

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

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

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

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call: The Key Colony Beach City Commission Regular meeting and Public Hearing was called to order by Mayor Raspe at 9:30 am followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Joey Raspe, Vice-Mayor Freddie Foster, Commissioner Tom Harding, Commissioner Tom DiFransico. **Also present:** City Attorney Dirk Smits, Building Official Lenny Leggett, Building Assistant Karl Bursa, Chief Kris DiGiovanni, Sergeant Jamie Buxton, Assistant Fire Marshal Mike Card, Public Works Department Head Mike Guarino, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.

Public Attendance: 17

2. Agenda Additions, Changes & Deletions:

City Clerk Gransee asked for the following agenda changes:

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

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

The Commission had no objections to the changes.

3. Special Request:

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

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

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

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

- d. Special Request by the Fishing & Boating Club for the Clam Bake Event on February 19th, 2024:** Joe Schmidt, 430 4th Street, asked for permission to hold the annual Clam Bake on Presidents Day and to allow the setup of tents on Sunday, with the event on Monday, followed by with the removal of canopies on Tuesday. Joe Schmidt confirmed the same schedule as in previous years and for Chief DiGiovanni to be informed. The Commission approved the request.
- e. Special Request by the Key Colony Beach Police Department for the approval of the 'Ron Sutton Memorial Fishing Derby' on June 12th, 2024:** see under 3c.
- f. Special Request by the Beautification Committee for the 'Hot Dogs at the Hut' Event on March 2nd, 2024**

Dave McKeehan, Beautification Committee member, asked for permission to hold the annual 'Hot Dogs at the Hut' event on March 2nd, 2024. Dave McKeehan informed for the event to be free to the public and its purpose to raise funds for landscaping of the City Hall Gardens and the Front Entrance Garden. Dave McKeehan further asked for permission to contact Public Works for chairs and assistance with garbage. The Commission approved the event.

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

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

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

4. Citizen Comments and Correspondence

City Clerk Gransee informed on the following citizen correspondence:

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

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

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

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

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

Mayor Raspe asked for public comment:

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

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

There were no other citizen comments.

5. Approval of Minutes

a. January 17th, 2024 - City Commission Townhall Meeting

b. January 18th, 2024 - City Commission Public Hearing

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

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

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

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

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

- b.** City Administrator's Report – Mayor Raspe
- c.** Police Department – Chief DiGiovanni
- d.** Building Department – Building Official Leggett
- e.** Public Works – Public Works Department Head Guarino
- f.** City Clerk – City Clerk Gransee
- g.** Code Enforcement Officer – Code Officer Goldman
- h.** Beautification Committee – Sandra Bachman: No report.
- i.** Planning & Zoning Board – George Lancaster: No report.
- j.** Recreation Committee – ~~Barbara Tatarchuk~~ Richard Pflueger: No report.
- k. Utility Board - Bill Fahs:** City Clerk Gransee provided the report for Utility Board Chair Bill Fahs. City Clerk Gransee reported for the Board to continue to review the third-party wastewater billing as well as insurances for the sewer plant. City Clerk Gransee explained that the wastewater billing is currently under legal review with the FCAA. City Clerk Gransee further confirmed having received a Board Member application which will be presented at the next Utility Board meeting and gave details on the current opening on the Board.

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

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

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

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

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

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

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

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

a. Discussion/Approval for City Hall repair estimates

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

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

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

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

ON THE MOTION: Rollcall vote. Unanimous approval.

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

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

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

ON THE MOTION: Rollcall vote. Unanimous approval.

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

8. City Commissioner Items for Discussion/Approval

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

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

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

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

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

There was no further discussion on the matter.

c. Discussion/Approval to obtain bids for:

i. Bids to repair Marble Hall and Administration area floor

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

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

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

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

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

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

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

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

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

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

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

Mayor Raspe introduced the agenda item.

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

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

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

ON THE MOTION: Rollcall vote. Unanimous approval.

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

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

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

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

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

Mayor Raspe introduced the agenda item.

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

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

ON THE MOTION: Rollcall vote. Unanimous approval.

9. Secretary-Treasurer's Report

a. January 2024 Financial Summary

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

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

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

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

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

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Raspe called for a brief recess.

The meeting reconvened at 11:41 am.

10. City Attorney's Report

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

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

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

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

ON THE MOTION: Rollcall vote. Unanimous approval.

