Assistance Program - FRDAP Grants

Grant Manger RMPK Funding

- **8th Street Park** – Playground Equipment
Project complete – closeout in progress
- **A24071 1st Street Park** – Shading ... \$50,000.00 – match: \$0 - Funded and executed
- **Sunset Park** – New Picnic Facilities, Landscaping/Erosion Control, Beach Access, \$50,000.00 – match: \$0 - **Funding decision in May 2024**
- **7th Street** – Tennis Courts - \$50,000.00 – match: \$0 - **Funding Decision in May 2024**

Resilient Florida:

Grant Manger RMPK Funding

- **FRP63 City Hall Financing** – Unspent balance of \$2,282,859.28 – Match: \$4,431,432.72 **Expiration 09/30/2026**
- **Sadowski Causeway**– Grant \$422,711, Match: 422,711 – **Funding Decision in March 2024**

FDOT

- FDOT Transportation Alternatives 2024 Application

January, 2024, Code Enforcement Department Report

A. From a patrol perspective, I wrote fewer Citations during December than last year. The rental community remains relatively quiet even though winter season is here. Nonetheless, the island does not yet feel fully occupied.

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 are now only 11 properties that received the \$200.00 fine in month 3 beginning January, 2024. There were 6 "failed" inspection reports in total and all are working on remediation.

C. I and the Building Department continue to uncover more complex violation investigations for building without a permit, and new cases continue to be filed. Several of these projects implicate FEMA/Flood Zone Management regulations and compliance, and two of these cases went to a Special Magistrate hearing on November 8, 2023. The Special Magistrate was well-advised of the FEMA/Flood Zone Management regulations and easily issued Orders for compliance that incorporated specific language for FEMA compliance as requested by the Building Department. Additional cases were heard on December 13, 2023, and the same specific language for FEMA compliance was ordered.

D. In the next evolution I and the Building Department will be focusing on accountability for contractors who perform work with a Permit because every legitimate, licensed contractor should be well aware of the Permit rules and should not operate without one. Contractor misconduct is putting our constituents in harm's way.

E.. My recent focus on short-term rental properties renting without a license that did not renew for 2023-2024 resulted in numerous properties paying fines for this violation, and all properties are now up to date.

F 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 will also be laminated and posted at each job site. I (and hopefully the KCB PD) am also interdicting the many commercial vehicles illegally and hazardously 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. Compliance is still hit or miss.

G. The Richard B. Harper case, 680 11th Street, went to a hearing on October 11, 2023, for enforcement of the first Board Order, and work without a permit and work in violation of a stop work order. Harper is also living on this property without a Certificate of Occupancy. The court issued an Order on December 4, 2023, fully in support of the City's position, that is finding Harper in violation, setting fines, barring him from living in his property until a Certificate of Occupancy is issued, and detailing the required steps for compliance. Nonetheless, Harper remains occupying his property in violation of this Order. Further code enforcement action will be forthcoming.

- 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. *in L*
- 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, 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,~~ ^{*may be submitted to*} 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.~~ ^{*A DEPT Head for PURCHASE*} 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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**01-18-2024 City Commission Meeting
Citizen Correspondence Regular Meeting**

Good Morning City Commissioners and Members of the Public,

The City Clerk's office received the following citizen correspondence.

December 14th, 2023, Logan Blackburn, 305 14th Street, expressed dissatisfaction with Mayor Raspe's rules of procedure at the December Commission meeting.

December 24th, 2023, John DeNeale, wrote to the Commission expressing support for the construction of a new City Hall building and gave concerns of State approval for the repair of the old building.

January 4th, 2024, Diane Slusher, Vice-Chair Pickleball Club, shared positive correspondence from residents on the management of the Pickleball Club.

January 6th, 2024, John DeNeale shared his design concept on repair of the old City Hall building.

January 16, 2024, Kathryn McCullough wrote to the Commission for the consideration of an apology from the City Commission for the investigation of fraud in the FEMA investigation.

January 16, 2024, Sue Bartkus wrote to the Commission on various issues including the number of city staff, legal representation, current Commissioners involvement on the City Hall building contract, the past City Administrator, and questioning on the need for a new City Administrator.

January 17, 2024, Sue Bartkus, wrote to the Commission in reference to a general ledger spreadsheet on legal expenses.

All correspondence was shared with the City Commission in its entirety and is available to the Public upon request.