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

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

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

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

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

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

11. Ordinances & Resolutions

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

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

12. Commissioner's Reports & Comments

a. Commissioner Harding

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

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

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

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

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

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

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

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

13. Citizen Comments

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

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

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

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

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

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

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: March 21, 2024

Silvia Gransee

City Clerk

**02-15-2024 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.

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

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

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

All correspondence was shared with the City Commission in its entirety, was included in the agenda packet, and will be attached to today's meeting minutes as well.

Additional correspondence received, after the publication of the agenda packet, is as follows:

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

This correspondence was shared with the Commission as well.

Thank you,
Silvia

Silvia Gransee

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

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

Fred Swanson
620 9th Street

CITY UPDATE & CITY HALL FAQ'S

From Key Colony Beach City Commissioner Beth Ramsay-Vickrey

Updated on **December 27, 2023**

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

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

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

~Beth

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

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

Why is the building condemned?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There are several reasons:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

What about money from FEMA and that FEMA letter?

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

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

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

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

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

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

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

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

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

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

What does 50% “Substantial Improvement” mean?

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

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

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

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

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

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

How might this effect my flood insurance rates?

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

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

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

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

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

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

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

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

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

COMMISSION REGULAR MEETING December 14, 2017: IBTS City Hall Update:

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

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

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

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

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

The Institute for Building Technology and Safety concluded their report with a repair estimate of \$2,823,810.44

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

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

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

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

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

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

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

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

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

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

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

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

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

What does the new building design provide?

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

Will the Post Office stay?

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

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

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

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

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

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

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

Has the Commission approved a new building?

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

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

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

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

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

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

Why didn't I know about this?

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

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

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

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

How much will the new building cost?

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

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

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

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

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

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

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

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

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

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

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

Recapping:

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

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

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

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

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

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

ADD'L UPDATE ADDED Dec 27, 2023:

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

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

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

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

Yet the Facts speak for themselves:

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

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

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

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

-These requirements cannot be accomplished in the old building.

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

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

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

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

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

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

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

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

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

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

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

KEYS ENGINEERING SERVICES

Daryle L. Osborn, PE #27428

"Serving the Florida Keys"

April 8, 2019

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

Attn: Building Official

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

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

Existing Condition

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

Foundation System

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

Concrete Slab On-Grade

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

1. Post Office Wing

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

2. Marble Hall Area

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

3. Administrative Area

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

Exterior Masonry Walls

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

Roof Truss System

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

Conclusion

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

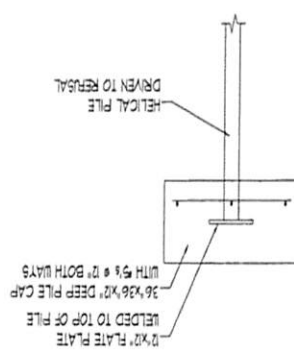
If you have any questions, please contact me at 305-852-0262.



Darryle L. Osborn, P.E.

TYPICAL SECTION

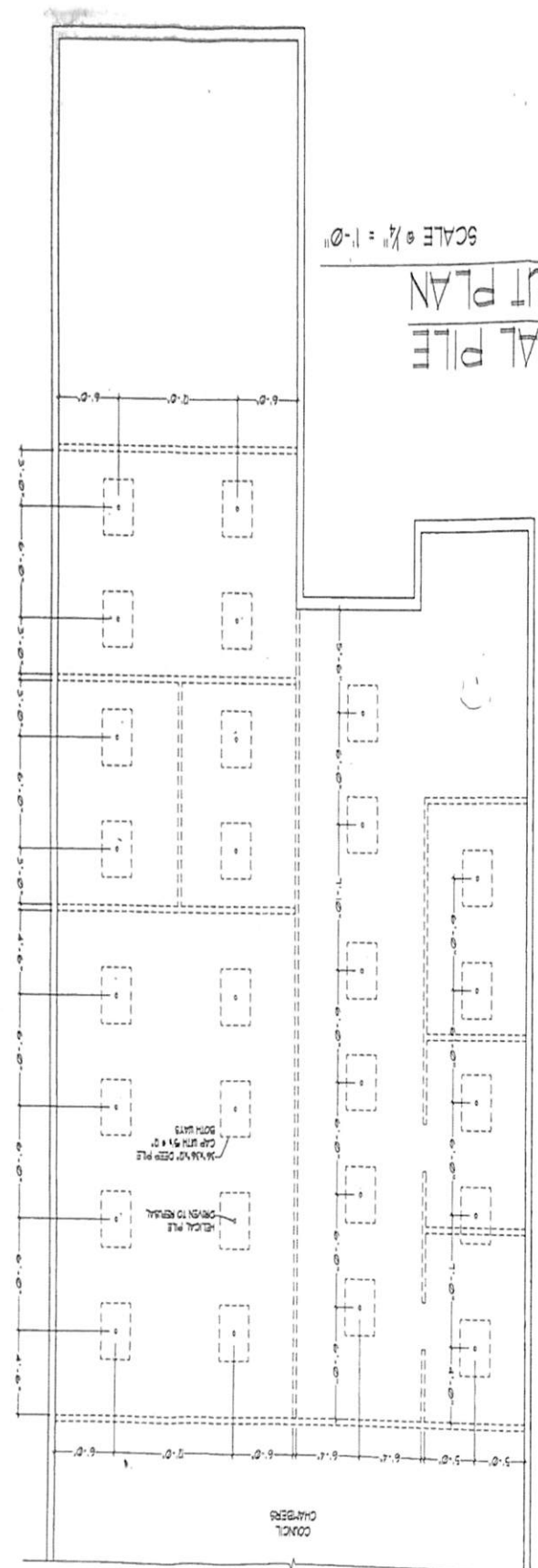
SCALE 1/4" = 1'-0"