Thank you,
Silvia

Silvia Gransee

From: Logan Blackburn <logoblack@aol.com>
Sent: Thursday, December 14, 2023 8:22 PM
To: KCBJRaspe@gmail.com; KCB Mayor; Logan Blackburn; Silvia Gransee; Tom Harding
Subject: [External] Congratulations Mr Mayor

Just as we were looking forward to a new era of TRANSPARENCY by the commission I was horrified by your conduct at the end of the meeting. While fellow commissioner Beth Ramsay-Vickrey was reciting factual information in response to your Marble Hall proposal you summarily shut her down and adjourned the meeting. Many of us were not aware of the facts regarding Marble Hall and to stop her comments was inexcusable. I see we are back to the point of when you hear something you do not like you simply will not let a fellow commissioner make her case.

You have set a terrible precedent for your first day in office. I guess we can kiss transparency from this commission good bye.

Logan Blackburn
305 14th Street

Silvia Gransee

From: JOHN DE NEALE <jsfish@comcast.net>
Sent: Sunday, December 24, 2023 12:13 PM
To: Silvia Gransee
Cc: Bill and Barbara; aitken nick; CHRIS MORLEY; Crystal Carew; bergstrominvest@comcast.net; Logan & Phebe Blackburn; David and Beverly McKeenan; DAVID HAMMER; DENNY MCGILL; Gail Cortelyou; GALE WATKINS; Gil and Vivian Gilbertson; James Byland; Jane Byland; Jenee/Sam; Mooney, Jim; John Dalton; Larry Deraney; Marian Buccafurni ; MARIE FLOOD; Mario Di Gennaro; Paul Griesemer; PHEBE AND LOGAN BLACKBURN; ROBERT LICAUSE; Scott Newton; Steve Buckenridge; nowpacking@comcast.net
Subject: [External] OPEN LETTER TO THE COMMISSION
Attachments: Building Official LEGGETT timeline and opinion 12-14-23 re City Hall (003).pdf; CITY ATTORNEY LEGAL OPINION re- Building Official MEMORANDUM - final 12-08-2023 (003).docx; KCB City Hall Repair or Replace FAQ -OCT 2023 (003).docx

City Clerk, please forward to the Commission and Building Official.

Commissioners:

I have the highest respect for the work you do for KCB and fully understand the position you are in with respect to City Hall. But now is the time to provide very strong leadership and build a new City Hall. The timing is not good with respect to building costs and financing, but there will always be challenges.

There is no doubt in my mind that it would be illegal to try to repair the old building. Three building officials, your Attorney and even FEMA are telling you to build new. A unanimous vote plus pushing your commitment and facts through web postings, email blasts and press releases will win the day, stop the finger pointing and partisan bickering.

If you choose to repair, you are at odds with your building official as he cannot legally approve your plans. I am also sure the State will not approve them. You cannot repair the old building for under the 50% threshold and provide the necessary code upgrades, ADA and flood plain requirements. Commissioner Ramsay-Vickrey has spelled out the path you must take. Attached documents are her research.

Very Respectfully,
John DeNeale



Virus-free. www.avast.com

from Lenny
Dec 14, 2023

City of Key Colony Beach City Hall Timeline

January 26th, 2005, Commission Meeting:

The City of Key Colony Beach Presented a committee for the purpose of reviewing and studying City Hall Renovation/or Replacement and to make recommendation to the City Commission.

****Discussed Floor in middle part of City Hall was "constructed on bare ground and over time has settled resulting in problems with the floor, walls and roof."**

The committee toured City Hall offices, police department, building department, and office areas. **

This committee recommended that any structure be built to meet the Category 5 Hurricane Standards.

March 10th, 2005, Commission Meeting

Ad HOC Committee for City Hall **Renovations or Replacement-**

****Expand Auditorium to accommodate 200 people, fix sagging floor, relocated the restrooms and kitchen. ****

****Offices – UNANIMOUS agreement that the current space is undersized and the layout is disruptive and inefficient, there is a lack of privacy and storage, and the handicap accessibility should be addressed.****

New Structure to meet Category 5 storm requirements.

Chair Willey stated- "Recommends this project be made a priority. Attention should be paid to employee office areas to encourage retention and help reduce turnover".

Site inspection with FEMA, 9/9/2017

FEMA site inspectors- Ben Surriel Architect and Howard Whittington Civil Engineer.

Facility Description- The building was severely damaged by hurricane winds and storm surge flooding from hurricane Irma on September 9th 2017. The building suffered roof damage from high winds and interior damage to walls, floors, furniture, electrical components, and equipment and components. The most significant damage is structural damage to an estimated 40 to 50 percent of the foundation by erosion of sand from beneath the floating concrete slab.

CSA Group December 13th, 2017

Order of Magnitude Conceptual Cost: Letter recommended demolition of the City Hall and construction of new complex.

Estimated cost of 200 to 220 dollars per square foot.

Institute for Building Technology and Safety

11/28/2017 Restoration/ Remodel City Hall

IBTS is recommending the demolition of the City Hall Building. This Building is not fit to be occupied. There are signs of a failing structure elements both exterior and interior. In conjunction with CSA Group recommending City Hall Complex be demolished and replaced with a new City Hall Complex. January 24th 2018 Estimated 2,248,000.00 for repair.

PETERS ENGINEERING MARCH 7th, 2019

At this time and in the best interest of the City of Key Colony Beach, in alignment with our understanding of the FEMA regulations, we believe that the damaged sustained by this facility, in addition to all of the noted technical difficulties, makes this building UNFEASIBLE as a renovation/elevation. We are recommending a full reconstruction of the City Hall Complex. Roberto Leon P.E.

KCB April 25th 2018 City Hall Complex Letter Ed B.

“Main structure, INCLUDING all staff office space and restrooms, be unoccupied and cease any use due to Hurricane Irma damages”.

KCB June 11th 2018 Letter to Senators asking for assistance in providing aid.

“This is a critical needs facility, and we are in desperate need of a new City Hall”.

COST ESTIMATING FORMAT SHEET CITY HALL BUILDING

8/19/2021

Estimated 50% calculation is 60.2 percent at 1,813,504.00

Prepared by Levi Holler Eastern Engineering Group

Would require demolition in excess of 50 percent of the structure in order to install augercast concrete piles to a depth of 23'. The cost to repair the foundation and restore the facility to a pre-disaster condition exceeds 50%. The VIABLE method of restoration has been determined as a replacement of the facility.

CSA Group, 8/22/2018

Affected areas should be cordoned off include the office spaces on the ground level where the slab has settled and storage areas over these offices. The stability of the supporting fill for the slab on grade is QUESTIONABLE and no longer provides adequate slab support. The risk of partial localized collapse of the wood framing structure is present.

Other building areas not affected by the slab on grade settlement can remain in use.

GLL- What is important to note is this evaluation was prepared and provided independent and separate from the Universal report which was provided one week prior (8/14/2018). I do not have supporting evidence that Mr. Jemenez was aware Universal provided a ground penetrating study that showed that Marble Hall in fact showed similar voids underneath the slab which were identified by boring. GLL 12/13/2023

ASBESTOS BUILDING SURVEY 08/27/2021

Florida Administrative Code 62-257.100

During Renovations or Demolition activities prevent release of significant amounts of asbestos fibers to the outside air.

AIRMD provided survey 2021

IBTIS provided an estimate to remove asbestos on 02/19/2018 at \$82,918.75.

12/13/2021 Gerard Roussin

Provides letter stating City would be in violation of substantial damage valuation. Rough estimates put the repair well over a million dollars mainly due to the specific issues that need to take place in order to do the repairs properly and according code.

12/16/2021

As the Building official for the City of Key Colony Beach I cannot support repairing our damaged complex. With the mindset that we would be repairing a nonconforming structure which would still be at risk of another storm surge flood event.

12/13/2023 G. L. Leggett City of Key Colony Beach Building Official.

The City of Key Colony Beach has been in discussions regarding the repair/renovations/replacement of its City Hall Complex since January of 2005. While I understand the complex itself holds intrinsic value to our citizens and visitors, it is not feasible to be considered as a renovation project, nor is it eligible for any form of occupancy in its current condition based off reports provided to the City and letters of condemnation provided by the City's last two prior Building Officials.

After my review of the above referenced timeline and professional documentation provided to the City this building is not fit for occupancy. It is not within my legal capacity to waive the written recommendations of the prior building officials. Furthermore, the

written findings of multiple design professionals contracted by the City are the basis for these letters of condemnation. To repair the facility as desired contradicts the engineering recommendations and recommendations of the building department.

Numerous reports, meetings and evaluations have been conducted on behalf of the city from 2005 to 2021 which support this conclusion. Countless staff and administration hours have been spent in efforts to provide the best possible outcome. Our task is to ensure our citizens, visitors, staff members and police department have a facility that can provide uninterrupted service in the event of a catastrophic natural disaster. It is our duty and obligation to both the citizens and its visitors to ensure the viability of our community for generations to come.

F.S. 468.604 The building code administrator or building official shall faithfully perform these responsibilities without interference from any person.

G. L. Leggett

MEMORANDUM

To: City Commission of the City of Key Colony Beach, Florida
From: Dirk M. Smits, B.C.S. and Janette M. Smith
Re: Building Official Authority and Appeal Process for an Unsafe Structure
Date: December 8, 2023

The question is whether or not a building official's opinion can be overturned by a structural engineer or the City Commission of Key Colony Beach, Florida (hereinafter referred to as City Commission) as it relates to city hall being deemed as an unsafe structure. As outlined below, there is a statutory process that must be followed to appeal an opinion of a building official.