- CONCRETE AND STRUCTURAL NOTES
- A. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH "SPECIFICATIONS FOR STRUCTURAL CONCRETE BUILDING" ACI-308.66.
 - B. ALL REINFORCING STEEL SHALL BE 60,000 PSI MINIMUM YIELD IN ACCORDANCE WITH ASTM A-66 GRADE 60, SPECIFICATIONS FABRICATED IN ACCORDANCE WITH A.C.I. BUILDING CODE MANUAL OF STANDARD PRACTICE.
 - C. ALL REINFORCING STEEL BARS SHALL HAVE 36 BAR DIAPHRAGMS WITH A MINIMUM OF 30" BEND ALL HORIZONTAL BARS AND WALL BARS 36" AROUND ALL CORNERS.
 - D. MINIMUM COVER FOR REINFORCING STEEL UNLESS OTHERWISE NOTED
 - E. WALLS EXPOSED TO WEATHER OR IN CONTACT
 - F. WALLS NOT EXPOSED TO THE WEATHER
 - G. BEAMS (OVER MAIN REINFORCING)
 - H. STRUCTURAL SLABS

HELICAL PILE LAYOUT PLAN

SCALE 1/4" = 1'-0"



PROJECT: KEY COLONY BEACH CITY
 ADDRESS: 11111 OCEAN DRIVE
 CITY: KEY COLONY BEACH, FL.