The Florida Legislature established the Florida Building Code pursuant to Section 553.70, Florida Statutes and commonly referred to as the "Florida Building Codes Act". Pursuant to Section 553.72(1), Florida Statutes, in pertinent part, "The purpose and intent of this act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code, to be called the Florida Building Code, which consists of a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities in this state and to the enforcement of such requirements and which will allow effective and reasonable protection for public safety, health, and general welfare for all the people of Florida at the most reasonable cost to the consumer".

The Building Official is responsible for the determination of substantial damage and substantial improvement as described in the City Code (see Section 6-26 of the Code of Ordinances for the City of Key Colony Beach). Further, Section 6-40(b) – Uninhabitable, dilapidated, unsafe, or unsanitary building or structures, states "a building or structure found to be uninhabitable, dilapidated, unsafe or unsanitary as provided in this section shall be subject to demolition."

Section 553.775(3)(c), Florida Statutes, provides that the commission (*hereinafter "commission" shall refer to the Florida Building Commission*) shall review decisions of local building officials and local enforcement agencies regarding interpretations of the Florida Building

Code or the Florida Accessibility Code for Building Construction after the local board of appeals has considered the decision, if such board exists, and if such appeals process is concluded within 25 business days. Monroe County does not have a local board of appeals and therefore any appeal shall be directed to the commission. However, Section 553.775(3)(e), Florida Statutes states, "Local decisions declaring structures to be unsafe and subject to repair or demolition are not subject to review under this subsection and may not be appealed to the commission if the local governing body finds that there is an immediate danger to the health and safety of the public."

On April 25, 2018, Building Official Edward A. Borysiewicz, provided a determination letter to the City Administrator (titled RE: Key Colony Beach City Hall Complex, 600 West Ocean Drive) stating that the main structure of City Hall was no longer safe and urgently requested all staff office space and restrooms be unoccupied and cease any use due to hurricane damage (a copy of this determination letter is enclosed as Attachment "A"). At the next City Commission meeting held on April 26, 2018, Building Official Borysiewicz reported to the City Commission that he has determined that following Hurricane Irma winds and storm surge, extensive storm damage and washout of the continued slab settlement made the building no longer safe to occupy. After discussion ensued amongst the City Commission, Commissioner Pettorini inquired about preparing Marble Hall for office use. However, City Clerk McCullough advised that she was against moving into Marble Hall and supported moving into trailers as quickly as possible. Further discussion raised concerns about liability not only for staff, but also residents coming in and out of the building (a copy of the April 26, 2018, meeting minutes is enclosed as Attachment "B"). During the May 24, 2018, City Commission meeting, Commissioner Pettorini asked the status of moving the staff offices and also reported he went to FEMA to expedite the process as the building was deemed unsafe (a copy of the May 24, 2018, meeting minutes is enclosed as Attachment "C").

The City has continuously relied on Building Official Borysiewicz's opinion that the City Hall complex is unsafe. The City has used this opinion to request grant funding, retain services from engineers and consultants, and request assistance from federal officials. The City has applied for multiple grants through state and federal agencies with the assistance of consultants. A partial

list of consultants discovered while researching this matter include the following:

- IBTS
- CSA Group
- K2M Design
- Keystone Experts and Engineers, LLC
- J.P. Grimes Surveyor & Mapper
- LIVS Associates
- Norry Lynch, Risk Recovery Advisors, LLC
- Peters Engineers
- Universal Engineering Sciences, Inc.

On June 11, 2018, the City sent a letter to federal representatives asking for assistance in securing funding for City Hall stating, "Irma caused major scouring and flooding to this facility which has been recently declared unsafe for operations" (a copy of this determination letter is enclosed as Attachment "D").

In addition to the opinion provided by the Building Official in 2018, a second opinion was provided by Building Official Gerard Roussin on December 10, 2021 and December 16, 2021, respectively, stating the cost of reconstruction would be well past the 50% rule and the City Hall Complex was severely damaged and that he could not support repairing the damaged City Hall Complex (a copy of Roussin's letters are enclosed as Attachment "E" and Attachment "F"). At the next City Commission meeting held on January 13, 2022, City Administrator Dave Turner reported that there will be lots of upcoming activity with the vacating of the building (a copy of January 13, 2022, meeting minutes is enclosed as Attachment "G"). Discussions to vacate the City Hall Complex continued on January 27, 2022, as City Administrator Turner reported on meeting with the Civil Engineer regarding flood lines, moving the police, building, and post office, as well as asbestos removal from the old building. Additionally, during this meeting, City Attorney Dirk Smits reported the option of using Key Colony Inn as an alternative space for City Commission meetings (a copy of January 27, 2022, meeting minutes is enclosed as Attachment "H").

It is important to note, pursuant to Section 6-14 of the City Code, any person aggrieved by a decision of the Building Official in the enforcement of Chapter 6 may appeal in writing to the City Commission. Any such appeal must be filed in writing with the city clerk together with the fee established in the fee schedule. Any such appeal must be filed within thirty (30) days after the act or decision upon which the appeal is made and must specify the grounds thereof. Even though

this language is written in the current City Code and was last updated in 1999, this provision is another example of an outdated City Code that has been superseded and preempted by the State through the adoption of the Florida Building Code.

In closing, my legal opinion is City Hall located at 600 W. Ocean Drive is considered one building, inclusive of Marble Hall, (a copy of the Property Appraiser card is enclosed as Attachment "I") and further confirmed by Building Official Roussin during the May 24, 2022, Town Hall meeting when he explained that buildings will be looked at in its entirety unless separated by tax records (a copy of May 24, 2022, meeting minutes is enclosed as Attachment "J"). Further, there is ample evidence the City Hall Complex has been designated as an unsafe structure without an option to appeal to the commission pursuant to Section 553.775(3)(e), Florida Statutes, discussed herein. Therefore, the unsafe determination cannot be vacated or overturned. However, legal must defer to the Building Department, specifically the Building Official, to determine whether or not the building can be made safe in compliance with the Florida Building Code and the City of Key Colony Beach Code of Ordinances as modified.

Why is the building condemned?

After inspections of the structure by both prior Building Officials, in their capacity as a state certified officials, it was determined that it is "not safe" to inhabit the building. 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. In 2018, Ground Penetrating Radar (GPR) studies were conducted and voids were discovered under both the Administrative Area and Marble Hall.

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 other than by an appeal through the State agency. Legal opinion provided on Dec 08, 2023 clarifies buildings deemed to be an "unsafe structure" are not subject to appeal through the State Agency, therefore, there is no avenue to appeal or overturn the two prior building officials' declarations of this building being "unsafe".

By our own City Code Sec. 6-40 the old city hall is has been found to be an "unsafe structure" and is therefore is "subject to demolition".

Additionally, discussion of 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.

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 under the power and authority of the local building official.
- (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"*.

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". As outlined above, legally this declaration cannot be undone.

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 over the long term. 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 60+ year old building has failed and has outlived its useful life cycle.
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. Based on the engineering reports following Hurricane Irma, the old building cannot be elevated. With the engineering firm CSA Group stating *"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.”

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).
4. Norry Lynch Risk Recovery Advisors Report of Nov 03, 2020 clarifies this by stating *“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”.*

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

- CSA Group estimated the repair costs to be \$2,248,000.00 (01/24/18)
- The Institute for Building Technology and Safety (IBTS) estimated the repair costs to be \$2,823,810.00 (12/12/17)
- Peters Engineering estimated the repairs costs for only the “administrative section only” to be \$1,255,509.30 (03/07/19)
- The City, in it’s FEMA application, determined the repair costs to be \$3,523,891.00 (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).

**Please note, 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 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.

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 above, 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 current building codes, ADA compliance, and must comply for "essential facilities". (*note, "Flood proofing" is not permitted in V zones).

So, whether you look at it as "50% substantial damaged", or "50% substantial improvement" the resulting requirements (elevating the building, bringing it current to codes, compliance with ADA and essential facilities, etc.) are the same. 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 issue ourselves a permit to proceed under Florida Building Code.

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 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?

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.

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*".

The report prepared by the Institute for Building Technology and Safety 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

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 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.*"

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 supplied a repair bid of \$1,255,509.30, but that was only for repairs to the "administrative section only".

Additionally, there was an 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 11, 2023 our City Administrator reached out Universal Engineering and was able to speak with the gentleman from Universal who reviewed the report (Mark Hardy) and we received confirmation 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).

*Please note, 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 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”, yet FEMA was only allotting the City \$162,048.00 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 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 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.

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), we suspect they may not.

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 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.

The City Commission has had two votes, one to replace the building and another to approve the design, both were unanimously approved. These decisions were based on recommendations from our Building Official, FEMA/Risk Assessment Consultant, Police Chief and Administrative Staff. Most importantly, our residents provided excellent recommendations during several public meetings (specifically on the City Hall Project) and numerous regular commission meetings.

How come I did not 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.

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.