SCALE:	AS SHOWN
DATE:	08/28/2014
REVISION:	AS
REVISION 1:	
DATE:	08/28/2014

KEYS ENGINEERING
 DARYL L. OSBORN
 11100 WHITE AVE. SUITE 111
 TAVENNER, FLORIDA 32070 - PH (386) 693-0762

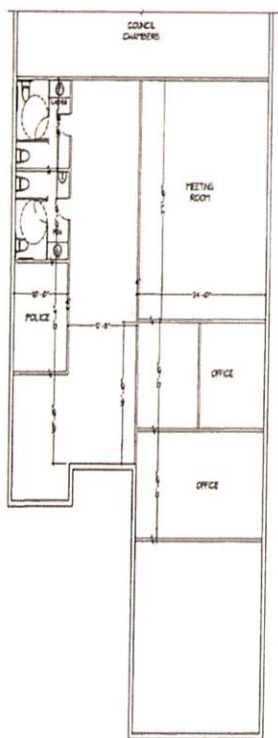
LEGAL DESCRIPTION

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

SCOPE OF PROJECT

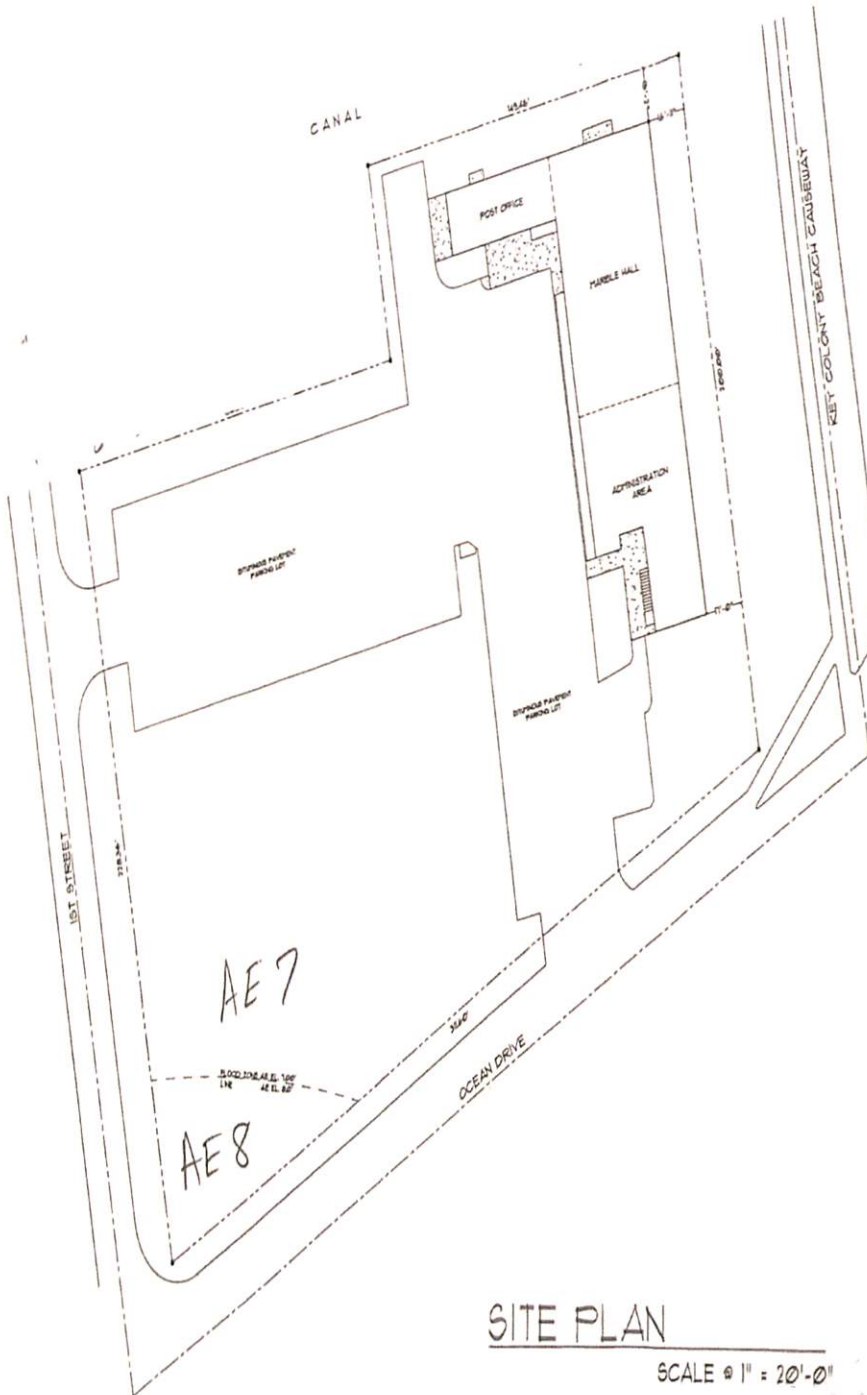
1. REPAIR CONCRETE FLOOR IN FRONT HALF OF BUILDING
2. NO INCREASE IN FOOTPRINT

FLOOD ZONE: AE-B0'



LAYOUT PLAN

SCALE @ 1/8" = 1'-0"



SITE PLAN

SCALE @ 1" = 20'-0"

KEYS ENGINEERING
DARYLE L. OSBORN
REGISTERED PROFESSIONAL ENGINEER
STATE OF FLORIDA
NO. 12428
TALLAHASSEE, FLORIDA 32309-1002

DATE	REVISION	NO.	AS SHOWN
04/27/2014	REVISION 1	1	AS SHOWN

SCALE	DATE	DESIGN	REVISION	DATE
1" = 20'-0"	04/27/2014	AE 7	AE 8	AE 8

TITLE	PROJECT	LOCATION
SITE PLAN	KEY COLONY BEACH CITY	HALL-600 W OCEAN DRIVE
		KEY COLONY BEACH, FL.

PROJECT NO. D-14-138

Silvia Gransee

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

Silvia: Please distribute

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

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

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

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

Logan Blackburn
305 14th Street

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

Good Afternoon Logan,

Silvia Gransee

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

Sylvia, please distribute,

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

Thanks.

Pete Diez

Silvia Gransee

From: Logan Blackburn <logoblack@aol.com>
Sent: Wednesday, February 14, 2024 10:49 AM
To: KCB Mayor; Silvia Gransee
Subject: [External] Latest Engineering Report

Please forward to all commissioners:

Mr. Mayor:

Please email me the latest engineering report you were discussing at the town hall meeting.

Thank you

Logan Blackburn
305 14th Street
logoblack@aol.com