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

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 we feel the bid received and accepted at approx. \$600/sq ft was right in the middle, and was reasonable.

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 are 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.

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. We've asked the contractor to give us time to settle this issue, but if the contractor doesn't and we have to rebid this project, the one and only competitive bidder we have could come back higher, knowing that no one else came close to his number – he could easily come back at \$10million (or more), pocketing \$1.6million for his time and trouble. And then what?

It is irresponsible to risk millions in the hopes that we might get a lower bid from a contractor who couldn't be bothered bidding in the first place. Contractors who could not or would not complete their standard bidding packages on time are simply not worth gambling millions on. With the timetable uncertainty brought about by the Swanson lawsuit, we face losing our low-bid contractor, losing our \$2,282,859.28 State Hardening Grant, and losing our post office.

In closing, 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 had two building officials and three engineering reports declare the building

unsafe, and all three engineering reports estimated the repair costs to far exceed the valuation of the building. Ten (10) City Commissioners have all deemed the building unsafe and not structurally or financially feasible for repair, and have moved towards building a new City Hall.

Whether one looks at this as “50% substantial damages” 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”. Non-compliance threatens future State and Federal Funding and jeopardizing our standing in the NFIP (National Flood Insurance Program). To understand how serious this FEMA/NFIP situation could be for Key Colony Beach one only has to look at the fact the County has been on “probation” with FEMA since 2004 after being threatened with expulsion from the National Flood Insurance Program (NFIP). We cannot risk expulsion from the NFIP, particular as KCB is already under FEMA’s microscope given the fraud accusations made public in a newspaper.

With the competitive bid for the new building expired (on October 04, though we are trying to extend), millions in State Grant money set to expire, along with the future of our City’s postal service, and our standing in the NFIP with your flood insurance rates at stake, it is beyond time to move forward with the construction of a new city hall.

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

While I cannot discuss ongoing litigation, the City has filed a motion to dismiss the matter filed by Laurie Swanson as, among other legal issues, the instant Referendum Petition is not the appropriate legal mechanism and remedy to challenge the City’s discretionary-level planning decision(s) with regard to such matters, including but not limited to, the City Commission’s fiscal, budgetary, and contractual procurement of services from vendors, such as HOB in the instant matter. The judge granted our motion to dismiss, but Ms. Swanson has filed new motions which will drag this litigation on and further postpone the City.

I want you to know that I appreciate and read every email sent to me, but as this is a legal matter I will not be responding. But please know, I take your questions and concerns seriously, and have done my very best to address them at the many public commission meetings and in this letter to you. It is my sincerest hope that after reading these FAQ’s, you have a better understanding of the need to replace old City Hall, and the documented structural engineering and relevant laws that govern the why.

Silvia Gransee

From: KeyColonyBeach PickleballClub <kcbpickleballclub@gmail.com>
Sent: Thursday, January 4, 2024 1:45 PM
To: KCB Mayor; Silvia Gransee
Cc: castillodsol@gmail.com; dania@dsfpa.com; dave@capecamping.com; monicagreene.vt@gmail.com
Subject: Fwd: [External] Quick update

Hello everyone! I wanted to share these positive comments. One from a newer pickleball player, Eileen Burke (241 11th St) who has recently joined our club. She says -

"Again, I appreciate everything you'r doing. I've had a home in KCB for many many years But through playing pickleball and meeting so many great people here, I can honestly say that for the first time, KCB is starting to feel more like Home, So thank you."

Also, Hayden Latham who sent the email about the club managing the courts last week, was there playing today and came up to me to say he was 'all in'.

Have a great day!

Diane Slusher
Vice Chair
KCB Pickleball Club
330-646-1889

----- Forwarded message -----

From: eileen burke <epb201@gmail.com>
Date: Thu, Jan 4, 2024 at 11:57 AM
Subject: Quick update
To: KeyColonyBeach PickleballClub <kcbpickleballclub@gmail.com>

Hello Dennis & Dave,
Thank you for all your doing to keep the KCB PBC moving forward especially
With the court monitors, we appreciate you both.

My husband, Tom, and will be OOT back in Utah for about the next 6 weeks.
I tried to squeeze in my second day to be a monitor but you had it covered on the days
I was available. I'll get that in upon my Return.

Also just an update Tom is a
Beginner Player and is signed up as a member. However, he has not been able to play
At all. He broke his foot a short time ago and pickling has not been possible. So he was
Uncomfortable being a court Monitor with out playing yet nor really knowing many of the members, which is
understandable. So I just thought you should know.

Again, I appreciate everything you'r doing. I've had a home in KCB for many many years But through playing pickleball
and meeting so many great people here, I can honestly say that for the first time, KCB is starting to feel more like Home,
So thank you.

Silvia Gransee

From: JOHN DE NEALE <jsfish@comcast.net>
Sent: Saturday, January 6, 2024 2:13 PM
To: Silvia Gransee
Subject: [External] CITY HALL DESIGN OPTION FROM MY 2019 BRIEF
Attachments: 2019 CITY HALL DESIGN CONSIDERATION.pptx

City clerk, please pass to the commission.

Commissioners;

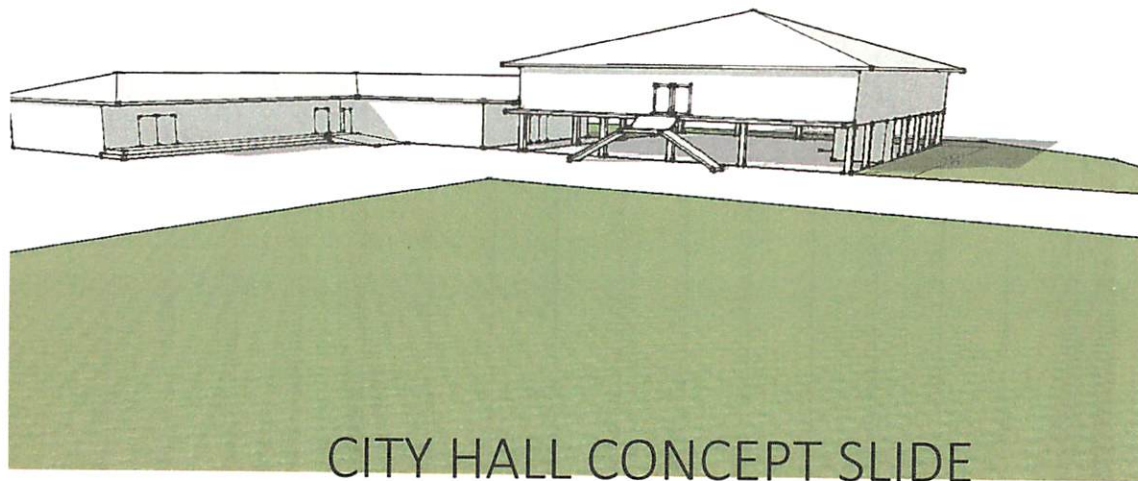
Attached is my design concept that was shot down by FEMA because they said we had to consider the entire building for any grant money. But now that they are not going to pay, this could work because you redesignate the marble hall and post office section as a "community center." All you would have to do is add bathrooms to marble hall. That way you should be able to build new at a much lower cost and not have to worry about the 50% or critical government facility rules.

I have shared these slides with Lenny.

Respectfully, John



Virus-free. www.avast.com



CITY HALL CONCEPT SLIDE
(POSSIBLE SIZE ON LOT)
WEST SIDE



CITY HALL CONCEPT SLIDE
(POSSIBLE SIZE ON LOT)
EAST SIDE

**Kathryn L. McCullough
2601 Aspen Way
Boynton Beach, FL 33436
305 394-5257
keycolonygal@gmail.com**

January 16, 2024

**Mayor Joey Raspe
Vice Mayor Freddie Foster
Commissioner Tom Harding
Commissioner Beth Ramsey-Vickery
Commissioner Tom DiFransico**

Dear Key Colony Beach Commission;

As my name has been reported in various local publications as being investigated for fraud by the Key Colony Beach Commission, and as the Key Colony Beach Commission has terminated the FEMA investigation into comments made by me, I am questioning if now is an appropriate time for me to ask for an apology from the Commission.

Your consideration of this request is sincerely appreciated.

Respectfully,

Kathryn L. McCullough

**Cc: Silvia Gransee
File**

Silvia Gransee

From: Sue Bartkus <suebartkus@gmail.com>
Sent: Tuesday, January 16, 2024 5:08 PM
To: KCB Commissioner1; thomas.difransico@gmail.com; KCBTomHarding@gmail.com; Freddie Foster; KCBJRaspe@gmail.com; Silvia Gransee; letters@peopleareasking.org
Subject: [External] Townhall meeting

Follow Up Flag: Flag for follow up
Flag Status: Flagged

We are pleased that it seems like we have some commissioners who are practical and more in touch with the citizens of KCB. So hope reigns eternal!! Yay. Going forward, we hope that the city realizes that the citizens want our happy ,well run and fiscally responsible governing body back--like it used to be. We want to enjoy our small town and keep our expenditures (taxes) affordable. We don't feel we need the BEST when it comes to a city hall. We were all happy with what we had.

We feel that we are not a growing city so we shouldn't need as many employees as we currently have--or a larger building to house them. WE shouldn't need to provide them with city vehicles nor all the expense that entails. We shouldn't need a city boat--what purpose does it serve?

We feel we should get different legal representation and feel it is not necessary for them to sit in on every single meeting other than the commissioners meeting.

Basically, we are looking for our commissioners to financially tighter their belts so to speak.

We feel that 2 of our commissioners, Tom Harding and Beth Vickrey Ramsey both should resign. We citizens do NOT have confidence in them. We feel that they were both knee deep in the Fema letter coverup and fraud prior to receipt of that letter. They tried their best to get this city building contract put through no matter what the cost or coverup needed to do so. We feel that they may have conspired with our previous 2 city administrators to influence statements and to perpetuate the over 50% damage claims--disputed by Fema--as well as to keep that letter under wraps for over 1 year. We feel that they were a part of the effort to destroy the floor in Marble Hall so it couldn't be used anymore and therefore suit their purpose to move forward with a new building. Neither of them should be in charge of any bidding efforts with regards to repair or replacement of city hall. Who can trust them or have any confidence in them?

Why was our recently fired administrator given a 26% raise last year when some of the commissioners didn't even think his performance was good? And then we gave him an additional 28% raise this year when the commissioners knew no one was happy with him? Was it to pad his severance package? He probably knew that was coming. And which commissioners voted for that?? Those commissioners need to be replaced.

We do NOT want city administrators. Look what has happened to our little city since we have gone that route. They have hired assistants and one apparently appointed a girlfriend to act as advisor to the architectural firm for city hall--I wonder at what cost to we taxpayers? They have hired ruthless code enforcement people who seem to justify their salary by making the lives of KCB residents a

living hell. Example is the demand for access window replacements on rental property- which was only required on rentals--owners didn't need it. Ridiculous! Even though that law had been on the books-no other community enforced that law--but our code enforcement officer, Barry Goldman did- probably to prove just how much we needed him and to show he could justify his salary. This was done to the detriment of many people who had just replaced windows after Irma --with permits from the city-- and NOW they had to replace them again because Barry Goldman said so. REally? And this was done with our city's blessing? Get rid of him. We certainly don't need a full time person for this in any event. Go back to the old way where the police dept or building dept. followed up on complaints and, if valid, issued a citation. It is not like we have a lot of crime for our police to follow up on.

We would like to have a mayor the people could elect and pay him a salary and he should have to be a resident of KCB so he has skin in the game. Skip the city manager. How big a city do we think we are? We aren't growing nor as large as cities who have city managers. We have always had so many civic minded volunteers. But that has also been curtailed by our new legal counsel.

We need change !! We want our fun loving , friendly, caring community back. Where you could stop in and speak to the building officials and commissioners about questions, issues and problems and they would actually want to help you with them.

We thank you "caring commissioners" so much for all your hard work and caring hearts and for stepping up to try to make a difference here in KCB. We know you are making huge sacrifices of your time to do so. THANK YOU.

Susan K. Bartkus
a 20 year resident

Silvia Gransee

From: Sue Bartkus <suebartkus@gmail.com>
Sent: Wednesday, January 17, 2024 9:15 AM
To: KCB Commissioner1; thomas.difransico@gmail.com; KCBTomHarding@gmail.com; Freddie Foster; KCBJRaspe@gmail.com; Silvia Gransee; letters@peopleareasking.org
Subject: [External] Expenses mainly incurred by city Attorney and Barry Goldman
Attachments: Legal_Expenses_2016-2023.xls

this spreadsheet is very much raw data so we're not sure it is complete. It is a general ledger report on legal expenses paid since FY2017 with the listed spending in the categories Building Dept, Code Enforcement, Referendum Litigation, and the Police Union Drive extracted and totaled.

It shows that, since Dirk Smits and Vernis & Bowling took over our legal work at the beginning of 2020, KCB has spent more than half a million dollars on legal, according to this spreadsheet alone. That breaks down as 417,868.76 in "general" billings, 4,440.00 for the building department, 64,287.05 for code enforcement, 19,092.00 to fight the citizen referendum, and 6,711.00 for the police union drive.

It shows that legal billings have increased 464.79% under V&B compared to expenditures while Tom Wright was city attorney.

It shows that, over 91% of the city's Code Enforcement legal expenses have occurred since Barry Goldman became the code officer.

One attachment • Scanned by Gmail

<https://mail.google.com/mail/u/0?ui=2&ik=7af174d8e3&attid=0.1&permmsgid=msg-f:1788302601724252253&th=18d153bdceae505d&view=att&disp=safe>